

(131st General Assembly)  
(Substitute House Bill Number 390)

# AN ACT

To amend sections 103.71, 103.74, 120.33, 122.171, 122.85, 124.152, 124.181, 124.382, 126.32, 127.19, 181.22, 301.28, 305.31, 305.42, 323.47, 323.73, 1303.38, 2303.26, 2327.01, 2327.02, 2327.04, 2329.01, 2329.151, 2329.17, 2329.18, 2329.19, 2329.20, 2329.21, 2329.26, 2329.271, 2329.28, 2329.30, 2329.31, 2329.33, 2329.34, 2329.39, 2329.45, 2329.52, 2329.56, 2909.07, 2941.51, 3316.042, 3375.404, 3702.511, 4141.25, 4741.11, 5145.162, 5302.01, 5537.02, 5721.371, 5721.39, 5739.01, 5739.02, and 5747.51, to enact sections 122.076, 2308.01, 2308.02, 2308.03, 2308.04, 2329.071, 2329.152, 2329.153, 2329.154, 2329.211, 2329.311, 2329.312, 3701.981, 4141.251, 5302.31, 5721.372, and 5721.373, and to repeal sections 324.01, 324.02, 324.021, 324.03, 324.04, 324.05, 324.06, 324.07, 324.08, 324.09, 324.10, 324.11, 324.12, and 324.99 of the Revised Code, to amend Sections 207.190, 223.10, 229.10, 245.10, 251.10, 257.10, 257.20, 263.50, 263.220, 263.390, 275.10, 305.10, 305.30, 305.53, 305.120, 309.10, and 379.10 of Am. Sub. H.B. 64 of the 131st General Assembly, to amend Sections 263.10 and 371.10 of Am. Sub. H.B. 64 of the 131st General Assembly, as subsequently amended, to amend Sections 253.120, 273.10, 273.30, and 287.10 of Am. Sub. S.B. 260 of the 131st General Assembly, and to amend Sections 203.10, 207.10, 207.80, 207.90, 207.100, 207.220, 207.240, 207.280, 207.290, 221.10, and 239.10 of S.B. 310 of the 131st General Assembly, and to repeal Section 9 of Sub. H.B.

238 of the 131st General Assembly to provide authorization and conditions for the operation of state programs and to make appropriations.

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

SECTION 101.01. That sections 103.71, 103.74, 120.33, 122.171, 122.85, 124.152, 124.181, 124.382, 126.32, 127.19, 181.22, 301.28, 305.31, 305.42, 323.47, 323.73, 1303.38, 2303.26, 2327.01, 2327.02, 2327.04, 2329.01, 2329.151, 2329.17, 2329.18, 2329.19, 2329.20, 2329.21, 2329.26, 2329.271, 2329.28, 2329.30, 2329.31, 2329.33, 2329.34, 2329.39, 2329.45, 2329.52, 2329.56, 2909.07, 2941.51, 3316.042, 3375.404, 3702.511, 4141.25, 4741.11, 5145.162, 5302.01, 5537.02, 5721.371, 5721.39, 5739.01, 5739.02, and 5747.51 be amended and sections 122.076, 2308.01, 2308.02, 2308.03, 2308.04, 2329.071, 2329.152, 2329.153, 2329.154, 2329.211, 2329.311, 2329.312, 3701.981, 4141.251, 5302.31, 5721.372, and 5721.373 of the Revised Code be enacted to read as follows:

Sec. 103.71. There is hereby created a correctional institution inspection committee as a subcommittee of the legislative service commission. The committee shall consist of eight persons, four of whom shall be members of the senate appointed by the president of the senate, not more than two of whom shall be members of the same political party, and four of whom shall be members of the house of representatives appointed by the speaker of the house of representatives, not more than two of whom shall be members of the same political party. Initial appointments to the committee shall be made within fifteen days after ~~the effective date of this section~~ July 1, 1993, and in the manner prescribed in this section. Thereafter, appointments to the committee shall be made within fifteen days after the commencement of the first regular session of the general assembly and in the manner prescribed in this section. A vacancy on the committee shall be filled for the unexpired term in the same manner as the original appointment. Members of the committee shall serve on the committee until the appointments are made in the first regular session of the following general assembly, unless they cease to be members of the general assembly. ~~The committee, subject to the oversight and direction of the legislative service commission, shall direct the work of the director and staff of the committee.~~

Sec. 103.74. The correctional institution inspection committee may employ ~~a director and any other nonlegal staff, who shall be in the unclassified service of the state, that are necessary for the committee to~~

~~carry out its duties and may contract for the services of whatever nonlegal technical advisors are necessary for the committee to carry out its duties. The attorney general shall act as legal counsel to the committee.~~

~~The chairperson and vice chairperson of the legislative service commission shall fix the compensation of the director. The director, with the approval of the director of the legislative service commission, shall fix the compensation of other staff of the committee in accordance with a salary schedule established by the director of the legislative service commission. Contracts for the services of necessary technical advisors shall be approved by the director of the legislative service commission professional, technical, and clerical employees as are necessary for the committee to be able to successfully and efficiently perform the committee's duties. All employees are in the unclassified service and serve at the committee's pleasure.~~

~~The committee may contract for the services of persons who are qualified by education and experience to advise, consult with, or otherwise assist the committee in the performance of the committee's duties.~~

~~The committee, subject to the oversight and direction of the legislative service commission, shall direct the work of the employees. Any decision related to the duties of employees or related to employment shall be made by a majority of the committee unless a majority of the committee is unable to decide a matter, in which case the chairperson shall decide the matter.~~

The general assembly shall biennially appropriate to the correctional institution inspection committee an amount sufficient to enable the committee to perform its duties. Salaries and expenses incurred by the committee shall be paid from that appropriation upon vouchers approved by the chairperson of the committee.

Sec. 120.33. (A) In lieu of using a county public defender or joint county public defender to represent indigent persons in the proceedings set forth in division (A) of section 120.16 of the Revised Code, the board of county commissioners of any county may adopt a resolution to pay counsel who are either personally selected by the indigent person or appointed by the court. The resolution shall include those provisions the board of county commissioners considers necessary to provide effective representation of indigent persons in any proceeding for which counsel is provided under this section. The resolution shall include provisions for contracts with any municipal corporation under which the municipal corporation shall reimburse the county for counsel appointed to represent indigent persons charged with violations of the ordinances of the municipal corporation.

(1) In a county that adopts a resolution to pay counsel, an indigent person shall have the right to do either of the following:

(a) To select the person's own personal counsel to represent the person in any proceeding included within the provisions of the resolution;

(b) To request the court to appoint counsel to represent the person in such a proceeding.

(2) The court having jurisdiction over the proceeding in a county that adopts a resolution to pay counsel shall, after determining that the person is indigent and entitled to legal representation under this section, do either of the following:

(a) By signed journal entry recorded on its docket, enter the name of the lawyer selected by the indigent person as counsel of record;

(b) Appoint counsel for the indigent person if the person has requested the court to appoint counsel and, by signed journal entry recorded on its dockets, enter the name of the lawyer appointed for the indigent person as counsel of record.

(3) The board of county commissioners shall establish a schedule of fees by case or on an hourly basis to be paid to counsel for legal services provided pursuant to a resolution adopted under this section. Prior to establishing the schedule, the board of county commissioners shall request the bar association or associations of the county to submit a proposed schedule for cases other than capital cases. The schedule submitted shall be subject to the review, amendment, and approval of the board of county commissioners, except with respect to capital cases. With respect to capital cases, the schedule shall provide for fees by case or on an hourly basis to be paid to counsel in the amount or at the rate set by the ~~supreme court~~ capital case attorney fee council pursuant to division (D) of this section, and the board of county commissioners shall approve that amount or rate.

(4) Counsel selected by the indigent person or appointed by the court at the request of an indigent person in a county that adopts a resolution to pay counsel, except for counsel appointed to represent a person charged with any violation of an ordinance of a municipal corporation that has not contracted with the county commissioners for the payment of appointed counsel, shall be paid by the county and shall receive the compensation and expenses the court approves. With respect to capital cases, the court shall approve compensation and expenses in accordance with the amount or at the rate set by the ~~supreme court~~ capital case attorney fee council pursuant to division (D) of this section. Each request for payment shall be accompanied by a financial disclosure form and an affidavit of indigency that are completed by the indigent person on forms prescribed by the state public defender. Compensation and expenses shall not exceed the amounts fixed by the board of county commissioners in the schedule adopted pursuant to

division (A)(3) of this section. No court shall approve compensation and expenses that exceed the amount fixed pursuant to division (A)(3) of this section.

The fees and expenses approved by the court shall not be taxed as part of the costs and shall be paid by the county. However, if the person represented has, or may reasonably be expected to have, the means to meet some part of the cost of the services rendered to the person, the person shall pay the county an amount that the person reasonably can be expected to pay. Pursuant to section 120.04 of the Revised Code, the county shall pay to the state public defender a percentage of the payment received from the person in an amount proportionate to the percentage of the costs of the person's case that were paid to the county by the state public defender pursuant to this section. The money paid to the state public defender shall be credited to the client payment fund created pursuant to division (B)(5) of section 120.04 of the Revised Code.

The county auditor shall draw a warrant on the county treasurer for the payment of counsel in the amount fixed by the court, plus the expenses the court fixes and certifies to the auditor. The county auditor shall report periodically, but not less than annually, to the board of county commissioners and to the state public defender the amounts paid out pursuant to the approval of the court. The board of county commissioners, after review and approval of the auditor's report, or the county auditor, with permission from and notice to the board of county commissioners, may then certify it to the state public defender for reimbursement. The state public defender may pay a requested reimbursement only if the request for reimbursement is accompanied by a financial disclosure form and an affidavit of indigency completed by the indigent person on forms prescribed by the state public defender or if the court certifies by electronic signature as prescribed by the state public defender that a financial disclosure form and affidavit of indigency have been completed by the indigent person and are available for inspection. If a request for the reimbursement of the cost of counsel in any case is not received by the state public defender within ninety days after the end of the calendar month in which the case is finally disposed of by the court, unless the county has requested and the state public defender has granted an extension of the ninety-day limit, the state public defender shall not pay the requested reimbursement. The state public defender shall also review the report and, in accordance with the standards, guidelines, and maximums established pursuant to divisions (B)(7) and (8) of section 120.04 of the Revised Code, prepare a voucher for fifty per cent of the total cost of each county appointed counsel system in the period of

time covered by the certified report and a voucher for fifty per cent of the costs and expenses that are reimbursable under section 120.35 of the Revised Code, if any, or, if the amount of money appropriated by the general assembly to reimburse counties for the operation of county public defender offices, joint county public defender offices, and county appointed counsel systems is not sufficient to pay fifty per cent of the total cost of all of the offices and systems other than costs and expenses that are reimbursable under section 120.35 of the Revised Code, for the lesser amount required by section 120.34 of the Revised Code.

(5) If any county appointed counsel system fails to maintain the standards for the conduct of the system established by the rules of the Ohio public defender commission pursuant to divisions (B) and (C) of section 120.03 or the standards established by the state public defender pursuant to division (B)(7) of section 120.04 of the Revised Code, the Ohio public defender commission shall notify the board of county commissioners of the county that the county appointed counsel system has failed to comply with its rules or the standards of the state public defender. Unless the board of county commissioners corrects the conduct of its appointed counsel system to comply with the rules and standards within ninety days after the date of the notice, the state public defender may deny all or part of the county's reimbursement from the state provided for in division (A)(4) of this section.

(B) In lieu of using a county public defender or joint county public defender to represent indigent persons in the proceedings set forth in division (A) of section 120.16 of the Revised Code, and in lieu of adopting the resolution and following the procedure described in division (A) of this section, the board of county commissioners of any county may contract with the state public defender for the state public defender's legal representation of indigent persons. A contract entered into pursuant to this division may provide for payment for the services provided on a per case, hourly, or fixed contract basis.

(C) If a court appoints an attorney pursuant to this section to represent a petitioner in a postconviction relief proceeding under section 2953.21 of the Revised Code, the petitioner has received a sentence of death, and the proceeding relates to that sentence, the attorney who represents the petitioner in the proceeding pursuant to the appointment shall be certified under Rule 20 of the Rules of Superintendence for the Courts of Ohio to represent indigent defendants charged with or convicted of an offense for which the death penalty can be or has been imposed.

(D)(1) There is hereby created the capital case attorney fee council, appointed as described in division (D)(2) of this section. The ~~supreme court~~

council shall set an amount by case, or a rate on an hourly basis, to be paid under this section to counsel in a capital case.

(2) The capital case attorney fee council shall consist of five members, all of whom shall be active judges serving on one of the district courts of appeals in this state. Terms for council members shall be the lesser of three years or until the member ceases to be an active judge of a district court of appeals. The initial terms shall commence ninety days after the effective date of this amendment. The chief justice of the supreme court shall appoint the members of the council, and shall make all of the appointments not later than sixty days after the effective date of this amendment. When any vacancy occurs, the chief justice shall appoint an active judge of a district court of appeals in this state to fill the vacancy for the unexpired term, in the same manner as prescribed in this division. The chief justice shall designate a chairperson from the appointed members of the council. Members of the council shall receive no additional compensation for their service as a member, but may be reimbursed for expenses reasonably incurred in service to the council, to be paid by the supreme court. The supreme court may provide administrative support to the council.

(3) The capital case attorney fee council initially shall meet not later than one hundred twenty days after the effective date of this amendment. Thereafter, the council shall meet not less than annually.

(4) Upon setting the amount or rate described in division (D)(1) of this section, the chairperson of the capital case attorney fee council promptly shall provide written notice to the state public defender of the amount or rate so set. The amount or rate so set shall become effective ninety days after the date on which the chairperson provides that written notice to the state public defender. The council shall specify that effective date in the written notice provided to the state public defender. All amounts or rates set by the council shall be final, subject to modification as described in division (D)(5) of this section, and not subject to appeal.

(5) The capital case attorney fee council may modify an amount or rate set as described in division (D)(4) of this section. The provisions of that division apply with respect to any such modification of an amount or rate.

Sec. 122.076. (A) As used in this section:

(1) "Alternative fuel" means compressed natural gas, liquid natural gas, or liquid petroleum gas.

(2) "Alternative fuel vehicle" means a motor vehicle that is registered in this state for operation on public highways, is propelled by a motor that runs on alternative fuel, and has a gross vehicle rating of at least twenty-six thousand pounds. "Alternative fuel vehicle" includes a bi-fueled or

dual-fueled vehicle with a motor that can run on both alternative fuel and on gasoline or diesel fuel.

(3) "New alternative fuel vehicle" means an alternative fuel vehicle that meets all of the following criteria:

(a) The purchaser purchased the vehicle from an original equipment manufacturer, automobile retailer, or after-market conversion facility.

(b) The purchaser was the first person to purchase the vehicle not for resale.

(c) The purchaser purchased the vehicle for use in business.

(d) The alternative fuel technology used in the vehicle has received a compliance designation or been certified by the United States environmental protection agency for new or intermediate use.

(4) "Traditional fuel vehicle" means a motor vehicle that is registered in this state for operation on public highways and that is propelled by gasoline or diesel fuel.

(5) "Adjusted purchase price" means the portion of the purchase price of a new alternative fuel vehicle that is attributable to the parts and equipment used for the storage of alternative fuel, the delivery of alternative fuel to the motor, and the exhaust of gases from the combustion of alternative fuel.

(6) "Conversion parts and equipment" shall not include parts and equipment that have previously been used to modify or retrofit another traditional fuel vehicle.

(B) The director of environmental protection shall administer an alternative fuel vehicle conversion program under which the director may make grants to a person that purchases one or more new alternative fuel vehicles or converts one or more traditional fuel vehicles into alternative fuel vehicles.

(C) The director shall adopt rules in accordance with Chapter 119. of the Revised Code that are necessary for the administration of the alternative fuel vehicle conversion program. The rules shall establish all of the following:

(1) An application form and procedures governing the process for applying to receive a grant under the program;

(2) The maximum grant amount allowed per alternative fuel vehicle, which shall equal the lesser of fifty per cent of the adjusted purchase price of the new alternative fuel vehicle or of the cost of the conversion parts and equipment, as applicable, or twenty-five thousand dollars;

(3) The limit on the total amount of grants allowed to a person that purchases or converts multiple alternative fuel vehicles, which shall equal four hundred thousand dollars;

(4) A requirement that each grant recipient attest that, of the total



number of miles that the recipient or any employee or agent of the recipient will drive the alternative fuel vehicle, over half will be within this state;

(5) Any other procedures, criteria, or grant terms that the director determines necessary to administer the program.

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

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

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

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

(c) Payments made to a related member as defined in section 5733.042 of the Revised Code or to a consolidated elected taxpayer or a combined taxpayer as defined in section 5751.01 of the Revised Code.

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

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

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

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

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

(c) The taxpayer had a capital investment project reviewed and approved by the tax credit authority as provided in divisions (C), (D), and (E) of this section.

(3) "Full-time equivalent employees" means the quotient obtained by dividing the total number of hours for which employees were compensated

for employment in the project by two thousand eighty. "Full-time equivalent employees" shall exclude hours that are counted for a credit under section 122.17 of the Revised Code.

(4) "Ohio employee payroll" has the same meaning as in section 122.17 of the Revised Code.

(5) "Manufacturer" has the same meaning as in section 5739.011 of the Revised Code.

(6) "Project site" means an integrated complex of facilities in this state, as specified by the tax credit authority under this section, within a fifteen-mile radius where a taxpayer is primarily operating as an eligible business.

(7) "Related member" has the same meaning as in section 5733.042 of the Revised Code as that section existed on the effective date of its amendment by Am. Sub. H.B. 215 of the 122nd general assembly, September 29, 1997.

(8) "Taxable year" includes, in the case of a domestic or foreign insurance company, the calendar year ending on the thirty-first day of December preceding the day the superintendent of insurance is required to certify to the treasurer of state under section 5725.20 or 5729.05 of the Revised Code the amount of taxes due from insurance companies.

(B) The tax credit authority created under section 122.17 of the Revised Code may grant a nonrefundable tax credit to an eligible business under this section for the purpose of fostering job retention in this state. Upon application by an eligible business and upon consideration of the determination of the director of budget and management, tax commissioner, and the superintendent of insurance in the case of an insurance company, and the recommendation and determination of the director of development services under division (C) of this section, the tax credit authority may grant the credit against the tax imposed by section 5725.18, 5726.02, 5729.03, 5733.06, 5736.02, 5747.02, or 5751.02 of the Revised Code.

The credit authorized in this section may be granted for a period up to fifteen taxable years or, in the case of the tax levied by section 5736.02 or 5751.02 of the Revised Code, for a period of up to fifteen calendar years. The credit amount for a taxable year or a calendar year that includes the tax period for which a credit may be claimed equals the Ohio employee payroll for that year multiplied by the percentage specified in the agreement with the tax credit authority. The credit shall be claimed in the order required under section 5725.98, 5726.98, 5729.98, 5733.98, 5747.98, or 5751.98 of the Revised Code. In determining the percentage and term of the credit, the tax credit authority shall consider both the number of full-time equivalent

employees and the value of the capital investment project. The credit amount may not be based on the Ohio employee payroll for a calendar year before the calendar year in which the tax credit authority specifies the tax credit is to begin, and the credit shall be claimed only for the taxable years or tax periods specified in the eligible business' agreement with the tax credit authority. In no event shall the credit be claimed for a taxable year or tax period terminating before the date specified in the agreement.

If a credit allowed under this section for a taxable year or tax period exceeds the taxpayer's tax liability for that year or period, the excess may be carried forward for the three succeeding taxable or calendar years, but the amount of any excess credit allowed in any taxable year or tax period shall be deducted from the balance carried forward to the succeeding year or period.

(C) A taxpayer that proposes a capital investment project to retain jobs in this state may apply to the tax credit authority to enter into an agreement for a tax credit under this section. The director of development services shall prescribe the form of the application. After receipt of an application, the authority shall forward copies of the application to the director of budget and management, the tax commissioner, and the superintendent of insurance in the case of an insurance company, each of whom shall review the application to determine the economic impact the proposed project would have on the state and the affected political subdivisions and shall submit a summary of their determinations ~~and recommendations~~ to the authority. The authority shall also forward a copy of the application to the director of development services, who shall review the application to determine the economic impact the proposed project would have on the state and the affected political subdivisions and shall submit a summary of ~~their~~ the director's determinations and recommendations to the authority.

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

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

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

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

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

begin, continue with, or complete the project.

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

(1) A detailed description of the project that is the subject of the agreement, including the amount of the investment, the period over which the investment has been or is being made, the number of full-time equivalent employees at the project site, and the anticipated Ohio employee payroll to be generated.

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

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

(4) A requirement that the taxpayer retain at least five hundred full-time equivalent employees at the project site and within this state for the entire term of the credit, or a requirement that the taxpayer maintain an annual Ohio employee payroll of at least thirty-five million dollars for the entire term of the credit.

(5) A requirement that the taxpayer annually report to the director of development services full-time equivalent employees, Ohio employee payroll, capital investment, and other information the director needs to perform the director's duties under this section.

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

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

For purposes of this section, the movement of an employment position from one political subdivision to another political subdivision shall be considered a relocation of an employment position unless the movement is

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

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

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

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

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

(I) For the purposes of this section, a taxpayer may include a partnership, a corporation that has made an election under subchapter S of chapter one of subtitle A of the Internal Revenue Code, or any other business entity through which income flows as a distributive share to its

owners. A partnership, S-corporation, or other such business entity may elect to pass the credit received under this section through to the persons to whom the income or profit of the partnership, S-corporation, or other entity is distributed. The election shall be made on the annual report required under division (E)(5) of this section. The election applies to and is irrevocable for the credit for which the report is submitted. If the election is made, the credit shall be apportioned among those persons in the same proportions as those in which the income or profit is distributed.

(J)(1) If the director of development services determines that a taxpayer that received a certificate under division (E)(6) of this section is not complying with the requirements of the agreement, the director shall notify the tax credit authority of the noncompliance. After receiving such a notice, and after giving the taxpayer an opportunity to explain the noncompliance, the authority may terminate the agreement and require the taxpayer, or any related member or members that claimed the tax credit under division (N) of this section, to refund to the state all or a portion of the credit claimed in previous years, as follows:

(a) If the taxpayer fails to comply with the requirement under division (E)(3) of this section, an amount determined in accordance with the following:

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

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

(b) If the taxpayer fails to substantially maintain both the number of full-time equivalent employees and the amount of Ohio employee payroll required under the agreement at any time during the term of the agreement or during the post-term reporting period, an amount determined at the discretion of the authority.

(2) If a taxpayer files for bankruptcy and fails as described in division (J)(1)(a) or (b) of this section, the director may immediately commence an action to recoup an amount not exceeding one hundred per cent of the sum of any credits received by the taxpayer under this section.

(3) In determining the portion of the credit to be refunded to this state, the authority shall consider the effect of market conditions on the taxpayer's project and whether the taxpayer continues to maintain other operations in

this state. After making the determination, the authority shall certify the amount to be refunded to the tax commissioner or the superintendent of insurance. If the taxpayer, or any related member or members who claimed the tax credit under division (N) of this section, is not an insurance company, the commissioner shall make an assessment for that amount against the taxpayer under Chapter 5726., 5733., 5736., 5747., or 5751. of the Revised Code. If the taxpayer, or any related member or members that claimed the tax credit under division (N) of this section, is an insurance company, the superintendent of insurance shall make an assessment under section 5725.222 or 5729.102 of the Revised Code. The time limitations on assessments under those chapters and sections do not apply to an assessment under this division, but the commissioner or superintendent shall make the assessment within one year after the date the authority certifies to the commissioner or superintendent the amount to be refunded.

(K) The director of development services, after consultation with the tax commissioner and the superintendent of insurance and in accordance with Chapter 119. of the Revised Code, shall adopt rules necessary to implement this section. The rules may provide for recipients of tax credits under this section to be charged fees to cover administrative costs of the tax credit program. The fees collected shall be credited to the business assistance fund created in section 122.174 of the Revised Code. At the time the director gives public notice under division (A) of section 119.03 of the Revised Code of the adoption of the rules, the director shall submit copies of the proposed rules to the chairpersons of the standing committees on economic development in the senate and the house of representatives.

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

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

- (1) For 2010, thirteen million dollars;
- (2) For 2011 through 2023, the amount of the limit for the preceding calendar year plus thirteen million dollars;

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

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

(N) This division applies only to an eligible business that is part of an affiliated group that includes a diversified savings and loan holding company or a grandfathered unitary savings and loan holding company, as those terms are defined in section 5726.01 of the Revised Code. Notwithstanding any contrary provision of the agreement between such an eligible business and the tax credit authority, any credit granted under this section against the tax imposed by section 5725.18, 5729.03, 5733.06, 5747.02, or 5751.02 of the Revised Code to the eligible business, at the election of the eligible business and without any action by the tax credit authority, may be shared with any member or members of the affiliated group that includes the eligible business, which member or members may claim the credit against the taxes imposed by section 5725.18, 5726.02, 5729.03, 5733.06, 5747.02, or 5751.02 of the Revised Code. Credits shall be claimed by the eligible business in sequential order, as applicable, first claiming the credits to the fullest extent possible against the tax that the certificate holder is subject to, then against the tax imposed by, sequentially, section 5729.03, 5725.18, 5747.02, 5751.02, and lastly 5726.02 of the Revised Code. The credits may be allocated among the members of the affiliated group in such manner as the eligible business elects, but subject to the sequential order required under this division. This division applies to credits granted before, on, or after March 27, 2013, the effective date of H.B. 510 of the 129th general assembly. Credits granted before that effective date that are shared and allocated under this division may be claimed in those calendar years in which the remaining taxable years specified in the agreement end.

As used in this division, "affiliated group" means a group of two or more persons with fifty per cent or greater of the value of each person's ownership interests owned or controlled directly, indirectly, or constructively through related interests by common owners during all or any portion of the taxable year, and the common owners. "Affiliated group" includes, but is not limited to, any person eligible to be included in a consolidated elected taxpayer group under section 5751.011 of the Revised Code or a combined taxpayer group under section 5751.012 of the Revised Code.

(O)(1) As used in division (O) of this section:



(a) "Eligible agreement" means an agreement approved by the tax credit authority under this section on or before December 31, 2013.

(b) "Reporting period" means a period corresponding to the annual report required under division (E)(5) of this section.

(c) "Income tax revenue" has the same meaning as under division (S) of section 122.17 of the Revised Code.

(2) In calendar year 2016 and thereafter, the tax credit authority shall annually determine a withholding adjustment factor to be used in the computation of income tax revenue for eligible agreements. The withholding adjustment factor shall be a numerical percentage that equals the percentage that employer income tax withholding rates have been increased or decreased as a result of changes in the income tax rates prescribed by section 5747.02 of the Revised Code by amendment of that section taking effect on or after June 29, 2013.

(3) Except as provided in division (O)(4) of this section, for reporting periods ending in 2015 and thereafter for taxpayers subject to eligible agreements, the tax credit authority shall adjust the income tax revenue reported on the taxpayer's annual report by multiplying the withholding adjustment factor by the taxpayer's income tax revenue and doing one of the following:

(a) If the income tax rates prescribed by section 5747.02 of the Revised Code have decreased by amendment of this section taking effect on or after June 29, 2013, add the product to the taxpayer's income tax revenue.

(b) If the income tax rates prescribed by section 5747.02 of the Revised Code have increased by amendment of this section taking effect on or after June 29, 2013, subtract the product from the taxpayer's income tax revenue.

(4) Division (O)(3) of this section shall not apply unless all of the following apply with respect to the eligible agreement:

(a) The taxpayer has achieved one hundred per cent of the job retention commitment identified in the agreement.

(b) If applicable, the taxpayer has achieved one hundred per cent of the payroll retention commitment identified in the agreement.

(c) If applicable, the taxpayer has achieved one hundred per cent of the investment commitment identified in the agreement.

(5) Failure by a taxpayer to have achieved any of the applicable commitments described in divisions (O)(4)(a) to (c) of this section in a reporting period does not disqualify the taxpayer for the adjustment under division (O) of this section for an ensuing reporting period.

Sec. 122.85. (A) As used in this section and in sections 5726.55, 5733.59, 5747.66, and 5751.54 of the Revised Code:

(1) "Tax credit-eligible production" means a motion picture production certified by the director of development services under division (B) of this section as qualifying the motion picture company for a tax credit under section 5726.55, 5733.59, 5747.66, or 5751.54 of the Revised Code.

(2) "Certificate owner" means a motion picture company to which a tax credit certificate is issued or a person to which the company has transferred under division (H) of this section the authority to claim all or a part of the tax credit authorized by that certificate.

(3) "Motion picture company" means an individual, corporation, partnership, limited liability company, or other form of business association producing a motion picture.

(4) "Eligible production expenditures" means expenditures made after June 30, 2009, for goods or services purchased and consumed in this state by a motion picture company directly for the production of a tax credit-eligible production.

"Eligible production expenditures" includes, but is not limited to, expenditures for ~~resident and nonresident~~ cast and crew wages, accommodations, costs of set construction and operations, editing and related services, photography, sound synchronization, lighting, wardrobe, makeup and accessories, film processing, transfer, sound mixing, special and visual effects, music, location fees, and the purchase or rental of facilities and equipment.

(5) "Motion picture" means entertainment content created in whole or in part within this state for distribution or exhibition to the general public, including, but not limited to, feature-length films; documentaries; long-form, specials, miniseries, series, and interstitial television programming; interactive web sites; sound recordings; videos; music videos; interactive television; interactive games; video games; commercials; any format of digital media; and any trailer, pilot, video teaser, or demo created primarily to stimulate the sale, marketing, promotion, or exploitation of future investment in either a product or a motion picture by any means and media in any digital media format, film, or videotape, provided the motion picture qualifies as a motion picture. "Motion picture" does not include any television program created primarily as news, weather, or financial market reports, a production featuring current events or sporting events, an awards show or other gala event, a production whose sole purpose is fundraising, a long-form production that primarily markets a product or service or in-house corporate advertising or other similar productions, a production for purposes of political advocacy, or any production for which records are required to be maintained under 18 U.S.C. 2257 with respect to sexually explicit content.

(B) For the purpose of encouraging and developing a strong film industry in this state, the director of development services may certify a motion picture produced by a motion picture company as a tax credit-eligible production. In the case of a television series, the director may certify the production of each episode of the series as a separate tax credit-eligible production. A motion picture company shall apply for certification of a motion picture as a tax credit-eligible production on a form and in the manner prescribed by the director. Each application shall include the following information:

- (1) The name and telephone number of the motion picture production company;
- (2) The name and telephone number of the company's contact person;
- (3) A list of the first preproduction date through the last production date in Ohio;
- (4) The Ohio production office address and telephone number;
- (5) The total production budget of the motion picture;
- (6) The total budgeted eligible production expenditures and the percentage that amount is of the total production budget of the motion picture;
- (7) The total percentage of the motion picture being shot in Ohio;
- (8) The level of employment of cast and crew who reside in Ohio;
- (9) A synopsis of the script;
- (10) The shooting script;
- (11) A creative elements list that includes the names of the principal cast and crew and the producer and director;
- (12) Documentation of financial ability to undertake and complete the motion picture;
- (13) Estimated value of the tax credit based upon total budgeted eligible production expenditures;
- (14) Any other information considered necessary by the director.

Within ninety days after certification of a motion picture as a tax credit-eligible production, and any time thereafter upon the request of the director of development services, the motion picture company shall present to the director sufficient evidence of reviewable progress. If the motion picture company fails to present sufficient evidence, the director may rescind the certification. Upon rescission, the director shall notify the applicant that the certification has been rescinded. Nothing in this section prohibits an applicant whose tax credit-eligible production certification has been rescinded from submitting a subsequent application for certification.

- (C)(1) A motion picture company whose motion picture has been

certified as a tax credit-eligible production may apply to the director of development services on or after July 1, 2009, for a refundable credit against the tax imposed by section 5726.02, 5733.06, 5747.02, or 5751.02 of the Revised Code. The director in consultation with the tax commissioner shall prescribe the form and manner of the application and the information or documentation required to be submitted with the application.

The credit is determined as follows:

(a) If the total budgeted eligible production expenditures stated in the application submitted under division (B) of this section or the actual eligible production expenditures as finally determined under division (D) of this section, whichever is least, is less than or equal to three hundred thousand dollars, no credit is allowed;

(b) If the total budgeted eligible production expenditures stated in the application submitted under division (B) of this section or the actual eligible production expenditures as finally determined under division (D) of this section, whichever is least, is greater than three hundred thousand dollars, the credit equals ~~the sum of the following, subject to the limitation in division (C)(4) of this section:~~

~~(i) Twenty-five thirty per cent of the least of such budgeted or actual eligible expenditure amounts ~~excluding budgeted or actual eligible expenditures for resident cast and crew wages;~~~~

~~(ii) Thirty-five per cent of budgeted or actual eligible expenditures for resident cast and crew wages.~~

(2) Except as provided in division (C)(4) of this section, if the director of development services approves a motion picture company's application for a credit, the director shall issue a tax credit certificate to the company. The director in consultation with the tax commissioner shall prescribe the form and manner of issuing certificates. The director shall assign a unique identifying number to each tax credit certificate and shall record the certificate in a register devised and maintained by the director for that purpose. The certificate shall state the amount of the eligible production expenditures on which the credit is based and the amount of the credit. Upon the issuance of a certificate, the director shall certify to the tax commissioner the name of the applicant, the amount of eligible production expenditures shown on the certificate, and any other information required by the rules adopted to administer this section.

(3) The amount of eligible production expenditures for which a tax credit may be claimed is subject to inspection and examination by the tax commissioner or employees of the commissioner under section 5703.19 of the Revised Code and any other applicable law. Once the eligible production

expenditures are finally determined under section 5703.19 of the Revised Code and division (D) of this section, the credit amount is not subject to adjustment unless the director determines an error was committed in the computation of the credit amount.

(4) No tax credit certificate may be issued before the completion of the tax credit-eligible production. Not more than forty million dollars of tax credit may be allowed per fiscal ~~biennium beginning on or after July 1, 2011, and not more than twenty million dollars may be allowed in the first year of the biennium. At any time, not more than five million dollars of tax credit may be allowed per tax credit-eligible production year beginning July 1, 2016.~~

(D) A motion picture company whose motion picture has been certified as a tax credit-eligible production shall engage, at the company's expense, an independent certified public accountant to examine the company's production expenditures to identify the expenditures that qualify as eligible production expenditures. The certified public accountant shall issue a report to the company and to the director of development services certifying the company's eligible production expenditures and any other information required by the director. Upon receiving and examining the report, the director may disallow any expenditure the director determines is not an eligible production expenditure. If the director disallows an expenditure, the director shall issue a written notice to the motion picture production company stating that the expenditure is disallowed and the reason for the disallowance. Upon examination of the report and disallowance of any expenditures, the director shall determine finally the lesser of the total budgeted eligible production expenditures stated in the application submitted under division (B) of this section or the actual eligible production expenditures for the purpose of computing the amount of the credit.

(E) No credit shall be allowed under section 5726.55, 5733.59, 5747.66, or 5751.54 of the Revised Code unless the director has reviewed the report and made the determination prescribed by division (D) of this section.

(F) This state reserves the right to refuse the use of this state's name in the credits of any tax credit-eligible motion picture production.

(G)(1) The director of development services in consultation with the tax commissioner shall adopt rules for the administration of this section, including rules setting forth and governing the criteria for determining whether a motion picture production is a tax credit-eligible production; activities that constitute the production of a motion picture; reporting sufficient evidence of reviewable progress; expenditures that qualify as eligible production expenditures; a competitive process for approving

credits; ~~and~~ consideration of geographic distribution of credits; and implementation of the program described in division (I) of this section. The rules shall be adopted under Chapter 119. of the Revised Code.

(2) The director may require a reasonable application fee to cover administrative costs of the tax credit program. The fees collected shall be credited to the business assistance fund created in section 122.174 of the Revised Code. All grants, gifts, fees, and contributions made to the director for marketing and promotion of the motion picture industry within this state shall also be credited to the fund. The director shall use money in the fund to pay expenses related to the administration of the Ohio film office and the credit authorized by this section and sections 5726.55, 5733.59, 5747.66, and 5751.54 of the Revised Code.

(H)(1) After the director of development services makes the determination required under division (D) of this section, a motion picture company to which a tax credit certificate is issued may transfer the authority to claim all or a portion of the amount of the tax credit the motion picture company is authorized to claim pursuant to that certificate under section 5726.55, 5733.59, 5747.66, or 5751.54 of the Revised Code to one or more other persons. Within thirty days after a transfer under this division, the motion picture company shall submit the following information to the director, on a form prescribed by the director:

(a) Information necessary for the director to identify the certificate that is the basis for the transfer;

(b) The portion or amount of the tax credit transferred to each transferee;

(c) The portion or amount of the tax credit that the motion picture company retains the authority to claim;

(d) The tax identification number of each transferee;

(e) The date of the transfer;

(f) Any other information required by the director;

(g) Any information required by the tax commissioner.

The director shall deliver a copy of any submission received under division (H)(1) of this section to the tax commissioner.

(2) A transferee may not claim a credit under section 5726.55, 5733.59, 5747.66, or 5751.54 of the Revised Code unless and until the transferring motion picture company complies with division (H)(1) of this section. A transferee may claim the transferred amount of any credit or portion of a credit for the same taxable year or tax period for which the transferring motion picture company was authorized to claim the credit or portion of a credit pursuant to the certificate. A motion picture company shall make no

transfer under division (H)(1) of this section after the last day of the tax period or taxable year for which the motion picture company is required to claim the credit pursuant to the certificate.

A motion picture company may make not more than one transfer under division (H)(1) of this section for each tax credit certificate, but pursuant to that transaction, may allocate the authority to claim a portion of the credit to more than one transferee. A motion picture company may not authorize more than one transferee to claim the same portion of a credit.

(I) The director of development services shall establish a program for the training of Ohio residents who are or wish to be employed in the film or multimedia industry. Under the program, the director shall:

(1) Certify individuals as film and multimedia trainees. In order to receive such a certification, an individual must be an Ohio resident, have participated in relevant on-the-job training or have completed a relevant training course approved by the director, and have met any other requirements established by the director.

(2) Accept applications from motion picture companies that intend to hire and provide on-the-job training to one or more certified film and multimedia trainees who will be employed in the company's tax credit-eligible production.

(3) Upon completion of a tax-credit eligible production, and upon the receipt of any salary information and other documentation required by the director, authorize a reimbursement payment to each motion picture company whose application was approved under division (I)(2) of this section. The payment shall equal fifty per cent of the salaries paid to film and multimedia trainees employed in the production.

Sec. 124.152. (A)(1) Except as provided in divisions (A)(2) and (3) of this section, each exempt employee shall be paid a salary or wage in accordance with schedule E-1 or schedule E-2 of division (B) of this section.

(2) Each exempt employee who holds a position in the unclassified civil service pursuant to division (A)(26) or (30) of section 124.11 of the Revised Code may be paid a salary or wage in accordance with schedule E-1, schedule E-1 for step eight only, or schedule E-2 of division (B) or (C) of this section, as applicable.

(3)(a) Except as provided in division (A)(3)(b), (c), or (e) of this section, each exempt employee who was paid a salary or wage at step 7 in the employee's pay range on June 28, 2003, in accordance with the applicable schedule E-1 of former section 124.152 of the Revised Code and who continued to be so paid on June 29, 2003, shall be paid a salary or wage in the corresponding pay range in schedule E-1 for step eight only of division

(C) of this section for as long as the employee remains in the position the employee held as of July 1, 2003. Such an employee is not eligible to be paid a salary or wage at step 7 in schedule E-1 for as long as the employee remains in the position the employee held as of July 1, 2003.

(b) ~~Except as provided in division (A)(3)(e) of this section, if~~ If an exempt employee who is being paid a salary or wage in accordance with schedule E-1 for step eight only of division (C) of this section moves to another position, the employee shall not receive a salary or wage for that position or any other position in the future in accordance with that schedule.

(c) ~~If an~~ Each exempt employee who is being paid a salary or wage in accordance with pay range 12 through 16 of schedule E-1 for step eight only of division (C) of this section ~~moves to another position assigned to pay range 12 or above, the appointing authority may assign the employee to be paid a salary or wage in the appropriate pay range for that position in accordance with the schedule E-1 for step eight only of division (C) of this section, provided that the appointing authority so notifies the director of administrative services in writing at the time the employee is appointed to that position shall be paid a salary or wage in the corresponding pay range in schedule E-1 of division (B) of this section as follows:~~

(i) If the employee has maintained satisfactory performance in accordance with the criteria established by the employee's appointing authority within the twelve-month period immediately before July 1, 2016, at step 8 beginning on the first day of the pay period that includes July 1, 2016;

(ii) If the employee has not maintained satisfactory performance in accordance with the criteria established by the employee's appointing authority within the twelve-month period immediately before July 1, 2016, but attains satisfactory performance in accordance with the criteria before July 1, 2017, at step 8 beginning on the first day of the pay period that follows the date the employee attains satisfactory performance;

(iii) If the employee does not attain satisfactory performance in accordance with the criteria established by the employee's appointing authority before July 1, 2017, at the employee's base rate of pay as of the pay period immediately before the pay period that includes July 1, 2017, beginning on the first day of the pay period that includes July 1, 2017.

(d) If an employee described in division (A)(3)(c)(iii) of this section attains satisfactory performance in accordance with the criteria established by the employee's appointing authority, the employee shall be paid a salary or wage at step 8 in the corresponding pay range in schedule E-1 of division (B) of this section beginning on the first day of the pay period that follows



the date the employee attains satisfactory performance.

(e) Except as otherwise provided in this chapter, each exempt employee who is being paid a salary or wage in range 17 or 18 of schedule E-1 for step eight only of division (C) of this section on the first day of the pay period that includes July 1, 2016, shall not receive an increase in salary or wage until the maximum rate of pay for step 6 of the employee's corresponding pay range in schedule E-1 of division (B) of this section exceeds the employee's base rate of pay as of July 1, 2016.

(f) An employee who becomes eligible to receive an increase in salary or wage under division (A)(3)(e) of this section shall be paid a salary or wage in step 6 of the employee's corresponding pay range in schedule E-1 of division (B) of this section.

(B)(1) Beginning on the first day of the pay period that includes July 1, 2015, each exempt employee who must be paid in accordance with schedule E-1 or schedule E-2 of this section shall be paid a salary or wage in accordance with the following schedule of rates:

Schedule E-1

		Pay Ranges and Step Values						
		Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7
Range								
1	Hourly	10.32	10.78	11.24	11.73			
	Annually	21466	22422	23379	24398			
2	Hourly	12.52	13.05	13.61	14.21			
	Annually	26042	27144	28309	29557			
3	Hourly	13.11	13.70	14.31	14.93			
	Annually	27269	28496	29765	31054			
4	Hourly	13.77	14.38	15.07	15.74			
	Annually	28642	29910	31346	32739			
5	Hourly	14.44	15.10	15.74	16.43			
	Annually	30035	31408	32739	34174			
6	Hourly	15.22	15.85	16.55	17.23			
	Annually	31658	32968	34424	35838			
7	Hourly	16.16	16.76	17.45	18.06	18.76		
	Annually	33613	34861	36296	37565	39021		
8	Hourly	17.08	17.84	18.60	19.44	20.37		
	Annually	35526	37107	38688	40435	42370		
9	Hourly	18.22	19.17	20.11	21.12	22.19		
	Annually	37898	39874	41829	43930	46155		
10	Hourly	19.67	20.74	21.85	23.11	24.35		
	Annually	40914	43139	45448	48069	50648		

11	Hourly	21.41	22.66	23.97	25.33	26.76		
	Annually	44533	47133	49858	52686	55661		
12	Hourly	23.62	24.95	26.29	27.75	29.29	30.88	33.66
	Annually	49130	51896	54683	57720	60923	64230	70013
13	Hourly	26.04	27.47	28.98	30.52	32.24	33.99	37.04
	Annually	54163	57138	60278	63482	67059	70699	77043
14	Hourly	28.63	30.25	31.88	33.62	35.52	37.50	40.88
	Annually	59550	62920	66310	69930	73882	78000	85030
15	Hourly	31.45	33.22	35.10	37.02	39.08	41.23	44.94
	Annually	65416	69098	73008	77002	81286	85758	93475
16	Hourly	34.68	36.60	38.61	40.78	43.03	45.49	49.58
	Annually	72134	76128	80309	84822	89502	94619	103126
17	Hourly	38.21	40.32	42.58	44.93	47.43	50.08	
	Annually	79477	83866	88566	93454	98654	104166	
18	Hourly	42.11	44.44	46.95	49.52	52.26	55.19	
	Annually	87589	92435	97656	103002	108701	114795	

An employee who is being paid a salary or wage at step 6 on July 1, 2015, is eligible to move to step 7 beginning on the first day of the pay period that immediately follows July 1, 2015, if the employee has maintained satisfactory performance in accordance with the criteria established by the employee's appointing authority and the employee has not advanced a step within the twelve-month period immediately preceding the advancement to step 7.

## Schedule E-2

Range		Minimum	Maximum
41	Hourly	16.23	41.62
	Annually	33758	86570
42	Hourly	17.89	45.96
	Annually	37211	95597
43	Hourly	19.70	50.62
	Annually	40976	105290
44	Hourly	21.73	55.30
	Annually	45198	115024
45	Hourly	24.01	60.38
	Annually	49941	137248
46	Hourly	26.43	65.98
	Annually	54974	137238
47	Hourly	29.14	72.01
	Annually	60611	149781
48	Hourly	32.14	78.58

	Annually	66851	163446
49	Hourly	35.44	84.84
	Annually	73715	176467

(2) Beginning on the first day of the pay period that includes July 1, 2016, each exempt employee who must be paid in accordance with schedule E-1 or schedule E-2 of this section shall be paid a salary or wage in accordance with the following schedule of rates:

Schedule E-1

		Pay Ranges and Step Values							
		Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	<u>Step 8</u>
Range									
1	Hourly	10.58	11.05	11.52	12.02				
	Annually	22006	22984	23962	25002				
2	Hourly	12.83	13.38	13.95	14.57				
	Annually	26686	27830	29016	30306				
3	Hourly	13.44	14.04	14.67	15.30				
	Annually	27955	29203	30514	31824				
4	Hourly	14.11	14.74	15.45	16.13				
	Annually	29349	30659	32136	33550				
5	Hourly	14.80	15.48	16.13	16.84				
	Annually	30784	32198	33550	35027				
6	Hourly	15.60	16.25	16.96	17.66				
	Annually	32448	33800	35277	36733				
7	Hourly	16.56	17.18	17.89	18.51	19.23			
	Annually	34445	35734	37211	38501	39998			
8	Hourly	17.51	18.29	19.07	19.93	20.88			
	Annually	36421	38043	39666	41454	43430			
9	Hourly	18.68	19.65	20.61	21.65	22.74			
	Annually	38854	40872	42869	45032	47299			
10	Hourly	20.16	21.26	22.40	23.69	24.96			
	Annually	41933	44221	46592	49275	51917			
11	Hourly	21.95	23.23	24.57	25.96	27.43			
	Annually	45656	48318	51106	53997	57054			
12	Hourly	24.21	25.57	26.95	28.44	30.02	31.65	<del>34.50</del> <u>32.95</u>	<u>34.50</u>
	Annually	50357	53186	56056	59155	62442	65832	<del>71760</del> <u>68536</u>	<u>71760</u>
13	Hourly	26.69	28.16	29.70	31.28	33.05	34.84	<del>37.97</del> <u>36.26</u>	<u>37.97</u>
	Annually	55515	58573	61776	65062	68744	72467	<del>78978</del> <u>78978</u>	<u>78978</u>

								<u>75421</u>	
14	Hourly	29.35	31.01	32.68	34.46	36.41	38.44	<del>41.90</del>	<u>41.90</u>
								<u>40.01</u>	
	Annually	61048	64501	67974	71677	75733	79955	<del>87152</del>	<u>87152</u>
								<u>83221</u>	
15	Hourly	32.24	34.05	35.98	37.95	40.06	42.26	<del>46.06</del>	<u>46.06</u>
								<u>43.99</u>	
	Annually	67059	70824	74838	78936	83325	87901	<del>95805</del>	<u>95805</u>
								<u>91499</u>	
16	Hourly	35.55	37.52	39.58	41.80	44.11	46.63	<del>50.82</del>	<u>50.82</u>
								<u>48.53</u>	
	Annually	73944	78042	82326	86944	91749	96990	<del>105706</del>	<u>105706</u>
								<u>100942</u>	
17	Hourly	39.17	41.33	43.64	46.05	48.62	51.33		
	Annually	81474	85966	90771	95784	101130	106766		
18	Hourly	43.16	45.55	48.12	50.76	53.57	56.57		
	Annually	89773	94744	100090	105581	111426	117666		

Schedule E-2

Range		Minimum	Maximum
41	Hourly	16.23	42.66
	Annually	33758	88733
42	Hourly	17.89	47.11
	Annually	37211	97989
43	Hourly	19.70	51.89
	Annually	40976	107931
44	Hourly	21.73	56.68
	Annually	45198	117894
45	Hourly	24.01	61.89
	Annually	49941	128731
46	Hourly	26.43	67.63
	Annually	54974	140670
47	Hourly	29.14	73.81
	Annually	60611	153525
48	Hourly	32.14	80.54
	Annually	66851	167523
49	Hourly	35.44	86.96
	Annually	73715	180877

(3) Beginning on the first day of the pay period that includes July 1, 2017, each exempt employee who must be paid in accordance with schedule E-1 or schedule E-2 of this section shall be paid a salary or wage in

accordance with the following schedule of rates:  
 Schedule E-1

		Pay Ranges and Step Values							
		Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8
Range									
1	Hourly	10.84	11.33	11.81	12.32				
	Annually	22547	23566	24565	25626				
2	Hourly	13.15	13.71	14.30	14.93				
	Annually	27352	28517	29744	31054				
3	Hourly	13.78	14.39	15.04	15.68				
	Annually	28662	29931	31283	32614				
4	Hourly	14.46	15.11	15.84	16.53				
	Annually	30077	31429	32947	34382				
5	Hourly	15.17	15.87	16.53	17.26				
	Annually	31554	33010	34382	35901				
6	Hourly	15.99	16.66	17.38	18.10				
	Annually	33259	34653	36150	37648				
7	Hourly	16.97	17.61	18.34	18.97	19.71			
	Annually	35298	36629	38147	39458	40997			
8	Hourly	17.95	18.75	19.55	20.43	21.40			
	Annually	37336	39000	40664	42494	44512			
9	Hourly	19.15	20.14	21.13	22.19	23.31			
	Annually	39832	41891	43950	46155	48485			
10	Hourly	20.66	21.79	22.96	24.28	25.58			
	Annually	42973	45323	47757	50502	53206			
11	Hourly	22.50	23.81	25.18	26.61	28.12			
	Annually	46800	49525	52374	55349	58490			
12	Hourly	24.82	26.21	27.62	29.15	30.77	32.44	<del>35.36</del>	<u>35.36</u>
								<u>33.77</u>	
	Annually	51626	54517	57450	60632	64002	67475	<del>73549</del>	<u>73549</u>
								<u>70242</u>	
13	Hourly	27.36	28.86	30.44	32.06	33.88	35.71	<del>38.92</del>	<u>38.92</u>
								<u>37.17</u>	
	Annually	56909	60029	63315	66685	70470	74277	<del>80954</del>	<u>80954</u>
								<u>77314</u>	
14	Hourly	30.08	31.79	33.50	35.32	37.32	39.40	<del>42.95</del>	<u>42.95</u>
								<u>41.02</u>	
	Annually	62566	66123	69680	73466	77626	81952	<del>89336</del>	<u>89336</u>
								<u>85322</u>	
15	Hourly	33.05	34.90	36.88	38.90	41.06	43.32	<del>47.21</del>	<u>47.21</u>

								<u>45.09</u>	
	Annually	68744	72592	76710	80912	85405	90106	<del>98197</del>	<u>98197</u>
								<u>93787</u>	
16	Hourly	36.44	38.46	40.57	42.85	45.21	47.80	<del>52.09</del>	<u>52.09</u>
								<u>49.75</u>	
	Annually	75795	79997	84386	89128	94037	99424	<del>108347</del>	<u>108347</u>
								<u>103480</u>	
17	Hourly	40.15	42.36	44.73	47.20	49.84	52.61		
	Annually	83512	88109	93038	98176	103667	109429		
18	Hourly	44.24	46.69	49.32	52.03	54.91	57.98		
	Annually	92019	97115	102586	108222	114213	120598		

Schedule E-2

Range		Minimum	Maximum
41	Hourly	16.23	43.73
	Annually	33758	90958
42	Hourly	17.89	48.29
	Annually	37211	100443
43	Hourly	19.70	53.19
	Annually	40976	110635
44	Hourly	21.73	58.10
	Annually	45198	120848
45	Hourly	24.01	63.44
	Annually	49941	131955
46	Hourly	26.43	69.32
	Annually	54974	144186
47	Hourly	29.14	75.66
	Annually	60611	157373
48	Hourly	32.14	82.55
	Annually	66851	171704
49	Hourly	35.44	89.13
	Annually	73715	185390

(C)(1) Beginning on the first day of the pay period that includes July 1, 2015, each exempt employee who must be paid in accordance with salary schedule E-1 for step eight only shall be paid a salary or wage in accordance with the following schedule of rates:

Schedule E-1 for Step Eight Only

Pay Ranges and Step Values

	Range	
12	Hourly	32.60
	Annually	67808

13	Hourly	35.85
	Annually	74568
14	Hourly	39.53
	Annually	82222
15	Hourly	43.50
	Annually	90480
16	Hourly	47.98
	Annually	99798
17	Hourly	52.84
	Annually	109907
18	Hourly	58.22
	Annually	121098

(2) Beginning on the first day of the pay period that includes July 1, 2016, each exempt employee who must be paid in accordance with schedule E-1 for step eight only shall be paid a salary or wage in accordance with the following schedule of rates:

Schedule E-1 for Step Eight Only

Pay Ranges and Step Values

Range		
12	Hourly	33.42
	Annually	69514
13	Hourly	36.75
	Annually	76440
14	Hourly	40.52
	Annually	84282
15	Hourly	44.59
	Annually	92747
16	Hourly	49.18
	Annually	102294
17	Hourly	54.16
	Annually	112653
18	Hourly	59.68
	Annually	124134

~~(3) Beginning on the first day of the pay period that includes July 1, 2017, each exempt employee who must be paid in accordance with schedule E-1 for step eight only shall be paid a salary or wage in accordance with the following schedule of rates:~~

~~Schedule E-1 for Step Eight Only~~

~~Pay Ranges and Step Values~~

~~Range~~

<del>12</del>	Hourly	34.26
	Annually	71261
<del>13</del>	Hourly	37.67
	Annually	78354
<del>14</del>	Hourly	41.53
	Annually	86382
<del>15</del>	Hourly	45.70
	Annually	95056
<del>16</del>	Hourly	50.41
	Annually	104853
<del>17</del>	Hourly	55.51
	Annually	115461
<del>18</del>	Hourly	61.17
	Annually	127234

(D) As used in this section, ~~"exempt~~:

(1) "Exempt employee" means a permanent full-time or permanent part-time employee paid directly by warrant of the director of budget and management whose position is included in the job classification plan established under division (A) of section 124.14 of the Revised Code but who is not considered a public employee for the purposes of Chapter 4117. of the Revised Code. ~~As used in this section, "exempt~~ "Exempt employee" also includes a permanent full-time or permanent part-time employee of the secretary of state, auditor of state, treasurer of state, or attorney general who has not been placed in an appropriate bargaining unit by the state employment relations board.

(2) "Base rate of pay" means the rate of pay established under schedule E-1 or schedule E-1 for step eight only of this section, plus the supplement provided under division (E) of section 124.181 of the Revised Code, plus any supplements enacted into law that are added to schedule E-1 or schedule E-1 for step eight only of this section.

Sec. 124.181. (A) Except as provided in divisions (M) and (P) of this section, any employee paid in accordance with schedule B of section 124.15 or schedule E-1 ~~or schedule E-1 for step eight only~~ of section 124.152 of the Revised Code is eligible for the pay supplements provided in this section upon application by the appointing authority substantiating the employee's qualifications for the supplement and with the approval of the director of administrative services except as provided in division (E) of this section.

(B)(1) In computing any of the pay supplements provided in this section for an employee paid in accordance with schedule B of section 124.15 of the Revised Code, the classification salary base shall be the minimum hourly



rate of the pay range, provided in that section, in which the employee is assigned at the time of computation.

(2) In computing any of the pay supplements provided in this section for an employee paid in accordance with schedule E-1 of section 124.152 of the Revised Code, the classification salary base shall be the minimum hourly rate of the pay range, provided in that section, in which the employee is assigned at the time of computation.

~~(3) In computing any of the pay supplements provided in this section for an employee paid in accordance with schedule E-1 for step eight only of section 124.152 of the Revised Code, the classification salary base shall be the minimum hourly rate in the corresponding pay range, provided in schedule E-1 of that section, to which the employee is assigned at the time of the computation.~~

(C) The effective date of any pay supplement, except as provided in section 124.183 of the Revised Code or unless otherwise provided in this section, shall be determined by the director.

(D) The director shall, by rule, establish standards regarding the administration of this section.

(E)(1) Except as otherwise provided in this division, beginning on the first day of the pay period within which the employee completes five years of total service with the state government or any of its political subdivisions, each employee in positions paid in accordance with schedule B of section 124.15 of the Revised Code or in accordance with schedule E-1 ~~or schedule E-1 for step eight only~~ of section 124.152 of the Revised Code shall receive an automatic salary adjustment equivalent to two and one-half per cent of the classification salary base, to the nearest whole cent. Each employee shall receive thereafter an annual adjustment equivalent to one-half of one per cent of the employee's classification salary base, to the nearest whole cent, for each additional year of qualified employment until a maximum of ten per cent of the employee's classification salary base is reached. The granting of longevity adjustments shall not be affected by promotion, demotion, or other changes in classification held by the employee, nor by any change in pay range for the employee's class or grade. Longevity pay adjustments shall become effective at the beginning of the pay period within which the employee completes the necessary length of service, except that when an employee requests credit for prior service, the effective date of the prior service credit and of any longevity adjustment shall be the first day of the pay period following approval of the credit by the director of administrative services. No employee, other than an employee who submits proof of prior service within ninety days after the date of the employee's hiring, shall

receive any longevity adjustment for the period prior to the director's approval of a prior service credit. Time spent on authorized leave of absence shall be counted for this purpose.

(2) An employee who has retired in accordance with the provisions of any retirement system offered by the state and who is employed by the state or any political subdivision of the state on or after June 24, 1987, shall not have prior service with the state or any political subdivision of the state counted for the purpose of determining the amount of the salary adjustment provided under this division.

(3) There shall be a moratorium on employees' receipt under this division of credit for service with the state government or any of its political subdivisions during the period from July 1, 2003, through June 30, 2005. In calculating the number of years of total service under this division, no credit shall be included for service during the moratorium. The moratorium shall apply to the employees of the secretary of state, the auditor of state, the treasurer of state, and the attorney general, who are subject to this section unless the secretary of state, the auditor of state, the treasurer of state, or the attorney general decides to exempt the office's employees from the moratorium and so notifies the director of administrative services in writing on or before July 1, 2003.

If an employee is exempt from the moratorium, receives credit for a period of service during the moratorium, and takes a position with another entity in the state government or any of its political subdivisions, either during or after the moratorium, and if that entity's employees are or were subject to the moratorium, the employee shall continue to retain the credit. However, if the moratorium is in effect upon the taking of the new position, the employee shall cease receiving additional credit as long as the employee is in the position, until the moratorium expires.

(F) When an exceptional condition exists that creates a temporary or a permanent hazard for one or more positions in a class paid in accordance with schedule B of section 124.15 of the Revised Code or in accordance with schedule E-1 ~~or schedule E-1 for step eight only~~ of section 124.152 of the Revised Code, a special hazard salary adjustment may be granted for the time the employee is subjected to the hazardous condition. All special hazard conditions shall be identified for each position and incidence from information submitted to the director on an appropriate form provided by the director and categorized into standard conditions of: some unusual hazard not common to the class; considerable unusual hazard not common to the class; and exceptional hazard not common to the class.

(1) A hazardous salary adjustment of five per cent of the employee's

classification salary base may be applied in the case of some unusual hazardous condition not common to the class for those hours worked, or a fraction of those hours worked, while the employee was subject to the unusual hazard condition.

(2) A hazardous salary adjustment of seven and one-half per cent of the employee's classification salary base may be applied in the case of some considerable hazardous condition not common to the class for those hours worked, or a fraction of those hours worked, while the employee was subject to the considerable hazard condition.

(3) A hazardous salary adjustment of ten per cent of the employee's classification salary base may be applied in the case of some exceptional hazardous condition not common to the class for those hours worked, or a fraction of those hours worked, when the employee was subject to the exceptional hazard condition.

(4) Each claim for temporary hazard pay shall be submitted as a separate payment and shall be subject to an administrative audit by the director as to the extent and duration of the employee's exposure to the hazardous condition.

(G) When a full-time employee whose salary or wage is paid directly by warrant of the director of budget and management and who also is eligible for overtime under the "Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 U.S.C.A. 207, 213, as amended, is ordered by the appointing authority to report back to work after termination of the employee's regular work schedule and the employee reports, the employee shall be paid for such time. The employee shall be entitled to four hours at the employee's total rate of pay or overtime compensation for the actual hours worked, whichever is greater. This division does not apply to work that is a continuation of or immediately preceding an employee's regular work schedule.

(H) When a certain position or positions paid in accordance with schedule B of section 124.15 of the Revised Code or in accordance with schedule E-1 ~~or schedule E-1 for step eight only~~ of section 124.152 of the Revised Code require the ability to speak or write a language other than English, a special pay supplement may be granted to attract bilingual individuals, to encourage present employees to become proficient in other languages, or to retain qualified bilingual employees. The bilingual pay supplement provided in this division may be granted in the amount of five per cent of the employee's classification salary base for each required foreign language and shall remain in effect as long as the bilingual requirement exists.

(I) The director of administrative services may establish a shift differential for employees. The differential shall be paid to employees in positions working in other than the regular or first shift. In those divisions or agencies where only one shift prevails, no shift differential shall be paid regardless of the hours of the day that are worked. The director and the appointing authority shall designate which positions shall be covered by this division.

(J) An appointing authority may assign an employee to work in a higher level position for a continuous period of more than two weeks but no more than two years. The employee's pay shall be established at a rate that is approximately four per cent above the employee's current base rate for the period the employee occupies the position, provided that this temporary assignment is approved by the director. Employees paid under this division shall continue to receive any of the pay supplements due them under other divisions of this section based on the step one base rate for their normal classification.

(K) If a certain position, or positions, within a class paid in accordance with schedule B of section 124.15 of the Revised Code or in accordance with schedule E-1 ~~or schedule E-1 for step eight only~~ of section 124.152 of the Revised Code are mandated by state or federal law or regulation or other regulatory agency or other certification authority to have special technical certification, registration, or licensing to perform the functions which are under the mandate, a special professional achievement pay supplement may be granted. This special professional achievement pay supplement shall not be granted when all incumbents in all positions in a class require a license as provided in the classification description published by the department of administrative services; to licensees where no special or extensive training is required; when certification is granted upon completion of a stipulated term of in-service training; when an appointing authority has required certification; or any other condition prescribed by the director.

(1) Before this supplement may be applied, evidence as to the requirement must be provided by the agency for each position involved, and certification must be received from the director as to the director's concurrence for each of the positions so affected.

(2) The professional achievement pay supplement provided in this division shall be granted in an amount up to ten per cent of the employee's classification salary base and shall remain in effect as long as the mandate exists.

(L) Those employees assigned to teaching supervisory, principal, assistant principal, or superintendent positions who have attained a higher

educational level than a basic bachelor's degree may receive an educational pay supplement to remain in effect as long as the employee's assignment and classification remain the same.

(1) An educational pay supplement of two and one-half per cent of the employee's classification salary base may be applied upon the achievement of a bachelor's degree plus twenty quarter hours of postgraduate work.

(2) An educational pay supplement of an additional five per cent of the employee's classification salary base may be applied upon achievement of a master's degree.

(3) An educational pay supplement of an additional two and one-half per cent of the employee's classification salary base may be applied upon achievement of a master's degree plus thirty quarter hours of postgraduate work.

(4) An educational pay supplement of five per cent of the employee's classification salary base may be applied when the employee is performing as a master teacher.

(5) An educational pay supplement of five per cent of the employee's classification salary base may be applied when the employee is performing as a special education teacher.

(6) Those employees in teaching supervisory, principal, assistant principal, or superintendent positions who are responsible for specific extracurricular activity programs shall receive overtime pay for those hours worked in excess of their normal schedule, at their straight time hourly rate up to a maximum of five per cent of their regular base salary in any calendar year.

(M)(1) A state agency, board, or commission may establish a supplementary compensation schedule for those licensed physicians employed by the agency, board, or commission in positions requiring a licensed physician. The supplementary compensation schedule, together with the compensation otherwise authorized by this chapter, shall provide for the total compensation for these employees to range appropriately, but not necessarily uniformly, for each classification title requiring a licensed physician, in accordance with a schedule approved by the state controlling board. The individual salary levels recommended for each such physician employed shall be approved by the director. Notwithstanding section 124.11 of the Revised Code, such personnel are in the unclassified civil service.

(2) The director of administrative services may approve supplementary compensation for the director of health, if the director is a licensed physician, in accordance with a supplementary compensation schedule approved under division (M)(1) of this section or in accordance with another

supplementary compensation schedule the director of administrative services considers appropriate. The supplementary compensation shall not exceed twenty per cent of the director of health's base rate of pay.

(N) Notwithstanding sections 117.28, 117.30, 117.33, 117.36, 117.42, and 131.02 of the Revised Code, the state shall not institute any civil action to recover and shall not seek reimbursement for overpayments made in violation of division (E) of this section or division (C) of section 9.44 of the Revised Code for the period starting after June 24, 1987, and ending on October 31, 1993.

(O) Employees of the office of the treasurer of state who are exempt from collective bargaining coverage may be granted a merit pay supplement of up to one and one-half per cent of their step rate. The rate at which this supplement is granted shall be based on performance standards established by the treasurer of state. Any supplements granted under this division shall be administered on an annual basis.

(P) Intermittent employees appointed under section 124.30 of the Revised Code are not eligible for the pay supplements provided by this section.

Sec. 124.382. (A) As used in this section and sections 124.383, 124.386, 124.387, and 124.388 of the Revised Code:

(1) "Pay period" means the fourteen-day period of time during which the payroll is accumulated, as determined by the director of administrative services.

(2) "Active pay status" means the conditions under which an employee is eligible to receive pay, and includes, but is not limited to, vacation leave, sick leave, personal leave, bereavement leave, and administrative leave.

(3) "No pay status" means the conditions under which an employee is ineligible to receive pay and includes, but is not limited to, leave without pay, leave of absence, and disability leave.

(4) "Disability leave" means the leave granted pursuant to section 124.385 of the Revised Code.

(5) "Full-time permanent employee" means an employee whose regular hours of duty total eighty hours in a pay period in a state agency and whose appointment is not for a limited period of time.

(6) "Base rate of pay" means the rate of pay established under schedule B or C of section 124.15 of the Revised Code or under schedule E-1; ~~schedule E-1 for step eight only,~~ or schedule E-2 of section 124.152 of the Revised Code, plus any supplement provided under section 124.181 of the Revised Code, plus any supplements enacted into law which are added to schedule B or C of section 124.15 of the Revised Code or to schedule E-1;

~~schedule E-1 for step eight only~~, or schedule E-2 of section 124.152 of the Revised Code.

(7) "Part-time permanent employee" means an employee whose regular hours of duty total less than eighty hours in a pay period in a state agency and whose appointment is not for a limited period of time.

(B) Each full-time permanent and part-time permanent employee whose salary or wage is paid directly by warrant of the director of budget and management shall be credited with sick leave of three and one-tenth hours for each completed eighty hours of service, excluding overtime hours worked. Sick leave is not available for use until it appears on the employee's earning statement and the compensation described in the earning statement is available to the employee.

(C) Any sick leave credit provided pursuant to division (B) of this section, remaining as of the last day of the pay period preceding the first paycheck the employee receives in December, shall be converted pursuant to section 124.383 of the Revised Code.

(D) Employees may use sick leave, provided a credit balance is available, upon approval of the responsible administrative officer of the employing unit, for absence due to personal illness, pregnancy, injury, exposure to contagious disease that could be communicated to other employees, and illness, injury, or death in the employee's immediate family. When sick leave is used, it shall be deducted from the employee's credit on the basis of absence from previously scheduled work in such increments of an hour and at such a compensation rate as the director of administrative services determines. The appointing authority of each employing unit may require an employee to furnish a satisfactory, signed statement to justify the use of sick leave.

If, after having utilized the credit provided by this section, an employee utilizes sick leave that was accumulated prior to November 15, 1981, compensation for such sick leave used shall be at a rate as the director determines.

(E)(1) The previously accumulated sick leave balance of an employee who has been separated from the public service, for which separation payments pursuant to section 124.384 of the Revised Code have not been made, shall be placed to the employee's credit upon the employee's reemployment in the public service, if the reemployment takes place within ten years of the date on which the employee was last terminated from public service.

(2) The previously accumulated sick leave balance of an employee who has separated from a school district shall be placed to the employee's credit

upon the employee's appointment as an unclassified employee of the state department of education, if all of the following apply:

(a) The employee accumulated the sick leave balance while employed by the school district.

(b) The employee did not receive any separation payments for the sick leave balance.

(c) The employee's employment with the department takes place within ten years after the date on which the employee separated from the school district.

(F) An employee who transfers from one public agency to another shall be credited with the unused balance of the employee's accumulated sick leave.

(G) The director of administrative services shall establish procedures to uniformly administer this section. No sick leave may be granted to a state employee upon or after the employee's retirement or termination of employment.

(H) As used in this division, "active payroll" means conditions under which an employee is in active pay status or eligible to receive pay for an approved leave of absence, including, but not limited to, occupational injury leave, disability leave, or workers' compensation.

(1) Employees who are in active payroll status on June 18, 2011, shall receive a one-time credit of additional sick leave in the pay period that begins on July 1, 2011. Full-time employees shall receive the lesser of either a one-time credit of thirty-two hours of additional sick leave or a one-time credit of additional sick leave equivalent to half the hours of personal leave the employee lost during the moratorium established under either division (A) of section 124.386 of the Revised Code or pursuant to a rule of the director of administrative services. Part-time employees shall receive a one-time credit of sixteen hours of additional sick leave.

(2) Employees who are not in active payroll status due to military leave or an absence taken in accordance with the federal "Family and Medical Leave Act" are eligible to receive the one-time additional sick leave credit.

(3) The one-time additional sick leave credit does not apply to employees of the supreme court, general assembly, legislative service commission, secretary of state, auditor of state, treasurer of state, or attorney general unless the supreme court, general assembly, legislative service commission, secretary of state, auditor of state, treasurer of state, or attorney general participated in the moratorium under division (H) or (I) of section 124.386 of the Revised Code and notifies in writing the director of administrative services on or before June 1, 2011, of the decision to



participate in the one-time additional sick leave credit. Written notice under this division shall be signed by the appointing authority for employees of the supreme court, general assembly, or legislative service commission, as the case may be.

Sec. 126.32. (A) Any officer of any state agency may authorize reimbursement for travel, including the costs of transportation, for lodging, and for meals to any person who is interviewing for a position that is classified in pay range 13 or above in schedule E-1 ~~or schedule E-1 for step eight only~~, or is classified in schedule E-2; of section 124.152 of the Revised Code.

(B) If a person is appointed to a position listed in section 121.03 of the Revised Code, to the position of chairperson of the industrial commission, adjutant general, chancellor of the Ohio board of regents, superintendent of public instruction, chairperson of the public utilities commission of Ohio, or director of the state lottery commission, to a position holding a fiduciary relationship to the governor, to a position of an appointing authority of the department of mental health and addiction services, developmental disabilities, or rehabilitation and correction, to a position of superintendent in the department of youth services, or to a position under section 122.05 of the Revised Code, and if that appointment requires a permanent change of residence, the appropriate state agency may reimburse the person for the person's actual and necessary expenses, including the cost of in-transit storage of household goods and personal effects, of moving the person and members of the person's immediate family residing in the person's household, and of moving their household goods and personal effects, to the person's new location.

Until that person moves the person's permanent residence to the new location, but not for a period that exceeds thirty consecutive days, the state agency may reimburse the person for the person's temporary living expenses at the new location that the person has incurred on behalf of the person and members of the person's immediate family residing in the person's household. In addition, the state agency may reimburse that person for the person's travel expenses between the new location and the person's former residence during this period for a maximum number of trips specified by rule of the director of budget and management, but the state agency shall not reimburse the person for travel expenses incurred for those trips by members of the person's immediate family. With the prior written approval of the director, the maximum thirty-day period for temporary living expenses may be extended for a person appointed to a position under section 122.05 of the Revised Code.

The director of development services may reimburse a person appointed to a position under section 122.05 of the Revised Code for the person's actual and necessary expenses of moving the person and members of the person's immediate family residing in the person's household back to the United States and may reimburse a person appointed to such a position for the cost of storage of household goods and personal effects of the person and the person's immediate family while the person is serving outside the United States, if the person's office outside the United States is the person's primary job location.

(C) All reimbursement under division (A) or (B) of this section shall be made in the manner, and at rates that do not exceed those, provided by rule of the director of budget and management in accordance with section 111.15 of the Revised Code. Reimbursements may be made under division (B) of this section directly to the persons who incurred the expenses or directly to the providers of goods or services the persons receive, as determined by the director of budget and management.

Sec. 127.19. There is hereby created in the state treasury the controlling board emergency purposes/contingencies fund, consisting of transfers from the general revenue fund and any other funds appropriated by the general assembly. Moneys in the fund may be used by the controlling board at the request of a state agency or the director of budget and management for the purpose of providing disaster and emergency aid to state agencies and political subdivisions or for other purposes approved by the controlling board.

Sec. 181.22. There is hereby created the criminal sentencing advisory committee. The committee shall be comprised of the chairperson of the parole board, the ~~director of the office of~~ staff representative assigned by the correctional institution inspection committee, a juvenile detention facility operator, a provider of juvenile probation or community control services, a provider of juvenile parole or aftercare services, a superintendent of a state institution operated by the department of youth services, a community-based juvenile services provider, a person who is a member of a youth advocacy organization, a victim of a violation of Title XXIX of the Revised Code that was committed by a juvenile offender, a representative of community corrections programming appointed by the governor, and any other members appointed by the chairperson of the state criminal sentencing commission upon the advice of the commission. The committee shall serve as an advisory body to the state criminal sentencing commission and to the commission's standing juvenile committee.

The members of the committee shall serve without compensation, but

each member shall be reimbursed for the member's actual and necessary expenses incurred in the performance of the member's official duties.

Sec. 301.28. (A) As used in this section:

(1) "Financial transaction device" includes a credit card, debit card, charge card, or prepaid or stored value card, or automated clearinghouse network credit, debit, or e-check entry that includes, but is not limited to, accounts receivable and internet-initiated, point of purchase, and telephone-initiated applications or any other device or method for making an electronic payment or transfer of funds.

(2) "County expenses" includes fees, costs, taxes, assessments, fines, penalties, payments, or any other expense a person owes or otherwise pays to a county office under the authority of a county official, other than dog registration and kennel fees required to be paid under Chapter 955. of the Revised Code. "County expenses" includes payment to a county office of money confiscated during the commitment of an individual to a county jail, of bail, of money for a prisoner's inmate account, and of money for goods and services obtained by or for the use of an individual incarcerated by a county sheriff. "County expenses" includes online financial transaction device payments made through the official public sheriff sale web site pursuant to section 2329.153 of the Revised Code.

(3) "County official" includes the county auditor, county treasurer, county engineer, county recorder, county prosecuting attorney, county sheriff, county coroner, county park district and board of county commissioners, the clerk of the probate court, the clerk of the juvenile court, the clerks of court for all divisions of the courts of common pleas, and the clerk of the court of common pleas, the clerk of a county-operated municipal court, and the clerk of a county court.

The term "county expenses" includes county expenses owed to the board of health of the general health district or a combined health district in the county. If the board of county commissioners authorizes county expenses to be paid by financial transaction devices under this section, then the board of health and the general health district and the combined health district may accept payments by financial transaction devices under this section as if the board were a "county official" and the district were a county office. However, in the case of a general health district formed by unification of general health districts under section 3709.10 of the Revised Code, this entitlement applies only if all the boards of county commissioners of all counties in the district have authorized payments to be accepted by financial transaction devices.

The term "county expenses" also includes fees for services and the

receipt of gifts to the county law library resources fund authorized by rules adopted by the county law library resources board under division (D) of section 307.51 of the Revised Code. If the board of county commissioners authorizes county expenses to be paid by financial transaction devices under this section, then the county law library resources board may accept payments by financial transaction devices under this section as if the board were a "county official."

(B) Notwithstanding any other section of the Revised Code and except as provided in division (D) of this section, a board of county commissioners may adopt a resolution authorizing the acceptance of payments by financial transaction devices for county expenses. The resolution shall include the following:

(1) A specification of those county officials who, and of the county offices under those county officials that, are authorized to accept payments by financial transaction devices;

(2) A list of county expenses that may be paid for through the use of a financial transaction device;

(3) Specific identification of financial transaction devices that the board authorizes as acceptable means of payment for county expenses. Uniform acceptance of financial transaction devices among different types of county expenses is not required.

(4) The amount, if any, authorized as a surcharge or convenience fee under division (E) of this section for persons using a financial transaction device. Uniform application of surcharges or convenience fees among different types of county expenses is not required.

(5) A specific provision as provided in division (G) of this section requiring the payment of a penalty if a payment made by means of a financial transaction device is returned or dishonored for any reason.

The board's resolution shall also designate the county treasurer as an administrative agent to solicit proposals, within guidelines established by the board in the resolution and in compliance with the procedures provided in division (C) of this section, from financial institutions, issuers of financial transaction devices, and processors of financial transaction devices, to make recommendations about those proposals to the board, and to assist county offices in implementing the county's financial transaction devices program. The county treasurer may decline this responsibility within thirty days after receiving a copy of the board's resolution by notifying the board in writing within that period. If the treasurer so notifies the board, the board shall perform the duties of the administrative agent.

If the county treasurer is the administrative agent and fails to administer

the county financial transaction devices program in accordance with the guidelines in the board's resolution, the board shall notify the treasurer in writing of the board's findings, explain the failures, and give the treasurer six months to correct the failures. If the treasurer fails to make the appropriate corrections within that six-month period, the board may pass a resolution declaring the board to be the administrative agent. The board may later rescind that resolution at its discretion.

(C) The county shall follow the procedures provided in this division whenever it plans to contract with financial institutions, issuers of financial transaction devices, or processors of financial transaction devices for the purposes of this section. The administrative agent shall request proposals from at least three financial institutions, issuers of financial transaction devices, or processors of financial transaction devices, as appropriate in accordance with the resolution adopted under division (B) of this section. Prior to sending any financial institution, issuer, or processor a copy of any such request, the county shall advertise its intent to request proposals in a newspaper of general circulation in the county once a week for two consecutive weeks or as provided in section 7.16 of the Revised Code. The notice shall state that the county intends to request proposals; specify the purpose of the request; indicate the date, which shall be at least ten days after the second publication, on which the request for proposals will be mailed to financial institutions, issuers, or processors; and require that any financial institution, issuer, or processor, whichever is appropriate, interested in receiving the request for proposals submit written notice of this interest to the county not later than noon of the day on which the request for proposals will be mailed.

Upon receiving the proposals, the administrative agent shall review them and make a recommendation to the board of county commissioners on which proposals to accept. The board of county commissioners shall consider the agent's recommendation and review all proposals submitted, and then may choose to contract with any or all of the entities submitting proposals, as appropriate. The board shall provide any financial institution, issuer, or processor that submitted a proposal, but with which the board does not enter into a contract, notice that its proposal is rejected. The notice shall state the reasons for the rejection, indicate whose proposals were accepted, and provide a copy of the terms and conditions of the successful bids.

(D) A board of county commissioners adopting a resolution under this section shall send a copy of the resolution to each county official in the county who is authorized by the resolution to accept payments by financial transaction devices. After receiving the resolution and before accepting

payments by financial transaction devices, a county official shall provide written notification to the board of county commissioners of the official's intent to implement the resolution within the official's office. Each county office subject to the board's resolution adopted under division (B) of this section may use only the financial institutions, issuers of financial transaction devices, and processors of financial transaction devices with which the board of county commissioners contracts, and each such office is subject to the terms of those contracts.

If a county office under the authority of a county official is directly responsible for collecting one or more county expenses and the county official determines not to accept payments by financial transaction devices for one or more of those expenses, the office shall not be required to accept payments by financial transaction devices, notwithstanding the adoption of a resolution by the board of county commissioners under this section.

Any office of a clerk of the court of common pleas that accepts financial transaction devices on or before July 1, 1999, and any other county office that accepted such devices before January 1, 1998, may continue to accept such devices without being subject to any resolution passed by the board of county commissioners under division (B) of this section, or any other oversight by the board of the office's financial transaction devices program. Any such office may use surcharges or convenience fees in any manner the county official in charge of the office determines to be appropriate, and, if the county treasurer consents, may appoint the county treasurer to be the office's administrative agent for purposes of accepting financial transaction devices. In order not to be subject to the resolution of the board of county commissioners adopted under division (B) of this section, a county office shall notify the board in writing within thirty days after March 30, 1999, that it accepted financial transaction devices prior to January 1, 1998, or, in the case of the office of a clerk of the court of common pleas, the clerk has accepted or will accept such devices on or before July 1, 1999. Each such notification shall explain how processing costs associated with financial transaction devices are being paid and shall indicate whether surcharge or convenience fees are being passed on to consumers.

(E) A board of county commissioners may establish a surcharge or convenience fee that may be imposed upon a person making payment by a financial transaction device. The surcharge or convenience fee shall not be imposed unless authorized or otherwise permitted by the rules prescribed by an agreement governing the use and acceptance of the financial transaction device.

If a surcharge or convenience fee is imposed, every county office

accepting payment by a financial transaction device, regardless of whether that office is subject to a resolution adopted by a board of county commissioners, shall clearly post a notice in that office and shall notify each person making a payment by such a device about the surcharge or fee. Notice to each person making a payment shall be provided regardless of the medium used to make the payment and in a manner appropriate to that medium. Each notice shall include all of the following:

(1) A statement that there is a surcharge or convenience fee for using a financial transaction device;

(2) The total amount of the charge or fee expressed in dollars and cents for each transaction, or the rate of the charge or fee expressed as a percentage of the total amount of the transaction, whichever is applicable;

(3) A clear statement that the surcharge or convenience fee is nonrefundable.

(F) If a person elects to make a payment to the county by a financial transaction device and a surcharge or convenience fee is imposed, the payment of the surcharge or fee shall be considered voluntary and the surcharge or fee is not refundable.

(G) If a person makes payment by financial transaction device and the payment is returned or dishonored for any reason, the person is liable to the county for payment of a penalty over and above the amount of the expense due. The board of county commissioners shall determine the amount of the penalty, which may be either a fee not to exceed twenty dollars or payment of the amount necessary to reimburse the county for banking charges, legal fees, or other expenses incurred by the county in collecting the returned or dishonored payment. The remedies and procedures provided in this section are in addition to any other available civil or criminal remedies provided by law.

(H) No person making any payment by financial transaction device to a county office shall be relieved from liability for the underlying obligation except to the extent that the county realizes final payment of the underlying obligation in cash or its equivalent. If final payment is not made by the financial transaction device issuer or other guarantor of payment in the transaction, the underlying obligation shall survive and the county shall retain all remedies for enforcement that would have applied if the transaction had not occurred.

(I) A county official or employee who accepts a financial transaction device payment in accordance with this section and any applicable state or local policies or rules is immune from personal liability for the final collection of such payments.

Sec. 305.31. The procedure for submitting to a referendum a resolution adopted by a board of county commissioners under division (H) of section 307.695 of the Revised Code that is not submitted to the electors of the county for their approval or disapproval; any resolution adopted by a board of county commissioners pursuant to division (D)(1) of section 307.697, section 322.02, or 322.06, ~~or 324.02~~, sections 940.31 and 940.33, division (B)(1) of section 4301.421, section 4504.02, 5739.021, or 5739.026, division (A)(6), (A)(10), or (M) of section 5739.09, section 5741.021 or 5741.023, or division (C)(1) of section 5743.024 of the Revised Code; or a rule adopted pursuant to section 307.79 of the Revised Code shall be as prescribed by this section.

Except as otherwise provided in this paragraph, when a petition, signed by ten per cent of the number of electors who voted for governor at the most recent general election for the office of governor in the county, is filed with the county auditor within thirty days after the date the resolution is passed or rule is adopted by the board of county commissioners, or is filed within forty-five days after the resolution is passed, in the case of a resolution adopted pursuant to section 5739.021 of the Revised Code that is passed within one year after a resolution adopted pursuant to that section has been rejected or repealed by the electors, requesting that the resolution be submitted to the electors of the county for their approval or rejection, the county auditor shall, after ten days following the filing of the petition, and not later than four p.m. of the ninetieth day before the day of election, transmit a certified copy of the text of the resolution or rule to the board of elections. In the case of a petition requesting that a resolution adopted under division (D)(1) of section 307.697, division (B)(1) of section 4301.421, or division (C)(1) of section 5743.024 of the Revised Code be submitted to electors for their approval or rejection, the petition shall be signed by seven per cent of the number of electors who voted for governor at the most recent election for the office of governor in the county. The county auditor shall transmit the petition to the board together with the certified copy of the resolution or rule. The board shall examine all signatures on the petition to determine the number of electors of the county who signed the petition. The board shall return the petition to the auditor within ten days after receiving it, together with a statement attesting to the number of such electors who signed the petition. The board shall submit the resolution or rule to the electors of the county, for their approval or rejection, at the succeeding general election held in the county in any year, or on the day of the succeeding primary election held in the county in even-numbered years, occurring subsequent to ninety days after the auditor certifies the sufficiency



and validity of the petition to the board of elections.

No resolution shall go into effect until approved by the majority of those voting upon it. However, a rule shall take effect and remain in effect unless and until a majority of the electors voting on the question of repeal approve the repeal. Sections 305.31 to 305.41 of the Revised Code do not prevent a county, after the passage of any resolution or adoption of any rule, from proceeding at once to give any notice or make any publication required by the resolution or rule.

The board of county commissioners shall make available to any person, upon request, a certified copy of any resolution or rule subject to the procedure for submitting a referendum under sections 305.31 to 305.42 of the Revised Code beginning on the date the resolution or rule is adopted by the board. The board may charge a fee for the cost of copying the resolution or rule.

As used in this section, "certified copy" means a copy containing a written statement attesting that it is a true and exact reproduction of the original resolution or rule.

Sec. 305.42. Sections 305.32 to 305.41 and 305.99 of the Revised Code apply to petitions authorized by sections 307.791, 322.021, ~~324.021~~, 4504.021, and 5739.022 of the Revised Code.

Sec. 323.47. (A) If land held by tenants in common is sold upon proceedings in partition, or taken by the election of any of the parties to such proceedings, or real estate is sold by administrators, executors, guardians, or trustees, the court shall order that the taxes, penalties, and assessments then due and payable, and interest on those taxes, penalties, and assessments, that are or will be a lien on such land or real estate ~~at the time the deed is transferred following~~ as of the date of the sale or election, be discharged out of the proceeds of such sale or election, but only to the extent of those proceeds. For purposes of determining such amount, the county treasurer ~~shall~~ may estimate the amount of taxes, assessments, interest, and penalties that will be payable ~~at as of the time the deed of the property is transferred to date of the purchaser sale or election~~. If the county treasurer's estimate exceeds the amount of taxes, assessments, interest, and penalties actually payable ~~when the deed is transferred to the purchaser, the officer who conducted the sale shall~~ as of that date, the plaintiff in the action resulting in a sale or election, may request that the county treasurer refund that excess to holders of the purchaser the difference between the estimate and the amount actually payable next lien interests according to the confirmation of sale or election or, if all liens are satisfied, that the treasurer remit that excess to the court for distribution. If the amount of taxes, assessments, interest, and

penalties actually payable ~~when the deed is transferred to the purchaser at the time of the sale or election~~ exceeds the county treasurer's estimate, ~~or the proceeds are insufficient to satisfy that estimate,~~ the officer ~~who conducted the sale~~ shall certify the amount of the excess to the treasurer, who shall enter that amount on the real and public utility property tax duplicate opposite the property; the amount of the excess shall be payable at the next succeeding date prescribed for payment of taxes in section 323.12 of the Revised Code.

If the plaintiff in an action that results in a sale or election in accordance with this division is the land's or real estate's purchaser or electing party, the officer who conducted the sale shall not deduct the taxes, assessments, interest, and penalties, the lien for which attaches before the date of sale or election but that are not yet determined, assessed, and levied from the proceeds of the sale or election, unless such deduction is approved by that purchaser or electing party. The officer shall certify any such amount not paid from the proceeds to the county treasurer, who shall enter that amount on the real and public utility property tax duplicate opposite the property; this amount shall be payable at the next succeeding date prescribed for payment of taxes in section 323.12 of the Revised Code.

Taxes, assessments, interest, and penalties that are not paid on the date of that sale or election, including any amount that becomes due and payable after the date of the sale or election or that remains unpaid because proceeds of a sale or election are insufficient to pay those amounts, continue to be a lien on the property as provided under section 323.11 of the Revised Code.

(B)(1) Except as provided in division (B)(3) of this section, if real estate is sold at judicial sale, the court shall order that the total of the following amounts shall be discharged out of the proceeds of the sale but only to the extent of such proceeds:

(a) ~~Taxes and, assessments, interest, and penalties, the lien for which attaches before the confirmation date of sale but that are not yet determined, assessed, and levied for the year in which confirmation occurs that includes the date of sale, apportioned pro rata to the part of that year that precedes confirmation, and any penalties and interest on those taxes and assessments the date of sale;~~

(b) All other taxes, assessments, penalties, and interest the lien for which attached for a prior tax year but that have not been paid on or before the date of ~~confirmation sale~~.

(2) ~~Upon the request of the officer who conducted the sale, the~~ The county treasurer shall may estimate the amount in division (B)(1)(a) of this section before the confirmation of sale or an amended entry confirming the

sale is filed. If the county treasurer's estimate exceeds that the amount in division (B)(1)(a) of this section, the officer who conducted the sale shall plaintiff may request that the county treasurer refund that excess to holders of the purchaser the difference between the estimate and the actual amount next lien interests according to the confirmation of sale or, if all liens are satisfied, that the treasurer remit that excess to the court for distribution. If the actual amount exceeds the county treasurer's estimate, the officer shall certify the amount of the excess to the treasurer, who shall enter that amount on the real and public utility property tax duplicate opposite the property; the amount of the excess shall be payable at the next succeeding date prescribed for payment of taxes in section 323.12 of the Revised Code.

If the plaintiff in an action that results in a sale in accordance with division (B) of this section is the real estate's purchaser, the officer who conducted the sale shall not deduct the taxes, assessments, interest, and penalties, the lien for which attaches before the date of sale but that are not yet determined, assessed, and levied from the proceeds of the sale or election, unless such deduction is approved by that purchaser. The officer shall certify any such amount not paid from the proceeds to the county treasurer, who shall enter that amount on the real and public utility property tax duplicate opposite the property; this amount shall be payable at the next succeeding date prescribed for payment of taxes in section 323.12 of the Revised Code.

Taxes, assessments, interest, and penalties that are not paid on the date of that sale, including any amount that becomes due and payable after the date of the sale, continue to be a lien on the property as provided under section 323.11 of the Revised Code.

(3) The amounts described in division (B)(1) of this section shall not be discharged out of the proceeds of a judicial sale, but shall instead be deemed to be satisfied and extinguished upon confirmation of sale, if both of the following conditions apply:

(a) The real estate is sold pursuant to a foreclosure proceeding other than a tax foreclosure proceeding initiated by the county treasurer under section 323.25, sections 323.65 to 323.79, or Chapter 5721. of the Revised Code.

(b) A county land reutilization corporation organized under Chapter 1724. of the Revised Code is both the purchaser of the real estate and the judgment creditor or assignee of all rights, title, and interest in the judgment arising from the foreclosure proceeding.

Sec. 323.73. (A) Except as provided in division (G) of this section or section 323.78 of the Revised Code, a parcel of abandoned land that is to be

disposed of under this section shall be disposed of at a public auction scheduled and conducted as described in this section. At least twenty-one days prior to the date of the public auction, the clerk of court or sheriff of the county shall advertise the public auction in a newspaper of general circulation that meets the requirements of section 7.12 of the Revised Code in the county in which the land is located. The advertisement shall include the date, time, and place of the auction, the permanent parcel number of the land if a permanent parcel number system is in effect in the county as provided in section 319.28 of the Revised Code or, if a permanent parcel number system is not in effect, any other means of identifying the parcel, and a notice stating that the abandoned land is to be sold subject to the terms of sections 323.65 to 323.79 of the Revised Code.

(B) The sheriff of the county or a designee of the sheriff shall conduct the public auction at which the abandoned land will be offered for sale. To qualify as a bidder, a person shall file with the sheriff on a form provided by the sheriff a written acknowledgment that the abandoned land being offered for sale is to be conveyed in fee simple to the successful bidder. At the auction, the sheriff of the county or a designee of the sheriff shall begin the bidding at an amount equal to the total of the impositions against the abandoned land, plus the costs apportioned to the land under section 323.75 of the Revised Code. The abandoned land shall be sold to the highest bidder. The county sheriff or designee may reject any and all bids not meeting the minimum bid requirements specified in this division.

(C) Except as otherwise permitted under section 323.74 of the Revised Code, the successful bidder at a public auction conducted under this section shall pay the sheriff of the county or a designee of the sheriff a deposit of at least ten per cent of the purchase price in cash, or by bank draft or official bank check, at the time of the public auction, and shall pay the balance of the purchase price within thirty days after the day on which the auction was held. At the time of the public auction and before the successful bidder pays the deposit, the sheriff or a designee of the sheriff may provide notice to the successful bidder that failure to pay the balance of the purchase price within the prescribed period shall be considered a default under the terms of the sale and shall result in retention of the deposit as payment for the costs associated with advertising and offering the abandoned land for sale at a future public auction. If such a notice is provided to the successful bidder and the bidder fails to pay the balance of the purchase price within the prescribed period, the sale shall be deemed rejected by the county board of revision due to default, and the sheriff shall retain the full amount of the deposit. In such a case, rejection of the sale shall occur automatically

without any action necessary on the part of the sheriff, county prosecuting attorney, or board. If the amount retained by the sheriff is less than the total costs of advertising and offering the abandoned land for sale at a future public auction, the sheriff or county prosecuting attorney may initiate an action to recover the amount of any deficiency from the bidder in the court of common pleas of the county or in a municipal court with jurisdiction.

Following a default and rejection of sale under this division, the abandoned land involved in the rejected sale shall be disposed of in accordance with sections 323.65 to 323.79 of the Revised Code or as otherwise prescribed by law. The defaulting bidder, any member of the bidder's immediate family, any person with a power of attorney granted by the bidder, and any pass-through entity, trust, corporation, association, or other entity directly or indirectly owned or controlled by the bidder or a member of the defaulting bidder's immediate family shall be prohibited from bidding on the abandoned land at any future public auction for five years from the date of the bidder's default.

Notwithstanding section 321.261 of the Revised Code, with respect to any proceedings initiated pursuant to sections 323.65 to 323.79 of the Revised Code, from the total proceeds arising from the sale, transfer, or redemption of abandoned land, twenty per cent of such proceeds shall be deposited to the credit of the county treasurer's delinquent tax and assessment collection fund to reimburse the fund for costs paid from the fund for the transfer, redemption, or sale of abandoned land at public auction. Not more than one-half of the twenty per cent may be used by the treasurer for community development, nuisance abatement, foreclosure prevention, demolition, and related services or distributed by the treasurer to a land reutilization corporation. The balance of the proceeds, if any, shall be distributed to the appropriate political subdivisions and other taxing units in proportion to their respective claims for taxes, assessments, interest, and penalties on the land. Upon the sale of foreclosed lands, the clerk of court shall hold any surplus proceeds in excess of the impositions until the clerk receives an order of priority and amount of distribution of the surplus that are adjudicated by a court of competent jurisdiction or receives a certified copy of an agreement between the parties entitled to a share of the surplus providing for the priority and distribution of the surplus. Any party to the action claiming a right to distribution of surplus shall have a separate cause of action in the county or municipal court of the jurisdiction in which the land reposes, provided the board confirms the transfer or regularity of the sale. Any dispute over the distribution of the surplus shall not affect or revive the equity of redemption after the board confirms the transfer or sale.

(D) Upon the confirmation of sale or transfer of abandoned land pursuant to this section, the owner's fee simple interest in the land shall be conveyed to the purchaser. A conveyance under this division is free and clear of any liens and encumbrances of the parties named in the complaint for foreclosure attaching before the sale or transfer, and free and clear of any liens for taxes, except for federal tax liens and covenants and easements of record attaching before the sale.

(E) The county board of revision shall reject the sale of abandoned land to any person if it is shown by a preponderance of the evidence that the person is delinquent in the payment of taxes levied by or pursuant to Chapter 307., 322., ~~324.~~, 5737., 5739., 5741., or 5743. of the Revised Code or any real property taxing provision of the Revised Code. The board also shall reject the sale of abandoned land to any person if it is shown by a preponderance of the evidence that the person is delinquent in the payment of property taxes on any parcel in the county, or to a member of any of the following classes of parties connected to that person:

- (1) A member of that person's immediate family;
- (2) Any other person with a power of attorney appointed by that person;
- (3) A sole proprietorship owned by that person or a member of that person's immediate family;
- (4) A partnership, trust, business trust, corporation, association, or other entity in which that person or a member of that person's immediate family owns or controls directly or indirectly any beneficial or legal interest.

(F) If the purchase of abandoned land sold pursuant to this section or section 323.74 of the Revised Code is for less than the sum of the impositions against the abandoned land and the costs apportioned to the land under division (A) of section 323.75 of the Revised Code, then, upon the sale or transfer, all liens for taxes due at the time the deed of the property is conveyed to the purchaser following the sale or transfer, and liens subordinate to liens for taxes, shall be deemed satisfied and discharged.

(G) If the county board of revision finds that the total of the impositions against the abandoned land are greater than the fair market value of the abandoned land as determined by the auditor's then-current valuation of that land, the board, at any final hearing under section 323.70 of the Revised Code, may order the property foreclosed and, without an appraisal or public auction, order the sheriff to execute a deed to the certificate holder or county land reutilization corporation that filed a complaint under section 323.69 of the Revised Code, or to a community development organization, school district, municipal corporation, county, or township, whichever is applicable, as provided in section 323.74 of the Revised Code. Upon a

transfer under this division, all liens for taxes due at the time the deed of the property is transferred to the certificate holder, community development organization, school district, municipal corporation, county, or township following the conveyance, and liens subordinate to liens for taxes, shall be deemed satisfied and discharged.

Sec. 1303.38. (A) A person not in possession of an instrument is entitled to enforce the instrument if all of the following apply:

(1) The person seeking to enforce the instrument was ~~is~~ entitled to enforce the instrument when loss of possession occurred or has directly or indirectly acquired ownership of the instrument and from a person who was entitled to enforce it the instrument when loss of possession occurred.

(2) The loss of possession was not the result of a transfer by the person or a lawful seizure.

(3) The person cannot reasonably obtain ~~possession~~ possession of the instrument because the instrument was destroyed, its whereabouts cannot be determined, or it is in the wrongful possession of an unknown person or a person that cannot be found or is not amenable to service of process.

(B) A person seeking enforcement of an instrument under division (A) of this section must prove the terms of the instrument and the person's right to enforce the instrument. If that proof is made, divisions (A) and (B) of section 1303.36 of the Revised Code applies to the case as if the person seeking enforcement had produced the instrument. The court may not enter judgment in favor of the person seeking enforcement unless it finds that the person required to pay the instrument is adequately protected against loss that might occur by reason of a claim by another person to enforce the instrument. Adequate protection for the person required to pay the instrument may be provided by any reasonable means.

Sec. 2303.26. The clerk of the court of common pleas shall exercise the powers conferred and perform the duties enjoined upon ~~him~~ the clerk by statute and by the common law; and in the performance of ~~his~~ official duties ~~he~~ the clerk shall be under the direction of ~~his~~ the court. The clerk shall not restrict, prohibit, or otherwise modify the rights of parties to seek service on party defendants allowed by the Rules of Civil Procedure, either singularly or concurrently.

Sec. 2308.01. As used in this chapter:

(A) "Manufactured home" has the same meaning as in section 3781.06 of the Revised Code.

(B) "Mobile home" has the same meaning as in section 4501.01 of the Revised Code.

(C) "Residential condominium unit" means a "residential unit" as

defined in section 5311.01 of the Revised Code.

(D) "Residential mortgage loan" means a loan or agreement to extend credit, including the renewal, refinancing, or modification of such a loan or agreement, that is made to a person and that is primarily secured by a mortgage, deed of trust, or other lien upon any interest in residential property or any certification of stock or other evidence of ownership in, and a proprietary lease from, a corporation or partnership formed for the purpose of cooperative ownership of residential property.

(E) "Residential property" means real property located within this state consisting of land and a structure on that land containing four or fewer dwelling units, each of which is intended for occupancy by a separate household. "Residential property" includes a residential condominium unit, notwithstanding the number of units in the structure, but includes a manufactured or mobile home only if it is taxed as real property.

Sec. 2308.02. (A) A mortgagee who files a foreclosure action on a residential property may file a motion with the court to proceed in an expedited manner under this section on the basis that the property is vacant and abandoned. In order to proceed in an expedited manner, upon the filing of such motion, the mortgagee must be a person entitled to enforce the instrument secured by the mortgage under division (A)(1) or (2) of section 1303.31 of the Revised Code or a person with the right to enforce the obligation secured by the mortgage pursuant to law outside of Chapter 1303. of the Revised Code.

(B) If a motion to proceed in an expedited manner is filed before the last answer period has expired, the court shall decide the motion not later than twenty-one days, or within the time consistent with the local rules, after the last answer period has expired. If a motion to proceed in an expedited manner is filed after the last answer period has expired, the court shall decide the motion not later than twenty-one days, or within the time consistent with local rules, after the motion is filed.

(C) In deciding the motion to proceed in an expedited manner, the court shall deem the property to be vacant and abandoned if all of the following apply:

(1) The court finds by a preponderance of the evidence that the residential mortgage loan is in monetary default.

(2) The court finds by a preponderance of the evidence that the mortgagee is a person entitled to enforce the instrument secured by the mortgage under division (A)(1) or (2) of section 1303.31 of the Revised Code or a person with the right to enforce the obligation secured by the mortgage pursuant to law outside of Chapter 1303. of the Revised Code.



(3) The court finds by clear and convincing evidence that at least three of the following factors are true:

(a) Gas, electric, sewer, or water utility services to the property have been disconnected.

(b) Windows or entrances to the property are boarded up or closed off, or multiple window panes are broken and unrepaired.

(c) Doors on the property are smashed through, broken off, unhinged, or continuously unlocked.

(d) Junk, litter, trash, debris, or hazardous, noxious, or unhealthy substances or materials have accumulated on the property.

(e) Furnishings, window treatments, or personal items are absent from the structure on the land.

(f) The property is the object of vandalism, loitering, or criminal conduct, or there has been physical destruction or deterioration of the property.

(g) A mortgagor has made a written statement expressing the intention of all mortgagors to abandon the property.

(h) Neither an owner nor a tenant appears to be residing in the property at the time of an inspection of the property by the appropriate official of a county, municipal corporation, or township in which the property is located or by the mortgagee.

(i) The appropriate official of a county, municipal corporation, or township in which the property is located provides a written statement or statements indicating that the structure on the land is vacant and abandoned.

(j) The property is sealed because, immediately prior to being sealed, it was considered by the appropriate official of a county, municipal corporation, or township in which the property is located to be open, vacant, or vandalized.

(k) Other reasonable indicia of abandonment exist.

(4) No mortgagor or other defendant has filed an answer or objection setting forth a defense or objection that, if proven, would preclude the entry of a final judgment and decree of foreclosure.

(5) No mortgagor or other defendant has filed a written statement with the court indicating that the property is not vacant and abandoned.

(6)(a) If a government official has not verified the real property is vacant and abandoned pursuant to division (C)(3)(h), (i), or (j) of this section, but the court makes a preliminary finding that the residential real property is vacant and abandoned pursuant to division (C) of this section, then within seven days of the preliminary finding, the court shall order the appropriate official of a county, municipal corporation, or township in

which the property is located to verify the property is vacant and abandoned.

(b) Any court costs assessed in connection with the inspection conducted pursuant to division (C)(6)(a) of this section shall not be more than fifty dollars.

(D) If the court decides after an oral hearing that the property is vacant and abandoned and that the mortgagee who filed the motion to proceed in an expedited manner is entitled to judgment, the court shall enter a final judgment and decree of foreclosure and order the property to be sold in accordance with division (E) of this section. If the court does not decide that the property is vacant and abandoned, the seventy-five-day deadline established in division (E) of this section shall not apply to the sale of the property.

(E) If the court decides that the property is vacant and abandoned and enters a final judgment and decree of foreclosure under division (D) of this section, the property shall be offered for sale not later than seventy-five days after the issuance of the order of sale. The sale of the property shall be conducted in accordance with the requirements in Chapter 2329. of the Revised Code, including possible postponement of the sale pursuant to division (C) of section 2329.152 of the Revised Code.

(F) Nothing in this section shall supersede or limit other procedures adopted by the court to resolve the residential mortgage loan foreclosure action, including foreclosure mediation.

Sec. 2308.03. (A) Except as otherwise provided in division (B) of this section, if a residential property is found to be vacant and abandoned under section 2308.02 of the Revised Code, a mortgagee on the residential property may enter that property to secure and protect it from damage.

(B) A mortgagee that has not filed a residential mortgage loan foreclosure action on a property for which the mortgagee holds a mortgage may enter and secure that property only if the mortgage contract or other documents provide for such an entry.

(C) The equitable and statutory rights to redemption of a mortgage on a property found to be vacant and abandoned pursuant to section 2308.02 of the Revised Code expire upon the confirmation of sale of the property.

Sec. 2308.04. (A) A person is guilty of criminal mischief in violation of division (A)(1) of section 2909.07 of the Revised Code if all of the following apply:

(1) The person knowingly and with purpose to diminish the value or enjoyment of the residential real property moves, defaces, damages, destroys, or otherwise improperly tampers with the person's own residential real property.

(2) The residential real property is subject to a mortgage.

(3) The person has been served with a summons and complaint in a pending residential mortgage loan foreclosure action relating to that residential real property.

(B) As used in this section, "pending" includes the time between the filing of the foreclosure action and confirmation of sale.

Sec. 2327.01. (A) As used in this chapter, "private selling officer" has the same meaning as in section 2329.01 of the Revised Code.

(B)(1) An execution is a process of a court, issued by its clerk, the court itself, or the county board of revision with jurisdiction pursuant to section 323.66 of the Revised Code, and directed to the sheriff of the county.  
Executions

(2) An execution includes a process of a court, issued by its clerk or the court itself, and directed to a private selling officer authorized in accordance with section 2329.151, 2329.152, or 5721.39 of the Revised Code.

(3) Executions may be issued to the sheriffs of different counties or different private selling officers at the same time.

Sec. 2327.02. (A) Executions are of three kinds:

(1) Against the property of the judgment debtor, including orders of sale or orders to transfer property pursuant to sections 323.28, 323.65 to 323.78, and 5721.19 of the Revised Code;

(2) Against the person of the judgment debtor;

(3) For the delivery of the possession of real property, including real property sold under orders of sale or transferred under orders to transfer property pursuant to sections 323.28, 323.65 to 323.78, and 5721.19 of the Revised Code.

(B) The writ shall contain a specific description of the property, and a command to the sheriff or private selling officer to deliver it to the person entitled to the property. It also may require the sheriff to make the damages recovered for withholding the possession and costs, or costs alone, out of the property of the person who so withholds it.

(C) In the case of foreclosures of real property, including foreclosures for taxes, mortgages, judgment liens, and other valid liens, the description of the property, the order of sale, order to transfer, and any deed or deed forms may be prepared, adopted, and otherwise approved in advance by the court having jurisdiction or the county board of revision with jurisdiction pursuant to section 323.66 of the Revised Code, directly commanding the sheriff or the private selling officer to sell, convey, or deliver possession of the property as commanded in that order. In those cases, the clerk shall journalize the order and deliver that writ or order to the sheriff or private

selling officer for execution. If the property is sold under an order of sale or transferred under an order to transfer, the officer who conducted the sale or made the transfer of the property shall collect the recording fee and any associated costs to cover the recording from the purchaser or transferee at the time of the sale or transfer and, following confirmation of the sale or transfer and the payment of the balance due on the purchase price of the property, shall execute and record the deed conveying title to the property to the purchaser or transferee. For purposes of recording that deed, by placement of a bid or making a statement of interest by any party ultimately awarded the property, the purchaser or transferee thereby appoints the officer who makes the sale or is charged with executing and delivering the deed as agent for that purchaser or transferee for the sole purpose of accepting delivery of the deed.

Sec. 2327.04. When, in the exercise of its authority, a court orders the deposit or delivery of money or other thing, and the order is disobeyed, besides punishing the disobedience as for a contempt, the court may make an order requiring the sheriff or private selling officer to take the money or thing and deposit or deliver it in conformity with the court's direction.

Sec. 2329.01. (A) Lands and tenements, including vested legal interests therein, permanent leasehold estates renewable forever, and goods and chattels, not exempt by law, shall be subject to the payment of debts, and liable to be taken on execution and sold as provided in sections 2329.02 to 2329.61, inclusive, of the Revised Code.

(B) As used in sections 2329.02 to 2329.61 of the Revised Code:

(1) "Commercial property" means any property that is not residential property.

(2) "Private selling officer" means a resident of this state licensed as both an auctioneer under Chapter 4707. of the Revised Code and as a real estate broker or real estate salesperson under Chapter 4735. of the Revised Code.

(3) "Residential mortgage loan" and "residential property" have the same meanings as in section 2308.01 of the Revised Code.

Sec. 2329.071. (A) If a decree of foreclosure has been entered with respect to residential real property but the property has not been sold or a sale of the property is not underway, then, beginning twelve months after the entry of the decree of foreclosure, either of the following may occur:

(1) The local political subdivision may request, by motion or resolution, or by other means, that the county prosecuting attorney file a motion with the court for the sale of the property.

(2) Upon receiving such a request, or upon the prosecuting attorney's

own motion, the prosecuting attorney of the county in which the action was filed may file a motion with the court for authorization to sell the property in the same manner as if the prosecuting attorney were the attorney for the party in whose favor the decree of foreclosure and order of sale was entered.

(B)(1) The prosecuting attorney, pursuant to division (A) of this section, shall serve a copy of the motion on all parties who entered an appearance in the foreclosure action in accordance with the Rules of Civil Procedure.

(2) The court shall decide the motion described in division (A) of this section not sooner than thirty days after the date of the filing of the motion. Unless the court finds good cause as to why the property should not be sold, the court shall grant the motion and order the prosecuting attorney to issue a praecipe for order of sale and sell the property at the next available public auction with no set minimum bid and in accordance with the terms of the order of sale and applicable provisions of the Revised Code.

(C) The judgment creditor in the foreclosure action has the right to redeem the property within fourteen days after the sale by paying the purchase price. The judgment creditor shall pay the purchase price to the clerk of the court in which the judgment was rendered or the order of sale was made. Upon timely payment, the court shall proceed as described in section 2329.31 of the Revised Code, with the judgment creditor considered the successful purchaser at sale.

Sec. 2329.151. ~~All~~ Except as provided in sections 2329.152 to 2329.154 of the Revised Code, all public auctions of goods, chattels, or lands levied upon by execution shall be conducted personally by ~~an~~ one of the following:

(A) ~~An~~ officer of the court ~~or by an auctioneer licensed under Chapter 4707. of the Revised Code;~~

(B) For the public auction of goods and chattels, a resident of this state licensed as an auctioneer under Chapter 4707. of the Revised Code;

(C) For the public auction of lands, a private selling officer.

Sec. 2329.152. (A) In every action demanding the judicial or execution sale of real estate, the county sheriff shall sell the real estate at a public auction, unless the judgment creditor files a motion with the court for an order authorizing a specified private selling officer to sell the real estate at a public auction. If the court authorizes a private selling officer to sell the real estate, the judgment creditor may seek to have the property sold by the private selling officer authorized by the court or by the county sheriff. If the judgment creditor elects to have the property sold by the private selling officer authorized by the court, the judgment creditor shall file with the clerk of the court a praecipe requesting the issuance of an order of appraisal to the sheriff and an order of sale to the private selling officer authorized by the

court. Upon the filing of that praecipe, the clerk of the court shall immediately issue both of the following:

(1) An order of appraisal to the sheriff, who shall obtain an appraisal of the real estate in conformity with sections 2329.17 and 2329.18 of the Revised Code;

(2) An order of sale to the private selling officer, who, after the return or determination of the appraisal, shall advertise and sell the real estate in conformity with applicable provisions of sections 2329.01 to 2329.61 of the Revised Code.

(B)(1) As used in this division:

(a) "Business day" means a calendar day that is not a Saturday or Sunday or a legal holiday as defined in section 1.14 of the Revised Code.

(b) "Remote bid" means a bid submitted in writing via facsimile, electronic mail, or overnight delivery or courier.

(2) If the sale of the real estate is conducted at a physical location and not online, then each judgment creditor and lienholder who was a party to the action may submit a remote bid to the sheriff or the private selling officer. Each sheriff and private selling officer shall establish and maintain a facsimile number or an electronic mail address for use by judgment creditors and lienholders in submitting remote bids. Each remote bid shall be of a fixed maximum amount and shall be delivered to the sheriff or private selling officer on or before four-thirty p.m. on the business day immediately preceding the date of the sale.

(3) Before the sale, the sheriff or the private selling officer shall confirm receipt of the remote bid by sending notice of such receipt via facsimile or electronic mail to the judgment creditor or lienholder who submitted the remote bid. During the sale, the sheriff or the private selling officer shall place the remote bid on behalf of the judgment creditor or lienholder who submitted the remote bid. After the sale, the sheriff or the private selling officer shall provide notice of the results of the sale not later than the close of business on the day of the sale to all judgment creditors and lienholders who submitted remote bids. Such notice shall be sent via facsimile or electronic mail to the judgment creditor or lienholder or by posting the results of the sale on a public web site.

(4) If a sheriff or private selling officer fails to place a remote bid on behalf of a judgment creditor or lienholder to the prejudice of the judgment creditor or lienholder, then, upon the filing of a motion to vacate the sale within ten business days after the sale date, the sale shall be vacated.

(C)(1) A judgment creditor that obtains a court order authorizing a specified private selling officer to sell the real estate at a public auction

pursuant to division (A) of this section may instruct the private selling officer to postpone the sale of the real estate one or more times, provided, however that all rescheduled sale dates shall be within one hundred eighty days of the initial sale date. Upon receiving this instruction, the private selling officer shall postpone the sale of the real estate by announcing that the sale is postponed. If the sale is at a physical location, this announcement shall be made at the sale and shall include the date, time, and place of the rescheduled sale of the real estate. If the sale is online, this announcement shall be made on the auction web site and shall include the date of the rescheduled sale of real estate. Each such announcement shall be deemed to meet the notice requirement in section 2329.26 of the Revised Code.

(2) If the judgment creditor does not wish to postpone the sale of the real estate, the judgment creditor may instruct the private selling officer to cancel the sale of the real estate. Upon receiving this instruction, the private selling officer shall cancel the sale of the real estate by announcing that the sale is canceled. If the sale is at a physical location, this announcement shall be made at the sale. If the sale is online, this announcement shall be made on the auction web site and shall remain posted there until at least the end of the seven-day bidding period described in division (E)(1)(a) of section 2329.152 of the Revised Code.

(3) If the sale of the real estate is postponed or canceled as described in divisions (C)(1) and (2) of this section, all bids made on the real estate prior to the postponement or cancellation of the sale shall be void.

(D)(1) If the judgment creditor obtains a court order to have the real estate sold by a private selling officer, then:

(a) The cost of the appraisal required by section 2329.17 of the Revised Code shall be taxed as costs in the case.

(b) The cost of the advertisement required by section 2329.26 of the Revised Code shall be taxed as costs in the case.

(c) The fee charged by the private selling officer and all costs incurred by the private selling officer other than the costs described in divisions (D)(1)(a) and (b) of this section shall be taxed as costs in the case up to an amount equal to one and one-half per cent of the sale price of the real estate. To the extent the fees and costs described in division (D)(1)(c) of this section exceed one and one-half per cent of the sale price of the real estate, they shall not be included in the amount necessary to redeem real estate under section 2329.33 of the Revised Code or in the calculation of any deficiency judgment under section 2329.08 of the Revised Code but rather shall be paid by the judgment creditor or from the judgment creditor's portion of the proceeds of the sale.

(2) The private selling officer shall file with the court that issued the order of sale an itemized report of all appraisal, publication, marketing, and other expenses of a sale conducted under this section and all fees charged by the private selling officer for marketing the real estate or conducting the sale of the real estate, including the fee charged by the title agent or title insurance company for administrative services, if applicable, and title, escrow, and closing services.

(E)(1) The private selling officer who conducts a sale under this section may do any of the following:

(a) Market the real estate and conduct the public auction of the real estate online or at any physical location in the county in which the real estate is situated. If the auction occurs online, the auction shall be open for bidding for a minimum of seven days.

(b) Hire a title insurance agent licensed under Chapter 3953. of the Revised Code or title insurance company authorized to do business under that chapter to assist the private selling officer in performing administrative services;

(c) Execute to the purchaser, or to the purchaser's legal representatives, a deed of conveyance of the real estate sold;

(d) Record on behalf of the purchaser the deed conveying title to the real estate sold, notwithstanding that the deed may not actually have been delivered to the purchaser prior to its recording.

(2) By placing a bid at a sale conducted pursuant to this section, a purchaser appoints the private selling officer who conducts the sale as agent of the purchaser for the sole purpose of accepting delivery of the deed.

(3) The private selling officer who conducts the sale shall hire a title insurance agent licensed under Chapter 3953. of the Revised Code or title insurance company authorized to do business under that chapter to perform title, escrow, and closing services related to the sale of the real estate.

(F) The fee charged by the title agent or title insurance company for services provided under divisions (E)(1)(b) and (3) of this section shall be taxed as costs in the case provided they are reasonable. Fees less than or equal to five hundred dollars are presumed to be reasonable. Fees exceeding five hundred dollars shall be paid only if authorized by a court order.

Sec. 2329.153. (A) Not later than ninety days after the effective date of this section, the department of administrative services shall solicit competitive sealed proposals for the creation, operation, and maintenance of the official public sheriff sale web site and an integrated auction management system. The official public sheriff sale web site and integrated auction management system shall be a single statewide system for use by all



county sheriffs in accordance with the requirements of this section.

(B) The official public sheriff sale web site shall meet the following minimum requirements:

(1) The web site shall have a domain name relevant to the judicial sale of real property.

(2) The web site shall be limited to the judicial sale of real property located in this state.

(3) The web site shall not charge a fee for members of the public to view properties for sale.

(4) The web site shall allow each county sheriff to add text, images, or graphics to the web site for the purpose of identifying the county or sheriff conducting the sale.

(5) The web site shall include industry-standard features and functionality, including user guides, online financial transaction device payments, anti-snipe functionality, watch lists, electronic mail notifications, maximum bid limits, automatic incremental bidding, and search and map features that allow users to search by county, zip code, address, parcel number, appraised value, party name, case number, and other variables relevant to the judicial sale of real property. As used in this section, "financial transaction device" has the same meaning as in section 301.28 of the Revised Code.

(6) The web site shall include features that allow for the cancellation of sales as required by law or court order and the postponement of sales in accordance with divisions (E)(2) and (3) of this section.

(7) The web site shall provide a secure payment processing system that accepts online payments for property sold via the web site and, in an efficient and cost effective manner, transfers those payments to the appropriate county official or account.

(8) The web site shall include the ability for an attorney or law firm to enter a bid in a representative capacity.

(9) The web site shall be integrated with the auction management system described in division (C) of this section.

(C) The auction management system shall meet the following minimum requirements:

(1) The auction management system shall have a role-based workflow engine to assist in conducting sales on the web site, capturing data, complying with all relevant laws, and managing administrative processes related to the judicial sale of real property in a timely, secure, and accurate manner.

(2) The auction management system shall record the data necessary to

meet the reporting requirements of section 2329.312 of the Revised Code.

(3) The auction management system shall be able to generate documents required by the court ordering the sale or related to the judicial sale of real property.

(4) The auction management system shall be able to record fees, costs, deposits, and other money items with the objective of ensuring an accurate accounting of moneys received and disbursed in each judicial sale of real property.

(5) The auction management system shall be integrated with the web site described in division (B) of this section.

(D) The license fee for the creation, operation, and maintenance of the official public sheriff sale web site and integrated auction management system shall be determined using a per-transaction license fee model or a per-use license fee model. The addition of a property to the official public sheriff sale web site or the auction management system shall each be deemed a transaction for purposes of determining the license fee. The license fee applicable to each judicial sale of real property shall be taxed as costs in the case. No additional license fees shall be assessed to the county sheriff.

(E)(1) Not later than one year after the effective date of this section, in all cases in which the sheriff is ordered to conduct a judicial sale of real property, the following shall occur:

(a) For residential property, the sale may be conducted on the official public sheriff sale web site for a five-year period beginning on the date the online system is fully operational. After this five-year period sales shall be conducted on the official public sheriff sale web site.

(b) For commercial property, the sale may be conducted on the official public sheriff sale web site.

All sales conducted on the official public sheriff sale web site shall be open for bidding for at least seven days.

(2) If the sale of the real property is to be conducted on the official public sheriff sale web site, the judgment creditor may instruct the sheriff to postpone the sale of the real property one time for up to one hundred eighty days after the initial sale date. Upon receiving such instruction for postponement, the sheriff shall postpone the sale of the property by announcing on the official public sheriff sale web site that the sale is postponed and giving notice of the rescheduled sale date. This announcement shall be deemed to meet the notice requirement of section 2329.26 of the Revised Code.

(3) If the judgment creditor does not wish to postpone the sale of the

real property, the judgment creditor may instruct the sheriff to cancel the sale of the property. Upon receiving this instruction, the sheriff shall cancel the sale of the property by announcing on the official public sheriff sale web site that the sale is canceled. This announcement shall remain posted on the official public sheriff sale web site until at least the end of the seven-day bidding period described in division (E)(1) of this section.

(4) If the sale of the real property is postponed or canceled according to divisions (E)(2) and (3) of this section, all bids made on the real property prior to the postponement or cancellation of the sale shall be void.

(F) Pursuant to their authority in section 9.482 of the Revised Code, counties may elect to enter into a shared services agreement relating to the judicial sale of real property on the official public sheriff sale web site. The shared services agreement may seek to improve efficiency and reduce costs in the judicial sale of real property by consolidating administrative functions and processes.

Sec. 2329.154. (A) If property is sold online, the sheriff or private selling officer shall require persons seeking to bid to register online with the web site as a condition of being authorized to bid. The registration form shall include information relevant to the objective of enabling the sheriff or private selling officer to identify the bidder, contact the bidder, and complete the sale of the property.

(B) If an attorney or a law firm that represents the plaintiff or a party to the action bids on property in a representative capacity, the attorney or law firm shall register as the representative of the plaintiff or party, either as an individual or entity.

(C)(1) If the person registering to bid is an individual, the information required by division (A) of this section shall include the individual's name, mailing address, which shall not be a post office box address, electronic mail address, telephone number, and, if applicable, financial transaction device information.

(2) If the person registering to bid is an entity, the information required by division (A) of this section shall include the entity's legal name, trade name if different from its legal name, state and date of formation, active status with the office of the secretary of state, mailing address, telephone number, financial transaction device information if applicable, the name of an individual contact person for the entity, and the contact person's title, mailing address, which shall not be a post office box address, electronic mail address, and telephone number.

(D) The registration form on the web site shall require the person registering to bid to state, to the best of the person's knowledge and belief,

that the information provided by the person is true, correct, and complete under penalties of perjury.

(E) The electronic mail address, telephone number, and, if applicable, financial transaction device information required in division (C) of this section are confidential and not public records for purposes of section 149.43 of the Revised Code.

(F) As used in this section, "financial transaction device" has the same meaning as in section 301.28 of the Revised Code.

Sec. 2329.17. (A) ~~When execution is levied upon lands and tenements, the officer who makes the levy shall call an inquest of three disinterested freeholders, who are residents of, and real property owners in, the county where the lands taken in execution are situated, and administer to them an oath impartially to who shall appraise the property so levied upon, upon actual view. They forthwith shall return to such officer, under their hands, an estimate of the real value of the property in money.~~

(B) If the property to be appraised is residential property, the freeholders selected by the sheriff shall return to the sheriff an estimate of the value of the property in money within twenty-one calendar days of the issuance of the order of appraisal by the clerk of the court. If the court has ordered or the clerk of the court has issued an order for a private selling officer to advertise and sell the appraised property, the freeholders selected by the sheriff shall also deliver a copy of their appraisal to the private selling officer contemporaneously with their delivery of their appraisal to the sheriff.

(C) If the freeholders selected by the sheriff under division (B) of this section do not deliver their appraisal within twenty-one calendar days of the issuance of the order of appraisal by the clerk of the court as required by division (B) of this section, then all of the following shall occur:

(1) The cost of the appraisal by the freeholders shall not be payable to the freeholders or taxed as costs in the case.

(2) The appraised value of the property shall be the fair market value of the property as shown on the records of the county auditor, unless, for good cause shown, the court authorizes a separate appraisal of the property.

(3) The advertisement and sale of the property shall proceed immediately in accordance with the order of advertisement and sale issued by the clerk of the court.

If a separate appraisal of the property is obtained, the cost of the appraisal shall be included as an expense of the sale pursuant to division (D) of section 2329.152 of the Revised Code.

(D) If the property to be appraised is commercial property, the

freeholders selected by the sheriff shall return to the sheriff an estimate of the value of the property in money in accordance with the timing or other requirements, if any, that may be established for the sale.

(E) The municipal corporation or township in which the real property is situated may inspect prior to the judicial sale any structures located on lands subject to a writ of execution.

Sec. 2329.18. ~~When an officer receives the return provided for in division (A) of~~ (A) If a court has ordered or the clerk of a court has issued an order for the sheriff to advertise and sell the real estate for which the appraised value has been determined pursuant to section 2329.17 of the Revised Code, the officer forthwith sheriff shall deposit a copy of the appraisal with the clerk of the court from which the writ was issued, and immediately advertise and sell such real estate in conformity with sections 2329.01 to 2329.61 of the Revised Code.

(B) If the court has ordered or the clerk of the court has issued an order for a private selling officer to advertise and sell the real estate for which the appraised value has been determined pursuant to section 2329.17 of the Revised Code, the private selling officer shall immediately advertise and sell the real estate in conformity with sections 2329.01 to 2329.61 of the Revised Code.

Sec. 2329.19. Upon the ~~return~~ determination of the ~~estimate provided for in division (A) of~~ appraised value pursuant to section 2329.17 of the Revised Code, if it appears ~~by the inquisition~~ that two-thirds of the appraised value of the lands and tenements levied upon is sufficient to satisfy the execution, with costs, the judgment on which the execution issued shall not operate as a lien on the residue of the debtor's estate to the prejudice of any other judgment creditor.

Sec. 2329.20. ~~No~~ Except as otherwise provided in this section or sections 2329.51 and 2329.52 of the Revised Code, no tract of land shall be sold for less than two-thirds the amount of the appraised value ~~returned in the inquest required by~~ as determined pursuant to section 2329.17 of the Revised Code; ~~except that in~~. In all cases ~~where in which~~ a junior mortgage or other junior lien is sought to be enforced against real estate by an order, judgment, or decree of court, subject to a prior lien thereon, and such prior lien, and the claims or obligations secured thereby, are unaffected by such order, judgment, or decree, the court making such order, judgment, or decree, may determine the minimum amount for which such real estate may be sold; In such a case, the minimum amount ~~to~~ shall be not less than two-thirds of the difference between the appraised value of the real estate ~~appraised as provided~~ determined in ~~such~~ that section, and the amount

remaining unpaid on the claims or obligations secured by such prior lien.

Sec. 2329.21. If the sum bid by the purchaser for the real estate sold under section 2329.20 of the Revised Code relating to the enforcement of junior liens is insufficient to pay the costs ~~and allowance, allowances, and taxes,~~ which the court has determined prior to such sale should be paid out of the proceeds thereof, pursuant to the terms of the mortgage or lien sought to be enforced, then the purchaser, in addition to the amount of ~~his~~ the purchaser's bid, must pay a sum which, with the amount so bid will be sufficient to pay the costs ~~and, allowances, and taxes.~~ The court may fix the amount remaining unpaid on such claims or obligations for the purpose of the sale, and to that end require the parties to the suit to furnish to it satisfactory evidence of such unpaid amount. The advertisement for the sale of real estate sold under section 2329.20 of the Revised Code shall state that the purchaser shall be responsible for those costs, allowances, and taxes that the proceeds of the sale are insufficient to cover.

Sec. 2329.211. (A) In every action demanding the judicial or execution sale of residential property, if the judgment creditor is the purchaser at the sale, the purchaser shall not be required to make a sale deposit. All other purchasers shall make a sale deposit as follows:

(1) If the appraised value of the residential property is less than or equal to ten thousand dollars, the deposit shall be two thousand dollars.

(2) If the appraised value of the residential property is greater than ten thousand dollars but less than or equal to two hundred thousand dollars, the deposit shall be five thousand dollars.

(3) If the appraised value of the residential property is greater than two hundred thousand dollars, the deposit shall be ten thousand dollars.

The timing of the deposit and other payment requirements shall be established by the court or the person conducting the sale and included in the advertisement of the sale. If the purchaser fails to meet the timing or other requirements of the deposit, the sale shall be invalid.

(B) In every action demanding the judicial or execution sale of commercial property, the purchaser at the sale shall make a deposit pursuant to the requirements, if any, established for the sale.

Sec. 2329.26. (A) Lands and tenements taken in execution shall not be sold until all of the following occur:

(1)(a) Except as otherwise provided in division (A)(1)(b) of this section, the judgment creditor who seeks the sale of the lands and tenements or the judgment creditor's attorney does both of the following:

(i) Causes a written notice ~~of the date, time, and place of the sale~~ to be served in accordance with divisions (A) and (B) of Civil Rule 5 upon the

judgment debtor and upon each other party to the action in which the judgment giving rise to the execution was rendered; Such notice shall include the date, time, and place of the sale if the sale is to be held at a physical location or the start date and web site address of the sale if the sale is to be held online. Such notice shall also include the provisional second sale date described in division (B) of section 2329.52 of the Revised Code, if applicable.

(ii) At least seven calendar days prior to the date of the sale, files with the clerk of the court that rendered the judgment giving rise to the execution a copy of the written notice described in division (A)(1)(a)(i) of this section with proof of service endorsed on the copy in the form described in division ~~(D)~~(B) of Civil Rule 5.

(b) Service of the written notice described in division (A)(1)(a)(i) of this section is not required to be made upon any party who is in default for failure to appear in the action in which the judgment giving rise to the execution was rendered.

(2) One of the following applies:

(a) The officer taking the lands and tenements gives public notice of the date, time, and place of the sale once a week for at least three consecutive weeks before the day of sale if the sale is to be held at a physical location or the start date of the sale if the sale is to be conducted online.

Such notice shall be by advertisement in a newspaper of general circulation in the county. The newspaper shall meet the requirements of section 7.12 of the Revised Code. The court ordering the sale may designate in the order of sale the newspaper in which this public notice shall be published.

The notice shall include all the following information:

(i) The date, time, and place of the sale if the sale is to be held at a physical location;

(ii) The start date, the minimum duration, and web site address of the sale if the sale is to be held online;

(iii) The deposit required by section 2329.211 of the Revised Code;

(iv) That the purchaser shall be responsible for those costs, allowances, and taxes that the proceeds of the sale are insufficient to cover;

(v) The provisional second sale date described in division (B) of section 2329.52 of the Revised Code, if applicable; provided, however, that no sale shall be invalid, nor shall the court vacate any sale, if the notice described in division (A)(1)(a)(i) of this section or the public notice described in division (A)(2) of this section fails to include the provisional date for a second sale of the property and the property is sold on the initial sale date.

(b) If a private selling officer has been ordered to sell the lands and tenements, the private selling officer shall give the public notice described in division (A)(2)(a) of this section in the newspaper designated by the court. If the court has not designated a newspaper, the private selling officer shall give this public notice in the newspaper customarily used or designated by the county sheriff. No sale that otherwise complies with division (A)(2) of this section shall be invalid.

~~(B)~~ The officer taking the lands and tenements shall collect the purchaser's information required by section 2329.271 of the Revised Code.

~~(C)~~ A sale of lands and tenements taken in execution may be set aside in accordance with division (A) or (B) of section 2329.27 of the Revised Code.

Sec. 2329.271. (A)(1) Subject to division (A)(2) of this section, the purchaser of lands and tenements taken in execution shall submit to the officer who makes the sale the following information:

~~The~~ (i) If the purchaser is an individual, the information shall include the individual's name, mailing address, and which shall not be a post office box, electronic mail address, telephone number, and financial transaction device information of the purchaser;

(ii) If the purchaser is an entity, the information shall include the entity's legal name, trade name if different from its legal name, state and date of formation, active status with the office of the secretary of state, mailing address, telephone number, financial transaction device information, the name of an individual contact person for the entity, and the contact person's title, mailing address, which shall not be a post office box, electronic mail address, and telephone number.

(b) An attorney or a law firm that represents a purchaser may submit the information required under division (A)(1)(a) of this section in a representative capacity, either as an individual or entity.

(c) If the lands and tenements taken in execution are residential rental property and the residential rental property is purchased by a trust, business trust, estate, partnership, limited partnership, limited liability company, association, corporation, or any other business entity, the name, address, and telephone number of the following with the provision that the purchaser be readily accessible through the identified contact person:

(i) A trustee, in the case of a trust or business trust;

(ii) The executor or administrator, in the case of an estate;

(iii) A general partner, in the case of a partnership or a limited partnership;

(iv) A member, manager, or officer, in the case of a limited liability



company;

(v) An associate, in the case of an association;

(vi) An officer, in the case of a corporation;

(vii) A member, manager, or officer, in the case of any other business entity.

~~(e)~~(d) A statement indicating whether the purchaser will occupy the lands and tenements.

(2) If the lands and tenements taken in execution are not residential rental property and the purchaser of those lands and tenements is a corporation, partnership, association, estate, trust, or other business organization the only place of business of which is in the county in which the real property is located, the information required by divisions (A)(1)(a) and ~~(e)~~(d) of this section shall be the contact information for the office of an employee of the purchasing entity that is located in that county and that the purchasing entity has designated to receive notices or inquiries about the property. If the purchasing entity has a place of business outside the county in which the real property is located and the purchasing entity's principal place of business is located in this state, the information required by divisions (A)(1)(a) and ~~(e)~~(d) of this section shall be the contact information for the office of an employee of the purchasing entity that is located in this state and that the purchasing entity has designated to receive notices or inquiries about the property. If the purchasing entity's principal place of business is not located in this state, the information required by divisions (A)(1)(a) and ~~(e)~~(d) of this section shall be the contact information for a natural person who is employed by the purchasing entity at the purchasing entity's principal place of business outside of this state and whom the purchasing entity has designated to receive notices or inquiries about the property.

~~(B)(1)~~ The information required by division (A) of this section shall be part of ~~the sheriff's record of proceedings and shall be part of~~ the record of the court of common pleas. The If the court has ordered or the clerk of the court has issued an order for the sheriff to advertise and sell the lands and tenements, the information also shall be part of the sheriff's record of proceedings. Except as provided in division (B)(2) of this section, the information is a public record and open to public inspection.

(2) The electronic mail address, telephone number, and financial transaction device information required in division (A)(1) of this section are confidential and not public records for purposes of section 149.43 of the Revised Code.

(C) As used in this section, "financial transaction device" has the same

meaning as in section 301.28 of the Revised Code.

Sec. 2329.28. The ~~sheriff~~ levying officer shall indorse on the writ of execution ~~his~~ the officer's proceedings thereon, and the clerk of the court of common pleas, upon the return thereof, immediately shall record all such indorsements at length, in the execution docket, or other docket provided for that purpose. That record shall be a part of the record of the court of common pleas.

Sec. 2329.30. The court from which an execution or order of sale issues, upon notice and motion of the officer who makes the sale or of an interested party, may punish any purchaser of lands and tenements who fails to pay within thirty days of the confirmation of the sale the balance due on the purchase price of the lands and tenements by forfeiting the sale of the lands and tenements and returning any deposit paid in connection with the sale of the lands and tenements, by forfeiting any deposit paid in connection with the sale of the lands and tenements, as for contempt, or in any other manner the court considers appropriate. Upon motion, the court may order the return of any remaining portion of the deposit of the purchaser, less the costs of a subsequent sale and any other remedy the court considers appropriate. An order for contempt for failure of the purchaser to pay voids the confirmation of sale and transfer.

Sec. 2329.31. (A) Upon the return of any writ of execution for the satisfaction of which lands and tenements have been sold, on careful examination of the proceedings of the officer making the sale, if the court of common pleas finds that the sale was made, in all respects, in conformity with sections 2329.01 to 2329.61 of the Revised Code, it shall, within thirty days of the return of the writ, direct the clerk of the court of common pleas to make an entry on the journal that the court is satisfied of the legality of such sale ~~and that the attorney who filed the writ of execution make to the purchaser a deed for the lands and tenements.~~ Nothing in this section prevents the court of common pleas from staying the confirmation of the sale to permit a property owner time to redeem the property or for any other reason that it determines is appropriate. In those instances, the sale shall be confirmed within thirty days after the termination of any stay of confirmation.

(B) The officer making the sale shall require the purchaser, including a lienholder, to pay within thirty days of the confirmation of the sale the balance due on the purchase price of the lands and tenements.

(C)(1) The officer making the sale shall record the prepared deed required by section 2329.36 of the Revised Code within fourteen days after the confirmation of sale and payment of the balance due.

(2)(a) If the deed is not prepared and recorded within the fourteen-day period, the purchaser may file a motion with the court to proceed with the transfer of title. If the court finds that a proper sale was made, it shall enter an order transferring the title of the lands and tenements to the purchaser, ordering the plaintiff to present a certified copy of the order to the county recorder for recording, and ordering the county recorder to record the order in the record of deeds. The order, when filed with the county recorder, shall have the same effect as a deed prepared pursuant to section 2329.36 of the Revised Code.

(b) Upon the issuance of the court order described in division (C)(2)(a) of this section, the plaintiff, or the plaintiff's attorney, shall present a certified copy of the order to be recorded in the office of the county recorder. The county recorder shall record the order in the record of deeds.

(c) The clerk shall issue a copy of the court order to the county auditor to transfer record ownership of the lands and tenements for the purpose of real estate taxes. Real estate taxes coming due after the date of the sale shall not prohibit the auditor from transferring ownership of the lands and tenements on its records or cause the recorder to deny recording. The real estate taxes shall become the responsibility of the new title holder of the lands and tenements. The sheriff shall not require the confirmation of sale to be amended for taxes not due and payable as of the date of the sale.

Sec. 2329.311. In sales of residential properties taken in execution or order of sale that are sold at an auction with no set minimum bid pursuant to division (B) of section 2329.52 of the Revised Code, the judgment creditor and the first lienholder each have the right to redeem the property within fourteen days after the sale by paying the purchase price. The redeeming party shall pay the purchase price to the clerk of the court in which the judgment was rendered or the order of sale was made. Upon timely payment, the court shall proceed as described in section 2329.31 of the Revised Code, with the redeeming party considered the successful purchaser at sale.

Sec. 2329.312. (A) All levying officers appointed or authorized by a court under this chapter to conduct the judicial or execution sale of residential property consisting of one to four single-family units shall submit quarterly reports to the attorney general for the purpose of assessing the extent to which deadlines required by this chapter are met. The reports shall include data on each such sale conducted by the officer.

(B) Starting one year after the effective date of this section, the attorney general shall do all of the following:

(1) Establish and maintain a database comprised of the information

submitted by levying officers pursuant to division (A) of this section:

(2) Make the information included in the database publicly available;

(3) Adopt rules for the creation and administration of the database.

Sec. 2329.33. ~~In~~ Except as provided in division (C) of section 2308.03 or any other section of the Revised Code, in sales of real estate on execution or order of sale, at any time before the confirmation thereof, the debtor may redeem it from sale by depositing in the hands of the clerk of the court of common pleas to which such execution or order is returnable, the amount of the judgment or decree upon which such lands were sold, with all costs, including poundage, and interest at the rate of eight per cent per annum on the purchase money from the day of sale to the time of such deposit, except where the judgment creditor is the purchaser, the interest at such rate on the excess above ~~his~~ the judgment creditor's claim. The court of common pleas thereupon shall make an order setting aside such sale, and apply the deposit to the payment of such judgment or decree and costs, and award such interest to the purchaser, who shall receive from the officer making the sale the purchase money paid by ~~him~~ the purchaser, and the interest from the clerk. This section does not take away the power of the court to set aside such sale for any reason for which it might have been set aside prior to April 16, 1888.

Sec. 2329.34. Real property may be conveyed by a master commissioner or special master only:

(A) When, by an order or a judgment in an action or proceeding, a party is required to convey such property to another, and ~~he~~ the party neglects or refuses to do so, and the master is directed to convey on ~~his~~ the party's failure;

(B) When specific real property is sold by a master under an order or judgment of the court appointing ~~him~~ the master. No court shall make or issue an order to a master for the sale of real estate except in response to a motion by a judgment creditor, unless which motion shall be granted only if there exists some special reason why the sale should not be made by the sheriff of the county where the decree or order was made, which reason, if or by a private selling officer. If the court finds any such reason to exist, that reason shall be embodied in and made part of the judgment, order, or decree for such sale.

Sec. 2329.39. ~~Sale~~ Except as provided in sections 2329.152 and 2329.153 of the Revised Code, sale of lands or tenements under execution or order of sale must be held in the county in which they are situated and at the courthouse, unless otherwise ordered by the court. Purchase of real or personal property, by the officer making the sale thereof, or by an appraiser

of such property, shall be fraudulent and void.

Sec. 2329.45. If a judgment in satisfaction of which lands; or tenements are sold; is reversed on appeal, such reversal shall not defeat or affect the title of the purchaser. In such case restitution ~~must be made by the judgment creditor of~~ in an amount equal to the money for which such lands or tenements were sold, with interest from the day of sale, must be made by the judgment creditor. In ordering restitution, the court shall take into consideration all persons who lost an interest in the property by reason of the judgment and sale and the order of the priority of those interests.

Sec. 2329.52. ~~When~~ (A) Except as otherwise provided in division (B) of this section, when premises are ordered to be sold, if said premises, or a part thereof, remain unsold for want of bidders after having been once appraised, advertised, and offered for sale, the court from which the order of sale issued may, on motion of the plaintiff or defendant and from time to time until said premises are disposed of, order a new appraisal and sale or direct the amount for which said premises, or a part thereof, may be sold.

The court may order that the premises be sold as follows: One third cash in hand, one third in nine months from the day of sale, and the remaining one third in eighteen months from the day of sale, the deferred payments to draw interest at six per cent and be secured by a mortgage on the premises.

(B) When a residential property is ordered to be sold pursuant to a residential mortgage loan foreclosure action, and the sale will be held at a physical location and not online, and if the property remains unsold after the first auction, then a second auction shall be held and the property shall be sold to the highest bidder without regard to the minimum bid requirement in section 2329.20 of the Revised Code, but subject to section 2329.21 of the Revised Code relating to costs, allowances, and real estate taxes. This second auction shall be held not earlier than seven days and not later than thirty days after the first auction. A residential property that remains unsold after two auctions may be subsequently offered for sale without regard to the minimum bid requirement in section 2329.20 of the Revised Code or disposed of in any other manner pursuant to this chapter or any other provision of the Revised Code.

Sec. 2329.56. When a freeholder, summoned as an appraiser, fails to appear at the time and place appointed by the officers ordering ~~his~~ the freeholder's appearance and discharge ~~his~~ the duty as such, on complaint made to a judge of the county court in the district in which such freeholder resides, unless ~~he~~ the freeholder has a reasonable excuse, ~~he~~ the freeholder shall pay fifty ~~cents~~ dollars for each neglect, which shall be collected by the judge, and paid into the county treasury for the use of the county.

Sec. 2909.07. (A) No person shall:

(1) Without privilege to do so, knowingly move, deface, damage, destroy, or otherwise improperly tamper with ~~the~~ either of the following:

(a) The property of another;

(b) One's own residential real property with the purpose to decrease the value of or enjoyment of the residential real property, if both of the following apply:

(i) The residential real property is subject to a mortgage.

(ii) The person has been served with a summons and complaint in a pending residential mortgage loan foreclosure action relating to that real property. As used in this division, "pending" includes the time between judgment entry and confirmation of sale.

(2) With purpose to interfere with the use or enjoyment of property of another, employ a tear gas device, stink bomb, smoke generator, or other device releasing a substance that is harmful or offensive to persons exposed or that tends to cause public alarm;

(3) Without privilege to do so, knowingly move, deface, damage, destroy, or otherwise improperly tamper with a bench mark, triangulation station, boundary marker, or other survey station, monument, or marker;

(4) Without privilege to do so, knowingly move, deface, damage, destroy, or otherwise improperly tamper with any safety device, the property of another, or the property of the offender when required or placed for the safety of others, so as to destroy or diminish its effectiveness or availability for its intended purpose;

(5) With purpose to interfere with the use or enjoyment of the property of another, set a fire on the land of another or place personal property that has been set on fire on the land of another, which fire or personal property is outside and apart from any building, other structure, or personal property that is on that land;

(6) Without privilege to do so, and with intent to impair the functioning of any computer, computer system, computer network, computer software, or computer program, knowingly do any of the following:

(a) In any manner or by any means, including, but not limited to, computer hacking, alter, damage, destroy, or modify a computer, computer system, computer network, computer software, or computer program or data contained in a computer, computer system, computer network, computer software, or computer program;

(b) Introduce a computer contaminant into a computer, computer system, computer network, computer software, or computer program.

(B) As used in this section, "safety device" means any fire extinguisher,

fire hose, or fire axe, or any fire escape, emergency exit, or emergency escape equipment, or any life line, life-saving ring, life preserver, or life boat or raft, or any alarm, light, flare, signal, sign, or notice intended to warn of danger or emergency, or intended for other safety purposes, or any guard railing or safety barricade, or any traffic sign or signal, or any railroad grade crossing sign, signal, or gate, or any first aid or survival equipment, or any other device, apparatus, or equipment intended for protecting or preserving the safety of persons or property.

(C)(1) Whoever violates this section is guilty of criminal mischief, and shall be punished as provided in division (C)(2) or (3) of this section.

(2) Except as otherwise provided in this division, criminal mischief committed in violation of division (A)(1), (2), (3), (4), or (5) of this section is a misdemeanor of the third degree. Except as otherwise provided in this division, if the violation of division (A)(1), (2), (3), (4), or (5) of this section creates a risk of physical harm to any person, criminal mischief committed in violation of division (A)(1), (2), (3), (4), or (5) of this section is a misdemeanor of the first degree. If the property involved in the violation of division (A)(1), (2), (3), (4), or (5) of this section is an aircraft, an aircraft engine, propeller, appliance, spare part, fuel, lubricant, hydraulic fluid, any other equipment, implement, or material used or intended to be used in the operation of an aircraft, or any cargo carried or intended to be carried in an aircraft, criminal mischief committed in violation of division (A)(1), (2), (3), (4), or (5) of this section is one of the following:

(a) If the violation creates a risk of physical harm to any person, except as otherwise provided in division (C)(2)(b) of this section, criminal mischief committed in violation of division (A)(1), (2), (3), (4), or (5) of this section is a felony of the fifth degree.

(b) If the violation creates a substantial risk of physical harm to any person or if the property involved in a violation of this section is an occupied aircraft, criminal mischief committed in violation of division (A)(1), (2), (3), (4), or (5) of this section is a felony of the fourth degree.

(3) Except as otherwise provided in this division, criminal mischief committed in violation of division (A)(6) of this section is a misdemeanor of the first degree. Except as otherwise provided in this division, if the value of the computer, computer system, computer network, computer software, computer program, or data involved in the violation of division (A)(6) of this section or the loss to the victim resulting from the violation is one thousand dollars or more and less than ten thousand dollars, or if the computer, computer system, computer network, computer software, computer program, or data involved in the violation of division (A)(6) of

this section is used or intended to be used in the operation of an aircraft and the violation creates a risk of physical harm to any person, criminal mischief committed in violation of division (A)(6) of this section is a felony of the fifth degree. If the value of the computer, computer system, computer network, computer software, computer program, or data involved in the violation of division (A)(6) of this section or the loss to the victim resulting from the violation is ten thousand dollars or more, or if the computer, computer system, computer network, computer software, computer program, or data involved in the violation of division (A)(6) of this section is used or intended to be used in the operation of an aircraft and the violation creates a substantial risk of physical harm to any person or the aircraft in question is an occupied aircraft, criminal mischief committed in violation of division (A)(6) of this section is a felony of the fourth degree.

Sec. 2941.51. (A) Counsel appointed to a case or selected by an indigent person under division (E) of section 120.16 or division (E) of section 120.26 of the Revised Code, or otherwise appointed by the court, except for counsel appointed by the court to provide legal representation for a person charged with a violation of an ordinance of a municipal corporation, shall be paid for their services by the county the compensation and expenses that the trial court approves. Each request for payment shall be accompanied by a financial disclosure form and an affidavit of indigency that are completed by the indigent person on forms prescribed by the state public defender. Compensation and expenses shall not exceed the amounts fixed by the board of county commissioners pursuant to division (B) of this section.

(B) The board of county commissioners shall establish a schedule of fees by case or on an hourly basis to be paid by the county for legal services provided by appointed counsel. Prior to establishing such schedule, the board shall request the bar association or associations of the county to submit a proposed schedule for cases other than capital cases. The schedule submitted shall be subject to the review, amendment, and approval of the board of county commissioners, except with respect to capital cases. With respect to capital cases, the schedule shall provide for fees by case or on an hourly basis to be paid to counsel in the amount or at the rate set by the ~~supreme court~~ capital case attorney fee council pursuant to division (D) of section 120.33 of the Revised Code, and the board of county commissioners shall approve that amount or rate.

With respect to capital cases, counsel shall be paid compensation and expenses in accordance with the amount or at the rate set by the ~~supreme court~~ capital case attorney fee council pursuant to division (D) of section 120.33 of the Revised Code.



(C) In a case where counsel have been appointed to conduct an appeal under Chapter 120. of the Revised Code, such compensation shall be fixed by the court of appeals or the supreme court, as provided in divisions (A) and (B) of this section.

(D) The fees and expenses approved by the court under this section shall not be taxed as part of the costs and shall be paid by the county. However, if the person represented has, or reasonably may be expected to have, the means to meet some part of the cost of the services rendered to the person, the person shall pay the county an amount that the person reasonably can be expected to pay. Pursuant to section 120.04 of the Revised Code, the county shall pay to the state public defender a percentage of the payment received from the person in an amount proportionate to the percentage of the costs of the person's case that were paid to the county by the state public defender pursuant to this section. The money paid to the state public defender shall be credited to the client payment fund created pursuant to division (B)(5) of section 120.04 of the Revised Code.

(E) The county auditor shall draw a warrant on the county treasurer for the payment of such counsel in the amount fixed by the court, plus the expenses that the court fixes and certifies to the auditor. The county auditor shall report periodically, but not less than annually, to the board of county commissioners and to the Ohio public defender commission the amounts paid out pursuant to the approval of the court under this section, separately stating costs and expenses that are reimbursable under section 120.35 of the Revised Code. The board, after review and approval of the auditor's report, may then certify it to the state public defender for reimbursement. The request for reimbursement shall be accompanied by a financial disclosure form completed by each indigent person for whom counsel was provided on a form prescribed by the state public defender. The state public defender shall review the report and, in accordance with the standards, guidelines, and maximums established pursuant to divisions (B)(7) and (8) of section 120.04 of the Revised Code, pay fifty per cent of the total cost, other than costs and expenses that are reimbursable under section 120.35 of the Revised Code, if any, of paying appointed counsel in each county and pay fifty per cent of costs and expenses that are reimbursable under section 120.35 of the Revised Code, if any, to the board.

(F) If any county system for paying appointed counsel fails to maintain the standards for the conduct of the system established by the rules of the Ohio public defender commission pursuant to divisions (B) and (C) of section 120.03 of the Revised Code or the standards established by the state public defender pursuant to division (B)(7) of section 120.04 of the Revised

Code, the commission shall notify the board of county commissioners of the county that the county system for paying appointed counsel has failed to comply with its rules. Unless the board corrects the conduct of its appointed counsel system to comply with the rules within ninety days after the date of the notice, the state public defender may deny all or part of the county's reimbursement from the state provided for in this section.

Sec. 3316.042. The auditor of state, on the auditor of state's initiative, may conduct a performance audit of a school district that is under a fiscal caution under section 3316.031 of the Revised Code, in a state of fiscal watch, or in a state of fiscal emergency, in which the auditor of state reviews any programs or areas of operation in which the auditor of state believes that greater operational efficiencies or enhanced program results can be achieved.

The auditor of state, in consultation with the department of education and the office of budget and management, shall determine for which school districts to conduct a performance audit of a school district that is under a fiscal caution, in a state of fiscal watch, or in a state of fiscal emergency if requested by the state superintendent of public instruction audits under this section. Priority shall be given to districts in fiscal distress, including districts employing fiscal practices or experiencing budgetary conditions that could produce a state of fiscal watch or fiscal emergency, as determined by the auditor of state, in consultation with the department and the office of budget and management.

The cost of a performance audit conducted under this section shall be paid by the ~~department of education~~ auditor of state.

A performance audit under this section shall not include review or evaluation of school district academic performance.

Sec. 3375.404. (A) As used in this chapter:

(1) "Anticipation notes" means notes issued in anticipation of the ~~library fund~~ library facilities notes authorized by this section.

(2) "Authorizing proceedings" means the resolution, legislation, trust agreement, certification and other agreements, instruments, and documents, as amended and supplemented, authorizing, or providing for the security or sale or award of, notes, and includes the provisions set forth or incorporated in those notes and proceedings.

(3) "Board" or "board of library trustees" means the board of library trustees appointed pursuant to sections 3375.06, 3375.10, 3375.12, 3375.15, 3375.22, and 3375.30 of the Revised Code.

(4) "Library fund" means the public library fund provided for in Chapter 5747. of the Revised Code or any successor to that fund.

(5) "Note service charges" means principal, including any mandatory sinking fund or redemption requirements for retirement of notes, interest, and any redemption premium payable on notes.

(6) "Notes" means the ~~library fund~~ library facilities notes authorized by this section, including anticipation notes.

(7) "Public library" means any of the libraries provided for in sections 3375.06, 3375.10, 3375.12, 3375.15, 3375.22, and 3375.30 of the Revised Code.

(8) "Refunding notes" means notes issued to provide for the refunding of the notes, or of obligations issued prior to ~~the effective date of this section~~ March 4, 1996, collectively referred to in this section as refunded obligations.

(B) A board of library trustees of a public library that receives an allocation of the library fund pursuant to section 5705.32 and Chapter 5747. of the Revised Code may anticipate its portion of the proceeds of the library fund distribution and, if the board receives proceeds from a tax levied under section 5705.23 of the Revised Code by the taxing authority of the political subdivision to whose jurisdiction the board is subject, the lawfully available proceeds of that tax and issue ~~library fund~~ library facilities notes of the public library in the principal amount necessary to pay the costs of financing the facilities or other property referred to in division (C) of section 3375.40 of the Revised Code, or to refund any refunded obligations, provided that the board projects annual note service charges on the notes, or on the notes being anticipated by anticipation notes, to be capable of being paid from the annual library fund receipts of the public library and the available proceeds of the tax. The maximum aggregate amount of notes that may be outstanding at any time in accordance with their terms upon issuance of the new notes shall not exceed an amount which requires or is estimated to require payments from library fund and tax receipts of note service charges on the notes, or, in the case of anticipation notes, projected note service charges on the notes anticipated, in any calendar year in an amount exceeding ~~thirty~~ the sum of the following:

(1) Thirty per cent of the average of the library fund receipts of the public library for the two calendar years prior to the year in which the notes are issued;

(2) The portion of the lawfully available proceeds from a tax levied under section 5705.23 of the Revised Code that the board has, in the authorizing proceedings, covenanted to appropriate annually for the purpose of paying note service charges or, in the case of anticipation notes, projected note service charges. A

A board may at any time issue renewal anticipation notes, issue notes to pay renewal anticipation notes, and, if it considers refunding expedient, issue refunding notes whether the refunded obligations have or have not matured. The refunding notes shall be sold and the proceeds needed for such purpose applied in the manner provided in the authorizing proceedings of the board.

(C) Every issue of notes outstanding in accordance with their terms shall be payable out of the money received by the public library from the library fund or from a tax levied under section 5705.23 of the Revised Code or proceeds of notes, renewal anticipation notes, or refunding notes which may be pledged for such payment in the authorizing proceedings. The pledge shall be valid and binding from the time the pledge is made, and the ~~library fund~~ receipts and proceeds so pledged and thereafter received by the board shall immediately be subject to the lien of that pledge without any physical delivery of the ~~library fund~~ receipts or proceeds or further act. The lien of any pledge is valid and binding as against all parties having claims of any kind in tort, contract, or otherwise against the board, whether or not such parties have notice of the lien. Neither the resolution nor any trust agreement by which a pledge is created or further evidenced need be filed or recorded except in the board's records.

(D) No property tax levied under section 5705.23 of the Revised Code that is either pledged, or that a board of library trustees has covenanted to appropriate annually, to pay the note service charges and projected note service charges under this section shall be repealed while those notes are outstanding. If such a tax is reduced while those notes are outstanding, the taxing authority to whose jurisdiction the board is subject shall continue to levy and collect the tax under the authority of the original election authorizing the tax at a rate in each year that the board of library trustees reasonably estimates will produce an amount equal to the note service charges on the notes for that year.

(E) Notes issued under this section do not constitute a debt, or a pledge of the faith and credit, of the state, the public library, or any other political subdivision of the state, and the holders or owners of the notes have no right to have taxes levied by the general assembly or by the taxing authority of any political subdivision of the state, including the board of the public library, for the payment of note service charges. Notes are payable solely from the funds pledged for their payment as authorized by this section. All notes shall contain on their face a statement to the effect that the notes, as to note service charges, are not debts or obligations of the state and are not debts of any political subdivision of the state, but are payable solely from

the funds pledged for their payment. The utilization and pledge of the library fund receipts and tax receipts and proceeds of notes, renewal anticipation notes, or refunding notes for the payment of note service charges is determined by the general assembly to create a special obligation which is not a bonded indebtedness subject to Section 11 of Article XII, Ohio Constitution, or, alternatively, to satisfy any applicable requirement of that Section 11.

~~(E)~~(F) The notes shall bear such date or dates, shall be executed in the manner, and shall mature at such time or times, in the case of any anticipation notes not exceeding ten years from the date of issue of the original anticipation notes and in the case of any notes that are not anticipation notes or of any refunding notes, not exceeding twenty-five years from the date of the original issue of notes, or other obligations for the purpose, all as the authorizing proceedings may provide. The notes shall bear interest at such rates, or at variable rate or rates changing from time to time, in accordance with provisions provided in the authorizing proceedings, be in such denominations and form, either coupon or registered, carry such registration privileges, be payable in such medium of payment and at such place or places, and be subject to such terms of redemption, as the board may authorize or provide. The notes may be sold at public or private sale, and at, or at not less than, the price or prices as the board determines. If any officer whose signature or a facsimile of whose signature appears on any notes or coupons ceases to be such officer before delivery of the notes or anticipation notes, the signature or facsimile shall nevertheless be sufficient for all purposes as if that officer had remained in office until delivery of the notes. Whether or not the notes are of such form and character as to be negotiable instruments under Title XIII of the Revised Code, the notes shall have all the qualities and incidents of negotiable instruments, subject only to any provisions for registration. Neither the members of the board nor any person executing the notes shall be liable personally on the notes or be subject to any personal liability or accountability by reason of their issuance.

~~(F)~~(G) Notwithstanding any other provision of this section, sections 9.98 to 9.983, 133.02, 133.70, and 5709.76, and division (A) of section 133.03 of the Revised Code apply to the notes. Notes issued under this section need not comply with any other law applicable to notes or bonds but the authorizing proceedings may provide that divisions (B) through (E) of section 133.25 of the Revised Code apply to the notes or anticipation notes.

~~(G)~~(H) Any authorizing proceedings may contain provisions, subject to any agreements with holders as may then exist, which shall be a part of the contract with the holders, as to the pledging of any or all of the board's

anticipated library fund receipts and receipts from a tax levied under section 5705.23 of the Revised Code to secure the payment of the notes; the use and disposition of the library fund and tax receipts of the boards; the crediting of the proceeds of the sale of notes to and among the funds referred to or provided for in the authorizing proceedings; limitations on the purpose to which the proceeds of the notes may be applied and the pledging of portions of such proceeds to secure the payment of the notes or of anticipation notes; the agreement of the board to do all things necessary for the authorization, issuance, and sale of those notes anticipated in such amounts as may be necessary for the timely payment of note service charges on any anticipation notes; limitations on the issuance of additional notes; the terms upon which additional notes may be issued and secured; the refunding of refunded obligations; the procedure by which the terms of any contract with holders may be amended, and the manner in which any required consent to amend may be given; securing any notes by a trust agreement or other agreement which may provide for notes or refunding notes to be further secured by a mortgage on the property financed with the proceeds of the notes, anticipation notes, or refunded obligations refunded by refunding notes; and any other matters, of like or different character, that in any way affect the security or protection of the notes or anticipation notes.

Sec. 3701.981. (A) As used in this section:

(1) "Assessment" means either of the following:

(a) A hospital community health needs assessment that meets the requirements set forth in 26 C.F.R. 1.501(r)-3(b);

(b) An assessment of community health conducted by a board of health.

(2) "Board of health" means the board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code.

(3) "Plan" means either of the following:

(a) A hospital implementation strategy that meets the requirements set forth in 26 C.F.R. 1.501(r)-3(c);

(b) A plan regarding improving community health created by a board of health.

(4) "Tax-exempt hospital" means a nonprofit hospital or government-owned hospital that is exempt from income tax under section 501(c)(3) of the Internal Revenue Code of 1986, 26 U.S.C. 1, as amended, and that under federal law is a hospital organization required to meet community health needs assessment requirements set forth in 26 C.F.R. 1.501(r)-3.

(B)(1) Not later than July 1, 2017, each board of health and tax-exempt

hospital shall submit to the department of health any existing plans and assessments for the most recent assessment and planning period.

(2) Beginning January 1, 2020, each board of health and tax-exempt hospital shall complete assessments and plans in alignment on a three-year interval established by the department. Not later than October 1, 2020, each board of health and tax-exempt hospital shall submit to the department plans and related assessments covering years 2020 through 2022. Beginning October 1, 2023, and every three years thereafter, each board of health and tax-exempt hospital shall submit subsequent plans and related assessments to the department. The department shall provide guidance regarding submitting plans and assessments and shall provide an online repository for the plans and assessments.

(C)(1) Not later than July 1, 2017, and annually thereafter, each tax-exempt hospital shall submit information to the department as follows:

(a) If the hospital is not a government-owned hospital, the hospital shall submit a copy of the hospital's schedule H (form 990) submitted to the internal revenue service for the preceding fiscal year, including corresponding attachments and reporting on financial assistance and means-tested government programs and community building activities in parts I and II of schedule H. Subsequent annual schedule H filings shall be submitted to the department not later than thirty days after filing with the internal revenue service.

(b) If the hospital is a government-owned hospital, the hospital shall submit information that is equivalent to the information that is submitted by a hospital under division (C)(1)(a) of this section.

(2) The department shall provide an online repository for schedule H and equivalent information submitted by tax-exempt hospitals.

Sec. 3702.511. (A) Except as provided in division (B) of this section, the following activities are reviewable under sections 3702.51 to 3702.62 of the Revised Code:

(1) Establishment, development, or construction of a new long-term care facility;

(2) Replacement of an existing long-term care facility;

(3) Renovation of or addition to a long-term care facility that involves a capital expenditure of two million dollars or more, not including expenditures for equipment, staffing, or operational costs;

(4) An increase in long-term care bed capacity;

(5) A relocation of long-term care beds from one physical facility or site to another, excluding relocation of beds within a long-term care facility or among buildings of a long-term care facility at the same site;

(6) Expenditure of more than one hundred ten per cent of the maximum expenditure specified in a certificate of need concerning long-term care beds;

(7) Any failure to conduct a reviewable activity in substantial accordance with the approved application for which a certificate of need was granted, including a change in the site, if the failure occurs within five years after implementation of the reviewable activity for which the certificate was granted.

(B) The following activities are not subject to review under sections 3702.51 to 3702.62 of the Revised Code:

- (1) Acquisition of computer hardware or software;
- (2) Acquisition of a telephone system;
- (3) Construction or acquisition of parking facilities;
- (4) Correction of cited deficiencies that constitute an imminent threat to public health or safety and are in violation of federal, state, or local fire, building, or safety statutes, ordinances, rules, or regulations;
- (5) Acquisition of an existing long-term care facility that does not involve a change in the number of the beds;
- (6) Mergers, consolidations, or other corporate reorganizations of long-term care facilities that do not involve a change in the number of beds;
- (7) Construction, repair, or renovation of bathroom facilities;
- (8) Construction of laundry facilities, waste disposal facilities, dietary department projects, heating and air conditioning projects, administrative offices, and portions of medical office buildings used exclusively for physician services;
- (9) Removal of asbestos from a health care facility.

Only that portion of a project that is described in this division is not reviewable.

Sec. 4141.25. (A) The director of job and family services shall determine as of each computation date the contribution rate of each contributing employer subject to this chapter for the next succeeding contribution period. The director shall determine a standard rate of contribution or an experience rate for each contributing employer. Once a rate of contribution has been established under this section for a contribution period, except as provided in division (D) of section 4141.26 of the Revised Code, that rate shall remain effective throughout such contribution period. The rate of contribution shall be determined in accordance with the following requirements:

- (1) An employer whose experience does not meet the terms of division (A)(2) of this section shall be assigned a standard rate of contribution.



Effective for contribution periods beginning on and after January 1, 1998, an employer's standard rate of contribution shall be a rate of two and seven-tenths per cent, except that the rate for employers engaged in the construction industry shall be the average contribution rate computed for the construction industry or a rate of two and seven-tenths per cent, whichever is greater. The standard rate set forth in this division shall be applicable to a nonprofit organization whose election to make payments in lieu of contributions is voluntarily terminated or canceled by the director under section 4141.241 of the Revised Code, and thereafter pays contributions as required by this section. If such nonprofit organization had been a contributory employer prior to its election to make payments in lieu of contributions, then any prior balance in the contributory account shall become part of the reactivated account.

As used in division (A) of this section, "the average contribution rate computed for the construction industry" means the most recent annual average rate attributable to the construction industry as prescribed by the director.

(2) A contributing employer subject to this chapter shall qualify for an experience rate only if there have been four consecutive quarters, ending on the thirtieth day of June immediately prior to the computation date, throughout which the employer's account was chargeable with benefits. Upon meeting the qualifying requirements provided in division (A)(2) of this section, the director shall calculate the total credits to each employer's account consisting of the contributions other than mutualized contributions including all contributions paid prior to the computation date for all past periods plus:

(a) The contributions owing on the computation date that are paid within thirty days after the computation date, and credited to the employer's account;

(b) All voluntary contributions paid by an employer pursuant to division (B) of section 4141.24 of the Revised Code.

(3) The director also shall determine the benefits which are chargeable to each employer's account and which were paid prior to the computation date with respect to weeks of unemployment ending prior to the computation date. The director then shall determine the positive or negative balance of each employer's account by calculating the excess of such contributions and interest over the benefits chargeable, or the excess of such benefits over such contributions and interest. Any resulting negative balance then shall be subject to adjustment as provided in division (A)(2) of section 4141.24 of the Revised Code after which the positive or negative balance

shall be expressed in terms of a percentage of the employer's average annual payroll. If the total standing to the credit of an employer's account exceeds the total charges, as provided in this division, the employer has a positive balance and if such charges exceed such credits the employer has a negative balance. Each employer's contribution rate shall then be determined in accordance with the following schedule:

Contribution Rate Schedule

If, as of the computation date the contribution rate balance of an employer's account as a percentage of the employer's average annual payroll is	The employer's contribution rate for the next succeeding contribution period shall be
(a) A negative balance of:	
20.0% or more	6.5%
19.0% but less than 20.0%	6.4%
17.0% but less than 19.0%	6.3%
15.0% but less than 17.0%	6.2%
13.0% but less than 15.0%	6.1%
11.0% but less than 13.0%	6.0%
9.0% but less than 11.0%	5.9%
5.0% but less than 9.0%	5.7%
4.0% but less than 5.0%	5.5%
3.0% but less than 4.0%	5.3%
2.0% but less than 3.0%	5.1%
1.0% but less than 2.0%	4.9%
more than 0.0% but less than 1.0%	4.8%
(b) A 0.0% or a positive balance of less than 1.0%	4.7%
(c) A positive balance of:	
1.0% or more, but less than 1.5%	4.6%
1.5% or more, but less than 2.0%	4.5%
2.0% or more, but less than 2.5%	4.3%
2.5% or more, but less than 3.0%	4.0%
3.0% or more, but less than 3.5%	3.8%
3.5% or more, but less than 4.0%	3.5%
4.0% or more, but less than 4.5%	3.3%
4.5% or more, but less than 5.0%	3.0%
5.0% or more, but less than 5.5%	2.8%
5.5% or more, but less than 6.0%	2.5%

6.0% or more, but less than 6.5%	2.2%
6.5% or more, but less than 7.0%	2.0%
7.0% or more, but less than 7.5%	1.8%
7.5% or more, but less than 8.0%	1.6%
8.0% or more, but less than 8.5%	1.4%
8.5% or more, but less than 9.0%	1.3%
9.0% or more, but less than 9.5%	1.1%
9.5% or more, but less than 10.0%	1.0%
10.0% or more, but less than 10.5%	.9%
10.5% or more, but less than 11.0%	.7%
11.0% or more, but less than 11.5%	.6%
11.5% or more, but less than 12.0%	.5%
12.0% or more, but less than 12.5%	.4%
12.5% or more, but less than 13.0%	.3%
13.0% or more, but less than 14.0%	.2%
14.0% or more	.1%

(d) The contribution rates shall be as specified in divisions (a), (b), and (c) of the contribution rate schedule except that notwithstanding the amendments made to division (a) of the contribution rate schedule in this section, if, as of the computation date: for 1991, the negative balance is 5.0% or more, the contribution rate shall be 5.7%; for 1992, if the negative balance is 11.0% or more, the contribution rate shall be 6.0%; and for 1993, if the negative balance is 17.0% or more, the contribution rate shall be 6.3%. Thereafter, the contribution rates shall be as specified in the contribution rate schedule.

(B)(1) The director shall establish and maintain a separate account to be known as the "mutualized account." As of each computation date there shall be charged to this account:

(a) As provided in division (A)(2) of section 4141.24 of the Revised Code, an amount equal to the sum of that portion of the negative balances of employer accounts which exceeds the applicable limitations as such balances are computed under division (A) of this section as of such date;

(b) An amount equal to the sum of the negative balances remaining in employer accounts which have been closed during the year immediately preceding such computation date pursuant to division (E) of section 4141.24 of the Revised Code;

(c) An amount equal to the sum of all benefits improperly paid preceding such computation date which are not recovered but which are not charged to an employer's account, or which after being charged, are credited back to an employer's account;

(d) An amount equal to the sum of any other benefits paid preceding such computation date which, under this chapter, are not chargeable to an employer's account;

(e) An amount equal to the sum of any refunds made during the year immediately preceding such computation date of erroneously collected mutualized contributions required by this division which were previously credited to this account;

(f) An amount equal to the sum of any repayments made to the federal government during the year immediately preceding such computation date of amounts which may have been advanced by it to the unemployment compensation fund under section 1201 of the "Social Security Act," 49 Stat. 648 (1935), 42 U.S.C. 301;

(g) Any amounts appropriated by the general assembly out of funds paid by the federal government, under section 903 of the "Social Security Act," to the account of this state in the federal unemployment trust fund.

(2) As of every computation date there shall be credited to the mutualized account provided for in this division:

(a) The proceeds of the mutualized contributions as provided in this division;

(b) Any positive balances remaining in employer accounts which are closed as provided in division (E) of section 4141.24 of the Revised Code;

(c) Any benefits improperly paid which are recovered but which cannot be credited to an employer's account;

(d) All amounts which may be paid by the federal government under section 903 of the "Social Security Act" to the account of this state in the federal unemployment trust fund;

(e) Amounts advanced by the federal government to the account of this state in the federal unemployment trust fund under section 1201 of the "Social Security Act" to the extent such advances have been repaid to or recovered by the federal government;

(f) Interest credited to the Ohio unemployment trust fund as deposited with the secretary of the treasury of the United States;

(g) Amounts deposited into the unemployment compensation fund for penalties collected pursuant to division (A)(4) of section 4141.35 of the Revised Code.

(3) Annually, as of the computation date, the director shall determine the total credits and charges made to the mutualized account during the preceding twelve months and the overall condition of the account. The director shall issue an annual statement containing this information and such other information as the director deems pertinent, including a report that the sum of the balances in the mutualized account, employers' accounts, and any subsidiary accounts equal the balance in the state's unemployment trust fund maintained under section 904 of the "Social Security Act."

(4) As used in this division:

(a) "Fund as of the computation date" means as of any computation date, the aggregate amount of the unemployment compensation fund, including all contributions owing on the computation date that are paid within thirty days thereafter, all payments in lieu of contributions that are paid within sixty days after the computation date, all reimbursements of the federal share of extended benefits described in section 4141.301 of the Revised Code that are owing on the computation date, and all interest earned by the fund and received on or before the computation date from the federal government.

(b) "Minimum safe level" means an amount equal to two standard deviations above the average of the adjusted annual average unemployment compensation benefit payment from 1970 to the most recent calendar year prior to the computation date, as determined by the director pursuant to division (B)(4)(b) of this section. To determine the adjusted annual payment of unemployment compensation benefits, the director first shall multiply the number of weeks compensated during each calendar year beginning with 1970 by the most recent annual average weekly unemployment compensation benefit payment and then compute the average and standard deviation of the resultant products.

(c) "Annual average weekly unemployment compensation benefit payment" means the amount resulting from dividing the unemployment compensation benefits paid from the benefit account maintained within the unemployment compensation fund pursuant to section 4141.09 of the Revised Code, by the number of weeks compensated during the same time period.

(5) If, as of any computation date, the charges to the mutualized account during the entire period subsequent to the computation date, July 1, 1966, made in accordance with division (B)(1) of this section, exceed the credits to

such account including mutualized contributions during such period, made in accordance with division (B)(2) of this section, the amount of such excess charges shall be recovered during the next contribution period. To recover such amount, the director shall compute the percentage ratio of such excess charges to the average annual payroll of all employers eligible for an experience rate under division (A) of this section. The percentage so determined shall be computed to the nearest tenth of one per cent and shall be an additional contribution rate to be applied to the wages paid by each employer whose rate is computed under the provisions of division (A) of this section in the contribution period next following such computation date, but such percentage shall not exceed five-tenths of one per cent; however, when there are any excess charges in the mutualized account, as computed in this division, then the mutualized contribution rate shall not be less than one-tenth of one per cent.

(6) If the fund as of the computation date is above or below minimum safe level, the contribution rates provided for in each classification in division (A)(3) of this section for the next contribution period shall be adjusted as follows:

(a) If the fund is thirty per cent or more above minimum safe level, the contribution rates provided in division (A)(3) of this section shall be decreased two-tenths of one per cent.

(b) If the fund is more than fifteen per cent but less than thirty per cent above minimum safe level, the contribution rates provided in division (A)(3) of this section shall be decreased one-tenth of one per cent.

(c) If the fund is more than fifteen per cent but less than thirty per cent below minimum safe level, the contribution rates of all employers shall be increased twenty-five one-thousandths of one per cent plus a per cent increase calculated and rounded pursuant to division (B)(6)(g) of this section.

(d) If the fund is more than thirty per cent but less than forty-five per cent below minimum safe level, the contribution rates of all employers shall be increased seventy-five one-thousandths of one per cent plus a per cent increase calculated and rounded pursuant to division (B)(6)(g) of this section.

(e) If the fund is more than forty-five per cent but less than sixty per cent below minimum safe level, the contribution rates of all employers shall be increased one-eighth of one per cent plus a per cent increase calculated and rounded pursuant to division (B)(6)(g) of this section.

(f) If the fund is sixty per cent or more below minimum safe level, the contribution rates of all employers shall be increased two-tenths of one per

cent plus a per cent increase calculated and rounded pursuant to division (B)(6)(g) of this section.

(g) The additional per cent increase in contribution rates required by divisions (B)(6)(c), (d), (e), and (f) of this section that is payable by each individual employer shall be calculated in the following manner. The flat rate increase required by a particular division shall be increased by the amount required under division (B)(7) of this section, if applicable, and that sum shall be multiplied by three and the product divided by the average experienced-rated contribution rate for all employers as determined by the director for the most recent calendar year. The resulting quotient shall be multiplied by an individual employer's contribution rate determined pursuant to division (A)(3) of this section. The resulting product shall be rounded to the nearest tenth of one per cent, added to the flat rate increase required by division (B)(6)(c), (d), (e), or (f) of this section, as appropriate, and the total shall be rounded to the nearest tenth of one per cent. As used in division (B)(6)(g) of this section, the "average experienced-rated contribution rate" means the most recent annual average contribution rate reported by the director contained in report RS 203.2 less the mutualized and minimum safe level contribution rates included in such rate.

(h) If any of the increased contribution rates of division (B)(6)(c), (d), (e), or (f) of this section are imposed, the rate shall remain in effect for the calendar year in which it is imposed and for each calendar year thereafter until the director determines as of the computation date for calendar year 1991 and as of the computation date for any calendar year thereafter pursuant to this section, that the level of the unemployment compensation fund equals or exceeds the minimum safe level as defined in division (B)(4)(b) of this section. Nothing in division (B)(6)(h) of this section shall be construed as restricting the imposition of the increased contribution rates provided in divisions (B)(6)(c), (d), (e), and (f) of this section if the fund falls below the percentage of the minimum safe level as specified in those divisions.

(7)(a) If, as of the computation date, an outstanding balance for advances made to the state under section 1201 of the "Social Security Act," 42 U.S.C. 1321, exists, the contribution rates of all contributory employers subject to an experience rate under division (A)(2) of this section shall be increased, as determined by the director, in an amount up to five-tenths of one per cent for the purpose of eliminating the principal on any outstanding balance of the advances.

(b) If the increase in contribution rates under division (B)(7)(a) of this section is imposed, the increase shall remain in effect for each calendar year

thereafter until the earlier of the following:

(i) The principal on any outstanding balance of the advances has been eliminated.

(ii) The director determines that the total credits allowable against the tax imposed by section 3301 of the "Federal Unemployment Tax Act," 26 U.S.C. 3301, for employers of the state will be reduced pursuant to section 3302(c)(2) of the "Federal Unemployment Tax Act," 26 U.S.C. 3302(c)(2) for that calendar year.

(8) The additional contributions required by division (B)(5) of this section shall be credited to the mutualized account. The additional contributions required by ~~division~~ divisions (B)(6) and (7) of this section shall be credited fifty per cent to individual employer accounts and fifty per cent to the mutualized account.

(C) If an employer makes a payment of contributions which is less than the full amount required by this section and sections 4141.23, 4141.24, 4141.241, 4141.242, 4141.25, 4141.26, and 4141.27 of the Revised Code, such partial payment shall be applied first against the mutualized contributions required under this chapter. Any remaining partial payment shall be credited to the employer's individual account.

(D) Whenever there are any increases in contributions resulting from an increase in wages subject to contributions as defined in division (G) of section 4141.01 of the Revised Code, or from an increase in the mutualized rate of contributions provided in division (B) of this section, or from a revision of the contribution rate schedule provided in division (A) of this section, except for that portion of the increase attributable to a change in the positive or negative balance in an employer's account, which increases become effective after a contract for the construction of real property, as defined in section 5701.02 of the Revised Code, has been entered into, the contractee upon written notice by a prime contractor shall reimburse the contractor for all increased contributions paid by the prime contractor or by subcontractors upon wages for services performed under the contract. Upon reimbursement by the contractee to the prime contractor, the prime contractor shall reimburse each subcontractor for the increased contributions.

(E) Effective only for the contribution period beginning on January 1, 1996, and ending on December 31, 1996, mutualized contributions collected or received by the director pursuant to division (B)(5) of this section and amounts credited to the mutualized account pursuant to division (B)~~(7)~~(8) of this section shall be deposited into or credited to the unemployment compensation benefit reserve fund that is created under division (F) of this



section, except that amounts collected, received, or credited in excess of two hundred million dollars shall be deposited into or credited to the unemployment trust fund established pursuant to section 4141.09 of the Revised Code.

(F) The state unemployment compensation benefit reserve fund is hereby created as a trust fund in the custody of the treasurer of state and shall not be part of the state treasury. The fund shall consist of all moneys collected or received as mutualized contributions pursuant to division (B)(5) of this section and amounts credited to the mutualized account pursuant to division (B)~~(7)~~(8) of this section as provided by division (E) of this section. All moneys in the fund shall be used solely to pay unemployment compensation benefits in the event that funds are no longer available for that purpose from the unemployment trust fund established pursuant to section 4141.09 of the Revised Code.

(G) The balance in the unemployment compensation benefit reserve fund remaining at the end of the contribution period beginning January 1, 2000, and any mutualized contribution amounts for the contribution period beginning on January 1, 1996, that may be received after December 31, 2000, shall be deposited into the unemployment trust fund established pursuant to section 4141.09 of the Revised Code. Income earned on moneys in the state unemployment compensation benefit reserve fund shall be available for use by the director only for the purposes described in division (I) of this section, and shall not be used for any other purpose.

(H) The unemployment compensation benefit reserve fund balance shall be added to the unemployment trust fund balance in determining the minimum safe level tax to be imposed pursuant to division (B) of this section and shall be included in the mutualized account balance for the purpose of determining the mutualized contribution rate pursuant to division (B)(5) of this section.

(I) All income earned on moneys in the unemployment compensation benefit reserve fund from the investment of the fund by the treasurer of state shall accrue to the department of job and family services automation administration fund, which is hereby established in the state treasury. Moneys within the automation administration fund shall be used to meet the costs related to automation of the department and the administrative costs related to collecting and accounting for unemployment compensation benefit reserve fund revenue. Any funds remaining in the automation administration fund upon completion of the department's automation projects that are funded by that fund shall be deposited into the unemployment trust fund established pursuant to section 4141.09 of the

Revised Code.

(J) The director shall prepare and submit monthly reports to the unemployment compensation advisory commission with respect to the status of efforts to collect and account for unemployment compensation benefit reserve fund revenue and the costs related to collecting and accounting for that revenue. The director shall obtain approval from the unemployment compensation advisory commission for expenditure of funds from the department of job and family services automation administration fund. Funds may be approved for expenditure for purposes set forth in division (I) of this section only to the extent that federal or other funds are not available.

Sec. 4141.251. (A) Beginning October 1, 2016, if the director of job and family services has paid interest charged under section 1202(b) of the "Social Security Act," 42 U.S.C. 1322(b), for an advance made to the state under section 1201 of the "Social Security Act," 42 U.S.C. 1321, from the unemployment compensation interest contingency fund created in this section, the director shall require each contributory employer to pay a surcharge in accordance with this section.

(B) If division (A) of this section applies, the director shall determine the amount of a surcharge to assess against each contributory employer that generates an amount not greater in the aggregate than the amount sufficient to repay the fund for the amount of that interest paid. The director shall determine the amount of the surcharge on a flat rate basis.

(C) The director shall collect any surcharge due under this section at the same time and in the same manner as contributions due under section 4141.25 of the Revised Code. The director shall provide notice to each employer subject to a surcharge under this section, either upon the quarterly contribution report due from each employer under section 4141.20 of the Revised Code or by other appropriate notice, a separate listing of the amount of any surcharge due under this section. Surcharge payments made pursuant to this section shall not be used to satisfy an employer's contribution obligations under section 4141.25 of the Revised Code.

(D) If an employer makes a payment that is insufficient to pay the amount of contributions due under this chapter and the amount of a surcharge due under this section, the partial payment shall be applied first against the surcharge due under this section. The director shall apply any remaining amounts from the partial payment in the following order:

(1) Against any mutualized contributions due under this chapter;

(2) To the credit of the employer's individual account;

(3) Against any interest, forfeiture, and fines due under this chapter.

(E) Any surcharge due from an employer under this section, if not paid

when due, shall be treated the same as delinquent contributions under section 4141.23 of the Revised Code. Any forfeiture or interest payments associated with the collection of the surcharge shall be deposited consistent with forfeiture and interest associated with contributions, pursuant to section 4141.11 of the Revised Code.

(F) There is hereby created in the state treasury the unemployment compensation interest contingency fund. The fund shall be used to pay interest charged under section 1202(b) of the "Social Security Act," 42 U.S.C. 1322(b) on advances made to the state under section 1201 of the "Social Security Act," 42 U.S.C. 1321. Any interest earned on the money in the fund shall be retained in the fund. The director shall deposit amounts received pursuant to the surcharge assessed under this section in the fund.

Sec. 4741.11. Whenever an applicant for a license to practice veterinary medicine has graduated from a veterinary college approved by the state veterinary medical licensing board or accredited by the American veterinary medical association or has been issued a certificate on or after May 1, 1987, by the education commission for foreign veterinary graduates of the American veterinary medical association or by the program for the assessment of veterinary education equivalence of the American association of veterinary state boards, has passed the nationally recognized examination approved by the state veterinary medical licensing board in accordance with rules adopted by the board, and is not in violation of this chapter, the board shall issue a certificate of license to that effect, signed by the members and bearing the seal of the board. The certificate shall show that the successful applicant has qualified under the laws of this state and the requirements of the board and that the applicant is duly licensed and qualified to practice veterinary medicine.

Sec. 5145.162. (A) There is hereby created the office of enterprise development advisory board to advise and assist the department of rehabilitation and correction with the creation of training programs and jobs for inmates and releasees through partnerships with private sector businesses. The board shall consist of at least five appointed members and the ~~executive director of the office of~~ staff representative assigned by the correctional institution inspection committee, who shall serve as an ex officio member. Each member shall have experience in labor relations, marketing, business management, or business. The members and chairperson shall be appointed by the director of the department of rehabilitation and correction.

(B) Each member of the advisory board shall receive no compensation but may be reimbursed for expenses actually and necessarily incurred in the

performance of official duties of the board. Members of the board who are state employees shall be reimbursed for expenses pursuant to travel rules promulgated by the office of budget and management.

(C) The advisory board shall adopt procedures for the conduct of the board's meetings. The board shall meet at least once every quarter, and otherwise shall meet at the call of the chairperson or the director of the department of rehabilitation and correction. Sixty per cent of the members shall constitute a quorum. No transaction of the board's business shall be taken without the concurrence of a quorum of the members. The board may have committees with persons who are not members of the board but whose experience and expertise is relevant and useful to the work of the committee.

(D) The advisory board shall have the following duties:

(1) Solicit business proposals offering job training, apprenticeship, education programs, and employment opportunities for inmates and releasees;

(2) Provide information and input to the office of enterprise development to support the job training and employment program of inmates and releasees and any additional, related duties as requested by the director of the department of rehabilitation and correction;

(3) Recommend to the office of enterprise development any legislation, administrative rule, or department policy change that the board believes is necessary to implement the department's program;

(4) Promote public awareness of the office of enterprise development and the office's employment program;

(5) Familiarize itself and the public with avenues to access the office of enterprise development on employment program concerns;

(6) Advocate for the needs and concerns of the office of enterprise development in local communities, counties, and the state;

(7) Play an active role in the office of enterprise development's efforts to reduce recidivism in the state by doing all of the following:

(a) Providing input and making recommendations for the office's consideration in monitoring employment program compliance and effectiveness;

(b) Making suggestions on the appropriate priorities for the office's grant award criteria;

(c) Being a liaison between the office and constituents of the board's members;

(d) Working to develop constituent groups interested in employment program issues;

(8) Aid in the employment program development process by playing a

leadership role in professional associations by discussing employment program issues.

(E) The department of rehabilitation and correction shall initially screen each proposal obtained under division (D)(1) of this section to ensure that the proposal is a viable venture to pursue. If the department determines that a proposal is a viable venture to pursue, the department shall submit the proposal to the board for objective review against established guidelines. The board shall determine whether to recommend the implementation of the program to the department.

Sec. 5302.01. The forms set forth in sections 5302.05, 5302.07, 5302.09, 5302.11, 5302.12, 5302.14, ~~and 5302.17,~~ and 5302.31 of the Revised Code may be used and shall be sufficient for their respective purposes. They shall be known as "Statutory Forms" and may be referred to as such. They may be altered as circumstances require, and the authorization of those forms shall not prevent the use of other forms. Wherever the phrases defined in sections 5302.06, 5302.08, 5302.10, and 5302.13 of the Revised Code are to be incorporated in instruments by reference, the method of incorporation as indicated in the statutory forms shall be sufficient, but shall not preclude other methods.

Sec. 5302.31. A deed in substance following the form set forth in this section, when duly executed in accordance with Chapter 5301. of the Revised Code, has the force and effect of a deed in fee simple to the grantee, the grantee's heirs, assigns, and successors, to the grantee's and the grantee's heirs', assigns', and successors' own use, with covenants on the part of the grantor with the grantee, the grantee's heirs, assigns, and successors, that, at the time of the delivery of that deed, the grantor was duly appointed, qualified, and acting in the fiduciary capacity described in that deed, and was duly authorized to make the sale and conveyance of the premises; and that in all of the grantor's proceedings in the sale of the premises the grantor has complied with the requirements of the statutes in such case provided.

"Private Selling Officer's Deed  
Ohio Revised Code § 2329.152

Case No. ....

I, ..... a private selling officer as defined in section 2329.01 of the Revised Code, pursuant to the Order of Sale entered on ..... the Confirmation of Sale entered on ....., and in consideration of the sum of \$....., the receipt whereof is hereby acknowledged, do hereby grant, sell, and convey unto ....., tax mailing address ....., all the rights, title, and interest of the parties in Court of Common Pleas, ..... County, Ohio, Case No. ....

vs. ...., and all pleadings therein incorporated herein by reference in and to the following Lands and Tenements situated in the County of ..... and State of Ohio, known and described as follows, to-wit:

(description of land or interest therein)

This deed does not reflect any restrictions, conditions, or easements of record.

Prior Owner: .....

Prior Instrument Reference: .....

Executed this ..... day of .....

(signature of private selling officer)

Auctioneer License # .....

Real Estate Broker License #.....

(Execution in accordance with Chapter 5301. of the Revised Code)"

Sec. 5537.02. (A) There is hereby created a commission to be known on and after July 1, 2013, as the "Ohio turnpike and infrastructure commission." The commission is a body both corporate and politic, constituting an instrumentality of the state, and the exercise by it of the powers conferred by this chapter in the construction, operation, and maintenance of the Ohio turnpike system, and also in entering into agreements with the department of transportation to pay the cost or a portion of the costs of infrastructure projects, are and shall be held to be essential governmental functions of the state, but the commission shall not be immune from liability by reason thereof. Chapter 2744. of the Revised Code applies to the commission and the commission is a political subdivision of the state for purposes of that chapter. The commission is subject to all provisions of law generally applicable to state agencies which do not conflict with this chapter.

(B)(1) The commission shall consist of ten members as follows:

(a) Six members appointed by the governor with the advice and consent of the senate, no more than three of whom shall be members of the same political party;

(b) The director of transportation, or the director's designee, who shall be a voting member, and the director of budget and management, ~~both of whom~~ or the director's designee. The directors or their designees, as applicable, shall serve as ex officio members, without compensation;

(c) One member of the senate, appointed by the president of the senate, who shall represent either a district in which is located or through which passes a portion of a turnpike project that is part of the Ohio turnpike system or a district located in the vicinity of a turnpike project that is part of the Ohio turnpike system;

(d) One member of the house of representatives, appointed by the speaker of the house of representatives, who shall represent either a district in which is located or through which passes a portion of a turnpike project that is part of the Ohio turnpike system or a district located in the vicinity of a turnpike project that is part of the Ohio turnpike system.

(2) The members appointed by the governor shall be residents of the state, shall have been qualified electors therein for a period of at least five years next preceding their appointment. In making the appointments, the governor may appoint persons who reside in different geographic areas of the state, taking into consideration the various turnpike and infrastructure projects in the state. Members appointed to the commission prior to July 1, 2013, shall serve terms of eight years commencing on the first day of July and ending on the thirtieth day of June. Thereafter, members appointed by the governor shall serve terms of five years commencing on the first day of July and ending on the thirtieth day of June. Those members appointed by the president of the senate or the speaker of the house of representatives shall serve a term of the remainder of the general assembly during which the senator or representative is appointed. Each appointed member shall hold office from the date of appointment until the end of the term for which the member was appointed. If a commission member dies or resigns, or if a senator or representative who is a member of the commission ceases to be a senator or representative, or if an ex officio member ceases to hold the applicable office, the vacancy shall be filled in the same manner as provided in division (B)(1) of this section. Any member who fills a vacancy occurring prior to the end of the term for which the member's predecessor was appointed shall, if appointed by the governor, hold office for the remainder of such term or, if appointed by the president of the senate or the speaker of the house of representatives, shall hold office for the remainder of the term or for a shorter period of time as determined by the president or the speaker. Any member appointed by the governor 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. A member of the commission is eligible for reappointment. Each member of the commission appointed by the governor, before entering upon the member's duties, shall take an oath as provided by Section 7 of Article XV, Ohio Constitution. The governor, the president of the senate, or the speaker of the house of representatives, may at any time remove their respective appointees to the commission for misfeasance, nonfeasance, or malfeasance in office.

(3)(a) A member of the commission who is appointed by the president

of the senate or the speaker of the house of representatives shall not participate in any vote of the commission. Serving as an appointed member of the commission under divisions (B)(1)(c), (1)(d), or (2) of this section does not constitute grounds for resignation from the senate or the house of representatives under section 101.26 of the Revised Code.

(b) The director of budget and management shall not participate in any vote of the commission.

(C) The voting members of the commission shall elect one of the voting members as chairperson and another as vice-chairperson, and shall appoint a secretary-treasurer who need not be a member of the commission. Four of the voting members of the commission constitute a quorum, and the affirmative vote of four voting members is necessary for any action taken by the commission. No vacancy in the membership of the commission impairs the rights of a quorum to exercise all the rights and perform all the duties of the commission.

(D) Each member of the commission appointed by the governor shall give a surety bond to the commission in the penal sum of twenty-five thousand dollars and the secretary-treasurer shall give such a bond in at least the penal sum of fifty thousand dollars. The commission may require any of its officers or employees to file surety bonds including a blanket bond as provided in section 3.06 of the Revised Code. Each such bond shall be in favor of the commission and shall be conditioned upon the faithful performance of the duties of the office, executed by a surety company authorized to transact business in this state, approved by the governor, and filed in the office of the secretary of state. The costs of the surety bonds shall be paid or reimbursed by the commission from revenues. Each member of the commission appointed by the governor shall receive an annual salary of five thousand dollars, payable in monthly installments. Each member shall be reimbursed for the member's actual expenses necessarily incurred in the performance of the member's duties. All costs and expenses incurred by the commission in carrying out this chapter shall be payable solely from revenues and state taxes, and no liability or obligation shall be incurred by the commission beyond the extent to which revenues have been provided for pursuant to this chapter.

Sec. 5721.371. (A) Private attorney's fees payable with respect to an action under sections 5721.30 to 5721.46 of the Revised Code are subject to the following conditions:

~~(A)~~(1) The fees must be reasonable.

~~(B)~~(2) Fees exceeding two thousand five hundred dollars shall be paid only if authorized by a court order.



~~(C)~~(B)(1) Fees less than or equal to two thousand five hundred dollars shall be presumed to be reasonable.

(2) If the private attorney's fees payable are fixed and not determined on an hourly basis, the court shall not consider or require evidence of hours expended or hourly rates.

(3) The terms of a sale negotiated under section 5721.33 of the Revised Code may include the amount to be paid in private attorney's fees, subject to division ~~(B)~~(A)(2) of this section.

Sec. 5721.372. (A) A private selling officer's fees payable with respect to an action under sections 5721.30 to 5721.46 of the Revised Code are subject to both of the following conditions:

(1) The fees must be reasonable.

(2) Fees exceeding five per cent of the sale price of the property, if such amount is greater than seven hundred fifty dollars, shall be paid only if authorized by a court order.

(B)(1) Fees less than or equal to seven hundred fifty dollars shall be presumed to be reasonable.

(2) The terms of a sale negotiated under section 5721.33 of the Revised Code may include the amount to be paid in private selling officer's fees, subject to division (A) of this section.

(C) As used in this section, "private selling officer" has the same meaning as in section 2329.01 of the Revised Code.

Sec. 5721.373. (A) A title agent's or title insurance company's fees payable with respect to an action under sections 5721.30 to 5721.46 of the Revised Code are subject to the following conditions:

(1) The fees must be reasonable.

(2) Fees exceeding five hundred dollars shall be paid only if authorized by a court order.

(B)(1) Fees less than or equal to five hundred dollars shall be presumed to be reasonable.

(2) The terms of a sale negotiated under section 5721.33 of the Revised Code may include the amount to be paid in title agent's or title company's fees, subject to division (A) of this section.

Sec. 5721.39. (A) In its judgment of foreclosure rendered in actions filed pursuant to section 5721.37 of the Revised Code, the court or board of revision shall enter a finding that includes all of the following with respect to the certificate parcel:

(1) The amount of the sum of the certificate redemption prices for all the tax certificates sold against the parcel;

(2) Interest on the certificate purchase prices of all certificates at the rate

of eighteen per cent per year for the period beginning on the day on which the payment was submitted by the certificate holder under division (B) of section 5721.37 of the Revised Code;

(3) The amount paid under division (B)(2) of section 5721.37 of the Revised Code, plus interest at the rate of eighteen per cent per year for the period beginning on the day the certificate holder filed a request for foreclosure or a notice of intent to foreclose under division (A) of that section;

(4) Any delinquent taxes on the parcel that are not covered by a payment under division (B)(2) of section 5721.37 of the Revised Code;

(5) Fees and costs incurred in the foreclosure proceeding instituted against the parcel, including, without limitation, the fees and costs of the prosecuting attorney represented by the fee paid under division (B)(3) of section 5721.37 of the Revised Code, plus interest as provided in division (D)(2)(d) of this section, or the fees and costs of the private attorney representing the certificate holder, and charges paid or incurred in procuring title searches and abstracting services relative to the subject premises.

(B) The court or board of revision may order the certificate parcel to be sold or otherwise transferred according to law, without appraisal and as set forth in the prayer of the complaint, for not less than the amount of its finding, or, in the event that the true value of the certificate parcel as determined by the county auditor is less than the certificate redemption price, the court or board of revision may, as prayed for in the complaint, issue a decree transferring fee simple title free and clear of all subordinate liens to the certificate holder or as otherwise provided in sections 323.65 to 323.79 of the Revised Code. A decree of the court or board of revision transferring fee simple title to the certificate holder is forever a bar to all rights of redemption with respect to the certificate parcel.

(C)(1) The certificate holder may file a motion with the court for an order authorizing a specified private selling officer, as defined in section 2329.01 of the Revised Code, to sell the parcel at a public auction. If the court authorizes a private selling officer to sell the parcel, then upon the filing of a praecipe for order of sale with the clerk of the court, the clerk of the court shall immediately issue an order of sale to the private selling officer authorized by the court.

(2) The officer to whom the order of sale is directed may conduct the public auction of the parcel at a physical location in the county in which the parcel is located or online. If the public auction occurs online, the auction shall be open for bidding for seven days. If the parcel is not sold during this initial seven-day period, a second online auction shall be held not earlier

than three days or later than thirty days after the end of the first auction. The second online auction shall be open for bidding for seven days.

(3) A private selling officer who conducts an auction of the parcel under this section may do any of the following:

(a) Market the parcels for sale and hire a title insurance agent licensed under Chapter 3953. of the Revised Code or title insurance company authorized to do business under that chapter to assist the private selling officer in performing administrative services;

(b) Execute to the purchaser, or to the purchaser's legal representatives, a deed of conveyance of the parcel sold in conformity with the form set forth in section 5302.31 of the Revised Code;

(c) Record on behalf of the purchaser the deed conveying title to the parcel sold, notwithstanding that the deed may not actually have been delivered to the purchaser prior to its recording.

(4) By placing a bid at a sale conducted pursuant to this section, a purchaser appoints the private selling officer who conducts the sale as agent of the purchaser for the sole purpose of accepting delivery of the deed.

(5) The private selling officer who conducts the sale shall hire a title insurance agent licensed under Chapter 3953. of the Revised Code or title insurance company authorized to do business under that chapter to perform title, escrow, and closing services related to the sale of the parcel.

(6) Except as otherwise provided in sections 323.65 to 323.79 of the Revised Code, and the alternative redemption period thereunder, each certificate parcel shall be advertised and sold by the officer to whom the order of sale is directed in the manner provided by law for the sale of real property on execution. The advertisement for sale of certificate parcels shall be published once a week for three consecutive weeks and shall include the date on which a second sale will be conducted if no bid is accepted at the first sale. Any number of parcels may be included in one advertisement.

Except as otherwise provided in sections 323.65 to 323.79 of the Revised Code, whenever the officer charged to conduct the sale offers a certificate parcel for sale at a physical location and not online and no bids are made equal to at least the amount of the finding of the court or board of revision, the officer shall adjourn the sale of the parcel to the second date that was specified in the advertisement of sale. The second sale shall be held at the same place and commence at the same time as set forth in the advertisement of sale. The officer shall offer any parcel not sold at the first sale. Upon the conclusion of any sale, or if any parcel remains unsold after being offered at two sales, the officer conducting the sale shall report the results to the court or board of revision.

(D) Upon the confirmation of a sale, the proceeds of the sale shall be applied as follows:

(1) The fees and costs incurred in the proceeding filed against the parcel pursuant to section 5721.37 of the Revised Code shall be paid first, including attorney's fees of the certificate holder's attorney payable under division (F) of that section, private selling officer's fees and marketing costs, title agent's or title company's fees, or the county prosecutor's costs covered by the fee paid by the certificate holder under division (B)(3) of that section.

(2) Following the payment required by division (D)(1) of this section, the certificate holder that filed the notice of intent to foreclose or request for foreclosure with the county treasurer shall be paid the sum of the following amounts:

(a) The sum of the amount found due for the certificate redemption prices of all the tax certificates that are sold against the parcel;

(b) Any premium paid by the certificate holder at the time of purchase;

(c) Interest on the amounts paid by the certificate holder under division (B)(1) of section 5721.37 of the Revised Code at the rate of eighteen per cent per year beginning on the day on which the payment was submitted by the certificate holder to the county treasurer and ending on the day immediately preceding the day on which the proceeds of the foreclosure sale are paid to the certificate holder;

(d) Interest on the amounts paid by the certificate holder under divisions (B)(2) and (3) of section 5721.37 of the Revised Code at the rate of eighteen per cent per year beginning on the day on which the payment was submitted by the certificate holder under divisions (B)(2) and (3) of that section and ending on the day immediately preceding the day on which the proceeds of the foreclosure sale are paid to the certificate holder pursuant to this section, except that such interest shall not accrue for more than three years if the certificate was sold under section 5721.32 of the Revised Code, or under section 5721.42 of the Revised Code by the holder of a certificate issued under section 5721.32 of the Revised Code, or more than six years if the certificate was sold under section 5721.33 of the Revised Code, or under section 5721.42 of the Revised Code by the holder of a certificate issued under section 5721.33 of the Revised Code, after the day the amounts were paid by the certificate holder under divisions (B)(2) and (3) of section 5721.37 of the Revised Code;

(e) The amounts paid by the certificate holder under divisions (B)(1), (2), and (3) of section 5721.37 of the Revised Code.

(3) Following the payment required by division (D)(2) of this section, any amount due for taxes, installments of assessments, charges, penalties,

and interest not covered by the tax certificate holder's payment under division (B)(2) of section 5721.37 of the Revised Code shall be paid, including all taxes, installments of assessments, charges, penalties, and interest payable subsequent to the entry of the finding and prior to the transfer of the deed of the parcel to the purchaser following confirmation of sale. If the proceeds available for distribution pursuant to this division are insufficient to pay the entire amount of those taxes, installments of assessments, charges, penalties, and interest, the proceeds shall be paid to each claimant in proportion to the amount of those taxes, installments of assessments, charges, penalties, and interest that each is due, and those taxes, installments of assessments, charges, penalties, and interest are deemed satisfied and shall be removed from the tax list and duplicate.

(4) Any residue of money from proceeds of the sale shall be disposed of as prescribed by section 5721.20 of the Revised Code.

(E) Unless the parcel previously was redeemed pursuant to section 5721.25 or 5721.38 of the Revised Code, upon the filing of the entry of confirmation of sale, or an order to transfer the parcel under sections 323.65 to 323.79 of the Revised Code, the title to the parcel is incontestable in the purchaser and is free and clear of all liens and encumbrances, except a federal tax lien, notice of which lien is properly filed in accordance with section 317.09 of the Revised Code prior to the date that a foreclosure proceeding is instituted pursuant to section 5721.37 of the Revised Code, and which lien was foreclosed in accordance with 28 U.S.C.A. 2410(c), and except for the easements and covenants of record running with the land or lots that were created prior to the time the taxes or installments of assessments, for the nonpayment of which a tax certificate was issued and the parcel sold at foreclosure, became due and payable.

The title shall not be invalid because of any irregularity, informality, or omission of any proceedings under this chapter or in any processes of taxation, if such irregularity, informality, or omission does not abrogate the provision for notice to holders of title, lien, or mortgage to, or other interests in, such foreclosed parcels, as prescribed in this chapter.

Sec. 5739.01. As used in this chapter:

(A) "Person" includes individuals, receivers, assignees, trustees in bankruptcy, estates, firms, partnerships, associations, joint-stock companies, joint ventures, clubs, societies, corporations, the state and its political subdivisions, and combinations of individuals of any form.

(B) "Sale" and "selling" include all of the following transactions for a consideration in any manner, whether absolutely or conditionally, whether for a price or rental, in money or by exchange, and by any means

whatsoever:

(1) All transactions by which title or possession, or both, of tangible personal property, is or is to be transferred, or a license to use or consume tangible personal property is or is to be granted;

(2) All transactions by which lodging by a hotel is or is to be furnished to transient guests;

(3) All transactions by which:

(a) An item of tangible personal property is or is to be repaired, except property, the purchase of which would not be subject to the tax imposed by section 5739.02 of the Revised Code;

(b) An item of tangible personal property is or is to be installed, except property, the purchase of which would not be subject to the tax imposed by section 5739.02 of the Revised Code or property that is or is to be incorporated into and will become a part of a production, transmission, transportation, or distribution system for the delivery of a public utility service;

(c) The service of washing, cleaning, waxing, polishing, or painting a motor vehicle is or is to be furnished;

(d) Until August 1, 2003, industrial laundry cleaning services are or are to be provided and, on and after August 1, 2003, laundry and dry cleaning services are or are to be provided;

(e) Automatic data processing, computer services, or electronic information services are or are to be provided for use in business when the true object of the transaction is the receipt by the consumer of automatic data processing, computer services, or electronic information services rather than the receipt of personal or professional services to which automatic data processing, computer services, or electronic information services are incidental or supplemental. Notwithstanding any other provision of this chapter, such transactions that occur between members of an affiliated group are not sales. An "affiliated group" means two or more persons related in such a way that one person owns or controls the business operation of another member of the group. In the case of corporations with stock, one corporation owns or controls another if it owns more than fifty per cent of the other corporation's common stock with voting rights.

(f) Telecommunications service, including prepaid calling service, prepaid wireless calling service, or ancillary service, is or is to be provided, but not including coin-operated telephone service;

(g) Landscaping and lawn care service is or is to be provided;

(h) Private investigation and security service is or is to be provided;

(i) Information services or tangible personal property is provided or

ordered by means of a nine hundred telephone call;

(j) Building maintenance and janitorial service is or is to be provided;

(k) Employment service is or is to be provided;

(l) Employment placement service is or is to be provided;

(m) Exterminating service is or is to be provided;

(n) Physical fitness facility service is or is to be provided;

(o) Recreation and sports club service is or is to be provided;

(p) On and after August 1, 2003, satellite broadcasting service is or is to be provided;

(q) On and after August 1, 2003, personal care service is or is to be provided to an individual. As used in this division, "personal care service" includes skin care, the application of cosmetics, manicuring, pedicuring, hair removal, tattooing, body piercing, tanning, massage, and other similar services. "Personal care service" does not include a service provided by or on the order of a licensed physician or licensed chiropractor, or the cutting, coloring, or styling of an individual's hair.

(r) On and after August 1, 2003, the transportation of persons by motor vehicle or aircraft is or is to be provided, when the transportation is entirely within this state, except for transportation provided by an ambulance service, by a transit bus, as defined in section 5735.01 of the Revised Code, and transportation provided by a citizen of the United States holding a certificate of public convenience and necessity issued under 49 U.S.C. 41102;

(s) On and after August 1, 2003, motor vehicle towing service is or is to be provided. As used in this division, "motor vehicle towing service" means the towing or conveyance of a wrecked, disabled, or illegally parked motor vehicle.

(t) On and after August 1, 2003, snow removal service is or is to be provided. As used in this division, "snow removal service" means the removal of snow by any mechanized means, but does not include the providing of such service by a person that has less than five thousand dollars in sales of such service during the calendar year.

(u) Electronic publishing service is or is to be provided to a consumer for use in business, except that such transactions occurring between members of an affiliated group, as defined in division (B)(3)(e) of this section, are not sales.

(4) All transactions by which printed, imprinted, overprinted, lithographic, multilithic, blueprinted, photostatic, or other productions or reproductions of written or graphic matter are or are to be furnished or transferred;

(5) The production or fabrication of tangible personal property for a consideration for consumers who furnish either directly or indirectly the materials used in the production of fabrication work; and include the furnishing, preparing, or serving for a consideration of any tangible personal property consumed on the premises of the person furnishing, preparing, or serving such tangible personal property. Except as provided in section 5739.03 of the Revised Code, a construction contract pursuant to which tangible personal property is or is to be incorporated into a structure or improvement on and becoming a part of real property is not a sale of such tangible personal property. The construction contractor is the consumer of such tangible personal property, provided that the sale and installation of carpeting, the sale and installation of agricultural land tile, the sale and erection or installation of portable grain bins, or the provision of landscaping and lawn care service and the transfer of property as part of such service is never a construction contract.

As used in division (B)(5) of this section:

(a) "Agricultural land tile" means fired clay or concrete tile, or flexible or rigid perforated plastic pipe or tubing, incorporated or to be incorporated into a subsurface drainage system appurtenant to land used or to be used primarily in production by farming, agriculture, horticulture, or floriculture. The term does not include such materials when they are or are to be incorporated into a drainage system appurtenant to a building or structure even if the building or structure is used or to be used in such production.

(b) "Portable grain bin" means a structure that is used or to be used by a person engaged in farming or agriculture to shelter the person's grain and that is designed to be disassembled without significant damage to its component parts.

(6) All transactions in which all of the shares of stock of a closely held corporation are transferred, or an ownership interest in a pass-through entity, as defined in section 5733.04 of the Revised Code, is transferred, if the corporation or pass-through entity is not engaging in business and its entire assets consist of boats, planes, motor vehicles, or other tangible personal property operated primarily for the use and enjoyment of the shareholders or owners;

(7) All transactions in which a warranty, maintenance or service contract, or similar agreement by which the vendor of the warranty, contract, or agreement agrees to repair or maintain the tangible personal property of the consumer is or is to be provided;

(8) The transfer of copyrighted motion picture films used solely for advertising purposes, except that the transfer of such films for exhibition



purposes is not a sale;

(9) On and after August 1, 2003, all transactions by which tangible personal property is or is to be stored, except such property that the consumer of the storage holds for sale in the regular course of business;

(10) All transactions in which "guaranteed auto protection" is provided whereby a person promises to pay to the consumer the difference between the amount the consumer receives from motor vehicle insurance and the amount the consumer owes to a person holding title to or a lien on the consumer's motor vehicle in the event the consumer's motor vehicle suffers a total loss under the terms of the motor vehicle insurance policy or is stolen and not recovered, if the protection and its price are included in the purchase or lease agreement;

(11)(a) Except as provided in division (B)(11)(b) of this section, on and after October 1, 2009, all transactions by which health care services are paid for, reimbursed, provided, delivered, arranged for, or otherwise made available by a medicaid health insuring corporation pursuant to the corporation's contract with the state.

(b) If the centers for medicare and medicaid services of the United States department of health and human services determines that the taxation of transactions described in division (B)(11)(a) of this section constitutes an impermissible health care-related tax under the "Social Security Act," section 1903(w), 42 U.S.C. 1396b(w), and regulations adopted thereunder, the medicaid director shall notify the tax commissioner of that determination. Beginning with the first day of the month following that notification, the transactions described in division (B)(11)(a) of this section are not sales for the purposes of this chapter or Chapter 5741. of the Revised Code. The tax commissioner shall order that the collection of taxes under sections 5739.02, 5739.021, 5739.023, 5739.026, 5741.02, 5741.021, 5741.022, and 5741.023 of the Revised Code shall cease for transactions occurring on or after that date.

(12) All transactions by which a specified digital product is provided for permanent use or less than permanent use, regardless of whether continued payment is required.

Except as provided in this section, "sale" and "selling" do not include transfers of interest in leased property where the original lessee and the terms of the original lease agreement remain unchanged, or professional, insurance, or personal service transactions that involve the transfer of tangible personal property as an inconsequential element, for which no separate charges are made.

(C) "Vendor" means the person providing the service or by whom the

transfer effected or license given by a sale is or is to be made or given and, for sales described in division (B)(3)(i) of this section, the telecommunications service vendor that provides the nine hundred telephone service; if two or more persons are engaged in business at the same place of business under a single trade name in which all collections on account of sales by each are made, such persons shall constitute a single vendor.

Physicians, dentists, hospitals, and veterinarians who are engaged in selling tangible personal property as received from others, such as eyeglasses, mouthwashes, dentifrices, or similar articles, are vendors. Veterinarians who are engaged in transferring to others for a consideration drugs, the dispensing of which does not require an order of a licensed veterinarian or physician under federal law, are vendors.

(D)(1) "Consumer" means the person for whom the service is provided, to whom the transfer effected or license given by a sale is or is to be made or given, to whom the service described in division (B)(3)(f) or (i) of this section is charged, or to whom the admission is granted.

(2) Physicians, dentists, hospitals, and blood banks operated by nonprofit institutions and persons licensed to practice veterinary medicine, surgery, and dentistry are consumers of all tangible personal property and services purchased by them in connection with the practice of medicine, dentistry, the rendition of hospital or blood bank service, or the practice of veterinary medicine, surgery, and dentistry. In addition to being consumers of drugs administered by them or by their assistants according to their direction, veterinarians also are consumers of drugs that under federal law may be dispensed only by or upon the order of a licensed veterinarian or physician, when transferred by them to others for a consideration to provide treatment to animals as directed by the veterinarian.

(3) A person who performs a facility management, or similar service contract for a contractee is a consumer of all tangible personal property and services purchased for use in connection with the performance of such contract, regardless of whether title to any such property vests in the contractee. The purchase of such property and services is not subject to the exception for resale under division (E)(1) of this section.

(4)(a) In the case of a person who purchases printed matter for the purpose of distributing it or having it distributed to the public or to a designated segment of the public, free of charge, that person is the consumer of that printed matter, and the purchase of that printed matter for that purpose is a sale.

(b) In the case of a person who produces, rather than purchases, printed matter for the purpose of distributing it or having it distributed to the public

or to a designated segment of the public, free of charge, that person is the consumer of all tangible personal property and services purchased for use or consumption in the production of that printed matter. That person is not entitled to claim exemption under division (B)(42)(f) of section 5739.02 of the Revised Code for any material incorporated into the printed matter or any equipment, supplies, or services primarily used to produce the printed matter.

(c) The distribution of printed matter to the public or to a designated segment of the public, free of charge, is not a sale to the members of the public to whom the printed matter is distributed or to any persons who purchase space in the printed matter for advertising or other purposes.

(5) A person who makes sales of any of the services listed in division (B)(3) of this section is the consumer of any tangible personal property used in performing the service. The purchase of that property is not subject to the resale exception under division (E)(1) of this section.

(6) A person who engages in highway transportation for hire is the consumer of all packaging materials purchased by that person and used in performing the service, except for packaging materials sold by such person in a transaction separate from the service.

(7) In the case of a transaction for health care services under division (B)(11) of this section, a medicaid health insuring corporation is the consumer of such services. The purchase of such services by a medicaid health insuring corporation is not subject to the exception for resale under division (E)(1) of this section or to the exemptions provided under divisions (B)(12), (18), (19), and (22) of section 5739.02 of the Revised Code.

(E) "Retail sale" and "sales at retail" include all sales, except those in which the purpose of the consumer is to resell the thing transferred or benefit of the service provided, by a person engaging in business, in the form in which the same is, or is to be, received by the person.

(F) "Business" includes any activity engaged in by any person with the object of gain, benefit, or advantage, either direct or indirect. "Business" does not include the activity of a person in managing and investing the person's own funds.

(G) "Engaging in business" means commencing, conducting, or continuing in business, and liquidating a business when the liquidator thereof holds itself out to the public as conducting such business. Making a casual sale is not engaging in business.

(H)(1)(a) "Price," except as provided in divisions (H)(2), (3), and (4) of this section, means the total amount of consideration, including cash, credit, property, and services, for which tangible personal property or services are

sold, leased, or rented, valued in money, whether received in money or otherwise, without any deduction for any of the following:

(i) The vendor's cost of the property sold;

(ii) The cost of materials used, labor or service costs, interest, losses, all costs of transportation to the vendor, all taxes imposed on the vendor, including the tax imposed under Chapter 5751. of the Revised Code, and any other expense of the vendor;

(iii) Charges by the vendor for any services necessary to complete the sale;

(iv) On and after August 1, 2003, delivery charges. As used in this division, "delivery charges" means charges by the vendor for preparation and delivery to a location designated by the consumer of tangible personal property or a service, including transportation, shipping, postage, handling, crating, and packing.

(v) Installation charges;

(vi) Credit for any trade-in.

(b) "Price" includes consideration received by the vendor from a third party, if the vendor actually receives the consideration from a party other than the consumer, and the consideration is directly related to a price reduction or discount on the sale; the vendor has an obligation to pass the price reduction or discount through to the consumer; the amount of the consideration attributable to the sale is fixed and determinable by the vendor at the time of the sale of the item to the consumer; and one of the following criteria is met:

(i) The consumer presents a coupon, certificate, or other document to the vendor to claim a price reduction or discount where the coupon, certificate, or document is authorized, distributed, or granted by a third party with the understanding that the third party will reimburse any vendor to whom the coupon, certificate, or document is presented;

(ii) The consumer identifies the consumer's self to the seller as a member of a group or organization entitled to a price reduction or discount. A preferred customer card that is available to any patron does not constitute membership in such a group or organization.

(iii) The price reduction or discount is identified as a third party price reduction or discount on the invoice received by the consumer, or on a coupon, certificate, or other document presented by the consumer.

(c) "Price" does not include any of the following:

(i) Discounts, including cash, term, or coupons that are not reimbursed by a third party that are allowed by a vendor and taken by a consumer on a sale;

(ii) Interest, financing, and carrying charges from credit extended on the sale of tangible personal property or services, if the amount is separately stated on the invoice, bill of sale, or similar document given to the purchaser;

(iii) Any taxes legally imposed directly on the consumer that are separately stated on the invoice, bill of sale, or similar document given to the consumer. For the purpose of this division, the tax imposed under Chapter 5751. of the Revised Code is not a tax directly on the consumer, even if the tax or a portion thereof is separately stated.

(iv) Notwithstanding divisions (H)(1)(b)(i) to (iii) of this section, any discount allowed by an automobile manufacturer to its employee, or to the employee of a supplier, on the purchase of a new motor vehicle from a new motor vehicle dealer in this state.

(v) The dollar value of a gift card that is not sold by a vendor or purchased by a consumer and that is redeemed by the consumer in purchasing tangible personal property or services if the vendor is not reimbursed and does not receive compensation from a third party to cover all or part of the gift card value. For the purposes of this division, a gift card is not sold by a vendor or purchased by a consumer if it is distributed pursuant to an awards, loyalty, or promotional program. Past and present purchases of tangible personal property or services by the consumer shall not be treated as consideration exchanged for a gift card.

(2) In the case of a sale of any new motor vehicle by a new motor vehicle dealer, as defined in section 4517.01 of the Revised Code, in which another motor vehicle is accepted by the dealer as part of the consideration received, "price" has the same meaning as in division (H)(1) of this section, reduced by the credit afforded the consumer by the dealer for the motor vehicle received in trade.

(3) In the case of a sale of any watercraft or outboard motor by a watercraft dealer licensed in accordance with section 1547.543 of the Revised Code, in which another watercraft, watercraft and trailer, or outboard motor is accepted by the dealer as part of the consideration received, "price" has the same meaning as in division (H)(1) of this section, reduced by the credit afforded the consumer by the dealer for the watercraft, watercraft and trailer, or outboard motor received in trade. As used in this division, "watercraft" includes an outdrive unit attached to the watercraft.

(4) In the case of transactions for health care services under division (B)(11) of this section, "price" means the amount of managed care premiums received each month by a medicaid health insuring corporation.

(I) "Receipts" means the total amount of the prices of the sales of

vendors, provided that the dollar value of gift cards distributed pursuant to an awards, loyalty, or promotional program, and cash discounts allowed and taken on sales at the time they are consummated are not included, minus any amount deducted as a bad debt pursuant to section 5739.121 of the Revised Code. "Receipts" does not include the sale price of property returned or services rejected by consumers when the full sale price and tax are refunded either in cash or by credit.

(J) "Place of business" means any location at which a person engages in business.

(K) "Premises" includes any real property or portion thereof upon which any person engages in selling tangible personal property at retail or making retail sales and also includes any real property or portion thereof designated for, or devoted to, use in conjunction with the business engaged in by such person.

(L) "Casual sale" means a sale of an item of tangible personal property that was obtained by the person making the sale, through purchase or otherwise, for the person's own use and was previously subject to any state's taxing jurisdiction on its sale or use, and includes such items acquired for the seller's use that are sold by an auctioneer employed directly by the person for such purpose, provided the location of such sales is not the auctioneer's permanent place of business. As used in this division, "permanent place of business" includes any location where such auctioneer has conducted more than two auctions during the year.

(M) "Hotel" means every establishment kept, used, maintained, advertised, or held out to the public to be a place where sleeping accommodations are offered to guests, in which five or more rooms are used for the accommodation of such guests, whether the rooms are in one or several structures, except as otherwise provided in division (G) of section 5739.09 of the Revised Code.

(N) "Transient guests" means persons occupying a room or rooms for sleeping accommodations for less than thirty consecutive days.

(O) "Making retail sales" means the effecting of transactions wherein one party is obligated to pay the price and the other party is obligated to provide a service or to transfer title to or possession of the item sold. "Making retail sales" does not include the preliminary acts of promoting or soliciting the retail sales, other than the distribution of printed matter which displays or describes and prices the item offered for sale, nor does it include delivery of a predetermined quantity of tangible personal property or transportation of property or personnel to or from a place where a service is performed.

(P) "Used directly in the rendition of a public utility service" means that property that is to be incorporated into and will become a part of the consumer's production, transmission, transportation, or distribution system and that retains its classification as tangible personal property after such incorporation; fuel or power used in the production, transmission, transportation, or distribution system; and tangible personal property used in the repair and maintenance of the production, transmission, transportation, or distribution system, including only such motor vehicles as are specially designed and equipped for such use. Tangible personal property and services used primarily in providing highway transportation for hire are not used directly in the rendition of a public utility service. In this definition, "public utility" includes a citizen of the United States holding, and required to hold, a certificate of public convenience and necessity issued under 49 U.S.C. 41102.

(Q) "Refining" means removing or separating a desirable product from raw or contaminated materials by distillation or physical, mechanical, or chemical processes.

(R) "Assembly" and "assembling" mean attaching or fitting together parts to form a product, but do not include packaging a product.

(S) "Manufacturing operation" means a process in which materials are changed, converted, or transformed into a different state or form from which they previously existed and includes refining materials, assembling parts, and preparing raw materials and parts by mixing, measuring, blending, or otherwise committing such materials or parts to the manufacturing process. "Manufacturing operation" does not include packaging.

(T) "Fiscal officer" means, with respect to a regional transit authority, the secretary-treasurer thereof, and with respect to a county that is a transit authority, the fiscal officer of the county transit board if one is appointed pursuant to section 306.03 of the Revised Code or the county auditor if the board of county commissioners operates the county transit system.

(U) "Transit authority" means a regional transit authority created pursuant to section 306.31 of the Revised Code or a county in which a county transit system is created pursuant to section 306.01 of the Revised Code. For the purposes of this chapter, a transit authority must extend to at least the entire area of a single county. A transit authority that includes territory in more than one county must include all the area of the most populous county that is a part of such transit authority. County population shall be measured by the most recent census taken by the United States census bureau.

(V) "Legislative authority" means, with respect to a regional transit

authority, the board of trustees thereof, and with respect to a county that is a transit authority, the board of county commissioners.

(W) "Territory of the transit authority" means all of the area included within the territorial boundaries of a transit authority as they from time to time exist. Such territorial boundaries must at all times include all the area of a single county or all the area of the most populous county that is a part of such transit authority. County population shall be measured by the most recent census taken by the United States census bureau.

(X) "Providing a service" means providing or furnishing anything described in division (B)(3) of this section for consideration.

(Y)(1)(a) "Automatic data processing" means processing of others' data, including keypunching or similar data entry services together with verification thereof, or providing access to computer equipment for the purpose of processing data.

(b) "Computer services" means providing services consisting of specifying computer hardware configurations and evaluating technical processing characteristics, computer programming, and training of computer programmers and operators, provided in conjunction with and to support the sale, lease, or operation of taxable computer equipment or systems.

(c) "Electronic information services" means providing access to computer equipment by means of telecommunications equipment for the purpose of either of the following:

(i) Examining or acquiring data stored in or accessible to the computer equipment;

(ii) Placing data into the computer equipment to be retrieved by designated recipients with access to the computer equipment.

For transactions occurring on or after the effective date of the amendment of this section by H.B. 157 of the 127th general assembly, December 21, 2007, "electronic information services" does not include electronic publishing as defined in division (LLL) of this section.

(d) "Automatic data processing, computer services, or electronic information services" shall not include personal or professional services.

(2) As used in divisions (B)(3)(e) and (Y)(1) of this section, "personal and professional services" means all services other than automatic data processing, computer services, or electronic information services, including but not limited to:

(a) Accounting and legal services such as advice on tax matters, asset management, budgetary matters, quality control, information security, and auditing and any other situation where the service provider receives data or information and studies, alters, analyzes, interprets, or adjusts such material;



- (b) Analyzing business policies and procedures;
- (c) Identifying management information needs;
- (d) Feasibility studies, including economic and technical analysis of existing or potential computer hardware or software needs and alternatives;
- (e) Designing policies, procedures, and custom software for collecting business information, and determining how data should be summarized, sequenced, formatted, processed, controlled, and reported so that it will be meaningful to management;
- (f) Developing policies and procedures that document how business events and transactions are to be authorized, executed, and controlled;
- (g) Testing of business procedures;
- (h) Training personnel in business procedure applications;
- (i) Providing credit information to users of such information by a consumer reporting agency, as defined in the "Fair Credit Reporting Act," 84 Stat. 1114, 1129 (1970), 15 U.S.C. 1681a(f), or as hereafter amended, including but not limited to gathering, organizing, analyzing, recording, and furnishing such information by any oral, written, graphic, or electronic medium;
- (j) Providing debt collection services by any oral, written, graphic, or electronic means.

The services listed in divisions (Y)(2)(a) to (j) of this section are not automatic data processing or computer services.

(Z) "Highway transportation for hire" means the transportation of personal property belonging to others for consideration by any of the following:

(1) The holder of a permit or certificate issued by this state or the United States authorizing the holder to engage in transportation of personal property belonging to others for consideration over or on highways, roadways, streets, or any similar public thoroughfare;

(2) A person who engages in the transportation of personal property belonging to others for consideration over or on highways, roadways, streets, or any similar public thoroughfare but who could not have engaged in such transportation on December 11, 1985, unless the person was the holder of a permit or certificate of the types described in division (Z)(1) of this section;

(3) A person who leases a motor vehicle to and operates it for a person described by division (Z)(1) or (2) of this section.

(AA)(1) "Telecommunications service" means the electronic transmission, conveyance, or routing of voice, data, audio, video, or any other information or signals to a point, or between or among points.

"Telecommunications service" includes such transmission, conveyance, or routing in which computer processing applications are used to act on the form, code, or protocol of the content for purposes of transmission, conveyance, or routing without regard to whether the service is referred to as voice-over internet protocol service or is classified by the federal communications commission as enhanced or value-added. "Telecommunications service" does not include any of the following:

(a) Data processing and information services that allow data to be generated, acquired, stored, processed, or retrieved and delivered by an electronic transmission to a consumer where the consumer's primary purpose for the underlying transaction is the processed data or information;

(b) Installation or maintenance of wiring or equipment on a customer's premises;

(c) Tangible personal property;

(d) Advertising, including directory advertising;

(e) Billing and collection services provided to third parties;

(f) Internet access service;

(g) Radio and television audio and video programming services, regardless of the medium, including the furnishing of transmission, conveyance, and routing of such services by the programming service provider. Radio and television audio and video programming services include, but are not limited to, cable service, as defined in 47 U.S.C. 522(6), and audio and video programming services delivered by commercial mobile radio service providers, as defined in 47 C.F.R. 20.3;

(h) Ancillary service;

(i) Digital products delivered electronically, including software, music, video, reading materials, or ring tones.

(2) "Ancillary service" means a service that is associated with or incidental to the provision of telecommunications service, including conference bridging service, detailed telecommunications billing service, directory assistance, vertical service, and voice mail service. As used in this division:

(a) "Conference bridging service" means an ancillary service that links two or more participants of an audio or video conference call, including providing a telephone number. "Conference bridging service" does not include telecommunications services used to reach the conference bridge.

(b) "Detailed telecommunications billing service" means an ancillary service of separately stating information pertaining to individual calls on a customer's billing statement.

(c) "Directory assistance" means an ancillary service of providing

telephone number or address information.

(d) "Vertical service" means an ancillary service that is offered in connection with one or more telecommunications services, which offers advanced calling features that allow customers to identify callers and manage multiple calls and call connections, including conference bridging service.

(e) "Voice mail service" means an ancillary service that enables the customer to store, send, or receive recorded messages. "Voice mail service" does not include any vertical services that the customer may be required to have in order to utilize the voice mail service.

(3) "900 service" means an inbound toll telecommunications service purchased by a subscriber that allows the subscriber's customers to call in to the subscriber's prerecorded announcement or live service, and which is typically marketed under the name "900 service" and any subsequent numbers designated by the federal communications commission. "900 service" does not include the charge for collection services provided by the seller of the telecommunications service to the subscriber, or services or products sold by the subscriber to the subscriber's customer.

(4) "Prepaid calling service" means the right to access exclusively telecommunications services, which must be paid for in advance and which enables the origination of calls using an access number or authorization code, whether manually or electronically dialed, and that is sold in predetermined units or dollars of which the number declines with use in a known amount.

(5) "Prepaid wireless calling service" means a telecommunications service that provides the right to utilize mobile telecommunications service as well as other non-telecommunications services, including the download of digital products delivered electronically, and content and ancillary services, that must be paid for in advance and that is sold in predetermined units or dollars of which the number declines with use in a known amount.

(6) "Value-added non-voice data service" means a telecommunications service in which computer processing applications are used to act on the form, content, code, or protocol of the information or data primarily for a purpose other than transmission, conveyance, or routing.

(7) "Coin-operated telephone service" means a telecommunications service paid for by inserting money into a telephone accepting direct deposits of money to operate.

(8) "Customer" has the same meaning as in section 5739.034 of the Revised Code.

(BB) "Laundry and dry cleaning services" means removing soil or dirt

from towels, linens, articles of clothing, or other fabric items that belong to others and supplying towels, linens, articles of clothing, or other fabric items. "Laundry and dry cleaning services" does not include the provision of self-service facilities for use by consumers to remove soil or dirt from towels, linens, articles of clothing, or other fabric items.

(CC) "Magazines distributed as controlled circulation publications" means magazines containing at least twenty-four pages, at least twenty-five per cent editorial content, issued at regular intervals four or more times a year, and circulated without charge to the recipient, provided that such magazines are not owned or controlled by individuals or business concerns which conduct such publications as an auxiliary to, and essentially for the advancement of the main business or calling of, those who own or control them.

(DD) "Landscaping and lawn care service" means the services of planting, seeding, sodding, removing, cutting, trimming, pruning, mulching, aerating, applying chemicals, watering, fertilizing, and providing similar services to establish, promote, or control the growth of trees, shrubs, flowers, grass, ground cover, and other flora, or otherwise maintaining a lawn or landscape grown or maintained by the owner for ornamentation or other nonagricultural purpose. However, "landscaping and lawn care service" does not include the providing of such services by a person who has less than five thousand dollars in sales of such services during the calendar year.

(EE) "Private investigation and security service" means the performance of any activity for which the provider of such service is required to be licensed pursuant to Chapter 4749. of the Revised Code, or would be required to be so licensed in performing such services in this state, and also includes the services of conducting polygraph examinations and of monitoring or overseeing the activities on or in, or the condition of, the consumer's home, business, or other facility by means of electronic or similar monitoring devices. "Private investigation and security service" does not include special duty services provided by off-duty police officers, deputy sheriffs, and other peace officers regularly employed by the state or a political subdivision.

(FF) "Information services" means providing conversation, giving consultation or advice, playing or making a voice or other recording, making or keeping a record of the number of callers, and any other service provided to a consumer by means of a nine hundred telephone call, except when the nine hundred telephone call is the means by which the consumer makes a contribution to a recognized charity.

(GG) "Research and development" means designing, creating, or formulating new or enhanced products, equipment, or manufacturing processes, and also means conducting scientific or technological inquiry and experimentation in the physical sciences with the goal of increasing scientific knowledge which may reveal the bases for new or enhanced products, equipment, or manufacturing processes.

(HH) "Qualified research and development equipment" means capitalized tangible personal property, and leased personal property that would be capitalized if purchased, used by a person primarily to perform research and development. Tangible personal property primarily used in testing, as defined in division (A)(4) of section 5739.011 of the Revised Code, or used for recording or storing test results, is not qualified research and development equipment unless such property is primarily used by the consumer in testing the product, equipment, or manufacturing process being created, designed, or formulated by the consumer in the research and development activity or in recording or storing such test results.

(II) "Building maintenance and janitorial service" means cleaning the interior or exterior of a building and any tangible personal property located therein or thereon, including any services incidental to such cleaning for which no separate charge is made. However, "building maintenance and janitorial service" does not include the providing of such service by a person who has less than five thousand dollars in sales of such service during the calendar year. As used in this division, "cleaning" does not include sanitation services necessary for an establishment described in 21 U.S.C. 608 to comply with rules and regulations adopted pursuant to that section.

(JJ) "Employment service" means providing or supplying personnel, on a temporary or long-term basis, to perform work or labor under the supervision or control of another, when the personnel so provided or supplied receive their wages, salary, or other compensation from the provider or supplier of the employment service or from a third party that provided or supplied the personnel to the provider or supplier. "Employment service" does not include:

(1) Acting as a contractor or subcontractor, where the personnel performing the work are not under the direct control of the purchaser.

(2) Medical and health care services.

(3) Supplying personnel to a purchaser pursuant to a contract of at least one year between the service provider and the purchaser that specifies that each employee covered under the contract is assigned to the purchaser on a permanent basis.

(4) Transactions between members of an affiliated group, as defined in

division (B)(3)(e) of this section.

(5) Transactions where the personnel so provided or supplied by a provider or supplier to a purchaser of an employment service are then provided or supplied by that purchaser to a third party as an employment service, except "employment service" does include the transaction between that purchaser and the third party.

(KK) "Employment placement service" means locating or finding employment for a person or finding or locating an employee to fill an available position.

(LL) "Exterminating service" means eradicating or attempting to eradicate vermin infestations from a building or structure, or the area surrounding a building or structure, and includes activities to inspect, detect, or prevent vermin infestation of a building or structure.

(MM) "Physical fitness facility service" means all transactions by which a membership is granted, maintained, or renewed, including initiation fees, membership dues, renewal fees, monthly minimum fees, and other similar fees and dues, by a physical fitness facility such as an athletic club, health spa, or gymnasium, which entitles the member to use the facility for physical exercise.

(NN) "Recreation and sports club service" means all transactions by which a membership is granted, maintained, or renewed, including initiation fees, membership dues, renewal fees, monthly minimum fees, and other similar fees and dues, by a recreation and sports club, which entitles the member to use the facilities of the organization. "Recreation and sports club" means an organization that has ownership of, or controls or leases on a continuing, long-term basis, the facilities used by its members and includes an aviation club, gun or shooting club, yacht club, card club, swimming club, tennis club, golf club, country club, riding club, amateur sports club, or similar organization.

(OO) "Livestock" means farm animals commonly raised for food, food production, or other agricultural purposes, including, but not limited to, cattle, sheep, goats, swine, poultry, and captive deer. "Livestock" does not include invertebrates, amphibians, reptiles, domestic pets, animals for use in laboratories or for exhibition, or other animals not commonly raised for food or food production.

(PP) "Livestock structure" means a building or structure used exclusively for the housing, raising, feeding, or sheltering of livestock, and includes feed storage or handling structures and structures for livestock waste handling.

(QQ) "Horticulture" means the growing, cultivation, and production of

flowers, fruits, herbs, vegetables, sod, mushrooms, and nursery stock. As used in this division, "nursery stock" has the same meaning as in section 927.51 of the Revised Code.

(RR) "Horticulture structure" means a building or structure used exclusively for the commercial growing, raising, or overwintering of horticultural products, and includes the area used for stocking, storing, and packing horticultural products when done in conjunction with the production of those products.

(SS) "Newspaper" means an unbound publication bearing a title or name that is regularly published, at least as frequently as biweekly, and distributed from a fixed place of business to the public in a specific geographic area, and that contains a substantial amount of news matter of international, national, or local events of interest to the general public.

(TT) "Professional racing team" means a person that employs at least twenty full-time employees for the purpose of conducting a motor vehicle racing business for profit. The person must conduct the business with the purpose of racing one or more motor racing vehicles in at least ten competitive professional racing events each year that comprise all or part of a motor racing series sanctioned by one or more motor racing sanctioning organizations. A "motor racing vehicle" means a vehicle for which the chassis, engine, and parts are designed exclusively for motor racing, and does not include a stock or production model vehicle that may be modified for use in racing. For the purposes of this division:

(1) A "competitive professional racing event" is a motor vehicle racing event sanctioned by one or more motor racing sanctioning organizations, at which aggregate cash prizes in excess of eight hundred thousand dollars are awarded to the competitors.

(2) "Full-time employee" means an individual who is employed for consideration for thirty-five or more hours a week, or who renders any other standard of service generally accepted by custom or specified by contract as full-time employment.

(UU)(1) "Lease" or "rental" means any transfer of the possession or control of tangible personal property for a fixed or indefinite term, for consideration. "Lease" or "rental" includes future options to purchase or extend, and agreements described in 26 U.S.C. 7701(h)(1) covering motor vehicles and trailers where the amount of consideration may be increased or decreased by reference to the amount realized upon the sale or disposition of the property. "Lease" or "rental" does not include:

(a) A transfer of possession or control of tangible personal property under a security agreement or a deferred payment plan that requires the

transfer of title upon completion of the required payments;

(b) A transfer of possession or control of tangible personal property under an agreement that requires the transfer of title upon completion of required payments and payment of an option price that does not exceed the greater of one hundred dollars or one per cent of the total required payments;

(c) Providing tangible personal property along with an operator for a fixed or indefinite period of time, if the operator is necessary for the property to perform as designed. For purposes of this division, the operator must do more than maintain, inspect, or set up the tangible personal property.

(2) "Lease" and "rental," as defined in division (UU) of this section, shall not apply to leases or rentals that exist before June 26, 2003.

(3) "Lease" and "rental" have the same meaning as in division (UU)(1) of this section regardless of whether a transaction is characterized as a lease or rental under generally accepted accounting principles, the Internal Revenue Code, Title XIII of the Revised Code, or other federal, state, or local laws.

(VV) "Mobile telecommunications service" has the same meaning as in the "Mobile Telecommunications Sourcing Act," Pub. L. No. 106-252, 114 Stat. 631 (2000), 4 U.S.C.A. 124(7), as amended, and, on and after August 1, 2003, includes related fees and ancillary services, including universal service fees, detailed billing service, directory assistance, service initiation, voice mail service, and vertical services, such as caller ID and three-way calling.

(WW) "Certified service provider" has the same meaning as in section 5740.01 of the Revised Code.

(XX) "Satellite broadcasting service" means the distribution or broadcasting of programming or services by satellite directly to the subscriber's receiving equipment without the use of ground receiving or distribution equipment, except the subscriber's receiving equipment or equipment used in the uplink process to the satellite, and includes all service and rental charges, premium channels or other special services, installation and repair service charges, and any other charges having any connection with the provision of the satellite broadcasting service.

(YY) "Tangible personal property" means personal property that can be seen, weighed, measured, felt, or touched, or that is in any other manner perceptible to the senses. For purposes of this chapter and Chapter 5741. of the Revised Code, "tangible personal property" includes motor vehicles, electricity, water, gas, steam, and prewritten computer software.



(ZZ) "Direct mail" means printed material delivered or distributed by United States mail or other delivery service to a mass audience or to addressees on a mailing list provided by the consumer or at the direction of the consumer when the cost of the items are not billed directly to the recipients. "Direct mail" includes tangible personal property supplied directly or indirectly by the consumer to the direct mail vendor for inclusion in the package containing the printed material. "Direct mail" does not include multiple items of printed material delivered to a single address.

(AAA) "Computer" means an electronic device that accepts information in digital or similar form and manipulates it for a result based on a sequence of instructions.

(BBB) "Computer software" means a set of coded instructions designed to cause a computer or automatic data processing equipment to perform a task.

(CCC) "Delivered electronically" means delivery of computer software from the seller to the purchaser by means other than tangible storage media.

(DDD) "Prewritten computer software" means computer software, including prewritten upgrades, that is not designed and developed by the author or other creator to the specifications of a specific purchaser. The combining of two or more prewritten computer software programs or prewritten portions thereof does not cause the combination to be other than prewritten computer software. "Prewritten computer software" includes software designed and developed by the author or other creator to the specifications of a specific purchaser when it is sold to a person other than the purchaser. If a person modifies or enhances computer software of which the person is not the author or creator, the person shall be deemed to be the author or creator only of such person's modifications or enhancements. Prewritten computer software or a prewritten portion thereof that is modified or enhanced to any degree, where such modification or enhancement is designed and developed to the specifications of a specific purchaser, remains prewritten computer software; provided, however, that where there is a reasonable, separately stated charge or an invoice or other statement of the price given to the purchaser for the modification or enhancement, the modification or enhancement shall not constitute prewritten computer software.

(EEE)(1) "Food" means substances, whether in liquid, concentrated, solid, frozen, dried, or dehydrated form, that are sold for ingestion or chewing by humans and are consumed for their taste or nutritional value. "Food" does not include alcoholic beverages, dietary supplements, soft drinks, or tobacco.

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

(a) "Alcoholic beverages" means beverages that are suitable for human consumption and contain one-half of one per cent or more of alcohol by volume.

(b) "Dietary supplements" means any product, other than tobacco, that is intended to supplement the diet and that is intended for ingestion in tablet, capsule, powder, softgel, gelcap, or liquid form, or, if not intended for ingestion in such a form, is not represented as conventional food for use as a sole item of a meal or of the diet; that is required to be labeled as a dietary supplement, identifiable by the "supplement facts" box found on the label, as required by 21 C.F.R. 101.36; and that contains one or more of the following dietary ingredients:

(i) A vitamin;

(ii) A mineral;

(iii) An herb or other botanical;

(iv) An amino acid;

(v) A dietary substance for use by humans to supplement the diet by increasing the total dietary intake;

(vi) A concentrate, metabolite, constituent, extract, or combination of any ingredient described in divisions (EEE)(2)(b)(i) to (v) of this section.

(c) "Soft drinks" means nonalcoholic beverages that contain natural or artificial sweeteners. "Soft drinks" does not include beverages that contain milk or milk products, soy, rice, or similar milk substitutes, or that contains greater than fifty per cent vegetable or fruit juice by volume.

(d) "Tobacco" means cigarettes, cigars, chewing or pipe tobacco, or any other item that contains tobacco.

(FFF) "Drug" means a compound, substance, or preparation, and any component of a compound, substance, or preparation, other than food, dietary supplements, or alcoholic beverages that is recognized in the official United States pharmacopoeia, official homeopathic pharmacopoeia of the United States, or official national formulary, and supplements to them; is intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease; or is intended to affect the structure or any function of the body.

(GGG) "Prescription" means an order, formula, or recipe issued in any form of oral, written, electronic, or other means of transmission by a duly licensed practitioner authorized by the laws of this state to issue a prescription.

(HHH) "Durable medical equipment" means equipment, including repair and replacement parts for such equipment, that can withstand repeated use, is primarily and customarily used to serve a medical purpose, generally

is not useful to a person in the absence of illness or injury, and is not worn in or on the body. "Durable medical equipment" does not include mobility enhancing equipment.

(III) "Mobility enhancing equipment" means equipment, including repair and replacement parts for such equipment, that is primarily and customarily used to provide or increase the ability to move from one place to another and is appropriate for use either in a home or a motor vehicle, that is not generally used by persons with normal mobility, and that does not include any motor vehicle or equipment on a motor vehicle normally provided by a motor vehicle manufacturer. "Mobility enhancing equipment" does not include durable medical equipment.

(JJJ) "Prosthetic device" means a replacement, corrective, or supportive device, including repair and replacement parts for the device, worn on or in the human body to artificially replace a missing portion of the body, prevent or correct physical deformity or malfunction, or support a weak or deformed portion of the body. As used in this division, "prosthetic device" does not include corrective eyeglasses, contact lenses, or dental prosthesis.

(KKK)(1) "Fractional aircraft ownership program" means a program in which persons within an affiliated group sell and manage fractional ownership program aircraft, provided that at least one hundred airworthy aircraft are operated in the program and the program meets all of the following criteria:

(a) Management services are provided by at least one program manager within an affiliated group on behalf of the fractional owners.

(b) Each program aircraft is owned or possessed by at least one fractional owner.

(c) Each fractional owner owns or possesses at least a one-sixteenth interest in at least one fixed-wing program aircraft.

(d) A dry-lease aircraft interchange arrangement is in effect among all of the fractional owners.

(e) Multi-year program agreements are in effect regarding the fractional ownership, management services, and dry-lease aircraft interchange arrangement aspects of the program.

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

(a) "Affiliated group" has the same meaning as in division (B)(3)(e) of this section.

(b) "Fractional owner" means a person that owns or possesses at least a one-sixteenth interest in a program aircraft and has entered into the agreements described in division (KKK)(1)(e) of this section.

(c) "Fractional ownership program aircraft" or "program aircraft" means

a turbojet aircraft that is owned or possessed by a fractional owner and that has been included in a dry-lease aircraft interchange arrangement and agreement under divisions (KKK)(1)(d) and (e) of this section, or an aircraft a program manager owns or possesses primarily for use in a fractional aircraft ownership program.

(d) "Management services" means administrative and aviation support services furnished under a fractional aircraft ownership program in accordance with a management services agreement under division (KKK)(1)(e) of this section, and offered by the program manager to the fractional owners, including, at a minimum, the establishment and implementation of safety guidelines; the coordination of the scheduling of the program aircraft and crews; program aircraft maintenance; program aircraft insurance; crew training for crews employed, furnished, or contracted by the program manager or the fractional owner; the satisfaction of record-keeping requirements; and the development and use of an operations manual and a maintenance manual for the fractional aircraft ownership program.

(e) "Program manager" means the person that offers management services to fractional owners pursuant to a management services agreement under division (KKK)(1)(e) of this section.

(LLL) "Electronic publishing" means providing access to one or more of the following primarily for business customers, including the federal government or a state government or a political subdivision thereof, to conduct research: news; business, financial, legal, consumer, or credit materials; editorials, columns, reader commentary, or features; photos or images; archival or research material; legal notices, identity verification, or public records; scientific, educational, instructional, technical, professional, trade, or other literary materials; or other similar information which has been gathered and made available by the provider to the consumer in an electronic format. Providing electronic publishing includes the functions necessary for the acquisition, formatting, editing, storage, and dissemination of data or information that is the subject of a sale.

(MMM) "Medicaid health insuring corporation" means a health insuring corporation that holds a certificate of authority under Chapter 1751. of the Revised Code and is under contract with the department of job and family services pursuant to section 5111.17 of the Revised Code.

(NNN) "Managed care premium" means any premium, capitation, or other payment a medicaid health insuring corporation receives for providing or arranging for the provision of health care services to its members or enrollees residing in this state.

(OOO) "Captive deer" means deer and other cervidae that have been legally acquired, or their offspring, that are privately owned for agricultural or farming purposes.

(PPP) "Gift card" means a document, card, certificate, or other record, whether tangible or intangible, that may be redeemed by a consumer for a dollar value when making a purchase of tangible personal property or services.

(QQQ) "Specified digital product" means an electronically transferred digital audiovisual work, digital audio work, or digital book.

As used in division (QQQ) of this section:

(1) "Digital audiovisual work" means a series of related images that, when shown in succession, impart an impression of motion, together with accompanying sounds, if any.

(2) "Digital audio work" means a work that results from the fixation of a series of musical, spoken, or other sounds, including digitized sound files that are downloaded onto a device and that may be used to alert the customer with respect to a communication.

(3) "Digital book" means a work that is generally recognized in the ordinary and usual sense as a book.

(4) "Electronically transferred" means obtained by the purchaser by means other than tangible storage media.

(RRR) "Municipal gas utility" means a municipal corporation that owns or operates a system for the distribution of natural gas.

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

(A)(1) The tax shall be collected as provided in section 5739.025 of the Revised Code. The rate of the tax shall be five and three-fourths per cent. The tax applies and is collectible when the sale is made, regardless of the time when the price is paid or delivered.

(2) In the case of the lease or rental, with a fixed term of more than thirty days or an indefinite term with a minimum period of more than thirty days, of any motor vehicles designed by the manufacturer to carry a load of not more than one ton, watercraft, outboard motor, or aircraft, or of any

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

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

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

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

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

(1) Sales to the state or any of its political subdivisions, or to any other state or its political subdivisions if the laws of that state exempt from taxation sales made to this state and its political subdivisions;

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

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

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

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

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

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

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

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

(b) The limitation on the number of days on which tax-exempt sales may be made by a church or organization under division (B)(9)(a) of this

section does not apply to sales made by student clubs and other groups of students of a primary or secondary school, or a parent-teacher association, booster group, or similar organization that raises money to support or fund curricular or extracurricular activities of a primary or secondary school.

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

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

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

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

"Charitable purposes" means the relief of poverty; the improvement of health through the alleviation of illness, disease, or injury; the operation of an organization exclusively for the provision of professional, laundry, printing, and purchasing services to hospitals or charitable institutions; the operation of a home for the aged, as defined in section 5701.13 of the Revised Code; the operation of a radio or television broadcasting station that is licensed by the federal communications commission as a noncommercial educational radio or television station; the operation of a nonprofit animal adoption service or a county humane society; the promotion of education by an institution of learning that maintains a faculty of qualified instructors, teaches regular continuous courses of study, and confers a recognized diploma upon completion of a specific curriculum; the operation of a parent-teacher association, booster group, or similar organization primarily engaged in the promotion and support of the curricular or extracurricular activities of a primary or secondary school; the operation of a community or area center in which presentations in music, dramatics, the arts, and related fields are made in order to foster public interest and education therein; the



production of performances in music, dramatics, and the arts; or the promotion of education by an organization engaged in carrying on research in, or the dissemination of, scientific and technological knowledge and information primarily for the public.

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

(13) Building and construction materials and services sold to construction contractors for incorporation into a structure or improvement to real property under a construction contract with this state or a political subdivision of this state, or with the United States government or any of its agencies; building and construction materials and services sold to construction contractors for incorporation into a structure or improvement to real property that are accepted for ownership by this state or any of its political subdivisions, or by the United States government or any of its agencies at the time of completion of the structures or improvements; building and construction materials sold to construction contractors for incorporation into a horticulture structure or livestock structure for a person engaged in the business of horticulture or producing livestock; building materials and services sold to a construction contractor for incorporation into a house of public worship or religious education, or a building used exclusively for charitable purposes under a construction contract with an organization whose purpose is as described in division (B)(12) of this section; building materials and services sold to a construction contractor for incorporation into a building under a construction contract with an organization exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986 when the building is to be used exclusively for the organization's exempt purposes; building and construction materials sold for incorporation into the original construction of a sports facility under section 307.696 of the Revised Code; building and construction materials and services sold to a construction contractor for incorporation into real property outside this state if such materials and services, when sold to a construction contractor in the state in which the real property is located for incorporation into real property in that state, would be exempt from a tax on sales levied by that state; building and construction materials for incorporation into a transportation facility pursuant to a public-private agreement entered into under sections 5501.70 to 5501.83 of the Revised Code; and, until one calendar year after the construction of a convention center that qualifies for property tax exemption under section 5709.084 of the Revised Code is

completed, building and construction materials and services sold to a construction contractor for incorporation into the real property comprising that convention center;

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

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

(16) Sales of food to persons using supplemental nutrition assistance program benefits to purchase the food. As used in this division, "food" has the same meaning as in 7 U.S.C. 2012 and federal regulations adopted pursuant to the Food and Nutrition Act of 2008.

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

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

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

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

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

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

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

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

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

- (25)(a) Sales of water to a consumer for residential use;
- (b) Sales of water by a nonprofit corporation engaged exclusively in the treatment, distribution, and sale of water to consumers, if such water is delivered to consumers through pipes or tubing.
- (26) Fees charged for inspection or reinspection of motor vehicles under section 3704.14 of the Revised Code;
- (27) Sales to persons licensed to conduct a food service operation pursuant to section 3717.43 of the Revised Code, of tangible personal property primarily used directly for the following:
  - (a) To prepare food for human consumption for sale;
  - (b) To preserve food that has been or will be prepared for human consumption for sale by the food service operator, not including tangible personal property used to display food for selection by the consumer;
  - (c) To clean tangible personal property used to prepare or serve food for human consumption for sale.
- (28) Sales of animals by nonprofit animal adoption services or county humane societies;
- (29) Sales of services to a corporation described in division (A) of section 5709.72 of the Revised Code, and sales of tangible personal property that qualifies for exemption from taxation under section 5709.72 of the Revised Code;
- (30) Sales and installation of agricultural land tile, as defined in division (B)(5)(a) of section 5739.01 of the Revised Code;
- (31) Sales and erection or installation of portable grain bins, as defined in division (B)(5)(b) of section 5739.01 of the Revised Code;
- (32) The sale, lease, repair, and maintenance of, parts for, or items attached to or incorporated in, motor vehicles that are primarily used for transporting tangible personal property belonging to others by a person engaged in highway transportation for hire, except for packages and packaging used for the transportation of tangible personal property;
- (33) Sales to the state headquarters of any veterans' organization in this state that is either incorporated and issued a charter by the congress of the United States or is recognized by the United States veterans administration, for use by the headquarters;
- (34) Sales to a telecommunications service vendor, mobile telecommunications service vendor, or satellite broadcasting service vendor of tangible personal property and services used directly and primarily in transmitting, receiving, switching, or recording any interactive, one- or two-way electromagnetic communications, including voice, image, data, and information, through the use of any medium, including, but not limited to,

poles, wires, cables, switching equipment, computers, and record storage devices and media, and component parts for the tangible personal property. The exemption provided in this division shall be in lieu of all other exemptions under division (B)(42)(a) or (n) of this section to which the vendor may otherwise be entitled, based upon the use of the thing purchased in providing the telecommunications, mobile telecommunications, or satellite broadcasting service.

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

(b) Sales to direct marketing vendors of preliminary materials such as photographs, artwork, and typesetting that will be used in printing advertising material; and of printed matter that offers free merchandise or chances to win sweepstake prizes and that is mailed to potential customers with advertising material described in division (B)(35)(a) of this section;

(c) Sales of equipment such as telephones, computers, facsimile machines, and similar tangible personal property primarily used to accept orders for direct marketing retail sales.

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

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

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

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

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

(a) Motor racing vehicles;

(b) Repair services for motor racing vehicles;

(c) Items of property that are attached to or incorporated in motor racing vehicles, including engines, chassis, and all other components of the vehicles, and all spare, replacement, and rebuilt parts or components of the vehicles; except not including tires, consumable fluids, paint, and accessories consisting of instrumentation sensors and related items added to the vehicle to collect and transmit data by means of telemetry and other forms of communication.

(39) Sales of used manufactured homes and used mobile homes, as defined in section 5739.0210 of the Revised Code, made on or after January 1, 2000;

(40) Sales of tangible personal property and services to a provider of electricity used or consumed directly and primarily in generating, transmitting, or distributing electricity for use by others, including property that is or is to be incorporated into and will become a part of the consumer's production, transmission, or distribution system and that retains its classification as tangible personal property after incorporation; fuel or power used in the production, transmission, or distribution of electricity; energy conversion equipment as defined in section 5727.01 of the Revised Code; and tangible personal property and services used in the repair and maintenance of the production, transmission, or distribution system, including only those motor vehicles as are specially designed and equipped for such use. The exemption provided in this division shall be in lieu of all other exemptions in division (B)(42)(a) or (n) of this section to which a provider of electricity may otherwise be entitled based on the use of the tangible personal property or service purchased in generating, transmitting, or distributing electricity.

(41) Sales to a person providing services under division (B)(3)(r) of section 5739.01 of the Revised Code of tangible personal property and services used directly and primarily in providing taxable services under that section.

(42) Sales where the purpose of the purchaser is to do any of the following:

(a) To incorporate the thing transferred as a material or a part into tangible personal property to be produced for sale by manufacturing, assembling, processing, or refining; or to use or consume the thing transferred directly in producing tangible personal property for sale by mining, including, without limitation, the extraction from the earth of all substances that are classed geologically as minerals, production of crude oil and natural gas, or directly in the rendition of a public utility service, except

that the sales tax levied by this section shall be collected upon all meals, drinks, and food for human consumption sold when transporting persons. Persons engaged in rendering services in the exploration for, and production of, crude oil and natural gas for others are deemed engaged directly in the exploration for, and production of, crude oil and natural gas. This paragraph does not exempt from "retail sale" or "sales at retail" the sale of tangible personal property that is to be incorporated into a structure or improvement to real property.

(b) To hold the thing transferred as security for the performance of an obligation of the vendor;

(c) To resell, hold, use, or consume the thing transferred as evidence of a contract of insurance;

(d) To use or consume the thing directly in commercial fishing;

(e) To incorporate the thing transferred as a material or a part into, or to use or consume the thing transferred directly in the production of, magazines distributed as controlled circulation publications;

(f) To use or consume the thing transferred in the production and preparation in suitable condition for market and sale of printed, imprinted, overprinted, lithographic, multilithic, blueprinted, photostatic, or other productions or reproductions of written or graphic matter;

(g) To use the thing transferred, as described in section 5739.011 of the Revised Code, primarily in a manufacturing operation to produce tangible personal property for sale;

(h) To use the benefit of a warranty, maintenance or service contract, or similar agreement, as described in division (B)(7) of section 5739.01 of the Revised Code, to repair or maintain tangible personal property, if all of the property that is the subject of the warranty, contract, or agreement would not be subject to the tax imposed by this section;

(i) To use the thing transferred as qualified research and development equipment;

(j) To use or consume the thing transferred primarily in storing, transporting, mailing, or otherwise handling purchased sales inventory in a warehouse, distribution center, or similar facility when the inventory is primarily distributed outside this state to retail stores of the person who owns or controls the warehouse, distribution center, or similar facility, to retail stores of an affiliated group of which that person is a member, or by means of direct marketing. This division does not apply to motor vehicles registered for operation on the public highways. As used in this division, "affiliated group" has the same meaning as in division (B)(3)(e) of section 5739.01 of the Revised Code and "direct marketing" has the same meaning

as in division (B)(35) of this section.

(k) To use or consume the thing transferred to fulfill a contractual obligation incurred by a warrantor pursuant to a warranty provided as a part of the price of the tangible personal property sold or by a vendor of a warranty, maintenance or service contract, or similar agreement the provision of which is defined as a sale under division (B)(7) of section 5739.01 of the Revised Code;

(l) To use or consume the thing transferred in the production of a newspaper for distribution to the public;

(m) To use tangible personal property to perform a service listed in division (B)(3) of section 5739.01 of the Revised Code, if the property is or is to be permanently transferred to the consumer of the service as an integral part of the performance of the service;

(n) To use or consume the thing transferred primarily in producing tangible personal property for sale by farming, agriculture, horticulture, or floriculture. Persons engaged in rendering farming, agriculture, horticulture, or floriculture services for others are deemed engaged primarily in farming, agriculture, horticulture, or floriculture. This paragraph does not exempt from "retail sale" or "sales at retail" the sale of tangible personal property that is to be incorporated into a structure or improvement to real property.

(o) To use or consume the thing transferred in acquiring, formatting, editing, storing, and disseminating data or information by electronic publishing;

(p) To provide the thing transferred to the owner or lessee of a motor vehicle that is being repaired or serviced, if the thing transferred is a rented motor vehicle and the purchaser is reimbursed for the cost of the rented motor vehicle by a manufacturer, warrantor, or provider of a maintenance, service, or other similar contract or agreement, with respect to the motor vehicle that is being repaired or serviced.

As used in division (B)(42) of this section, "thing" includes all transactions included in divisions (B)(3)(a), (b), and (e) of section 5739.01 of the Revised Code.

(43) Sales conducted through a coin operated device that activates vacuum equipment or equipment that dispenses water, whether or not in combination with soap or other cleaning agents or wax, to the consumer for the consumer's use on the premises in washing, cleaning, or waxing a motor vehicle, provided no other personal property or personal service is provided as part of the transaction.

(44) Sales of replacement and modification parts for engines, airframes, instruments, and interiors in, and paint for, aircraft used primarily in a



fractional aircraft ownership program, and sales of services for the repair, modification, and maintenance of such aircraft, and machinery, equipment, and supplies primarily used to provide those services.

(45) Sales of telecommunications service that is used directly and primarily to perform the functions of a call center. As used in this division, "call center" means any physical location where telephone calls are placed or received in high volume for the purpose of making sales, marketing, customer service, technical support, or other specialized business activity, and that employs at least fifty individuals that engage in call center activities on a full-time basis, or sufficient individuals to fill fifty full-time equivalent positions.

(46) Sales by a telecommunications service vendor of 900 service to a subscriber. This division does not apply to information services, as defined in division (FF) of section 5739.01 of the Revised Code.

(47) Sales of value-added non-voice data service. This division does not apply to any similar service that is not otherwise a telecommunications service.

(48)(a) Sales of machinery, equipment, and software to a qualified direct selling entity for use in a warehouse or distribution center primarily for storing, transporting, or otherwise handling inventory that is held for sale to independent salespersons who operate as direct sellers and that is held primarily for distribution outside this state;

(b) As used in division (B)(48)(a) of this section:

(i) "Direct seller" means a person selling consumer products to individuals for personal or household use and not from a fixed retail location, including selling such product at in-home product demonstrations, parties, and other one-on-one selling.

(ii) "Qualified direct selling entity" means an entity selling to direct sellers at the time the entity enters into a tax credit agreement with the tax credit authority pursuant to section 122.17 of the Revised Code, provided that the agreement was entered into on or after January 1, 2007. Neither contingencies relevant to the granting of, nor later developments with respect to, the tax credit shall impair the status of the qualified direct selling entity under division (B)(48) of this section after execution of the tax credit agreement by the tax credit authority.

(c) Division (B)(48) of this section is limited to machinery, equipment, and software first stored, used, or consumed in this state within the period commencing June 24, 2008, and ending on the date that is five years after that date.

(49) Sales of materials, parts, equipment, or engines used in the repair or

maintenance of aircraft or avionics systems of such aircraft, and sales of repair, remodeling, replacement, or maintenance services in this state performed on aircraft or on an aircraft's avionics, engine, or component materials or parts. As used in division (B)(49) of this section, "aircraft" means aircraft of more than six thousand pounds maximum certified takeoff weight or used exclusively in general aviation.

(50) Sales of full flight simulators that are used for pilot or flight-crew training, sales of repair or replacement parts or components, and sales of repair or maintenance services for such full flight simulators. "Full flight simulator" means a replica of a specific type, or make, model, and series of aircraft cockpit. It includes the assemblage of equipment and computer programs necessary to represent aircraft operations in ground and flight conditions, a visual system providing an out-of-the-cockpit view, and a system that provides cues at least equivalent to those of a three-degree-of-freedom motion system, and has the full range of capabilities of the systems installed in the device as described in appendices A and B of part 60 of chapter 1 of title 14 of the Code of Federal Regulations.

(51) Any transfer or lease of tangible personal property between the state and JobsOhio in accordance with section 4313.02 of the Revised Code.

(52)(a) Sales to a qualifying corporation.

(b) As used in division (B)(52) of this section:

(i) "Qualifying corporation" means a nonprofit corporation organized in this state that leases from an eligible county land, buildings, structures, fixtures, and improvements to the land that are part of or used in a public recreational facility used by a major league professional athletic team or a class A to class AAA minor league affiliate of a major league professional athletic team for a significant portion of the team's home schedule, provided the following apply:

(I) The facility is leased from the eligible county pursuant to a lease that requires substantially all of the revenue from the operation of the business or activity conducted by the nonprofit corporation at the facility in excess of operating costs, capital expenditures, and reserves to be paid to the eligible county at least once per calendar year.

(II) Upon dissolution and liquidation of the nonprofit corporation, all of its net assets are distributable to the board of commissioners of the eligible county from which the corporation leases the facility.

(ii) "Eligible county" has the same meaning as in section 307.695 of the Revised Code.

(53) Sales to or by a cable service provider, video service provider, or

radio or television broadcast station regulated by the federal government of cable service or programming, video service or programming, audio service or programming, or electronically transferred digital audiovisual or audio work. As used in division (B)(53) of this section, "cable service" and "cable service provider" have the same meanings as in section 1332.01 of the Revised Code, and "video service," "video service provider," and "video programming" have the same meanings as in section 1332.21 of the Revised Code.

(C) For the purpose of the proper administration of this chapter, and to prevent the evasion of the tax, it is presumed that all sales made in this state are subject to the tax until the contrary is established.

(D) The levy of this tax on retail sales of recreation and sports club service shall not prevent a municipal corporation from levying any tax on recreation and sports club dues or on any income generated by recreation and sports club dues.

(E) The tax collected by the vendor from the consumer under this chapter is not part of the price, but is a tax collection for the benefit of the state, and of counties levying an additional sales tax pursuant to section 5739.021 or 5739.026 of the Revised Code and of transit authorities levying an additional sales tax pursuant to section 5739.023 of the Revised Code. Except for the discount authorized under section 5739.12 of the Revised Code and the effects of any rounding pursuant to section 5703.055 of the Revised Code, no person other than the state or such a county or transit authority shall derive any benefit from the collection or payment of the tax levied by this section or section 5739.021, 5739.023, or 5739.026 of the Revised Code.

Sec. 5747.51. (A) On or before the twenty-fifth day of July of each year, the tax commissioner shall make and certify to the county auditor of each county an estimate of the amount of the local government fund to be allocated to the undivided local government fund of each county for the ensuing calendar year, adjusting the total as required to account for subdivisions receiving local government funds under section 5747.502 of the Revised Code.

(B) At each annual regular session of the county budget commission convened pursuant to section 5705.27 of the Revised Code, each auditor shall present to the commission the certificate of the commissioner, the annual tax budget and estimates, and the records showing the action of the commission in its last preceding regular session. The commission, after extending to the representatives of each subdivision an opportunity to be heard, under oath administered by any member of the commission, and

considering all the facts and information presented to it by the auditor, shall determine the amount of the undivided local government fund needed by and to be apportioned to each subdivision for current operating expenses, as shown in the tax budget of the subdivision. This determination shall be made pursuant to divisions (C) to (I) of this section, unless the commission has provided for a formula pursuant to section 5747.53 of the Revised Code. The commissioner shall reduce or increase the amount of funds from the undivided local government fund to a subdivision required to receive reduced or increased funds under section 5747.502 of the Revised Code.

Nothing in this section prevents the budget commission, for the purpose of apportioning the undivided local government fund, from inquiring into the claimed needs of any subdivision as stated in its tax budget, or from adjusting claimed needs to reflect actual needs. For the purposes of this section, "current operating expenses" means the lawful expenditures of a subdivision, except those for permanent improvements and except payments for interest, sinking fund, and retirement of bonds, notes, and certificates of indebtedness of the subdivision.

(C) The commission shall determine the combined total of the estimated expenditures, including transfers, from the general fund and any special funds other than special funds established for road and bridge; street construction, maintenance, and repair; state highway improvement; and gas, water, sewer, and electric public utilities operated by a subdivision, as shown in the subdivision's tax budget for the ensuing calendar year.

(D) From the combined total of expenditures calculated pursuant to division (C) of this section, the commission shall deduct the following expenditures, if included in these funds in the tax budget:

(1) Expenditures for permanent improvements as defined in division (E) of section 5705.01 of the Revised Code;

(2) In the case of counties and townships, transfers to the road and bridge fund, and in the case of municipalities, transfers to the street construction, maintenance, and repair fund and the state highway improvement fund;

(3) Expenditures for the payment of debt charges;

(4) Expenditures for the payment of judgments.

(E) In addition to the deductions made pursuant to division (D) of this section, revenues accruing to the general fund and any special fund considered under division (C) of this section from the following sources shall be deducted from the combined total of expenditures calculated pursuant to division (C) of this section:

(1) Taxes levied within the ten-mill limitation, as defined in section

5705.02 of the Revised Code;

(2) The budget commission allocation of estimated county public library fund revenues to be distributed pursuant to section 5747.48 of the Revised Code;

(3) Estimated unencumbered balances as shown on the tax budget as of the thirty-first day of December of the current year in the general fund, but not any estimated balance in any special fund considered in division (C) of this section;

(4) Revenue, including transfers, shown in the general fund and any special funds other than special funds established for road and bridge; street construction, maintenance, and repair; state highway improvement; and gas, water, sewer, and electric public utilities, from all other sources except those that a subdivision receives from an additional tax or service charge voted by its electorate or receives from special assessment or revenue bond collection. For the purposes of this division, where the charter of a municipal corporation prohibits the levy of an income tax, an income tax levied by the legislative authority of such municipal corporation pursuant to an amendment of the charter of that municipal corporation to authorize such a levy represents an additional tax voted by the electorate of that municipal corporation. For the purposes of this division, any measure adopted by a board of county commissioners pursuant to section 322.02, ~~324.02~~, 4504.02, or 5739.021 of the Revised Code, including those measures upheld by the electorate in a referendum conducted pursuant to section 322.021, ~~324.021~~, 4504.021, or 5739.022 of the Revised Code, shall not be considered an additional tax voted by the electorate.

Subject to division (G) of section 5705.29 of the Revised Code, money in a reserve balance account established by a county, township, or municipal corporation under section 5705.13 of the Revised Code shall not be considered an unencumbered balance or revenue under division (E)(3) or (4) of this section. Money in a reserve balance account established by a township under section 5705.132 of the Revised Code shall not be considered an unencumbered balance or revenue under division (E)(3) or (4) of this section.

If a county, township, or municipal corporation has created and maintains a nonexpendable trust fund under section 5705.131 of the Revised Code, the principal of the fund, and any additions to the principal arising from sources other than the reinvestment of investment earnings arising from such a fund, shall not be considered an unencumbered balance or revenue under division (E)(3) or (4) of this section. Only investment earnings arising from investment of the principal or investment of such

additions to principal may be considered an unencumbered balance or revenue under those divisions.

(F) The total expenditures calculated pursuant to division (C) of this section, less the deductions authorized in divisions (D) and (E) of this section, shall be known as the "relative need" of the subdivision, for the purposes of this section.

(G) The budget commission shall total the relative need of all participating subdivisions in the county, and shall compute a relative need factor by dividing the total estimate of the undivided local government fund by the total relative need of all participating subdivisions.

(H) The relative need of each subdivision shall be multiplied by the relative need factor to determine the proportionate share of the subdivision in the undivided local government fund of the county; provided, that the maximum proportionate share of a county shall not exceed the following maximum percentages of the total estimate of the undivided local government fund governed by the relationship of the percentage of the population of the county that resides within municipal corporations within the county to the total population of the county as reported in the reports on population in Ohio by the department of development as of the twentieth day of July of the year in which the tax budget is filed with the budget commission:

Percentage of municipal population within the county:	Percentage share of the county shall not exceed:
Less than forty-one per cent	Sixty per cent
Forty-one per cent or more but less than eighty-one per cent	Fifty per cent
Eighty-one per cent or more	Thirty per cent

Where the proportionate share of the county exceeds the limitations established in this division, the budget commission shall adjust the proportionate shares determined pursuant to this division so that the proportionate share of the county does not exceed these limitations, and it shall increase the proportionate shares of all other subdivisions on a pro rata basis. In counties having a population of less than one hundred thousand, not less than ten per cent shall be distributed to the townships therein.

(I) The proportionate share of each subdivision in the undivided local government fund determined pursuant to division (H) of this section for any calendar year shall not be less than the product of the average of the percentages of the undivided local government fund of the county as apportioned to that subdivision for the calendar years 1968, 1969, and 1970, multiplied by the total amount of the undivided local government fund of

the county apportioned pursuant to former section 5735.23 of the Revised Code for the calendar year 1970. For the purposes of this division, the total apportioned amount for the calendar year 1970 shall be the amount actually allocated to the county in 1970 from the state collected intangible tax as levied by section 5707.03 of the Revised Code and distributed pursuant to section 5725.24 of the Revised Code, plus the amount received by the county in the calendar year 1970 pursuant to division (B)(1) of former section 5739.21 of the Revised Code, and distributed pursuant to former section 5739.22 of the Revised Code. If the total amount of the undivided local government fund for any calendar year is less than the amount of the undivided local government fund apportioned pursuant to former section 5739.23 of the Revised Code for the calendar year 1970, the minimum amount guaranteed to each subdivision for that calendar year pursuant to this division shall be reduced on a basis proportionate to the amount by which the amount of the undivided local government fund for that calendar year is less than the amount of the undivided local government fund apportioned for the calendar year 1970.

(J) On the basis of such apportionment, the county auditor shall compute the percentage share of each such subdivision in the undivided local government fund and shall at the same time certify to the tax commissioner the percentage share of the county as a subdivision. No payment shall be made from the undivided local government fund, except in accordance with such percentage shares.

Within ten days after the budget commission has made its apportionment, whether conducted pursuant to section 5747.51 or 5747.53 of the Revised Code, the auditor shall publish a list of the subdivisions and the amount each is to receive from the undivided local government fund and the percentage share of each subdivision, in a newspaper or newspapers of countywide circulation, and send a copy of such allocation to the tax commissioner.

The county auditor shall also send by certified mail, return receipt requested, a copy of such allocation to the fiscal officer of each subdivision entitled to participate in the allocation of the undivided local government fund of the county. This copy shall constitute the official notice of the commission action referred to in section 5705.37 of the Revised Code.

All money received into the treasury of a subdivision from the undivided local government fund in a county treasury shall be paid into the general fund and used for the current operating expenses of the subdivision.

If a municipal corporation maintains a municipal university, such municipal university, when the board of trustees so requests the legislative

authority of the municipal corporation, shall participate in the money apportioned to such municipal corporation from the total local government fund, however created and constituted, in such amount as requested by the board of trustees, provided such sum does not exceed nine per cent of the total amount paid to the municipal corporation.

If any public official fails to maintain the records required by sections 5747.50 to 5747.55 of the Revised Code or by the rules issued by the tax commissioner, the auditor of state, or the treasurer of state pursuant to such sections, or fails to comply with any law relating to the enforcement of such sections, the local government fund money allocated to the county may be withheld until such time as the public official has complied with such sections or such law or the rules issued pursuant thereto.

SECTION 101.02. That existing sections 103.71, 103.74, 120.33, 122.171, 122.85, 124.152, 124.181, 124.382, 126.32, 127.19, 181.22, 301.28, 305.31, 305.42, 323.47, 323.73, 1303.38, 2303.26, 2327.01, 2327.02, 2327.04, 2329.01, 2329.151, 2329.17, 2329.18, 2329.19, 2329.20, 2329.21, 2329.26, 2329.271, 2329.28, 2329.30, 2329.31, 2329.33, 2329.34, 2329.39, 2329.45, 2329.52, 2329.56, 2909.07, 2941.51, 3316.042, 3375.404, 3702.511, 4141.25, 4741.11, 5145.162, 5302.01, 5537.02, 5721.371, 5721.39, 5739.01, 5739.02, and 5747.51 and sections 324.01, 324.02, 324.021, 324.03, 324.04, 324.05, 324.06, 324.07, 324.08, 324.09, 324.10, 324.11, 324.12, and 324.99 of the Revised Code are hereby repealed.

SECTION 101.03. (A) The provisions of the Revised Code, including Title XXIII, relating to the judicial sale of real estate pursuant to a mortgage loan foreclosure action comprise a comprehensive regulatory framework intended to operate uniformly throughout the state to provide efficient sales procedures for foreclosed property, improve the market for such property by increasing sale prices, and reduce the number of unoccupied and abandoned properties marring the cities of this state. This provision does not preempt vacant foreclosed property registration ordinances enacted by political subdivisions pursuant to their police powers.

(B)(1) A person whose conduct is governed by this act shall comply in good faith with the requirements of this act and shall act in good faith throughout the foreclosure process. "Good faith," as defined in section 1303.201 of the Revised Code, means honesty in fact and the observance of reasonable commercial standards of fair dealing.

(2) A judgment creditor in connection with a real property foreclosure



action shall proceed in a commercially reasonable manner in complying with this act, not in consistent with division (A)(9) of section 1303.01 of the Revised Code.

SECTION 101.04. (A) The winning bidder pursuant to division (A) of section 2329.153 of the Revised Code shall work with sheriffs and other groups to address issues regarding the official public sheriff sale web site, including potential cost and recoupment, details of the implementation of the online system, and other unresolved concerns.

(B) A sheriff may conduct a dual real property foreclosure sale on the official public sheriff sale web site and at a physical location considered appropriate by the sheriff.

SECTION 103.10. That Section 9 of Sub. H.B. 238 of the 131st General Assembly is hereby repealed.

SECTION 501.10. All items in this section are hereby appropriated as designated out of any moneys in the state treasury to the credit of the designated fund. The appropriations made in this section are for the biennium ending June 30, 2018. The appropriations made in this section are in addition to any other appropriations made for the FY 2017-FY 2018 biennium.

**FCC FACILITIES CONSTRUCTION COMMISSION**

**Public School Building Fund (Fund 7021)**

C230X9	Lead Plumbing Fixture Replacement Assistance Grants	\$	12,000,000
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TOTAL Public School Building Fund	\$	12,000,000
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**Cultural and Sports Facilities Building Fund (Fund 7030)**

C230EF	Dayton Aviation Heritage National Historic Park	\$	1,000,000
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TOTAL Cultural and Sports Facilities Building Fund	\$	1,000,000
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TOTAL ALL BUDGET FUND GROUPS	\$	13,000,000
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**LEAD PLUMBING FIXTURE REPLACEMENT ASSISTANCE GRANTS**

The foregoing appropriation item C230X9, Lead Plumbing Fixture Replacement Assistance Grants, shall be used by the Facilities Construction Commission to provide funding to eligible public and chartered nonpublic schools for the reimbursement of the cost of the replacement of drinking fountains, water coolers, plumbing fixtures, and limited connected piping

that are found to be a cause of lead above the federal action level in drinking water. The foregoing appropriation item may also be used by the Commission to reimburse eligible public and chartered nonpublic schools for the cost of the drinking water assessments described in the following paragraph. For the purposes of this grant program, an eligible school is a traditional public school, community school, or chartered nonpublic school that is housed in a building constructed before 1990.

An eligible school may apply to the Facilities Construction Commission for reimbursement of the cost of an assessment performed by a commercial laboratory certified by the Ohio Environmental Protection Agency to perform chemical analysis on public drinking water. In order to be eligible for reimbursement, the assessment must follow testing protocols consistent with United States Environmental Protection Agency guidelines.

If the assessment finds that a drinking fountain, water cooler, plumbing fixture, or limited connected piping is found to be a cause of lead above the federal action level in drinking water, an eligible school may then apply to the Facilities Construction Commission for reimbursement up to \$15,000 per school for the assessments and material costs of the replacement of drinking fountains, water coolers, plumbing fixtures, and limited connected piping. An eligible school may apply to the Commission for reimbursement for costs of eligible assessments or material replacements that were incurred on or after January 1, 2016. The Commission, in consultation with the Ohio Environmental Protection Agency and Ohio Water Development Authority may develop guidelines for the administration, phasing, and distribution of the grants.

During the biennium ending June 30, 2018, the Ohio Water Development Authority may transfer up to \$2,000,000 cash to Public School Building Fund (Fund 7021) pursuant to an agreement with the Facilities Construction Commission. The transferred cash shall be used to support the foregoing appropriation item C230X9, Lead Plumbing Fixture Replacement Assistance Grants.

SECTION 501.11. 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 Section 501.10 of this act, and shall determine the form and manner in which appropriation accounts shall be maintained. Expenditures from appropriations contained in Section 501.10 of this act shall be accounted for as though made in the capital appropriations act of the 131st General Assembly.

The appropriations made in Section 501.10 of this act are subject to all

provisions of the capital appropriations act of the 131st General Assembly that are generally applicable to such appropriations.

SECTION 515.10. Notwithstanding divisions (B) and (C) of section 131.44 of the Revised Code, the Director of Budget and Management shall determine the amount by which the unencumbered balance in the General Revenue Fund on June 30, 2016, exceeds the sum of amounts described in divisions (A)(3)(b) and (c) of section 131.44 of the Revised Code, and allocate up to \$25,000,000 of that amount, to the extent so determined, to the Emergency Purposes/Contingencies Fund (Fund 5KM0).

SECTION 601.10. That Sections 207.190, 223.10, 229.10, 245.10, 251.10, 257.10, 257.20, 263.50, 263.220, 263.390, 275.10, 305.10, 305.30, 305.53, 305.120, 309.10, and 379.10 of Am. Sub. H.B. 64 of the 131st General Assembly be amended to read as follows:

Sec. 207.190. PROFESSIONS LICENSING SYSTEM

The foregoing appropriation item, 100658, Ohio Professionals Licensing System, shall be used to purchase the equipment, products, and services necessary to develop and maintain a replacement automated licensing system for the professional licensing boards.

Upon request by the Director of Administrative Services, the Director of Budget and Management may transfer up to ~~\$6,037,000~~ \$22,836,200 in cash during the FY 2016-FY 2017 biennium from the Occupational Licensing and Regulatory Fund (Fund 4K90), the State Medical Board Operating Fund (Fund 5C60), and the Casino Control Commission – Operating Fund (Fund 5HS0), to the Professions Licensing System Fund (Fund 5JQ0). The amount transferred from each fund shall be in proportion to the number of current licenses issued by the licensing boards and commissions that use each fund, and for the Casino Control Commission, the number of current and anticipated licenses. The transferred amounts shall be used by the Director of Administrative Services for the initial acquisition and development of the Professions Licensing System. The transferred amounts are hereby appropriated to appropriation item 100658, Professionals Licensing System. The unobligated, unexpended amount of the cash transferred in FY 2016 is hereby reappropriated for the same purpose in FY 2017.

Effective with the implementation of the replacement licensing system, the Department of Administrative Services shall establish charges for recovering the costs of ongoing maintenance of the system. The charges shall be billed to the professional licensing boards and the Casino Control

Commission, and deposited via intrastate transfer vouchers to the credit of the Professions Licensing System Fund (Fund 5JQ0), which is hereby created in the state treasury.

**Sec. 223.10. AUD AUDITOR OF STATE**

**General Revenue Fund**

GRF 070321	Operating Expenses	\$	28,751,872	\$	28,751,872
GRF 070403	Fiscal Watch/Emergency	\$	800,000	\$	800,000
	Technical Assistance				
<u>GRF 070409</u>	<u>School District Performance</u>	<u>\$</u>	<u>0</u>	<u>\$</u>	<u>1,000,000</u>
	<u>Audits</u>				
TOTAL GRF General Revenue Fund		\$	29,551,872	\$	<u>29,551,872</u>
					<u>30,551,872</u>

**Dedicated Purpose Fund Group**

1090 070601	Public Audit Expense - Intra-State	\$	9,600,181	\$	9,600,181
4220 070602	Public Audit Expense - Local Government	\$	33,509,944	\$	33,715,944
5840 070603	Training Program	\$	403,750	\$	403,750
5JZ0 070606	LEAP Revolving Loans	\$	400,000	\$	400,000
6750 070605	Uniform Accounting Network	\$	3,187,637	\$	3,187,637
TOTAL DPF Dedicated Purpose Fund Group		\$	47,101,512	\$	47,307,512
TOTAL ALL BUDGET FUND GROUPS		\$	76,653,384	\$	<u>76,859,384</u>
					<u>77,859,384</u>

**SCHOOL DISTRICT PERFORMANCE AUDITS**

The foregoing appropriation item 070409, School District Performance Audits, shall be used by the Auditor of State, in consultation with the Department of Education and the Office of Budget and Management, for expenses incurred in the Auditor of State's role relating to fiscal caution, fiscal watch, and fiscal emergency activities pursuant to section 3316.042 of the Revised Code.

**Sec. 229.10. CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD**

**General Revenue Fund**

GRF 874100	Personal Services	\$	2,417,467	\$	2,417,467
GRF 874320	Maintenance and Equipment	\$	1,161,098	\$	<del>1,161,098</del>
					<u>1,411,098</u>
TOTAL GRF General Revenue Fund		\$	3,578,565	\$	<u>3,578,565</u>
					<u>3,828,565</u>

**Dedicated Purpose Fund Group**

2080 874601	Underground Parking Garage Operations	\$	3,496,740	\$	3,496,740
4G50 874603	Capitol Square Education Center and Arts	\$	6,000	\$	6,000
TOTAL DPF Dedicated Purpose Fund Group		\$	3,502,740	\$	3,502,740

**Internal Service Activity Fund Group**

4S70 874602	Statehouse Gift Shop/Events	\$	700,000	\$	700,000
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TOTAL ISA Internal Service Activity			
Fund Group	\$	700,000	\$ 700,000
TOTAL ALL BUDGET FUND GROUPS	\$	7,781,305	\$ 7,781,305
			8,031,305

**HISTORICAL UNITED STATES AND OHIO FLAGS DISPLAY**

Of the foregoing appropriation item 874320, Maintenance and Equipment, up to \$50,000 in fiscal year 2017 shall be used to display inside the Statehouse borrowed or purchased United States, Ohio, or Ohio military flags that have historical significance to the State of Ohio. The use of these funds is subject to the approval of the members of the Capitol Square Review and Advisory Board. The Board shall consult with the Ohio History Connection regarding the display.

**UNDERGROUND PARKING GARAGE FUND**

Notwithstanding division (G) of section 105.41 of the Revised Code and any other provision to the contrary, moneys in the Underground Parking Garage Fund (Fund 2080) may be used for personnel and operating costs related to the operations of the Statehouse and the Statehouse Underground Parking Garage.

**HOUSE AND SENATE PARKING REIMBURSEMENT**

On July 1 of each fiscal year, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$500,000 cash from the General Revenue Fund to the Underground Parking Garage Fund (Fund 2080). The amounts transferred under this section shall be used to reimburse the Capitol Square Review and Advisory Board for legislative parking costs.

**Sec. 245.10. CEB CONTROLLING BOARD**

**General Revenue Fund**

GRF 911441	Ballot Advertising Costs	\$	475,000	\$	475,000
TOTAL GRF	General Revenue Fund	\$	475,000	\$	475,000

**Dedicated Purpose Fund Group**

5RU0911617	Absent Voter's Ballot	\$	0	\$	1,250,000
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**Mailings**

TOTAL DPF	Dedicated Purpose	\$	0	\$	1,250,000
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**Fund Group**

**Internal Service Activity Fund Group**

5KM0911614	CB Emergency Purposes/Contingencies	\$	10,000,000	\$	10,000,000
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TOTAL ISA	Internal Service Activity				
Fund Group		\$	10,000,000	\$	10,000,000
TOTAL ALL BUDGET FUND GROUPS		\$	10,475,000	\$	11,725,000

**FEDERAL SHARE**

In transferring appropriations to or from appropriation items that have federal shares identified in this act, the Controlling Board shall add or subtract corresponding amounts of federal matching funds at the percentages

indicated by the state and federal division of the appropriations in ~~this act~~ Am. Sub. H.B. 64 of the 131st General Assembly. Such changes are hereby appropriated.

#### ABSENT VOTER'S BALLOT APPLICATION MAILING

Pursuant to section 111.31 of the Revised Code and upon the request of the Secretary of State, the Controlling Board shall approve cash transfers from the Absent Voter's Ballot Fund (Fund 5RU0), which is hereby created, under the foregoing appropriation item 911617, Absent Voter's Ballot Mailings, to the Absent Voter's Ballot Application Mailing Fund (Fund 5RG0) used by the Secretary of State to pay the cost of printing and mailing unsolicited applications for absent voters' ballots for the general election to be held on November 8, 2016.

#### BALLOT ADVERTISING COSTS

Pursuant to section 3501.17 of the Revised Code, and upon requests submitted by the Secretary of State, the Controlling Board shall approve transfers from the foregoing appropriation item 911441, Ballot Advertising Costs, to appropriation item 050621, Statewide Ballot Advertising, in order to pay for the cost of public notices associated with statewide ballot initiatives.

#### CAPITAL APPROPRIATION INCREASE FOR FEDERAL STIMULUS ELIGIBILITY

A state agency director shall request that the Controlling Board increase the amount of the agency's capital appropriations if the director determines such an increase is necessary for the agency to receive and use funds under the federal American Recovery and Reinvestment Act of 2009. The Controlling Board may increase the capital appropriations pursuant to the request up to the exact amount necessary under the federal act if the Board determines it is necessary for the agency to receive and use those federal funds.

#### DISASTER SERVICES

Pursuant to requests submitted by the Department of Public Safety, the Controlling Board may approve transfers from the Disaster Services Fund (Fund 5E20) to a fund and appropriation item used by the Department of Public Safety to provide for assistance to political subdivisions made necessary by natural disasters or emergencies. These transfers may be requested and approved prior to the occurrence of any specific natural disasters or emergencies in order to facilitate the provision of timely assistance. The Emergency Management Agency of the Department of Public Safety shall use the funding to fund the State Disaster Relief Program for disasters that have a written Governor's authorization, and the State

Individual Assistance Program for disasters that have a written Governor's authorization and is declared by the federal Small Business Administration. The Ohio Emergency Management Agency shall publish and make available application packets outlining procedures for the State Disaster Relief Program and the State Individual Assistance Program.

Fund 5E20 shall be used by the Controlling Board, pursuant to requests submitted by state agencies, to transfer cash and appropriations to any fund and appropriation item for the payment of state agency disaster relief program expenses for disasters that have a written Governor's authorization, if the Director of Budget and Management determines that sufficient funds exist.

**Sec. 251.10. CLA COURT OF CLAIMS**

**General Revenue Fund**

GRF 015321	Operating Expenses	\$	2,562,959	\$	2,536,419
<u>GRF 015403</u>	<u>Public Records Adjudication</u>	<u>\$</u>	<u>0</u>	<u>\$</u>	<u>500,000</u>
TOTAL GRF General Revenue Fund		\$	2,562,959	\$	<u>2,536,419</u>
					<u>3,036,419</u>

**Dedicated Purpose Fund Group**

5K20 015603	CLA Victims of Crime	\$	427,184	\$	434,019
TOTAL DPF Dedicated Purpose Fund Group		\$	427,184	\$	434,019
TOTAL ALL BUDGET FUND GROUPS		\$	2,990,143	\$	<u>2,970,438</u>
					<u>3,470,438</u>

**PUBLIC RECORDS ADJUDICATION**

The foregoing appropriation item 015403, Public Records Adjudication, shall be used by the Court of Claims to perform its duties and responsibilities as directed by S.B. 321 of the 131st General Assembly.

**Sec. 257.10. DEV DEVELOPMENT SERVICES AGENCY**

**General Revenue Fund**

GRF 195402	Coal Research and Development Program	\$	234,400	\$	234,400
GRF 195405	Minority Business Development	\$	1,822,191	\$	1,722,191
GRF 195407	Travel and Tourism	\$	1,250,000	\$	1,250,000
GRF 195415	Business Development Services	\$	2,483,187	\$	2,483,187
GRF 195426	Redevelopment Assistance	\$	525,000	\$	525,000
GRF 195453	Technology Programs and Grants	\$	<del>14,577,641</del>	\$	<del>14,577,641</del>
			<u>14,827,641</u>		<u>15,527,641</u>
GRF 195454	Business Assistance	\$	3,506,474	\$	3,256,474
GRF 195455	Appalachia Assistance	\$	5,748,749	\$	5,748,749
GRF 195497	CDBG Operating Match	\$	1,053,200	\$	1,053,200
GRF 195537	Ohio-Israel Agricultural Initiative	\$	200,000	\$	200,000
GRF 195540	Port Authority Assistance	\$	2,500,000	\$	0
GRF 195542	The Wilds	\$	250,000	\$	0
GRF 195547	Saint Luke's Manor	\$	200,000	\$	0

GRF	195549	Pathway Pilot Project	\$	86,727	\$	86,727
GRF	195901	Coal Research & Development General Obligation Bond Debt Service	\$	5,991,400	\$	5,038,700
GRF	195905	Third Frontier Research & Development General Obligation Bond Debt Service	\$	76,591,400	\$	96,212,000
GRF	195912	Job Ready Site Development General Obligation Bond Debt Service	\$	18,634,000	\$	15,235,900
TOTAL GRF General Revenue Fund			\$	<del>136,004,369</del> <u>135,904,369</u>	\$	<del>147,974,169</del> <u>148,574,169</u>

**Dedicated Purpose Fund Group**

4500	195624	Minority Business Bonding Program Administration	\$	74,905	\$	74,905
4510	195649	Business Assistance Programs	\$	5,000,000	\$	5,000,000
4F20	195639	State Special Projects	\$	102,104	\$	102,104
4F20	195699	Utility Community Assistance	\$	500,000	\$	500,000
4W10	195646	Minority Business Enterprise Loan	\$	4,000,000	\$	4,000,000
5CG0	195679	Alternative Fuel Transportation	\$	3,000,000	\$	3,000,000
5HR0	195622	Defense Development Assistance	\$	3,500,000	\$	3,500,000
5HR0	195662	Incumbent Workforce Training Vouchers	\$	7,500,000	\$	7,500,000
5JR0	195635	Redevelopment Program Support	\$	100,000	\$	100,000
5KN0	195640	Local Government Innovation	\$	11,922,500	\$	11,922,500
5KP0	195645	Historic Rehab Operating	\$	900,000	\$	1,000,000
5M40	195659	Low Income Energy Assistance (USF)	\$	370,000,000	\$	370,000,000
5M50	195660	Advanced Energy Loan Programs	\$	12,000,000	\$	12,000,000
5MH0	195644	SiteOhio Administration	\$	100,000	\$	100,000
5MJ0	195683	TourismOhio Administration	\$	9,000,000	\$	10,000,000
5NS0	195616	Career Exploration Internship	\$	500,000	\$	0
5RD0	195666	Local Government Safety Capital Grant Program	\$	10,000,000	\$	10,000,000
5RQ0	195546	Lakes in Economic Distress Revolving Loan Program	\$	500,000	\$	0
5SA3	195678	Local Public Enhancement	\$	250,000	\$	0
5W50	195690	Travel and Tourism Cooperative Projects	\$	150,000	\$	150,000
5W60	195691	International Trade Cooperative Projects	\$	18,000	\$	18,000
6170	195654	Volume Cap Administration	\$	32,562	\$	32,562
6460	195638	Low- and Moderate- Income Housing Programs	\$	53,000,000	\$	53,000,000
M087	195435	Biomedical Research and Technology Transfer	\$	500,000	\$	500,000
TOTAL DPF Dedicated Purpose Fund Group			\$	492,650,071	\$	492,500,071

**Internal Service Activity Fund Group**



1350	195684	Development Services Operations	\$	10,800,000	\$	10,800,000
6850	195636	Development Services Reimbursable Expenditures	\$	700,000	\$	700,000
TOTAL ISA Internal Service Activity Fund Group			\$	11,500,000	\$	11,500,000
<b>Facilities Establishment Fund Group</b>						
5S90	195628	Capital Access Loan Program	\$	3,000,000	\$	3,000,000
7009	195664	Innovation Ohio	\$	10,000,000	\$	10,000,000
7010	195665	Research and Development	\$	10,000,000	\$	10,000,000
7037	195615	Facilities Establishment	\$	35,000,000	\$	35,000,000
TOTAL FCE Facilities Establishment Fund Group			\$	58,000,000	\$	58,000,000
<b>Bond Research &amp; Development Fund Group</b>						
7011	195617	Third Frontier Internship Program	\$	2,788,755	\$	2,788,755
7011	195686	Third Frontier Tax Exempt - Operating	\$	1,140,000	\$	1,140,000
7011	195687	Third Frontier Research & Development Projects	\$	68,904,946	\$	63,904,946
7014	195620	Third Frontier Taxable - Operating	\$	1,710,000	\$	1,710,000
7014	195692	Research & Development Taxable Bond Projects	\$	90,850,250	\$	90,850,250
TOTAL BRD Bond Research & Development Fund Group			\$	165,393,951	\$	160,393,951
<b>Capital Projects Fund Group</b>						
7003	195663	Clean Ohio Revitalization Operating	\$	600,000	\$	600,000
7012	195688	Job Ready Site Development Operating	\$	300,000	\$	300,000
TOTAL CPF Capital Projects Fund Group			\$	900,000	\$	900,000
<b>Federal Fund Group</b>						
3080	195603	Housing Assistance Programs	\$	10,000,000	\$	10,000,000
3080	195609	Small Business Administration Grants	\$	5,271,381	\$	5,271,381
3080	195618	Energy Grants	\$	4,100,000	\$	4,100,000
3080	195670	Home Weatherization Program	\$	20,000,000	\$	20,000,000
3080	195671	Brownfield Redevelopment	\$	3,000,000	\$	3,000,000
3080	195672	Manufacturing Extension Partnership	\$	5,359,305	\$	5,359,305
3080	195675	Procurement Technical Assistance	\$	1,250,000	\$	750,000
3080	195681	SBDC Disability Consulting	\$	1,300,000	\$	1,300,000
3080	195696	State Trade and Export Promotion	\$	486,000	\$	486,000
3350	195610	Energy Programs	\$	200,000	\$	200,000
3AE0	195643	Workforce Development Initiatives	\$	1,500,000	\$	1,500,000
3FJ0	195626	Small Business Capital Access and Collateral Enhancement Program	\$	5,644,445	\$	5,644,445

3FJ0	195661	Technology Targeted Investment Program	\$	2,260,953	\$	2,260,953
3K80	195613	Community Development Block Grant	\$	65,000,000	\$	65,000,000
3K90	195611	Home Energy Assistance Block Grant	\$	175,000,000	\$	175,000,000
3K90	195614	HEAP Weatherization	\$	25,000,000	\$	25,000,000
3L00	195612	Community Services Block Grant	\$	28,000,000	\$	28,000,000
3V10	195601	HOME Program	\$	25,000,000	\$	25,000,000
TOTAL FED Federal Fund Group			\$	378,372,084	\$	377,872,084
TOTAL ALL BUDGET FUND GROUPS			\$	<u>1,242,820,475</u>	\$	<u>1,249,140,275</u>
				<u>1,242,720,475</u>		<u>1,249,740,275</u>

#### Sec. 257.20. COAL RESEARCH AND DEVELOPMENT PROGRAM

The foregoing appropriation item 195402, Coal Research and Development Program, shall be used for the operating expenses of the Community Services Division in support of the Ohio Coal Development Office.

#### MINORITY BUSINESS DEVELOPMENT

Of the foregoing appropriation item 195405, Minority Business Development, \$100,000 in fiscal year 2016 shall be for a Minority Business Enterprise (MBE)/Encouraging Diversity, Growth and Equity (EDGE) Connectivity Study.

#### TRAVEL AND TOURISM

Of the foregoing appropriation item 195407, Travel and Tourism, \$1,000,000 in each fiscal year shall be used to make grants under section 122.121 of the Revised Code.

Of the foregoing appropriation item 195407, Travel and Tourism, \$250,000 in each fiscal year shall be used to award grants to assist businesses and other entities that are adversely affected due to economic circumstances that result in the declaration of a lake as an area under economic distress by the Director of Natural Resources pursuant to section 122.641 of the Revised Code.

#### BUSINESS DEVELOPMENT SERVICES

The foregoing appropriation item 195415, Business Development Services, shall be used for the operating expenses of the Business Services Division and the regional economic development offices and for grants for cooperative economic development ventures.

#### REDEVELOPMENT ASSISTANCE

The foregoing appropriation item 195426, Redevelopment Assistance, shall be used to fund the costs of administering the energy, redevelopment, and other urban revitalization programs that may be implemented by the Development Services Agency.

#### TECHNOLOGY PROGRAMS AND GRANTS

Of the foregoing appropriation item 195453, Technology Programs and Grants, \$250,000 in fiscal year 2016 and \$950,000 in fiscal year 2017 shall be allocated to Connect Ohio to provide broadband mapping and technology research and assistance; up to \$547,341 in each fiscal year shall be used for operating expenses incurred in administering the Ohio Third Frontier pursuant to sections 184.10 to 184.20 of the Revised Code; ~~and~~ up to \$13,000,000 in each fiscal year shall be used for the Thomas Edison Program pursuant to sections 122.28 to 122.38 of the Revised Code, of which not more than ten per cent shall be used for operating expenses incurred in administering the program; and up to \$1,000,000 in each fiscal year shall be used for the Thomas Edison Program to support small- and mid-sized manufacturers, specifically as follows: up to \$225,000 in each fiscal year to assist in accelerating the development and adoption of technology for small- and mid-sized manufacturers; up to \$225,000 in each fiscal year to assist small- and mid-sized manufacturers in adopting emerging digital technologies; up to \$212,500 in each fiscal year to develop and manage an accessible online inventory of technological resources to support small- and mid-sized manufacturers; and up to \$337,500 in each fiscal year to administer the Applied Research Grant Program, which is hereby created, to award direct cash grant assistance. A grant awarded under the Applied Research Grant Program shall not exceed the amount matched by the recipient. The Director of Development Services shall determine other eligibility criteria and the allocation of awards in implementing and administering the Applied Research Grant Program.

#### BUSINESS ASSISTANCE

The foregoing appropriation item 195454, Business Assistance, may be used to provide a range of business assistance, including grants to local organizations to support economic development activities that promote minority business development, small business development, entrepreneurship, and exports of Ohio's goods and services. This appropriation item shall also be used as matching funds for grants from the United States Small Business Administration and other federal agencies, pursuant to Public Law No. 96-302 as amended by Public Law No. 98-395, and regulations and policy guidelines for the programs pursuant thereto.

#### APPALACHIA ASSISTANCE

The foregoing appropriation item 195455, Appalachia Assistance, may be used for the administrative costs of planning and liaison activities for the Governor's Office of Appalachia, to provide financial assistance to projects in Ohio's Appalachian counties, to support four local development districts, and to pay dues for the Appalachian Regional Commission. These funds

may be used to match federal funds from the Appalachian Regional Commission. Programs funded through the foregoing appropriation item shall be identified and recommended by the local development districts and approved by the Governor's Office of Appalachia. The Development Services Agency shall conduct compliance and regulatory review of the programs recommended by the local development districts. Moneys allocated under the foregoing appropriation item may be used to fund projects including, but not limited to, those designated by the local development districts as community investment and rapid response projects.

Of the foregoing appropriation item 195455, Appalachia Assistance, in each fiscal year, \$170,000 shall be allocated to the Ohio Valley Regional Development Commission, \$170,000 shall be allocated to the Ohio Mid-Eastern Government Association, \$170,000 shall be allocated to the Buckeye Hills-Hocking Valley Regional Development District, and \$70,000 shall be allocated to the Eastgate Regional Council of Governments. Local development districts receiving funding under this section shall use the funds for the implementation and administration of programs and duties under section 107.21 of the Revised Code.

#### CDBG OPERATING MATCH

The foregoing appropriation item 195497, CDBG Operating Match, shall be used as matching funds for grants from the United States Department of Housing and Urban Development pursuant to the Housing and Community Development Act of 1974 and regulations and policy guidelines for the programs pursuant thereto.

#### OHIO-ISRAEL AGRICULTURAL INITIATIVE

The foregoing appropriation item 195537, Ohio-Israel Agricultural Initiative, shall be used for the Ohio-Israel Agricultural Initiative.

#### PORT AUTHORITY ASSISTANCE

The foregoing appropriation item 195540, Port Authority Assistance, shall be used to distribute a grant to the Montgomery County Port Authority for the Midtown Redevelopment Initiative.

#### THE WILDS

The foregoing appropriation item 195542, The Wilds, shall be used to distribute a grant to The Wilds, a nonprofit conservation center in Muskingum County, for the development of a public water connection.

#### SAINT LUKE'S MANOR

The foregoing appropriation item 195547, Saint Luke's Manor, shall be allocated to Cleveland Neighborhood Progress to support the completion of the Saint Luke's Manor project.

#### PATHWAY PILOT PROJECT

The foregoing appropriation item 195549, Pathway Pilot Project, shall be allocated to Pathway, a Community Action Agency in Lucas County, for a pilot program to connect individuals with sustainable employment opportunities.

**COAL RESEARCH AND DEVELOPMENT GENERAL OBLIGATION BOND DEBT SERVICE**

The foregoing appropriation line item 195901, Coal Research and Development General Obligation Bond Debt Service, shall be used to pay all debt service and related financing costs during the period July 1, 2015, through June 30, 2017, on obligations issued under sections 151.01 and 151.07 of the Revised Code.

**THIRD FRONTIER RESEARCH & DEVELOPMENT GENERAL OBLIGATION BOND DEBT SERVICE**

The foregoing appropriation item 195905, Third Frontier Research & Development General Obligation Bond Debt Service, shall be used to pay all debt service and related financing costs during the period from July 1, 2015, through June 30, 2017, on obligations issued under sections 151.01 and 151.10 of the Revised Code.

**JOB READY SITE DEVELOPMENT GENERAL OBLIGATION BOND DEBT SERVICE**

The foregoing appropriation item 195912, Job Ready Site Development General Obligation Bond Debt Service, shall be used to pay all debt service and related financing costs during the period from July 1, 2015, through June 30, 2017, on obligations issued under sections 151.01 and 151.11 of the Revised Code.

**Sec. 263.50. SCHOOL MANAGEMENT ASSISTANCE**

Of the foregoing appropriation item 200422, School Management Assistance, \$1,000,000 in each fiscal year 2016 shall be used by the Auditor of State in consultation with the Department of Education for expenses incurred in the Auditor of State's role relating to fiscal caution, fiscal watch, and fiscal emergency activities as defined in Chapter 3316. of the Revised Code, unless an amount less than \$1,000,000 is needed and mutually agreed to by the Department and the Auditor of State. This set-aside may also be used by the Auditor of State to conduct performance audits of other school districts with priority given to districts in fiscal distress. Districts in fiscal distress shall be determined by the Auditor of State and shall include districts that the Auditor of State, in consultation with the Department of Education, determines are employing fiscal practices or experiencing budgetary conditions that could produce a state of fiscal watch or fiscal emergency.

The remainder of appropriation item 200422, School Management Assistance, shall be used by the Department of Education to provide fiscal technical assistance and inservice education for school district management personnel and to administer, monitor, and implement the fiscal caution, fiscal watch, and fiscal emergency provisions under Chapter 3316. of the Revised Code.

Sec. 263.220. FOUNDATION FUNDING

Of the foregoing appropriation item 200550, Foundation Funding, up to \$40,000,000 in each fiscal year shall be used to provide additional state aid to school districts, joint vocational school districts, community schools, and STEM schools for special education students under division (C)(3) of section 3314.08, section 3317.0214, division (B) of section 3317.16, and section 3326.34 of the Revised Code, except that the Controlling Board may increase these amounts if presented with such a request from the Department of Education at the final meeting of the fiscal year.

Of the foregoing appropriation item 200550, Foundation Funding, up to \$3,800,000 in each fiscal year shall be used to fund gifted education at educational service centers. The Department shall distribute the funding through the unit-based funding methodology in place under division (L) of section 3317.024, division (E) of section 3317.05, and divisions (A), (B), and (C) of section 3317.053 of the Revised Code as they existed prior to fiscal year 2010.

Of the foregoing appropriation item 200550, Foundation Funding, up to ~~\$37,950,000~~ \$41,600,000 in each fiscal year ~~2016 and up to \$41,400,000 in fiscal year 2017~~ shall be reserved to fund the state reimbursement of educational service centers under the section of this act entitled "EDUCATIONAL SERVICE CENTERS FUNDING"; and up to \$3,500,000 in each fiscal year shall be distributed to educational service centers for School Improvement Initiatives and for the provision of technical assistance as required by the Elementary and Secondary Education Act Flexibility waivers approved for Ohio by the United States Department of Education. Educational service centers shall be required to support districts in the development and implementation of their continuous improvement plans as required in section 3302.04 of the Revised Code and to provide technical assistance and support in accordance with Title I of the "No Child Left Behind Act of 2001," 115 Stat. 1425, 20 U.S.C. 6317, as administered pursuant to the Elementary and Secondary Education Act Flexibility waivers approved for Ohio by the United States Department of Education.

Of the foregoing appropriation item 200550, Foundation Funding, up to \$20,000,000 in each fiscal year shall be reserved for payments under

sections 3317.026, 3317.027, and 3317.028 of the Revised Code. If this amount is not sufficient, the Department of Education shall prorate the payment amounts so that the aggregate amount allocated in this paragraph is not exceeded.

Of the foregoing appropriation item 200550, Foundation Funding, up to \$1,000,000 in each fiscal year shall be used to pay career-technical planning districts for the amounts reimbursed to students, as prescribed in this paragraph. Each career-technical planning district shall reimburse individuals taking the online General Educational Development (GED) test for the first time for application/test fees in excess of \$40. Each career-technical planning district shall designate a site or sites where individuals may register and take the exam. For each individual that registers for the exam, the career-technical planning district shall make available and offer career counseling services, including information on adult education programs that are available. Any remaining funds in each fiscal year shall be reimbursed to the Department of Youth Services and the Department of Rehabilitation and Correction for individuals in these facilities who have taken the GED for the first time. The amounts reimbursed shall not exceed the per-individual amounts reimbursed to other individuals under this section for each section of the GED.

Of the foregoing appropriation item 200550, Foundation Funding, up to \$29,900,000 in fiscal year 2016 and up to \$38,000,000 in fiscal year 2017 shall be used to support school choice programs.

Of the portion of the funds distributed to the Cleveland Municipal School District under this section, up to \$11,901,887 in each fiscal year shall be used to operate the school choice program in the Cleveland Municipal School District under sections 3313.974 to 3313.979 of the Revised Code. Notwithstanding divisions (B) and (C) of section 3313.978 and division (C) of section 3313.979 of the Revised Code, up to \$1,000,000 in each fiscal year of this amount shall be used by the Cleveland Municipal School District to provide tutorial assistance as provided in division (H) of section 3313.974 of the Revised Code. The Cleveland Municipal School District shall report the use of these funds in the district's three-year continuous improvement plan as described in section 3302.04 of the Revised Code in a manner approved by the Department of Education.

Of the foregoing appropriation item 200550, Foundation Funding, up to ~~\$500,000~~ \$1,500,000 in each fiscal year may be used for payment of the College Credit Plus Program for students instructed at home pursuant to section 3321.04 of the Revised Code.

Of the foregoing appropriation item 200550, Foundation Funding, an

amount shall be available in each fiscal year to be paid to joint vocational school districts in accordance with division (A) of section 3317.16 of the Revised Code, and the section of this act entitled "TEMPORARY TRANSITIONAL AID FOR JOINT VOCATIONAL SCHOOL DISTRICTS."

Of the foregoing appropriation item 200550, Foundation Funding, up to \$700,000 in each fiscal year shall be used by the Department of Education for a program to pay for educational services for youth who have been assigned by a juvenile court or other authorized agency to any of the facilities described in division (A) of the section of this act entitled "PRIVATE TREATMENT FACILITY PROJECT."

Of the foregoing appropriation item 200550, Foundation Funding, a portion may be used to pay college-preparatory boarding schools the per pupil boarding amount pursuant to section 3328.34 of the Revised Code.

Of the foregoing appropriation item 200550, Foundation Funding, up to \$2,000,000 in each fiscal year shall be used for the Bright New Leaders for Ohio Schools Program created and implemented by the nonprofit corporation incorporated pursuant to Section 733.40 of Am. Sub. H.B. 59 of the 130th General Assembly, to provide an alternative path for individuals to receive training and development in the administration of primary and secondary education and leadership, enable those individuals to earn degrees and obtain licenses in public school administration, and promote the placement of those individuals in public schools that have a poverty percentage greater than fifty per cent.

Of the foregoing appropriation item 200550, Foundation Funding, \$750,000 in fiscal year 2016 shall be used as matching funds to support efforts by the Accelerate Great Schools public-private partnership to increase the number of high-performing schools in Cincinnati; to attract and develop excellent school leaders and teachers; and to engage families and communities in fostering educational improvement.

Of the foregoing appropriation item 200550, Foundation Funding, \$200,000 in each fiscal year shall be used to support Bellefaire JCB's Social Advocates for Youth Program.

Of the foregoing appropriation item 200550, Foundation Funding, \$150,000 in each fiscal year shall be used to support programming at the Cleveland Museum of Natural History.

Of the foregoing appropriation item 200550, Foundation Funding, a portion in each fiscal year shall be used to pay community schools the amounts calculated for the graduation and third-grade reading bonuses under section 3314.085 and to pay STEM schools the amounts calculated for the



graduation bonus under section 3326.41 of the Revised Code.

Of the foregoing appropriation item 200550, Foundation Funding, up to \$930,000 in fiscal year 2016 and up to \$2,000,000 in fiscal year 2017 may be used by the Department of Education for duties and activities related to the establishment of academic distress commissions under section 3302.10 of the Revised Code. A portion of the funds may be used as matching funds for any monetary contributions made by a school district for which an academic distress commission is established or by the district's local community to support innovative education programs or a high-quality school accelerator as provided for in section 3302.10 of the Revised Code.

The remainder of appropriation item 200550, Foundation Funding, shall be used to distribute the amounts calculated for formula aid under ~~sections~~ section 3317.022 of the Revised Code and the section of this act entitled "TEMPORARY TRANSITIONAL AID FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS."

Appropriation items 200502, Pupil Transportation, 200540, Special Education Enhancements, and 200550, Foundation Funding, other than specific set-asides, are collectively used in each fiscal year to pay state formula aid obligations for school districts, community schools, STEM schools, college preparatory boarding schools, and joint vocational school districts under this act. The first priority of these appropriation items, with the exception of specific set-asides, is to fund state formula aid obligations. It may be necessary to reallocate funds among these appropriation items or use excess funds from other general revenue fund appropriation items in the Department of Education's budget in each fiscal year in order to meet state formula aid obligations. If it is determined that it is necessary to transfer funds among these appropriation items or to transfer funds from other General Revenue Fund appropriations in the Department of Education's budget to meet state formula aid obligations, the Superintendent of Public Instruction shall seek approval from the Director of Budget and Management to transfer funds as needed.

The Superintendent of Public Instruction shall make payments, transfers, and deductions, as authorized by Title XXXIII of the Revised Code in amounts substantially equal to those made in the prior year, or otherwise, at the discretion of the Superintendent, until at least the effective date of the amendments and enactments made to Title XXXIII by this act. Any funds paid to districts or schools under this section shall be credited toward the annual funds calculated for the district or school after the changes made to Title XXXIII in this act are effective. Upon the effective date of changes made to Title XXXIII in this act, funds shall be calculated

as an annual amount.

Sec. 263.390. EDUCATIONAL SERVICE CENTERS FUNDING

As used in this section, "high-performing primary educational service center" means an educational service center that reduces client school district expenditures in fiscal year 2016 through efficiencies attained by coordinating and consolidating services.

As used in this section, "student count" means the count calculated under division (G)(1) of section 3313.843 of the Revised Code.

In fiscal year 2016, the Department of Education shall pay the governing board of each primary educational service center state funds equal to ~~thirty-three~~ twenty-seven dollars times its student count.

In fiscal year 2017, the Department of Education shall pay the governing board of each high-performing educational service center state funds equal to ~~thirty-five~~ twenty-seven dollars times its student count, and to the governing board of each other center, state funds equal to ~~thirty-three~~ twenty-five dollars times its student count.

The State Board of Education shall adopt rules by December 31, 2015, governing the determination of high-performing educational service centers and the distribution of state funds under this section for fiscal year 2017. The rules shall establish the following: (1) an application process whereby educational service centers may provide evidence of reductions in client school district expenditures in fiscal year 2016; (2) a deadline by which applications must be submitted to the Department of Education; (3) the criteria the Department will use in determining the degree of efficiencies attained by coordinating and consolidating services and which centers qualify as high-performing for purposes of funding under this section; (4) a metric the Department will use in evaluating and monitoring the efficiencies attained by coordinating and consolidating services.

If the amount earmarked for the state reimbursement of educational service centers in appropriation item 200550, Foundation Funding, is not sufficient, the Department of Education shall prorate the payment amounts so that the appropriation is not exceeded.

Notwithstanding any provision of law to the contrary, the Department of Education shall modify the payments under this section as follows:

(A) If an educational service center ceases operation, the Department shall redistribute that center's funding, as calculated under this section, to the remaining centers in proportion to each center's service center ADM as defined in former section 3317.11 of the Revised Code, as that section existed prior to the date of its repeal.

(B) If two or more educational service centers merge operations to

create a single service center, the Department shall distribute the sum of the original service centers' funding, as calculated under this section, to the new service center.

**Sec. 275.10. EPA ENVIRONMENTAL PROTECTION AGENCY**

**General Revenue Fund**

GRF	715502	Auto Emissions e-Check Program	\$	10,923,093	\$	10,923,093
GRF	715505	Drinking Water Solutions	\$	4,000,000	\$	4,000,000
TOTAL GRF General Revenue Fund			\$	14,923,093	\$	14,923,093

**Dedicated Purpose Fund Group**

4D50	715618	Recycled State Materials	\$	50,000	\$	50,000
4J00	715638	Underground Injection Control	\$	393,917	\$	399,125
4K20	715648	Clean Air - Non Title V	\$	3,309,301	\$	3,726,893
4K30	715649	Solid Waste	\$	13,118,573	\$	13,202,293
4K40	715650	Surface Water Protection	\$	9,446,300	\$	8,422,600
4K40	715686	Environmental Laboratory Services	\$	2,096,007	\$	2,096,007
4K50	715651	Drinking Water Protection	\$	6,637,044	\$	6,825,955
4P50	715654	Cozart Landfill	\$	10,000	\$	10,000
4R50	715656	Scrap Tire Management	\$	1,040,161	\$	1,060,965
4R90	715658	Voluntary Action Program	\$	825,759	\$	842,275
4T30	715659	Clean Air - Title V Permit Program	\$	13,507,000	\$	13,639,150
5000	715608	Immediate Removal Special Account	\$	718,793	\$	731,293
5030	715621	Hazardous Waste Facility Management	\$	5,765,075	\$	6,082,805
5050	715623	Hazardous Waste Cleanup	\$	14,388,348	\$	14,701,826
5320	715646	Recycling and Litter Control	\$	4,691,000	\$	4,698,000
5410	715670	Site Specific Cleanup	\$	2,048,101	\$	2,048,101
5420	715671	Risk Management Reporting	\$	214,826	\$	214,826
5860	715637	Scrap Tire Market Development	\$	1,150,000	\$	1,170,000
5BC0	715622	Local Air Pollution Control	\$	1,999,172	\$	1,999,172
5BC0	715624	Surface Water	\$	8,665,974	\$	8,665,974
5BC0	715672	Air Pollution Control	\$	4,945,566	\$	4,945,566
5BC0	715673	Drinking and Ground Water	\$	3,324,521	\$	3,324,520
5BC0	715676	Assistance and Prevention	\$	1,583,098	\$	1,591,682
5BC0	715677	Laboratory	\$	1,253,586	\$	1,253,586
5BC0	715678	Corrective Actions	\$	1,316,878	\$	1,316,878
5BC0	715687	Areawide Planning Agencies	\$	450,000	\$	450,000
5BC0	715692	Administration	\$	12,885,000	\$	13,505,000
5BC0	715694	Environmental Resource Coordination	\$	100,000	\$	100,000
5BT0	715679	C&DD Groundwater Monitoring	\$	645,000	\$	919,000
5CD0	715682	Clean Diesel School Buses	\$	150,000	\$	150,000
5H40	715664	Groundwater Support	\$	350,499	\$	356,727
5PZ0	715696	Drinking Water Loan Fee	\$	220,200	\$	126,200
5Y30	715685	Surface Water Improvement	\$	1,800,000	\$	1,800,000
6440	715631	Emergency Response	\$	298,304	\$	303,174

6760	715642	Radiological Safety Water Pollution Control Loan Administration	\$	1,933,621	\$	1,990,262
6780	715635	Air Toxic Release	\$	133,636	\$	133,636
6790	715636	Emergency Planning	\$	2,623,252	\$	2,623,252
6960	715643	Air Pollution Control Administration	\$	1,125,000	\$	1,125,000
6990	715644	Water Pollution Control Administration	\$	800,000	\$	800,000
6A10	715645	Environmental Education	\$	1,500,000	\$	1,500,000
TOTAL DPF Dedicated Purpose Fund Group			\$	127,513,512	\$	128,901,743
<b>Internal Service Activity Fund Group</b>						
1990	715602	Laboratory Services	\$	427,234	\$	594,566
2190	715604	Central Support Indirect	\$	6,900,000	\$	6,600,000
4A10	715640	Operating Expenses	\$	2,050,000	\$	2,050,000
TOTAL ISA Internal Service Activity Fund Group			\$	9,377,234	\$	9,244,566
<b>Capital Projects Fund Group</b>						
5S10	715607	Clean Ohio Revitalization Operating	\$	284,124	\$	284,124
TOTAL CPF Capital Projects Fund Group			\$	284,124	\$	284,124
<b>Federal Fund Group</b>						
3530	715612	Public Water Supply	\$	2,058,127	\$	2,113,020
3540	715614	Hazardous Waste Management - Federal	\$	3,038,383	\$	3,038,383
3570	715619	Air Pollution Control - Federal	\$	6,310,203	\$	6,310,203
3620	715605	Underground Injection Control - Federal	\$	98,628	\$	102,859
3BU0	715684	Water Quality Protection	\$	13,211,815	\$	14,537,389
3CS0	715688	Federal NRD Settlements	\$	200,000	\$	200,000
3F20	715630	Revolving Loan Fund - Operating	\$	2,800,000	\$	2,900,000
3F30	715632	Federally Supported Cleanup and Response	\$	4,168,991	\$	4,291,191
3T30	715669	Drinking Water State Revolving Fund	\$	2,824,076	\$	2,824,076
3V70	715606	Agencywide Grants	\$	600,000	\$	600,000
TOTAL FED Federal Fund Group			\$	35,310,223	\$	36,917,121
TOTAL ALL BUDGET FUND GROUPS			\$	187,408,186	\$	190,270,647

**DRINKING WATER SOLUTIONS**

The Director of Environmental Protection, in consultation with the Director of Natural Resources, shall distribute the money appropriated to GRF appropriation item 715505, Drinking Water Solutions, to each municipal corporation the boundaries of which are located in both the Lake Erie drainage basin and the Ohio River drainage basin and that is subject to the Great Lakes-St. Lawrence River Basin Water Resources Compact if the municipal corporation is experiencing increased costs for treatment of, or to obtain, its drinking water supplies as a result of its inability to pursue alternate water resources due to the Compact and the location of its waste

water plant and preferred water sources. A municipal corporation receiving this money shall use it for one of the following purposes: relocating its water treatment facility, partnering with another political subdivision or subdivisions to access water sources, establishing pipelines to access suitable water resources, or treating water to supply drinking water to the municipal corporation. Such a municipal corporation may also use this money for expenses related to undertaking one of these required purposes.

**AREAWIDE PLANNING AGENCIES**

The Director of Environmental Protection Agency may award grants from appropriation item 715687, Areawide Planning Agencies, to areawide planning agencies engaged in areawide water quality management and planning activities in accordance with Section 208 of the "Federal Clean Water Act," 33 U.S.C. 1288.

**WATER POLLUTION CONTROL ADMINISTRATION FUND (FUND 6990) EXPENDITURES LIMITATION**

Notwithstanding division (B) of section 6111.09 of the Revised Code, the Director of Environmental Protection may expend not more than \$800,000 of the moneys credited to the Water Pollution Control Administration Fund (Fund 6990) under that division in either of fiscal years 2016 or 2017 for the purposes specified in that division.

**ALTERNATIVE FUEL VEHICLE CONVERSION PROGRAM**

The Director of Budget and Management shall, in consultation with the Director of the Development Services Agency, make at least \$5,000,000 available in fiscal year 2017 for the Alternative Fuel Vehicle Conversion Program established under section 122.076 of the Revised Code from the Alternative Fuel Transportation Fund (Fund 5CG0), used by the Development Services Agency.

**Sec. 305.10. JFS DEPARTMENT OF JOB AND FAMILY SERVICES**

**General Revenue Fund**

GRF600321	Program Support	\$	29,189,231	\$	29,189,231
GRF600410	TANF State/Maintenance of Effort	\$	152,886,934	\$	152,886,934
GRF600413	Child Care State/Maintenance of Effort	\$	84,732,730	\$	84,732,730
GRF600416	Information Technology Projects	\$	54,184,700	\$	54,184,700
GRF600420	Child Support Programs	\$	6,591,048	\$	6,591,048
GRF600421	Family Assistance Programs	\$	3,161,930	\$	3,161,930
GRF600423	Families and Children Programs	\$	7,428,670	\$	7,428,670
GRF600445	Unemployment Insurance Administration	\$	23,718,724	\$	22,523,501
<u>GRF600466</u>	<u>Foster Care Administration</u>	<u>\$</u>	<u>0</u>	<u>\$</u>	<u>550,000</u>
GRF600502	Child Support - Local	\$	23,814,103	\$	23,814,103

GRF600511	Disability Financial Assistance	\$	17,000,000	\$	17,000,000
GRF600521	Family Assistance - Local	\$	46,132,751	\$	46,132,751
GRF600523	Family and Children Services	\$	57,755,323	\$	57,755,323
GRF600528	Adoption Services				
	State	\$	28,623,389	\$	28,623,389
	Federal	\$	38,202,557	\$	38,202,557
	Adoption Services Total	\$	66,825,946	\$	66,825,946
GRF600533	Child, Family, and Community Protective Services	\$	13,500,000	\$	13,500,000
GRF600534	Adult Protective Services	\$	2,640,000	\$	2,640,000
GRF600535	Early Care and Education	\$	143,617,211	\$	143,436,793
GRF600541	Kinship Permanency Incentive Program	\$	3,500,000	\$	3,500,000
GRF600546	Healthy Food Financing Initiative	\$	1,000,000	\$	1,000,000
<u>GRF600548</u>	<u>Gallipolis Digital Works</u>	\$	<u>0</u>	\$	<u>100,000</u>
GRF655522	Medicaid Program Support - Local	\$	31,067,970	\$	31,067,970
GRF655523	Medicaid Program Support - Local Transportation	\$	42,280,495	\$	45,080,495
TOTAL GRF	General Revenue Fund				
	State	\$	772,825,209	\$	<u>774,249,568</u>
					<u>774,899,568</u>
	Federal	\$	38,202,557	\$	38,202,557
	GRF Total	\$	811,027,766	\$	<u>812,452,125</u>
					<u>813,102,125</u>
<b>Dedicated Purpose Fund Group</b>					
1980 600647	Children's Trust Fund	\$	5,873,848	\$	5,873,848
4A80 600658	Public Assistance Activities	\$	26,000,000	\$	26,000,000
4A90 600607	Unemployment Compensation Administration Fund	\$	15,850,000	\$	15,250,000
4E70 600604	Family and Children Services Collections	\$	400,000	\$	400,000
4F10 600609	Family and Children Activities	\$	383,549	\$	383,549
5DM0 600633	Audit Settlements and Contingency	\$	5,000,000	\$	5,000,000
5DP0 600634	Adoption Assistance Loan	\$	500,000	\$	500,000
5ES0 600630	Food Bank Assistance	\$	500,000	\$	500,000
5HC0 600695	Unemployment Compensation Interest	\$	38,701,835	\$	28,668,609
5KT0 600696	Early Childhood Education	\$	20,000,000	\$	20,000,000
5KU0 600611	Unemployment Insurance Support - Other Sources	\$	500,000	\$	500,000
5NG0 600660	Victims of Human Trafficking	\$	100,000	\$	100,000
5RC0 600669	Healthier Buckeye Grant Pilot Program	\$	5,000,000	\$	6,500,000
5U60 600663	Family and Children Support	\$	4,000,000	\$	4,000,000
TOTAL DPF	Dedicated Purpose Fund Group	\$	122,809,232	\$	113,676,006
<b>Internal Service Activity Fund Group</b>					
5HL0 600602	State and County Shared	\$	3,000,000	\$	3,000,000

		Services			
		TOTAL ISA Internal Service Activity Fund Group	\$	3,000,000	\$ 3,000,000
		<b>Fiduciary Fund Group</b>			
1920	600646	Child Support Intercept - Federal	\$	129,250,000	\$ 129,250,000
5830	600642	Child Support Intercept - State	\$	14,000,000	\$ 14,000,000
5B60	600601	Food Assistance Intercept	\$	1,000,000	\$ 1,000,000
		TOTAL FID Fiduciary Fund Group	\$	144,250,000	\$ 144,250,000
		<b>Holding Account Fund Group</b>			
R012	600643	Refunds and Audit Settlements	\$	500,000	\$ 500,000
R013	600644	Forgery Collections	\$	10,000	\$ 10,000
		TOTAL HLD Holding Account Fund Group	\$	510,000	\$ 510,000
		<b>Federal Fund Group</b>			
3270	600606	Child Welfare	\$	29,769,866	\$ 29,769,866
3310	600615	Veterans Programs	\$	8,000,000	\$ 8,000,000
3310	600624	Employment Services Programs	\$	26,000,000	\$ 26,000,000
3310	600686	Workforce Programs	\$	6,260,000	\$ 6,260,000
3840	600610	Food Assistance Programs	\$	160,381,394	\$ 160,381,394
3850	600614	Refugee Services	\$	12,564,952	\$ 12,564,952
3950	600616	Federal Discretionary Grants	\$	2,259,264	\$ 2,259,264
3960	600620	Social Services Block Grant	\$	47,000,000	\$ 47,000,000
3970	600626	Child Support - Federal	\$	200,000,000	\$ 200,000,000
3980	600627	Adoption Program - Federal	\$	171,178,779	\$ 171,178,779
3A20	600641	Emergency Food Distribution	\$	5,000,000	\$ 5,000,000
3D30	600648	Children's Trust Fund Federal	\$	3,477,699	\$ 3,477,699
3F01	655624	Medicaid Program Support	\$	122,280,495	\$ 125,080,495
3H70	600617	Child Care Federal	\$	222,212,089	\$ 213,000,000
3N00	600628	Foster Care Program - Federal	\$	291,968,616	\$ 291,968,616
3S50	600622	Child Support Projects	\$	534,050	\$ 534,050
3V00	600688	Workforce Innovation and Opportunity Act Programs	\$	128,000,000	\$ 128,000,000
3V40	600678	Federal Unemployment Programs	\$	133,814,212	\$ 133,814,212
3V40	600679	UC Review Commission - Federal	\$	6,185,788	\$ 6,185,788
3V60	600689	TANF Block Grant	\$	824,900,560	\$ 836,437,504
		TOTAL FED Federal Fund Group	\$	2,401,787,764	\$ 2,406,912,619
		TOTAL ALL BUDGET FUND GROUPS	\$	3,483,384,762	\$ <u>3,480,800,750</u> 3,481,450,750

**GALLIPOLIS DIGITAL WORKS**

Of the foregoing appropriation item 600548, Gallipolis Digital Works, \$100,000 in fiscal year 2017 shall be allocated to the Gallipolis Digital Works program.

**Sec. 305.30. COUNTY ADMINISTRATIVE FUNDS**

(A) The foregoing appropriation item 600521, Family Assistance - Local, may be provided to county departments of job and family services to

administer food assistance and disability assistance programs.

(B) The foregoing appropriation item 655522, Medicaid Program Support - Local, may be provided to county departments of job and family services to administer the Medicaid program and the State Children's Health Insurance program.

(C) The foregoing appropriation item 655523, Medicaid Program Support – Local Transportation, may be provided to county departments of job and family services to administer the Medicaid transportation program.

(D) At the request of the Director of Job and Family Services, the Director of Budget and Management may transfer appropriations between the following appropriation items to ensure county administrative funds are expended from the proper appropriation item:

(1) Appropriation item 600521, Family Assistance – Local, and appropriation item 655522, Medicaid Program Support – Local; and

(2) Appropriation item 655523, Medicaid Program Support – Local Transportation, and appropriation item 655522, Medicaid Program Support – Local.

(E) If receipts credited to the Medicaid Program Support Fund (Fund 3F01) and the Supplemental Nutrition Assistance Program Fund (Fund 3840) exceed the amounts appropriated, the Director of Job and Family Services shall request the Director of Budget and Management to authorize expenditures from those funds in excess of the amounts appropriated. Upon approval of the Director of Budget and Management, the additional amounts are hereby appropriated.

#### HEALTHIER BUCKEYE GRANT PILOT PROGRAM

(A) There is hereby created the Healthier Buckeye Grant Pilot Program. The purpose of the Program is to promote financial self-sufficiency and reduced reliance on public assistance through a community environment that maximizes opportunities for individuals and families to achieve optimal health in all aspects, including care coordination among providers of physical and behavioral health services and community providers of social, employment, education, and housing services. The Program shall award grants to local healthier buckeye councils established under section 355.02 of the Revised Code and to any other individual or organization that meets the goals and objectives set forth in this section.

(B) The Ohio Healthier Buckeye Advisory Council shall recommend to the Director of Job and Family Services eligibility criteria, application processes, and maximum grant amounts for the Program. Eligibility criteria established for the Program shall give priority to proposals including the following factors:



- (1) Prior effectiveness in providing services that achieve lasting self-sufficiency for low-income individuals;
- (2) Alignment and coordination of public and private resources to assist low-income individuals achieve self-sufficiency;
- (3) Maintenance of continuous mentoring support and coordinated community-level participation for participants as they resolve barriers;
- (4) Use of local matching funds;
- (5) Use of volunteers and peer supports;
- (6) Evidence of previous experience managing or providing similar services with public funds;
- (7) Evidence of capability to effectively evaluate program outcomes, including success at assisting individuals and families in achieving and maintaining financial self-sufficiency, and to report relevant participant data;
- (8) Creation through local assessment and planning processes;
- (9) Collaboration between entities that participate in assessment and planning processes.

(C) Not later than 180 days after the effective date of this section, the Department of Job and Family Services, in collaboration with the Ohio Healthier Buckeye Advisory Council, shall issue a request for grant proposals that meet the goals and objectives set forth in this section or that propose means to measure and achieve those goals and objectives. Each grant proposal shall specify how the council, individual, or organization plans to test and evaluate effective models of intensive case management to achieve the purpose set forth in division (A) of this section. The case management may include mentoring, coordinated community level partnerships, and comprehensive assessments to identify barriers and gaps to achieving self-sufficiency.

(D) The Director, in collaboration with the Council, shall review all grant proposals submitted and shall select recipients to receive grants through the Program in the remainder of fiscal year 2016 and in fiscal year 2017. Grant recipients may contract with public and private entities, community-based organizations, and individuals to provide the services outlined in the grant proposals.

(E) Funds for grants awarded under the Program shall be made from the Healthier Buckeye Fund, which is hereby created in the state treasury for fiscal year 2016 and fiscal year 2017. The Fund shall consist of moneys appropriated to it and any grants or donations received. Interest earned on the money in the Fund shall be credited to the Fund.

(F) On July 1, 2016, or as soon as possible thereafter, the Director of the

Ohio Department of Job and Family Services shall certify to the Director of Budget and Management the amount of the unexpended, unencumbered balance of the foregoing appropriation item 600669, Healthier Buckeye Grant Pilot Program, at the end of fiscal year 2016 to be reappropriated to fiscal year 2017. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2017 for the same purpose.

Sec. 305.53. HEALTHY FOOD FINANCING INITIATIVE

The foregoing GRF appropriation item 600546, Healthy Food Financing Initiative, shall be used by the Director of Job and Family Services to support healthy food access in underserved communities in urban and rural Low and Moderate Income Areas, as defined by either the U.S. Department of Agriculture (USDA), as identified in the USDA's Food Access Research Atlas, or through a methodology that has been adopted for use by another governmental or philanthropic healthy food initiative.

The Director of Job and Family Services, in cooperation with the Director of Health and with the approval of the Director of the Governor's Office of Health Transformation, shall, not later than October 1, 2015, contract with an Ohio domiciled community development financial institution certified by the United States Department of the Treasury and designated as a statewide community development financial institution to initiate and administer a Healthy Food Financing Initiative. The selected community development financial institution shall demonstrate a capacity to administer grant and forgivable loan programs in accordance with state and federal rules and accounting principles and shall partner with one or more entities with demonstrable experience in healthy food access-related policy matters. The Department of Job and Family Services shall establish monitoring and accountability mechanisms for the initiative, including the cost of start-up and administration of the initiative. The Director of Job and Family Services shall establish a request for proposals, using funds appropriated for the initiative, to contract with an Ohio-based research and/or academic institution to evaluate the health impact of the initiative.

Of the foregoing appropriation item 600546, Healthy Food Financing Initiative, \$250,000 in each fiscal year shall be provided ~~for the East Side Market in Cleveland to support healthy food access under the Healthy Food Financing Initiative to the Cleveland Community Development Corporation~~ to be used to establish and operate a sustainable public market in the east side of Cleveland that will sell fresh produce and other healthy foods. Any unexpended, unencumbered amount of the earmark not distributed in fiscal year 2016 is hereby reappropriated to fiscal year 2017 for the same purpose.

The Director of Job and Family Services shall, not later than December

31, 2016, provide to the Governor, Speaker of the House of Representatives, President of the Senate, and Minority Leaders of the House of Representatives and Senate a written progress report on the Health Food Financing Initiative including, but not limited to, state funds granted or loaned, the number of new or retained jobs associated with related projects, the health impact of the initiative and the number and location of healthy food access projects established or in development.

**Sec. 305.120. STATE CHILD PROTECTION ALLOCATION**

Of the foregoing appropriation item 600523, Family and Children Services, up to \$3,200,000 shall be used to match eligible federal Title IV-B ESSA funds and federal Title IV-E Chafee funds allocated to public children services agencies.

**CHILD PLACEMENT LEVEL OF CARE TOOL PILOT PROGRAM**

(A) The Ohio Department of Job and Family Services shall implement and oversee use of a Child Placement Level of Care Tool on a pilot basis. The Department shall implement the pilot program in up to ten counties selected by the Department and shall include the county and at least one private child placing agency or private noncustodial agency. The pilot program shall be developed with the participating counties and agencies and must be acceptable to all participants. A selected county or agency must agree to participate in the pilot program.

(B) The pilot program shall begin not later than one hundred eighty days after the effective date of this section and end not later than eighteen months after the date the pilot program begins. The length of the pilot program shall not include any time expended in preparation for implementation or any post-pilot program evaluation activity.

(C)(1) In accordance with sections 125.01 to 125.11 of the Revised Code, the Ohio Department of Job and Family Services shall provide for an independent evaluation of the pilot program to rate the program's success in the following areas:

- (a) Placement stability, length of stay, and other outcomes for children;
- (b) Cost;
- (c) Worker satisfaction;

(d) Any other criteria the Department determines will be useful in the consideration of statewide implementation.

(2) The evaluation design shall include:

- (a) A comparison of data to historical outcomes or control counties;
- (b) A prospective data evaluation in each of the pilot counties.

(D) The Ohio Department of Job and Family Services may adopt rules in accordance with Chapter 119. of the Revised Code as necessary to carry

out the purposes of this section. The Department shall seek maximum federal financial participation to support the pilot program and the evaluation.

(E) Notwithstanding division (E) of section 5101.141 of the Revised Code, the Department of Job and Family Services shall seek state funding to implement the Child Placement Level of Care Tool pilot program described in this section and to contract for the independent evaluation of the pilot program.

(F) As used in this section, "Child Placement Level of Care Tool" means an assessment tool to be used by participating counties and agencies to assess a child's placement needs when a child must be removed from the child's own home and cannot be placed with a relative or kin not certified as a foster caregiver that includes assessing a child's functioning, needs, strengths, risk behaviors, and exposure to traumatic experiences.

(G) Of the foregoing appropriation item 600523, Family and Children Services, \$700,000 in fiscal year 2016 and \$200,000 in fiscal year 2017 shall be used to fund the Child Placement Level of Care Tool Pilot Program established in Section 301.143 of Am. Sub. H.B. 59 of the 130th General Assembly, as amended by Am. Sub. H.B. 483 of the 130th General Assembly. These amounts represent the expected unencumbered, unexpended balance of appropriations established in Am. Sub. S.B. 243 of the 130th General Assembly.

**FOSTER CARE ADMINISTRATION**

The foregoing appropriation item, 600466, Foster Care Administration, shall be used by the Department of Job and Family Services to plan the expansion of foster care services for individuals 18 to 21 years of age.

**Sec. 309.10. JCO JUDICIAL CONFERENCE OF OHIO**

**General Revenue Fund**

GRF 018321	Operating Expenses	\$	749,250	\$	<del>389,250</del> 684,250
TOTAL GRF General Revenue Fund		\$	749,250	\$	<del>389,250</del> 684,250

**Dedicated Purpose Fund Group**

4030 018601	Ohio Jury Instructions	\$	252,750	\$	126,375
TOTAL DPF Dedicated Purpose Fund Group		\$	252,750	\$	126,375
TOTAL ALL BUDGET FUND GROUPS		\$	1,002,000	\$	<del>515,625</del> 810,625

**STATE COUNCIL OF UNIFORM STATE LAWS**

Notwithstanding section 105.26 of the Revised Code, of the foregoing appropriation item 018321, Operating Expenses, up to \$88,300 in fiscal year 2016 and up to \$91,832 in fiscal year 2017 shall be used to pay the expenses of the State Council of Uniform State Laws, including membership dues to the National Conference of Commissioners on Uniform State Laws.

**OHIO JURY INSTRUCTIONS FUND**

The Ohio Jury Instructions Fund (Fund 4030) shall consist of grants,

royalties, dues, conference fees, bequests, devises, and other gifts received for the purpose of supporting costs incurred by the Judicial Conference of Ohio in its activities as a part of the judicial system of the state as determined by the Judicial Conference Executive Committee. Fund 4030 shall be used by the Judicial Conference of Ohio to pay expenses incurred in its activities as a part of the judicial system of the state as determined by the Judicial Conference Executive Committee. All moneys accruing to Fund 4030 in excess of \$491,350 in fiscal year 2016 and in excess of \$292,000 in fiscal year 2017 are hereby appropriated for the purposes authorized. No money in Fund 4030 shall be transferred to any other fund by the Director of Budget and Management or the Controlling Board.

Sec. 379.10. OSB OHIO STATE SCHOOL FOR THE BLIND

General Revenue Fund

GRF 226321	Operations	\$	8,100,000	\$	<del>8,100,000</del>
					<u>9,499,542</u>
TOTAL GRF	General Revenue Fund	\$	8,100,000	\$	<del>8,100,000</del>
					<u>9,499,542</u>

Dedicated Purpose Fund Group

4H80 226602	Education Reform Grants	\$	27,000	\$	27,000
4M50 226601	Work Study and Technology Investment	\$	461,521	\$	461,521
5NJ0 226622	Food Service Program	\$	9,000	\$	9,000
TOTAL DPF	Dedicated Purpose Fund Group	\$	497,521	\$	497,521

Federal Fund Group

3100 226626	Coordinating Unit	\$	2,527,104	\$	2,527,104
3DT0 226621	Ohio Transition Collaborative	\$	650,000	\$	650,000
3P50 226643	Medicaid Professional Services Reimbursement	\$	50,000	\$	50,000
TOTAL FED	Federal Fund Group	\$	3,227,104	\$	3,227,104
TOTAL ALL BUDGET FUND GROUPS		\$	11,824,625	\$	<del>11,824,625</del>
					<u>13,224,167</u>

SECTION 601.11. That existing Sections 207.190, 223.10, 229.10, 245.10, 251.10, 257.10, 257.20, 263.150, 263.220, 263.390, 275.10, 305.10, 305.30, 305.53, 305.120, 309.10, and 379.10 of Am. Sub. H.B. 64 of the 131st General Assembly are hereby repealed.

SECTION 601.21. That Sections 263.10 and 371.10 of Am. Sub. H.B. 64 of the 131st General Assembly, as subsequently amended by Sub. H.B. 340 of the 131st General Assembly, be amended to read as follows:

Sec. 263.10. EDU DEPARTMENT OF EDUCATION

General Revenue Fund

GRF 200321	Operating Expenses	\$	13,967,708	\$	14,267,708
GRF 200408	Early Childhood Education	\$	60,268,341	\$	70,268,341
GRF 200420	Information Technology	\$	3,841,296	\$	3,841,296
	Development and Support				
GRF 200421	Alternative Education	\$	10,753,998	\$	10,753,998
	Programs				
GRF 200422	School Management	\$	3,000,000	\$	<del>3,000,000</del>
	Assistance				<u>2,000,000</u>
GRF 200424	Policy Analysis	\$	428,558	\$	428,558
GRF 200425	Tech Prep Consortia Support	\$	260,542	\$	260,542
GRF 200426	Ohio Educational Computer	\$	16,200,000	\$	16,200,000
	Network				
GRF 200427	Academic Standards	\$	3,800,000	\$	3,800,000
GRF 200437	Student Assessment	\$	60,241,438	\$	59,830,050
GRF 200439	Accountability/Report Cards	\$	4,897,310	\$	4,897,310
GRF 200442	Child Care Licensing	\$	1,822,500	\$	1,822,500
GRF 200446	Education Management	\$	6,833,070	\$	6,833,070
	Information System				
GRF 200447	GED Testing	\$	324,000	\$	324,000
GRF 200448	Educator Preparation	\$	1,689,237	\$	1,689,237
GRF 200455	Community Schools and	\$	3,651,395	\$	3,731,395
	Choice Programs				
GRF 200457	STEM Initiatives	\$	150,000	\$	0
GRF 200465	Education Technology	\$	3,170,976	\$	3,170,976
	Resources				
GRF 200502	Pupil Transportation	\$	567,723,920	\$	603,486,409
GRF 200505	School Lunch Match	\$	9,100,000	\$	9,100,000
GRF 200511	Auxiliary Services	\$	144,254,342	\$	149,909,112
GRF 200532	Nonpublic Administrative	\$	65,165,374	\$	67,719,856
	Cost Reimbursement				
GRF 200540	Special Education	\$	162,871,292	\$	162,871,292
	Enhancements				
GRF 200545	Career-Technical Education	\$	11,922,418	\$	11,947,418
	Enhancements				
GRF 200550	Foundation Funding	\$	6,398,844,920	\$	6,655,755,799
GRF 200566	Literacy Improvement	\$	750,000	\$	750,000
GRF 200572	Adult Diploma	\$	3,750,000	\$	5,000,000
GRF 200573	EdChoice Expansion	\$	23,500,000	\$	31,500,000
GRF 200574	Half-Mill Maintenance	\$	18,750,000	\$	19,250,000
	Equalization				
GRF 200576	Adaptive Sports Program	\$	50,000	\$	50,000
GRF 200588	Competency Based Education	\$	1,000,000	\$	1,000,000
	Pilot				
GRF 200597	Education Program Support	\$	2,750,000	\$	2,500,000
TOTAL GRF	General Revenue Fund	\$	7,605,732,635	\$	<del>7,925,958,867</del>
					<u>7,924,958,867</u>

## Dedicated Purpose Fund Group

4520	200638	Fees and Refunds	\$	1,000,000	\$	1,000,000
4540	200610	GED Testing	\$	250,000	\$	250,000
4550	200608	Commodity Foods	\$	24,000,000	\$	24,000,000
4L20	200681	Teacher Certification and	\$	14,150,000	\$	14,250,000
		Licensure				
5980	200659	Auxiliary Services	\$	1,328,910	\$	1,328,910
		Reimbursement				

5H30	200687	School District Solvency Assistance	\$	10,000,000	\$	10,000,000
5KX0	200691	Ohio School Sponsorship Program	\$	487,419	\$	528,600
5MM0	200677	Child Nutrition Refunds	\$	550,000	\$	550,000
5RB0	200644	Straight A Fund	\$	27,250,000	\$	15,000,000
5RE0	200697	School District TPP Supplement	\$	56,500,000	\$	44,000,000
5U20	200685	National Education Statistics	\$	300,000	\$	300,000
6200	200615	Educational Improvement Grants	\$	175,000	\$	175,000
TOTAL DPF Dedicated Purpose Fund Group			\$	135,991,329	\$	111,382,510
<b>Internal Service Activity Fund Group</b>						
1380	200606	Information Technology Development and Support	\$	6,850,090	\$	6,850,090
4R70	200695	Indirect Operational Support	\$	7,600,000	\$	7,600,000
4V70	200633	Interagency Program Support	\$	500,000	\$	500,000
TOTAL ISA Internal Service Activity Fund Group			\$	14,950,090	\$	14,950,090
<b>State Lottery Fund Group</b>						
7017	200612	Foundation Funding	\$	987,650,000	\$	1,042,700,000
7017	200629	Community Connectors	\$	10,000,000	\$	10,000,000
7017	200684	Community School Facilities	\$	14,900,000	\$	20,700,000
TOTAL SLF State Lottery Fund Group			\$	1,012,550,000	\$	1,073,400,000
<b>Federal Fund Group</b>						
3090	200601	Neglected and Delinquent Education	\$	1,600,000	\$	1,600,000
3670	200607	School Food Services	\$	9,240,111	\$	9,794,517
3700	200624	Education of Exceptional Children	\$	1,702,040	\$	1,274,040
3AF0	200603	Schools Medicaid Administrative Claims	\$	750,000	\$	750,000
3AN0	200671	School Improvement Grants	\$	32,400,000	\$	32,400,000
3C50	200661	Early Childhood Education	\$	14,554,749	\$	14,554,749
3CG0	200646	Teacher Incentive	\$	12,500,000	\$	200,000
3D10	200664	Drug Free Schools	\$	521,000	\$	282,000
3D20	200667	Math Science Partnerships	\$	7,500,000	\$	7,500,000
3EH0	200620	Migrant Education	\$	2,900,000	\$	2,900,000
3EJ0	200622	Homeless Children Education	\$	2,600,000	\$	2,600,000
3EK0	200637	Advanced Placement	\$	432,444	\$	498,484
3FD0	200665	Race to the Top	\$	12,000,000	\$	0
3FN0	200672	Early Learning Challenge - Race to the Top	\$	8,000,000	\$	3,400,000
3GE0	200674	Summer Food Service Program	\$	14,423,915	\$	14,856,635
3GF0	200675	Miscellaneous Nutrition Grants	\$	3,000,000	\$	3,000,000
3GG0	200676	Fresh Fruit and Vegetable Program	\$	5,026,545	\$	5,177,340
3GP0	200600	School Climate Transformation	\$	252,420	\$	252,420
3GQ0	200679	Project Aware	\$	1,907,423	\$	1,907,423

3H90	200605	Head Start Collaboration Project	\$	225,000	\$	225,000
3L60	200617	Federal School Lunch	\$	371,960,060	\$	383,118,860
3L70	200618	Federal School Breakfast	\$	117,332,605	\$	122,025,909
3L80	200619	Child/Adult Food Programs	\$	113,508,500	\$	116,913,755
3L90	200621	Career-Technical Education Basic Grant	\$	44,663,900	\$	44,663,900
3M00	200623	ESEA Title 1A	\$	590,000,000	\$	600,000,000
3M20	200680	Individuals with Disabilities Education Act	\$	444,000,000	\$	445,000,000
3Y20	200688	21st Century Community Learning Centers	\$	50,000,000	\$	50,000,000
3Y60	200635	Improving Teacher Quality	\$	90,000,000	\$	90,000,000
3Y70	200689	English Language Acquisition	\$	10,101,411	\$	10,101,411
3Y80	200639	Rural and Low Income Technical Assistance	\$	3,300,000	\$	3,300,000
3Z20	200690	State Assessments	\$	10,263,000	\$	10,263,000
3Z30	200645	Consolidated Federal Grant Administration	\$	10,000,000	\$	10,000,000
TOTAL FED Federal Fund Group			\$	1,986,665,123	\$	1,988,559,443
TOTAL ALL BUDGET FUND GROUPS			\$	10,755,889,177	\$	<del>11,114,250,910</del> <u>11,113,250,910</u>

**Sec. 371.10. DRC DEPARTMENT OF REHABILITATION AND CORRECTION**

**General Revenue Fund**

GRF	501321	Institutional Operations	\$	955,095,937	\$	<del>975,215,085</del> <u>987,800,384</u>
GRF	501405	Halfway House	\$	54,369,687	\$	56,541,437
GRF	501406	Adult Correctional Facilities Lease Rental Bond Payments	\$	76,255,700	\$	79,702,800
GRF	501407	Community Nonresidential Programs	\$	51,477,390	\$	53,365,890
GRF	501408	Community Misdemeanor Programs	\$	14,356,800	\$	14,356,800
GRF	501501	Community Residential Programs - CBCF	\$	74,491,705	\$	78,329,955
GRF	501503	Residential Grant Program	\$	100,000	\$	100,000
GRF	503321	Parole and Community Operations	\$	73,346,119	\$	75,149,295
GRF	504321	Administrative Operations	\$	21,475,332	\$	21,999,343
GRF	505321	Institution Medical Services	\$	241,459,148	\$	<del>249,000,000</del> <u>254,211,763</u>
GRF	506321	Institution Education Services	\$	24,586,681	\$	<del>30,454,204</del> <u>30,666,114</u>
TOTAL GRF General Revenue Fund			\$	1,587,014,499	\$	<del>1,634,214,809</del> <u>1,652,223,781</u>

**Dedicated Purpose Fund Group**

4B00	501601	Sewer Treatment Services	\$	2,393,506	\$	2,420,848
4D40	501603	Prisoner Programs	\$	5,490,000	\$	500,000
4L40	501604	Transitional Control	\$	700,000	\$	700,000
4S50	501608	Education Services	\$	3,432,164	\$	3,490,471
5AF0	501609	State and Non-Federal Awards	\$	2,000,000	\$	2,000,000



5H80	501617	Offender Financial Responsibility	\$	2,000,000	\$	2,000,000
TOTAL DPF Dedicated Purpose Fund Group			\$	16,015,670	\$	11,111,319
<b>Internal Service Activity Fund Group</b>						
1480	501602	Institutional Services	\$	3,139,577	\$	3,139,577
2000	501607	Ohio Penal Industries	\$	54,492,119	\$	54,925,441
4830	501605	Leased Property Maintenance & Operating	\$	467,844	\$	469,540
5710	501606	Corrections Training Maintenance & Operating	\$	500,000	\$	500,000
5L60	501611	Information Technology Services	\$	500,000	\$	500,000
TOTAL ISA Internal Activity Fund Group			\$	59,099,540	\$	59,534,558
<b>Federal Fund Group</b>						
3230	501619	Federal Grants	\$	4,200,000	\$	4,200,000
3CW0	501622	Federal Equitable Sharing	\$	400,000	\$	400,000
TOTAL FED Federal Fund Group			\$	4,600,000	\$	4,600,000
TOTAL ALL BUDGET FUND GROUPS			\$	1,666,729,709	\$	<del>1,709,460,686</del> <u>1,727,469,658</u>

#### ADULT CORRECTIONAL FACILITIES LEASE RENTAL BOND PAYMENTS

The foregoing appropriation item 501406, Adult Correctional Facilities Lease Rental Bond Payments, shall be used to meet all payments during the period from July 1, 2015, through June 30, 2017, by the Department of Rehabilitation and Correction under the primary leases and agreements for those buildings made under Chapters 152. and 154. of the Revised Code. These appropriations are the source of funds pledged for bond service charges on related obligations issued under Chapters 152. and 154. of the Revised Code.

#### RESIDENTIAL GRANT PROGRAM

The foregoing appropriation item 501503, Residential Grant Program, shall be used by the Department of Rehabilitation and Correction to conduct a one-year pilot program to award grants in support of community-based residential programs in several prisons. The Department shall establish guidelines, procedures, and forms by which applicants may apply for grants. These guidelines shall establish that grant eligibility is limited to faith-based character programs that have been in existence for five years or longer, that are not operated by the state of Ohio, and that have a demonstrated record of successful implementation of residential programs that have been shown to reduce violent behavior and disciplinary reports of inmate participants while in prison and significantly reduce recidivism among graduates once they reenter the outside community.

In administering the one-year pilot program, the Department shall

establish a partnership with an Ohio university or college which would provide all necessary and appropriate statistical information concerning the implementation of the program. The Department shall submit a quarterly report containing that information to the Speaker of the House of Representatives and the President of the Senate.

**OSU MEDICAL CHARGES**

Notwithstanding section 341.192 of the Revised Code, at the request of the Department of Rehabilitation and Correction, The Ohio State University Medical Center, including the Arthur G. James Cancer Hospital and Richard J. Solove Research Institute and the Richard M. Ross Heart Hospital, shall provide necessary care to persons who are confined in state adult correctional facilities. The provision of necessary inpatient care shall be billed to the Department or the Department of Medicaid at a rate not to exceed the authorized reimbursement rate for the same service established by the Department of Medicaid under the Medicaid Program.

SECTION 601.22. That existing Sections 263.10 and 371.10 of Am. Sub. H.B. 64 of the 131st General Assembly, as subsequently amended by Sub. H.B. 340 of the 131st General Assembly, are hereby repealed.

SECTION 601.31. That Sections 253.120, 273.10, 273.30, and 287.10 of Am. Sub. S.B. 260 of the 131st General Assembly be amended to read as follows:

		Reappropriations
<b>Sec. 253.120. JTC EASTERN GATEWAY COMMUNITY COLLEGE</b>		
Higher Education Improvement Fund (Fund 7034)		
C38603	Campus Master Plan	\$ 18,242
C38607	Noncredit Job Training	\$ 471,860
<del>C38616</del>	<del>Technology Belt Oil and Gas Learning Center</del>	<del>\$ 250,000</del>
C38617	Academic Building Renovation	\$ 687,221
TOTAL Higher Education Improvement Fund		\$ <u>1,427,323</u>
		<u>1,177,323</u>
TOTAL ALL FUNDS		\$ <u>1,427,323</u>
		<u>1,177,323</u>

**ACADEMIC BUILDING RENOVATION**

The amount reappropriated for the foregoing appropriation item C38617, Academic Building Renovation, is the unencumbered and unallotted balance as of June 30, 2016, in appropriation item C38617, Academic Building Renovation, plus \$1,080. Prior to the expenditure of this appropriation, Eastern Gateway Community College shall certify to the Director of Budget and Management canceled encumbrances in the amount

of at least \$1,080.

## Reappropriations

## Sec. 273.10. DNR DEPARTMENT OF NATURAL RESOURCES

Wildlife Fund (Fund 7015)		
C725B6	Upgrade Underground Fuel Tanks	\$ 20,597
C725K9	Wildlife Area Building Development/Renovation	\$ 6,964,893
C725L9	Dam Rehabilitation	\$ 279,077
	TOTAL Wildlife Fund	\$ 7,264,567
Administrative Building Fund (Fund 7026)		
C725D5	Fountain Square Building and Telephone System Improvements	\$ 1,748,583
C725D7	Multi-Agency Radio Communications Equipment	\$ 371,268
C725E0	DNR Fairgrounds Areas Upgrading	\$ 59,930
C725N7	District Office Renovations	\$ 263,088
	TOTAL Administrative Building Fund	\$ 2,442,869
Ohio Parks and Natural Resources Fund (Fund 7031)		
C72512	Land Acquisition	\$ 265,309
C72549	Facilities Development	\$ 469,083
C725B7	Upgrade Underground Fuel Tanks	\$ 578,250
C725C0	Cap Abandoned Water Wells	\$ 110,932
C725C2	Rehabilitate Canals, Hydraulic Works, and Support Facilities	\$ 447,160
C725C5	Grand Lake St. Marys State Park	\$ 25,000
C725E1	Local Parks Projects - Statewide	\$ 3,953,070
C725E5	Project Planning	\$ 267,510
C725J0	Natural Areas and Preserves Maintenance Facility Development - Springville Carbon Cod Removal	\$ 616,967
C725K0	State Park Renovations/Upgrading	\$ 55,761
C725M0	Dam Rehabilitation	\$ 917,685
C725N5	Wastewater/Water Systems Upgrades	\$ 805,084
C725N8	Operations Facilities Development	\$ 854,000
	TOTAL Ohio Parks and Natural Resources Fund	\$ 9,365,811
Parks and Recreation Improvement Fund (Fund 7035)		
C72513	Land Acquisition	\$ 5,434
C725A0	State Parks Campgrounds/Lodges/Cabins	\$ 10,786,308
C725B2	State Park Maintenance Facility Development	\$ 1,976,887
C725B5	Buckeye Lake Dam Rehabilitation	\$ 4,515,636
C725D8	MARCS Equipment	\$ 76,854
C725E2	Local Parks Projects	\$ 8,052,920
		<u>7,952,920</u>
C725E6	Project Planning	\$ 152,504
C725L8	Statewide Trails Program	\$ 99,115
C725R3	State Parks Renovations/Upgrades	\$ 244,682
C725R4	Dam Rehabilitation - Parks	\$ 1,004,723
C725R5	Lake White State Park - Dam Rehabilitation	\$ 1,436,443
	TOTAL Parks and Recreation Improvement Fund	\$ <u>28,351,506</u>
		<u>28,251,506</u>
Clean Ohio Trail Fund (Fund 7061)		
C72514	Clean Ohio Trail Fund	\$ 5,858,613
	TOTAL Clean Ohio Trail Fund	\$ 5,858,613
Waterways Safety Fund (Fund 7086)		
C725A7	Cooperative Funding for Boating Facilities	\$ 3,885,359
C725N9	Operations Facilities	\$ 809,989

C725Q6	Facilities Development	\$	697,514
TOTAL	Waterways Safety Fund	\$	5,392,862
TOTAL ALL FUNDS		\$	<u>58,676,228</u>
			<u>58,576,228</u>

**FEDERAL REIMBURSEMENT**

All reimbursements received from the federal government for any expenditures made pursuant to this section shall be deposited in the state treasury to the credit of the fund from which the expenditure originated.

**Sec. 273.30. LOCAL PARKS PROJECTS**

The amount reappropriated for appropriation item C725E2, Local Parks Projects, is the unencumbered and unallotted balance on June 30, 2016, in appropriation item C725E2, Local Parks Projects, plus \$99,758. Prior to the expenditure of this appropriation, the Department of Natural Resources shall certify to the Director of Budget and Management canceled encumbrances in the amount of at least \$99,758.

Of the foregoing appropriation item C725E2, Local Parks Projects, \$50,000 plus an amount equal to two per cent of the projects listed may be used by the Department of Natural Resources for the administration of local projects; \$3,500,000 shall be used for the Public Square Redevelopment Project in Cleveland; \$1,500,000 shall be used for the City of Cleveland - Lakefront Access Project; \$1,000,000 shall be used for the Middletown River Center; \$250,000 shall be used for the Muskingum River Lock and Dam; \$250,000 shall be used for the City of Toledo Promenade Park; \$250,000 shall be used for the Montgomery County Agricultural Facility Improvements; \$191,000 shall be used for Deerfield Township Simpson Creek Erosion Mitigation and Bank Control; \$100,000 shall be used for the Euclid Beach Pier; \$100,000 shall be used for the Liberty Park Expansion – Twinsburg; \$100,000 shall be used for the Mudbrook Trail and Greenway Project; \$100,000 shall be used for the Ohio to Erie Trail; ~~\$100,000 shall be used for the Midtown Cleveland Mountain Bike Park~~; \$90,000 shall be used for Addyston Park Improvements; \$75,000 shall be used for Scippo Creek Conservation; \$60,000 shall be used for the Josiah Hedges Park Trail of Tiffin; \$45,000 shall be used for the Bruce L. Chapin Bridge - Northcoast Inland Trail; \$25,000 shall be used for the Newbury Veterans' Memorial Park; and \$10,000 shall be used for Village of Albany Bike Paths.

Reappropriations

**Sec. 287.10. FCC FACILITIES CONSTRUCTION COMMISSION**

Capital Donations Fund (Fund 5A10)			
C230E2	Capital Donations	\$	1,004,929
TOTAL	Capital Donations Fund	\$	1,004,929
Lottery Profits Education Fund (Fund 7017)			
C23014	Classroom Facilities Assistance Program - Lottery Profits	\$	377,991

TOTAL Lottery Profits Education Fund	\$	377,991
Public School Building Fund (Fund 7021)		
C23001 Public School Buildings	\$	78,377,788
C23004 Exceptional Needs	\$	1,440,286
C23008 Emergency School Building Assistance	\$	9,685,579
C230V9 School Security Grants	\$	7,345,000
C230W4 Community School Classroom Facilities Assistance	\$	25,000,000
TOTAL Public School Building Fund	\$	121,848,653
Administrative Building Fund (Fund 7026)		
C23016 Energy Conservation Project	\$	2,462,389
C230E3 Hazardous Substance Abatement	\$	687,462
C230E4 Americans with Disabilities Act	\$	834,239
C230E5 State Agency Planning/Assessment	\$	500,000
TOTAL Administrative Building Fund	\$	4,484,090
Cultural and Sports Facilities Building Fund (Fund 7030)		
C23022 Woodward Opera House Renovation	\$	1,300,000
C23028 OHS - Basic Renovations and Emergency Repairs	\$	242,214
C23029 OHS - Buffington Island State Memorial	\$	33,475
C23033 OHS - Stowe House State Memorial	\$	270,000
C23036 The Anchorage	\$	50,000
C23037 Galion Historic Big Four Depot Restoration	\$	200,000
C23039 Malinta Historical Society Caboose Exhibit	\$	6,000
C23040 Broad Street Historical Renovation	\$	300,000
C23041 Aurora Outdoor Amphitheatre	\$	50,000
C23045 OHS - Lockington Locks Stabilization	\$	358,900
C23048 First Lunar Flight Project	\$	25,000
C23050 The Octagon House	\$	100,000
C23051 Paul Brown Museum	\$	75,000
C23052 Little Brown Jug Facility Improvements	\$	50,000
C23053 Applecreek Historical Society	\$	50,000
C23054 Bucyrus Historic Depot Renovations	\$	30,000
C23055 Portland Civil War Museum and Historical Displays	\$	25,000
C23059 Lake Erie Nature and Science Center	\$	300,000
C23060 Hallsville Historical Society	\$	100,000
C23061 Madeira Historical Society/Miller House	\$	60,000
C23062 Village of Edinburg Veterans Memorial	\$	35,000
<del>C23063 Redbrick Center for the Arts</del>	<del>\$</del>	<del>200,000</del>
C23064 BalletTech	\$	200,000
C23065 Rickenbacker Boyhood Home	\$	139,000
C23066 Variety Theater	\$	85,000
C23067 Belle's Opera House Improvements	\$	50,000
C23068 Huntington Playhouse	\$	40,000
C23069 Cambridge Performing Arts Center	\$	37,500
C23070 Mohawk Veterans' Memorial	\$	15,000
C23072 Madisonville Arts Center of Hamilton County	\$	36,000
C23073 Marietta Citizens Armory Cultural Center	\$	200,000
C23098 Twin City Opera House	\$	400,000
C230C7 OHS - Statewide Site Exhibit Renovations	\$	50,000
C230F2 Second Century Project	\$	200,000
C230F4 The Gordon, Hauss, Folk Company Mill	\$	250,000
C230F5 Thatcher Temple Art Building	\$	37,500
C230F6 Fitton Center for Creative Arts	\$	100,000
C230F8 Gammon House Improvements	\$	75,000
C230F9 Clark State Community College Performing Arts Center	\$	275,000

C230G1	Murphy Theatre	\$	26,185
C230G3	Public artPARK	\$	200,000
C230G6	Rainey Institute - Safe Parking	\$	125,000
C230G7	Ukrainian Museum - Archives	\$	125,000
C230G8	Cleveland African-American Museum Restoration and Expansion	\$	150,000
C230G9	Great Lakes Science Center Omnimax Theatre	\$	500,000
C230H2	Cozad Bates House	\$	365,131
C230H3	Beck Center	\$	402,349
C230J4	Cleveland Museum of Natural History	\$	2,500,000
C230J5	Phillis Wheatley - Hunter's Cove House	\$	350,000
C230J6	West Side Market Renovation	\$	500,000
C230J7	Cardinal Center	\$	75,000
C230K3	African-American Legacy Project	\$	75,000
C230K4	Ohio Glass Museum Furnace System	\$	4,267
C230K6	Victoria Opera House Restoration Phase 2	\$	30,000
C230K8	Sherman House Museum	\$	35,000
C230L3	Harmony Project	\$	300,000
C230L4	CCAD Cinematic Arts and Motion Capture Studio and Auditorium	\$	750,000
C230L7	Sauder Village - 1920 Homestead	\$	131,274
C230L8	Fulton County Visitor and Heritage Center	\$	1,000,000
C230M3	Chardon Lyric Theatre	\$	50,000
C230M5	Incline Theater Project	\$	550,000
C230M7	Hamilton County Memorial Hall	\$	2,000,000
C230M8	Cincinnati Zoo	\$	2,000,000
C230M9	Union Terminal Restoration	\$	5,000,000
C230N1	Cincinnati Music Hall Revitalization	\$	5,000,000
C230N2	Kan Du Community Arts Center	\$	520,000
C230N4	Appalachian Forest Museum	\$	100,000
C230N5	Logan Theater	\$	25,000
C230N6	Willard Train Viewing Platform	\$	50,000
C230P3	Sterling Theater Revitalization Project	\$	200,000
C230P6	Avon Isle Renovation Phase 2	\$	82,775
C230P7	Oberlin Gasholder Building/Underground Railroad Center	\$	200,000
C230Q1	Imagination Station Improvements	\$	695,000
C230Q3	Columbus Zoo and Aquarium	\$	1,000,000
C230Q4	Toledo Repertoire Theatre	\$	150,000
C230Q8	Stambaugh Auditorium	\$	500,000
C230R1	Bradford Rail Museum	\$	275,000
C230R5	Wright Company Factory Project	\$	250,000
C230R8	National Ceramic Museum and Heritage Center Renovation	\$	100,000
C230S1	Tecumseh Theater - Opera House Restoration	\$	140,000
C230S2	Perry County Historical and Cultural Arts Center	\$	341,600
C230S5	Lucy Webb Hayes Heritage Center Exterior Replacement and Restoration	\$	100,000
C230S6	Pumphouse Center for the Arts	\$	130,000
C230S8	Pro Football Hall of Fame	\$	10,000,000
C230S9	Park Theater Renovation	\$	159,078
C230T1	Akron Civic Theater	\$	530,261
C230T2	John Brown House and Grounds	\$	50,000
C230T5	Mason Historical Society	\$	350,000

C230T6	Cincinnati Zoo - Big Cat Facility	\$	1,000,000
C230T9	Pemberville Opera House Elevator Project	\$	220,000
C230U3	DeYor Performing Arts Center	\$	100,000
	TOTAL Cultural and Sports Facilities Building Fund	\$	<del>45,563,509</del> <u>45,363,509</u>
School Building Program Assistance Fund (Fund 7032)			
C23002	School Building Program Assistance	\$	249,369,425
C23005	Exceptional Needs	\$	5,402,528
C23010	Vocation Facilities Assistance Program	\$	2,660,326
C23011	Corrective Action Program Grants	\$	21,082,454
	TOTAL School Building Program Assistance Fund	\$	278,514,733
	TOTAL ALL FUNDS	\$	<del>451,793,905</del> <u>451,593,905</u>

#### SCHOOL BUILDING PROGRAM ASSISTANCE

The amount reappropriated for the foregoing appropriation item C23002, School Building Program Assistance, is the unencumbered and unallotted balance as of June 30, 2016, in appropriation item C23002, School Building Program Assistance, plus the unencumbered and unallotted balance as of June 30, 2016, in appropriation item C23019, College Prep Boarding School Facility.

#### CORRECTIVE ACTION PROGRAM GRANTS

The foregoing appropriation item C23011, Corrective Action Program Grants, may be used to provide funding to bring facilities up to Ohio School Design Manual standards for a project funded pursuant to sections 3318.01 to 3318.20 or 3318.40 to 3318.45 of the Revised Code for the correction of work that is found after occupancy of the facility to be defective, or to have been omitted. Funding shall only be provided for work if the impacted school district notifies the Executive Director of the Ohio School Facilities Commission within five years after occupancy of the facility for which the district seeks the funding. The Commission may provide funding assistance necessary to take corrective measures after evaluating defective or omitted work. If the work to be corrected or remediated is part of a project not yet completed, the Commission may amend the project agreement to increase the project budget and use corrective action funding to provide the state portion of the amendment. If the work to be corrected or remediated was part of a completed project and funds were retained or transferred pursuant to division (C) of section 3318.12 of the Revised Code, the Commission may enter into a new agreement to address the necessary corrective action. The Commission shall assess responsibility for the defective or omitted work and seek cost recovery from responsible parties, if applicable. Any funds recovered shall be applied first to the district portion of the cost of the corrective action. Any remaining funds shall be applied to the state portion and deposited into the School Building Program Assistance Fund (Fund 7032).

**HAZARDOUS SUBSTANCE ABATEMENT IN STATE FACILITIES**

The foregoing appropriation item C230E3, Hazardous Substance Abatement, shall be used to fund the removal of asbestos, PCB, radon gas, and other contamination hazards from state facilities.

Prior to the release of funds for asbestos abatement, the Ohio Facilities Construction Commission shall review proposals from state agencies to use these funds for asbestos abatement projects based on criteria developed by the Ohio Facilities Construction Commission. Upon a determination by the Ohio Facilities Construction Commission that the requesting agency cannot fund the asbestos abatement project or other toxic materials removal through existing capital and operating appropriations, the Commission may request the release of funds for such projects by the Controlling Board. State agencies intending to fund asbestos abatement or other toxic materials removal through existing capital and operating appropriations shall notify the Executive Director of the Ohio Facilities Construction Commission of the nature and scope prior to commencing the project.

Only agencies that have received appropriations for capital projects from the Administrative Building Fund (Fund 7026) are eligible to receive funding from this item. Public school districts are not eligible.

**ENERGY CONSERVATION PROJECT**

The foregoing appropriation item C23016, Energy Conservation Project, shall be used to perform energy conservation renovations, including the United States Environmental Protection Agency's Energy Star Program, in state-owned facilities. Prior to the release of funds for renovation, state agencies shall have performed a comprehensive energy audit for each project. The Ohio Facilities Construction Commission shall review and approve proposals from state agencies to use these funds for energy conservation. Public school districts and state-supported and state-assisted institutions of higher education are not eligible for funding from this item.

**IMPLEMENTATION OF AMERICANS WITH DISABILITIES ACT**

The foregoing appropriation item C230E4, Americans with Disabilities Act, shall be used to renovate state-owned facilities to provide access for physically disabled persons in accordance with Title II of the Americans with Disabilities Act.

Prior to the release of funds for renovation, state agencies shall perform self-evaluations of state-owned facilities identifying barriers to access to service. State agencies shall prioritize access barriers and develop a transition plan for the removal of these barriers. The Ohio Facilities Construction Commission shall review proposals from state agencies to use these funds for Americans with Disabilities Act renovations.



Only agencies that have received appropriations for capital projects from the Administrative Building Fund (Fund 7026) are eligible to receive funding from this item. Public school districts are not eligible.

SECTION 601.32. That existing Sections 253.120, 273.10, 273.30, and 287.10 of Am. Sub. S.B. 260 of the 131st General Assembly are hereby repealed.

SECTION 601.41. That Sections 203.10, 207.10, 207.80, 207.90, 207.100, 207.220, 207.240, 207.280, 207.290, 221.10, and 239.10 of S.B. 310 of the 131st General Assembly be amended to read as follows:

Sec. 203.10. ADJ ADJUTANT GENERAL

Army National Guard Service Contract Fund (Fund 3420)

C74537	Renovation Projects - Federal Share	\$	7,100,000
C74539	Renovations and Improvements - Federal	\$	15,000,000
	TOTAL Army National Guard Service Contract Fund	\$	22,100,000

Administrative Building Fund (Fund 7026)

C74528	Camp Perry Improvements	\$	2,250,000
C74535	Renovations and Improvements	\$	5,100,000
C74540	<u>Aerial Port of Embarkation/Debarkation</u>	\$	<u>250,000</u>
	TOTAL Administrative Building Fund	\$	<u>7,350,000</u>

	TOTAL ALL FUNDS	\$	<u>29,450,000</u>
			<u>29,700,000</u>

RENOVATIONS AND IMPROVEMENTS – FEDERAL

The foregoing appropriation item C74539, Renovations and Improvements – Federal, shall be used to fund capital projects that are coded as receiving one hundred per cent federal support pursuant to the agreement support code identified in the Facilities Inventory and Support Plan between the Office of the Adjutant General and the Army National Guard. Notwithstanding section 131.35 of the Revised Code, if after the effective date of this section, additional federal funds are made available to the Adjutant General to carry out the Facilities Inventory Support Plan, the Adjutant General may request that the Director of Budget and Management authorize expenditures in excess of the amounts appropriated to appropriation item C74539, Renovations and Improvements – Federal. Upon approval of the Director of Budget and Management the additional amounts are hereby appropriated.

AERIAL PORT OF EMBARKATION/DEBARKATION

The foregoing appropriation item C74540, Aerial Port of Embarkation/Debarkation, shall be used to acquire a cargo facility, tarmac,

and the surrounding property from the Western Reserve Port Authority.

Sec. 207.10. DEPARTMENT OF HIGHER EDUCATION AND  
STATE INSTITUTIONS OF HIGHER EDUCATION

BOR DEPARTMENT OF HIGHER EDUCATION

Higher Education Improvement Fund (Fund 7034)

C23501	Ohio Supercomputer Center	\$	6,000,000
C23502	Research Facility Action and Investment Funds	\$	1,000,000
C23516	Ohio Library and Information Network	\$	13,415,000
C23524	Supplemental Renovations - Library Depositories	\$	1,150,000
C23529	Workforce Based Training and Equipment	\$	8,000,000
C23530	Technology Initiatives	\$	2,500,000
C23532	OARnet	\$	9,100,000
C23551	Research Portal	\$	1,650,000
C23560	HEI Critical Maintenance and Upgrades	\$	7,200,000
<u>C23561</u>	<u>Capital Improvements - Central State Campus Security</u>	<u>\$</u>	<u>1,979,700</u>
	<u>and Lighting</u>		
C23562	Capital Improvements - Central State <u>Hallie Q. Brown</u>	\$	6,000,000
	<u>Library Upgrades and Repairs</u>		4,020,300
TOTAL Higher Education Improvement Fund		\$	56,015,000
TOTAL ALL FUNDS		\$	56,015,000

RESEARCH FACILITY ACTION AND INVESTMENT FUNDS

The foregoing appropriation item C23502, Research Facility Action and Investment Funds, shall be used for a program of grants to be administered by the Department of Higher Education to provide timely availability of capital facilities for research programs and research-oriented instructional programs at or involving state-supported and state-assisted institutions of higher education.

WORKFORCE BASED TRAINING AND EQUIPMENT

(A) The foregoing appropriation item C23529, Workforce Based Training and Equipment, shall be used to support the Regionally Aligned Priorities in Developing Skills (RAPIDS) program in the Department of Higher Education. The purpose of the RAPIDS program is to support collaborative projects among higher education institutions to strengthen education and training opportunities that maximize workforce development efforts in defined areas of the state.

(B) Capital funds appropriated for this purpose by the General Assembly shall be distributed by the Chancellor of Higher Education to Ohio regions or subsets of regions. Regions or subsets of regions may be defined by the state's economic development strategy.

(C) The Chancellor shall award capital funds within the program using an application and review process, as developed by the Chancellor. In reviewing applications and making awards, priority shall be given to proposals that demonstrate:

- (1) Collaboration among and between state institutions of higher

education, as defined in section 3345.011 of the Revised Code, Ohio Technical Centers, and other entities as determined to be appropriate by the Chancellor;

(2) Evidence of meaningful business support and engagement;

(3) Identification of targeted occupations and industries supported by data, which sources may include the Governor's Office of Workforce Transformation, OhioMeansJobs, labor market information from the Department of Job and Family Services, and lists of in-demand occupations.

(4) Sustainability beyond the grant period with the opportunity to provide continued value and impact to the region.

(D) In submitting proposals for consideration under the program, a state institution of higher education, as defined in section 3345.011 of the Revised Code, shall be the lead applicant and preference shall be given to proposals in which equipment and technology acquired by capital funds awarded under the program are owned by a state institution of higher education. If equipment, technology, or facilities acquired by capital funds awarded under the program will be owned by a separate governmental or nonprofit entity, the state institution of higher education shall enter into a joint use agreement with the entity, which shall be approved by the Chancellor.

**Sec. 207.80. CLS CLEVELAND STATE UNIVERSITY**

**Higher Education Improvement Fund (Fund 7034)**

C26069	Cleveland Institute of Art	\$	200,000
C26072	Fenn Hall Addition	\$	14,600,000
C26073	School of Film, Television, and Interactive Media	\$	7,500,000
<del>C26074</del>	<del>CWRU Health Education Campus</del>	<del>\$</del>	<del>4,000,000</del>
C26076	Cleveland Sight Center	\$	100,000
TOTAL Higher Education Improvement Fund		\$	<del>23,300,000</del>
			<u>22,400,000</u>
TOTAL ALL FUNDS		\$	<del>23,300,000</del>
			<u>22,400,000</u>

**Sec. 207.90. CTI COLUMBUS STATE COMMUNITY COLLEGE**

**Higher Education Improvement Fund (Fund 7034)**

C38426	School of Hospitality Management and Culinary Arts	\$	10,000,000
C38427	Academic Success Center	\$	3,600,000
C38428	School of Business Technologies	\$	1,000,000
C38429	Delaware Economic Development and Entrepreneur Center	\$	50,000
C38430	YWCA Columbus Griswold Building Renovations Project	\$	1,000,000
C38431	Otterbein University STEAM Innovation Center	\$	500,000
C38432	Columbus College of Art and Design	\$	750,000
C38433	Westerville WARM Center	\$	100,000
C38434	<del>Boys and Girls Clubs of Columbus/Sullivant Avenue</del> Teen Tech Lounge and Career Laboratory	\$	100,000
TOTAL Higher Education Improvement Fund		\$	17,100,000

TOTAL ALL FUNDS		\$	17,100,000
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**Sec. 207.100. CCC CUYAHOGA COMMUNITY COLLEGE**

**Higher Education Improvement Fund (Fund 7034)**

C37800	Basic Renovations	\$	2,500,000
C37838	Structural Concrete Repairs	\$	10,000,000
C37842	Playhouse Square Parking District Improvement	\$	1,000,000
C37844	Rock and Roll Hall of Fame	\$	1,000,000
C37847	Public Safety Training Center - Phase 2	\$	575,000
C37848	Campus Center Renovations	\$	2,500,000
C37849	Medina Creative Transitions	\$	100,000
<u>C37850</u>	<u>Junior League Non-profit Incubator Project</u>	<u>\$</u>	<u>30,000</u>
TOTAL Higher Education Improvement Fund		\$	<u>17,675,000</u>

17,705,000

TOTAL ALL FUNDS		\$	<u>17,675,000</u>
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17,705,000

**Sec. 207.220. NTC NORTHWEST STATE COMMUNITY COLLEGE**

**Higher Education Improvement Fund (Fund 7034)**

C38214	Welding Machine/Fabrication Shop Separation	\$	2,010,000
C38215	Safety/Security Improvements	\$	500,000
<u>C38216</u>	<u>Napoleon Senior Center</u>	<u>\$</u>	<u>400,000</u>
C38217	Napoleon Civic Center	\$	<u>500,000</u>
			<u>100,000</u>

TOTAL Higher Education Improvement Fund		\$	3,010,000
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TOTAL ALL FUNDS		\$	3,010,000
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**Sec. 207.240. OHU OHIO UNIVERSITY**

**Higher Education Improvement Fund (Fund 7034)**

C30075	Infrastructure Improvements	\$	200,000
C30115	Bennett Hall Renovations - Chillicothe	\$	950,000
C30118	Shannon Hall Renovations - Eastern	\$	450,000
C30119	Brasee Hall Renovations - Lancaster	\$	150,000
C30121	Building System Upgrades - Southern	\$	600,000
C30125	Herrold Hall Renovations - Zanesville	\$	1,050,000
C30136	Building Envelope Restorations	\$	1,709,000
C30137	Parking Lot Repairs - Eastern	\$	300,000
C30141	Safety and Security System Improvements - Southern	\$	270,000
C30145	Brasee Hall Roof and Building Envelope - Lancaster	\$	700,000
C30158	Academic Space Improvements	\$	20,353,950
C30165	Muskingum Valley Health Center - Malta Facility	\$	150,000
C30166	Somerset Learning Center and Technology Hub	\$	250,000
C30167	Ohio University Piketon Facility	\$	250,000
C30168	Holzer Health and Wellness Center	\$	100,000
<u>C30169</u>	<u>CWRU Health Education Campus</u>	<u>\$</u>	<u>1,000,000</u>

TOTAL Higher Education Improvement Fund		\$	<u>27,482,950</u>
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28,482,950

TOTAL ALL FUNDS		\$	<u>27,482,950</u>
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28,482,950

**Sec. 207.280. SCC SINCLAIR COMMUNITY COLLEGE**

**Higher Education Improvement Fund (Fund 7034)**

C37723	Library Roof/Plaza Membrane and Concrete Replacement	\$	2,850,000
C37724	Electrical Grid Replacements	\$	2,900,000

C37725	Air Handler and Temperature Control Devices	\$	2,100,000
C37726	Generation 4 Integrated Student Services - Advising/Completion	\$	2,500,000
<del>C37727</del>	<del>Wilmington Air Park Aviation Infrastructure Improvements</del>	<del>\$</del>	<del>3,000,000</del>
C37728	Hopkins Commons Senior Center	\$	250,000
TOTAL Higher Education Improvement Fund		\$	<del>13,600,000</del> <u>10,600,000</u>
TOTAL ALL FUNDS		\$	<del>13,600,000</del> <u>10,600,000</u>

~~WILMINGTON AIR PARK AVIATION INFRASTRUCTURE IMPROVEMENTS~~

~~Of the foregoing appropriation item C37727, Wilmington Air Park Aviation Infrastructure Improvements, \$450,000 shall be used to replace antenna equipment, \$1,274,800 shall be used for crack sealing, and \$1,275,200 shall be used for concrete repairs.~~

Sec. 207.290. SOC SOUTHERN STATE COMMUNITY COLLEGE  
Higher Education Improvement Fund (Fund 7034)

C32206	Adams County Satellite Campus	\$	2,000,000
C32208	Southern Gateway Economic Innovation Development Center	\$	1,000,000
C32212	Clarksville Fire Training Center	\$	850,000
C32213	Wilmington College Center for the Sciences and Agriculture	\$	1,500,000
C32214	Hillsboro Hi-Tech Center	\$	25,000
C32215	Hobart/Southern State Project	\$	35,000
<u>C32216</u>	<u>Wilmington Air Park Aviation Infrastructure Improvements</u>	<u>\$</u>	<u>3,000,000</u>
TOTAL Higher Education Improvement Fund		\$	<del>5,410,000</del> <u>8,410,000</u>
TOTAL ALL FUNDS		\$	<del>5,410,000</del> <u>8,410,000</u>

WILMINGTON AIR PARK AVIATION INFRASTRUCTURE IMPROVEMENTS

Of the foregoing appropriation item C32216, Wilmington Air Park Aviation Infrastructure Improvements, \$450,000 shall be used to replace antenna equipment, \$1,274,800 shall be used for crack sealing, and \$1,275,200 shall be used for concrete repairs.

Sec. 221.10. MHA DEPARTMENT OF MENTAL HEALTH AND  
ADDICTION SERVICES

Mental Health Facilities Improvement Fund (Fund 7033)

C58001	Community Assistance Projects	\$	12,000,000
C58007	Infrastructure Renovations	\$	21,310,000
<u>C58021</u>	<u>Providence House</u>	<u>\$</u>	<u>100,000</u>
C58024	Bellefaire Jewish Children's Home	\$	550,000
C58026	Cocoon Emergency Shelter	\$	800,000
C58028	Child Focus, Inc.	\$	415,000
C58029	CHOICES for Victims of Domestic Violence Campaign	\$	500,000

C58030	Family Services of Northwest Ohio Adult Crisis Stabilization Unit	\$	100,000
C58031	Glenbeigh Hospital Multipurpose Building	\$	400,000
C58032	OhioGuidestone Residential Treatment Building Renovation	\$	350,000
C58033	Salvation Army of Greater Cleveland Harbor Light Complex	\$	350,000
C58034	Greenville East Main Street Recovery Center	\$	25,000
C58035	Columbus Briggsdale Apartments - Phase II	\$	250,000
C58036	The Buckeye Ranch, Inc.	\$	100,000
C58037	Expansion of Lettuce Work	\$	250,000
C58038	Ravenwood Mental Health Facility Expansion	\$	500,000
C58039	Cincinnati Center for Addiction Treatment Expansion	\$	2,000,000
C58040	Painesville Mental Health Services Agency	\$	200,000
C58041	Tri-County Board of Recovery and Mental Health Services	\$	500,000
C58042	McKinley Hall Renovation	\$	75,000
C58043	Glenway Outpatient Opiate Facility	\$	200,000
C58044	Alvis Women Community Reentry Project	\$	50,000
C58045	Daybreak Youth Shelter and Employment Center	\$	250,000
	TOTAL Mental Health Facilities Improvement Fund	\$	41,175,000
			<u>41,275,000</u>
	TOTAL ALL FUNDS	\$	41,175,000
			<u>41,275,000</u>

#### COMMUNITY ASSISTANCE PROJECTS

The foregoing appropriation for the Department of Mental Health and Addiction Services, C58001, Community Assistance Projects, may be used for facilities constructed or to be constructed pursuant to Chapter 340., 5119., 5123., or 5126. of the Revised Code or the authority granted by section 154.20 of the Revised Code and the rules issued pursuant to those chapters and that section and shall be distributed by the Department of Mental Health and Addiction Services subject to Controlling Board approval.

#### Sec. 239.10. FCC FACILITIES CONSTRUCTION COMMISSION

##### Lottery Profits Education Fund (Fund 7017)

C23014	Classroom Facilities Assistance Program – Lottery Profits	\$	50,000,000
	TOTAL Lottery Profits Education Fund	\$	50,000,000

##### Public School Building Fund (Fund 7021)

C23001	Public School Buildings	\$	100,000,000
	TOTAL Public School Building Fund	\$	100,000,000

##### Administrative Building Fund (Fund 7026)

C23016	Energy Conservation Projects	\$	2,000,000
C230E5	State Agency Planning/Assessment	\$	1,500,000
	TOTAL Administrative Building Fund	\$	3,500,000

##### Cultural and Sports Facilities Building Fund (Fund 7030)

C23023	OHS - Ohio History Center Exhibit Replacement	\$	1,000,000
C23024	OHS - Statewide Site Exhibit Renovation	\$	750,000
C23025	OHS - Statewide Site Repairs	\$	1,050,410

C23028	OHS - Basic Renovations and Emergency Repairs	\$	1,000,000
C23030	OHS - Rankin House State Memorial	\$	393,250
C23031	OHS - Harding Home State Memorial	\$	1,354,559
C23032	OHS - Ohio Historical Center Rehabilitation	\$	1,007,370
C23033	OHS - Stowe House State Memorial	\$	1,028,500
C23045	OHS - Lockington Locks Stabilization	\$	513,521
C23051	Tecumseh Theater Opera House Restoration	\$	50,000
C23057	OHS - Online Portal to Ohio's Heritage	\$	850,000
C23083	Stan Hywet Hall and Gardens Manor House	\$	250,000
C23098	Twin City Opera House	\$	100,000
C230AA	Cleveland Grays Armory Museum	\$	350,000
C230AB	Cleveland Music Hall	\$	400,000
C230AC	Cleveland Zoological Society	\$	200,000
C230AD	Saint Luke's Pointe	\$	200,000
C230AE	Variety Theatre	\$	250,000
C230AF	Fairview Park Bain Park Cabin	\$	70,000
C230AG	Darke County Historical Society Garst Museum Parking Lot	\$	150,000
C230AH	Longtown Clemens Farmstead Museum	\$	90,000
C230AJ	Auglaize Village Mansfield Museum and Train Depot	\$	125,000
C230AK	Sandusky State Theatre	\$	750,000
C230AL	Fairfield Decorative Arts Center	\$	60,000
C230AM	General Sherman House Museum	\$	100,000
C230AN	<del>Village Villages of Millersport Corridor Improvements and Buckeye Lake</del>	\$	250,000
C230AP	Fayette County Museum	\$	25,000
C230AQ	Aminah Robinson Cultural Arts and Community Center	\$	150,000
C230AR	COSI Building Exhibit Expansion	\$	5,000,000
C230AS	Renovations of the Lincoln Theatre	\$	300,000
C230AT	Motts Military Museum and 9-11 Memorial	\$	50,000
C230AU	Charleen and Charles Hinson Amphitheater	\$	1,000,000
C230AV	Veterans Memorial for Senecaville	\$	15,000
C230AW	Carnegie Center of Columbia - Tusculum Renovation	\$	131,000
C230AX	Cincinnati Shakespeare Company	\$	750,000
C230AY	Ensemble Theatre Cincinnati	\$	100,000
C230AZ	Madcap Productions - New Madcap Puppet Theater	\$	200,000
C230B1	Karamu House 2.0	\$	800,000
C230BA	Riverbend and Taft Theater	\$	85,000
C230BB	Golf Manor Volunteer Park Outdoor Amphitheater	\$	45,000
C230BC	Native American Museum of Mariemont	\$	400,000
C230BD	Hancock County Sports Hall of Fame	\$	15,000
C230BE	Four Corners Heritage Center Historic Structure	\$	100,000
C230BF	Malinta Ohio Historical Site Rehabilitation	\$	19,000
C230BG	William Scott House	\$	110,000
C230BH	Loudonville Opera House Renovations	\$	250,000
C230BJ	Oak Hill Liberty Theatre	\$	100,000
C230BK	Knox County Memorial Theatre	\$	150,000
C230BL	Fairport Harbor Lighthouse Project	\$	200,000
C230BM	Lake County History Center Rehab Project	\$	250,000
C230BN	Ro-Na Theater Performing Arts Center	\$	200,000
C230BP	Weathervane Playhouse Renovations	\$	50,000
C230BQ	Logan County Veterans Memorial Hall Restoration	\$	300,000
C230BR	Amherst Historical Water Tower Project	\$	40,000
C230BS	Elyria Pioneer Plaza	\$	75,000

C230BT	LaGrange Township Historic Fire Station	\$	32,000
C230BU	Lorain Palace Theatre and Civic Center Rehabilitation	\$	150,000
C230BV	Downtown Toledo Music Hall	\$	400,000
C230BW	Toledo Museum of Art Polishing the Gem Project	\$	1,500,000
C230BX	Plain City Restoration of Historic Clock Tower	\$	30,000
C230BY	Homerville Community Center Expansion	\$	100,000
C230BZ	Medina County Historical Society	\$	100,000
C230CA	Fort Recovery Historical Society	\$	75,000
C230CB	Boonshoft Museum of Discovery	\$	1,000,000
C230CC	Dayton History Heritage Center of Regional Leadership	\$	1,500,000
C230CD	Dayton Project M & M	\$	550,000
C230CE	Trotwood Community Center	\$	250,000
C230CF	Zanesville Community Theater	\$	75,000
C230CG	John Paulding Historical Museum Expansion	\$	30,000
C230CH	Mt. Perry Scenic Railroad Structure Renovations	\$	125,000
C230CJ	Perry County Opera House / Community Center	\$	50,000
C230CK	Circleville Memorial Hall	\$	150,000
C230CL	Everts Community & Arts Center	\$	200,000
C230CM	Waverly Old Children's Home Renovation	\$	20,000
C230CN	Garrettsville Buckeye Block Community Theatre	\$	700,000
C230CP	Historic Hiram Hayden Auditorium	\$	375,000
C230CR	Kent Stage Theater Restoration Project	\$	450,000
C230CS	Mantua Township Historic Bell Tower	\$	140,000
C230CT	Windham Veterans Memorial Plaque	\$	12,000
C230CU	North Central Ohio Industrial Museum	\$	100,000
C230CV	Majestic Theatre Renovation Project Phase II	\$	750,000
C230CW	Seneca County Museum	\$	50,000
C230CX	Arts In Stark	\$	355,000
C230CY	City of Canton Central Plaza Memorial Statues	\$	100,000
C230CZ	McKinley Presidential Museum	\$	135,000
C230DA	Jackson North Park Amphitheater	\$	1,000,000
C230DB	Five Oaks Historic Home	\$	350,000
C230DC	Massillon Museum	\$	1,500,000
C230DD	1893 Genoa Schoolhouse Restoration	\$	57,000
C230DE	Melscheimer Schoolhouse Restoration	\$	15,000
C230DF	Bud and Susie Rogers Garden	\$	400,000
C230DG	The Courtyard at East Woods	\$	90,000
C230DH	W.D. Packard Music Hall Elevator	\$	200,000
C230DJ	Tuscarawas County Cultural Arts Center	\$	500,000
C230DK	Zoar Bicentennial Village	\$	12,000
C230DL	Marysville Avalon Theatre Renovations	\$	300,000
C230DM	Convoy Opera House	\$	60,000
C230DN	Van Wert Historical Society Museum	\$	112,000
C230DP	Wassenberg Art Center	\$	175,000
C230DR	Warren County Historical Society Handicap Entrance Project	\$	190,000
C230DS	Smithville Community Historical Society	\$	50,000
C230DT	Wayne County Buckeye Agricultural Museum & Education Center	\$	400,000
C230DU	Kister Water Mill and Education Center	\$	200,000
C230DV	Wayne Center for the Arts	\$	150,000
C230DW	West Liberty Town Hall Opera House	\$	150,000
C230DX	Medina City Parking Deck	\$	1,000,000
C230DY	Cincinnati Zoo Cheetah Run & Encounter	\$	250,000



C230DZ	Columbus Zoo - <del>Japanese Macaque Exhibit</del> <u>Asia Quest</u>	\$	250,000
C230EA	Cleveland Museum of Art	\$	1,100,000
C230EB	Unionville Tavern Rehabilitation - Phase I Exterior	\$	160,000
C230EC	Triumph of Flight	\$	250,000
C230ED	OHS - Historical Center/Ohio Village Buildings	\$	300,000
<u>C230EG</u>	<u>Parma Heights Cassidy Theatre Cultural Center</u>	<u>\$</u>	<u>50,000</u>
<u>C230H2</u>	<u>Cozad Bates House</u>	<u>\$</u>	<u>70,000</u>
C230J4	Cleveland Museum of Natural History	\$	3,300,000
C230K1	Historic Strand Theatre Renovation	\$	175,000
C230K9	Washington Court House Auditorium	\$	100,000
C230L5	CAPA's Renovations of the Palace Theatre	\$	250,000
C230L7	Sauder Village Experience	\$	500,000
C230L9	Ariel Theatre	\$	200,000
C230M3	Geauga Lyric Theater Guild	\$	200,000
C230M6	Cincinnati Art Museum	\$	750,000
C230M8	Cincinnati Zoo	\$	1,750,000
C230N1	Cincinnati Music Hall	\$	500,000
C230N8	Steubenville Grand Theatre Restoration Project	\$	75,000
C230N9	South Leroy Meeting House Restoration	\$	50,000
C230P1	Fine Arts Association Facility Expansion/Renovation	\$	650,000
C230Q1	Imagination Station	\$	200,000
C230Q3	Columbus Zoo - Entry Village Guest Services Improvements	\$	500,000
C230Q7	Butler Institute of American Art	\$	500,000
C230Q8	Henry H. Stambaugh Auditorium	\$	500,000
C230Q9	Marion Palace Theatre	\$	100,000
C230R1	Bradford Railway Museum	\$	75,000
C230R7	Dayton Art Institute's Centennial - Preservation & Accessibility	\$	1,000,000
C230T2	John Brown House and Grounds Restoration	\$	250,000
C230T3	Hale Farm & Village Capital Improvement Project	\$	100,000
C230U2	Folger Home of Avon Lake	\$	75,000
C230U3	DeYor Performing Arts Center Heating and Cooling	\$	1,250,000
C230W7	OHS - Lundy House Restoration	\$	409,370
C230W8	OHS - Cedar Bog Improvements	\$	193,600
C230W9	OHS - Hayes Center Improvements	\$	290,400
C230X1	OHS - Site Energy Conservation	\$	239,580
C230X2	OHS - Collections Storage Facility Object Evaluation	\$	400,000
C230X5	OHS - State Archives Shelving	\$	3,000,000
C230X6	OHS - Fort Ancient Earthworks	\$	219,440
C230Y1	Meigs Township Veterans Monument	\$	5,000
C230Y2	Serpent Mound	\$	50,000
C230Y3	Allen County Museum	\$	100,000
C230Y4	Schine's Theater Restoration	\$	300,000
C230Y5	Hayesville Opera House	\$	20,000
C230Y6	Ashtabula Maritime and Surface Transportation Museum	\$	100,000
C230Y7	Ashtabula Covered Bridge Festival Entertainment Pavilion	\$	100,000
C230Y8	Armstrong Air and Space Museum and STEM Education Center	\$	900,000
C230Y9	Gaslight Theatre Building Renovation Project	\$	300,000
C230Z1	Caroline Scott Harrison Statue	\$	75,000
C230Z2	City of Trenton Amphitheatre Cover	\$	50,000

C230Z3	Historic Batavia Armory	\$	300,000
C230Z4	Columbiana County Bowstring Arch Bridge Rehabilitation	\$	200,000
C230Z5	Coshocton Planetarium	\$	75,000
C230Z6	Bedford Historical Society	\$	100,000
C230Z7	Historical Society of Broadview Heights	\$	150,000
C230Z8	Brooklyn John Frey Park	\$	<del>140,000</del> 90,000
C230Z9	Chagrin Falls Center Community Arts	\$	600,000
	TOTAL Cultural and Sports Facilities Building Fund	\$	<del>63,345,000</del> 63,415,000
<b>School Building Program Assistance Fund (Fund 7032)</b>			
C23002	School Building Program Assistance	\$	500,000,000
	TOTAL School Building Program Assistance Fund	\$	500,000,000
	TOTAL ALL FUNDS	\$	<del>716,845,000</del> 716,915,000

#### STATE AGENCY PLANNING/ASSESSMENT

The foregoing appropriation item C230E5, State Agency Planning/Assessment, shall be used by the Facilities Construction Commission to provide assistance to any state agency for assessment, capital planning, and maintenance management.

#### SCHOOL BUILDING PROGRAM ASSISTANCE

The foregoing appropriation item C23002, School Building Program Assistance, shall be used by the School Facilities Commission to provide funding to school districts that receive conditional approval from the Commission pursuant to Chapter 3318. of the Revised Code.

SECTION 601.42. That existing Sections 203.10, 207.10, 207.80, 207.90, 207.100, 207.220, 207.240, 207.280, 207.290, 221.10, and 239.10 of S.B. 310 of the 131st General Assembly are hereby repealed.

SECTION 701.10. Notwithstanding any provision of law to the contrary, beginning with the pay period that includes July 1, 2016, each state appointing authority is authorized to make expenditures from current state operating appropriations contained in this act or any other act necessary to provide for the compensation changes pursuant to provisions of law, as amended by this act, for employees exempt from collective bargaining.

SECTION 701.20. Notwithstanding sections 101.82 to 101.87 of the Revised Code, the Ohio Judicial Conference, as created in section 105.91 of the Revised Code, is exempt from review by the Sunset Review Committee convened to operate during the 131st General Assembly, and is renewed until the end of December 31, 2020.

SECTION 701.30. It is the intent of the General Assembly that capital appropriations and reappropriations made in S.B. 260 of the 131st General Assembly, S.B. 310 of the 131st General Assembly, and subsequent bills that make capital appropriations and reappropriations are for capital construction projects that are ready to begin construction or for projects that will be completed within the applicable two-year fiscal biennium. Further, it is the intent of the General Assembly for those projects that are neither started nor completed within the biennium to be allowed to lapse and not be reappropriated. Lastly, the General Assembly recognizes that there are times when extraordinary circumstances prevent construction projects from progressing as originally conceived, but reappropriations for these projects will be the exception, not the default.

SECTION 715.10. For each application submitted under section 1509.28 of the Revised Code that encompasses a unit area for which all or a portion of the mineral rights are owned by the Department of Transportation and for which the Chief of the Division of Oil and Gas Resources Management has held a hearing before the effective date of this section, the Chief, not later than forty-five days after the effective date of this section, shall either issue an order denying or providing for the unit operation of a pool or part of a pool. However, the applicant is not required to commence any unit operations within twenty-four months of the effective date of any order issued in accordance with this section.

SECTION 741.10. (A) As used in this section:

(1) "Contribution period" and "contributory employer" have the same meanings as in section 4141.01 of the Revised Code.

(2) "Mutualized Account" means the Mutualized Account created in division (B) of section 4141.25 of the Revised Code.

(3) "Unemployment Compensation Fund" means the Unemployment Compensation Fund created in section 4141.09 of the Revised Code.

(B) Not later than September 15, 2016, the Director of Job and Family Services shall certify to the Director of Budget and Management the balance of amounts advanced to the state under section 1201 of the "Social Security Act," 42 U.S.C. 1321.

(C) Notwithstanding division (A) of section 169.05 of the Revised Code, not later than September 20, 2016, the Director of Budget and

Management shall request the Director of Commerce transfer cash from unclaimed funds that have been reported by the holders of unclaimed funds under section 169.05 of the Revised Code, regardless of the allocation of the unclaimed funds under that section, to the Unemployment Compensation Fund in the amount certified pursuant to division (B) of this section as a one-time loan for the purpose of paying unemployment compensation benefits under Chapter 4141. of the Revised Code. Upon receipt of the request, the Director of Commerce shall make the transfer. The amount transferred shall be credited to the Mutualized Account.

The Director of Budget and Management, in consultation with the Director of Job and Family Services, shall establish a schedule for the repayment of the loan. The schedule for repayment shall require that the loan be repaid not later than February 28, 2018.

(D) Not later than September 30, 2016, the Director of Job and Family Services shall deposit as cash the amount transferred under division (C) of this section with the Secretary of the Treasury of the United States to the credit of the account of this state in the unemployment trust fund established and maintained pursuant to section 904 of the "Social Security Act," 42 U.S.C. 1104, to eliminate the balance of amounts advanced to the state under section 1201 of the "Social Security Act," 42 U.S.C. 1321.

(E) Notwithstanding any provision of sections 4141.23, 4141.24, 4141.25, and 4141.26 of the Revised Code to the contrary, for the contribution period beginning January 1, 2017, each contributory employer who is subject to experience rating under division (A)(2) of section 4141.25 of the Revised Code shall be subject to an increase in the contribution rates provided in division (A)(3) of section 4141.25 of the Revised Code in an amount, to be determined by the Directors of Job and Family Services and Budget and Management, that generates an amount not greater in the aggregate than the amount necessary to repay the amount transferred under division (C) of this section. The Directors shall determine the amount of the increase on a flat-rate basis. The increased amount under this division, if not paid when due, shall be treated the same as delinquent contributions under section 4141.23 of the Revised Code.

(F) The Treasurer of State shall establish and maintain a separate account known as the "Loan Account" within the Unemployment Compensation Fund.

(G) The Director of Job and Family Services shall deposit amounts received pursuant to the increased contribution rates under division (E) of this section in the Loan Account within the Unemployment Compensation Fund and credit the amounts to the Mutualized Account.

(H) The Director of Job and Family Services shall repay the amount transferred as a loan under division (C) of this section from amounts in the Loan Account within the Unemployment Compensation Fund. Any amounts remaining in the Loan Account after repayment of the loan shall be deposited with the Secretary of the Treasury of the United States to the credit of the account of this state in the Unemployment Trust Fund established and maintained pursuant to section 904 of the "Social Security Act," 42 U.S.C. 1104. Amounts transferred from the Loan Account shall be charged to the Mutualized Account.

SECTION 741.20. It is the intent of the General Assembly that the amendments made by this act to section 4141.25 of the Revised Code shall be repealed in future legislation adopting long-term reforms to the Unemployment Compensation System.

SECTION 753.10. (A) The Governor may execute a deed in the name of the state conveying to the Columbus Downtown Development Corporation or to a Grantee or Grantees to be determined, their heirs, successors, and assigns, in the manner provided in division (C) of this section, all of the state's right, title, and interest in the following described real estate:

Situated in the State of Ohio, County of Franklin, City of Columbus, Township 5 North, Range 22 West of the Refugee Lands, part of Lots 111, 112, 113, 114, and 115 of the Plat of the Town of Columbus as recorded in Deed Book "F", page 332, destroyed by fire, replatted in Plat Book 3, page 247, also represented in Plat Book 14, page 27, also part of Lots 792, 793, 798, 799, 800, and 801 of the Wharf Lots as recorded in Deed Book 9, page 372, also represented in Plat Book 1, page 291, also part of Scioto Street and Sugar Street as vacated in Ordinance Number 331-31 and Ordinance Number 548-30 on file with the Clerk of Council, Columbus, Ohio as conveyed to the State of Ohio in the instruments filed as Deed Book 946, page 652, Deed Book 910, page 427, Deed Book 932, page 294, Deed Book 941, page 197, Deed Book 942, page 122, Deed Book 942, page 344, Deed Book 941, page 377 and Instrument Number 201510300154443 in accordance with City of Columbus Ordinances 24-30 and 2539-2015 (all deed and plat references to the Franklin County Recorder's Office), being more particularly described as follows:

BEGINNING on the east line of Inlot 113 of the said Plat of the Town of Columbus at an existing planter corner found on the westerly existing right-of-way line of Front Street (82.5 feet wide) and at the southeast corner

of a 2.278 acre tract conveyed to Supreme Court of Ohio by the instrument filed as Instrument Number 200410060233085, said planter corner being referenced by a drill hole found being North 42 degrees 42 minutes 18 seconds East at a distance of 1.44 feet, said planter corner being the TRUE POINT OF BEGINNING of the parcel herein described;

Thence along the said westerly existing right-of-way line of Front Street, South 08 degrees 08 minutes 58 seconds East for a distance of 162.32 feet to a drill hole set at the southeast corner of Inlot 111 of the said Plat of the Town of Columbus and on the northerly existing right-of-way line of Town Street (82.5 feet wide), said drill hole being referenced by a Mag nail found being North 14 degrees 47 minutes 18 seconds West at a distance of 5.38 feet, said drill hole also being referenced by another Mag nail found being North 41 degrees 20 minutes 01 seconds East at a distance of 3.27 feet;

Thence along the said northerly existing right-of-way line of Town Street and the south line of said Inlot 111, South 81 degrees 50 minutes 48 seconds West for a distance of 266.02 feet to a drill hole set on the south line of Lot 801 of said Wharf Lots and on the easterly existing right-of-way line of Civic Center Drive (80 feet wide), originally dedicated as Riverside Drive in Ordinance Number 314-30 (June 6, 1930), and the name changed in Ordinance Number 656-51 (July 10, 1951);

Thence along the said easterly existing right-of-way line of Civic Center Drive with a curve to the left, having a radius of 1262.44 feet, an arc length of 365.17 feet, a central angle of 16 degrees 34 minutes 24 seconds, and a chord which bears North 10 degrees 34 minutes 46 seconds East for a distance of 363.90 feet to a drill hole set at the southwest corner of the said Supreme Court of Ohio parcel and within Lot 792 of said Wharf Lots;

Thence across said Lot 792, the vacated right-of-way of Scioto Street, and Inlots 113 and 114 of the said Plat of the Town of Columbus and along the southerly line of the said Supreme Court of Ohio parcel with the face of an existing retaining wall (within +/- one foot) the following six (6) courses:

1) South 77 degrees 28 minutes 04 seconds East for a distance of 14.08 feet to a point;

2) With a curve to the right, having a radius of 58.00 feet, an arc length of 70.29 feet, a central angle of 69 degrees 25 minutes 59 seconds, and a chord which bears South 42 degrees 45 minutes 05 seconds East for a distance of 66.06 feet to a point;

3) South 08 degrees 02 minutes 05 seconds East for a distance of 49.81 feet to a point;

4) With a curve to the left, having a radius of 14.00 feet, an arc length of

22.06 feet, a central angle of 90 degrees 17 minutes 22 seconds, and a chord which bears South 53 degrees 10 minutes 46 seconds East for a distance of 19.85 feet to a point;

5) South 08 degrees 09 minutes 29 seconds East for a distance of 47.47 feet to a point;

6) North 81 degrees 50 minutes 31 seconds East for a distance of 2.83 feet to a point on the face of an existing building;

Thence along the said existing building face, South 08 degrees 09 minutes 29 seconds East for a distance of 4.44 feet to a point;

Thence continuing along the said existing building face, North 81 degrees 53 minutes 32 seconds East for a distance of 24.65 feet to a point on the top step of an existing stairway;

Thence along the said top step of an existing stairway, North 05 degrees 22 minutes 04 seconds West for a distance of 0.53 feet to a point;

Thence continuing along the said top step of an existing stairway, North 81 degrees 57 minutes 37 seconds East for a distance of 44.42 feet to a point on the said existing planter;

Thence along the said existing planter, South 08 degrees 09 minutes 29 seconds East for a distance of 7.62 feet to a point;

Thence continuing along the said existing planter, North 81 degrees 50 minutes 48 seconds East for a distance of 12.61 feet to the TRUE POINT OF BEGINNING, containing 1.171 acres, more or less, of which 0.000 acres are in the present road occupied.

The above description contains 1.171 acres, more or less, all of which is out of Franklin County Auditor's Parcel Number 010-002659.

The bearings for this description are based on the Ohio State Plane Coordinate System, South Zone, and reference the North American Datum of 1983 and the 2007 adjustment (NAD 83(2007)) with ties to Franklin County monuments FRANK 43 and FRANK 143 having a relative bearing of South 87 degrees 56 minutes 15 seconds East.

This description was prepared by Russell Koenig, Ohio Registered Professional Surveyor number 8358, and is based on an actual field survey conducted by DLZ Ohio, Inc. in 2015 under his direct supervision.

The foregoing description may be adjusted by the Director of Administrative Services to accommodate any corrections necessary to facilitate recordation of the deed or correct any errors in the foregoing legal description.

The real estate shall be sold as an entire tract and not in parcels.

(B)(1) The conveyance shall include improvements and chattels situated on the real estate, and is subject to all leases, 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 shall be conveyed in an "as-is, where-is, with all faults" condition.

(2) The 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.

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

(4) The deed may contain restrictions prohibiting the Purchaser or Purchasers 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.

(C)(1) The Director of Administrative Services shall offer the real estate to the Columbus Downtown Development Corporation, or to a Grantee or Grantees to be determined, through a real estate purchase agreement prepared by the Department of Administrative Services. Consideration for the conveyance of the real estate shall be at a price acceptable to the Director of Administrative Services and the Director of Job and Family Services. The consideration shall be paid at closing.

(2) If the Columbus Downtown Development Corporation, or the Grantee or Grantees to be determined, does not complete the purchase of the real estate within the time period provided in the real estate purchase agreement, the Director of Administrative Services may offer to sell the real estate to an alternate Grantee or Grantees, through a real estate purchase agreement prepared by the Department of Administrative Services. Consideration for the conveyance of the real estate to an alternate Grantee or Grantees shall be at a price acceptable to the Director of Administrative Services and the Director of Job and Family Services. The consideration shall be paid at closing.

(D) The purchaser shall 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.

(E) The net proceeds of the sale shall be deposited into the state treasury to the credit of the Unemployment Compensation Special Administrative Fund, under section 4141.11 of the Revised Code.



(F) Upon payment of the purchase price, the Auditor of State, with the assistance of the Attorney General, shall prepare a deed to the subject real estate. The deed shall state the consideration and shall be executed by the Governor in the name of the state, countersigned by the Secretary of State, sealed with the Great Seal of the State, presented in the Office of the Auditor of State for recording, and delivered to the grantee. The grantee shall present the deed for recording in the office of the Franklin County Recorder.

(G) This section expires three years after its effective date.

SECTION 757.10. As used in this section, "qualified property" means real property owned by a housing authority that satisfies the qualifications for tax exemption under sections 3735.34 and 5709.10 of the Revised Code.

Notwithstanding section 5713.081 of the Revised Code, when qualified property has not received tax exemption due to a failure to comply with Chapter 5713. or section 5715.27 of the Revised Code, the current owner of the property, at any time on or before twelve months after the effective date of this section, may file with the Tax Commissioner an application requesting that the property be placed on the tax-exempt list and that all unpaid taxes, penalties, and interest on the property be abated.

The application shall be made on the form prescribed by the Commissioner under section 5715.27 of the Revised Code and shall list the name of the county in which the property is located; the property's parcel number or legal description; its assessed value; the amount in dollars of the unpaid taxes, penalties, and interest; and any other information required by the Commissioner. The county auditor shall supply the required information upon request of the applicant.

After receiving and considering the application, the Commissioner shall determine if the applicant meets the qualifications set forth in this section. If so, the Commissioner shall issue an order directing that the property be placed on the tax-exempt list of the county and that all unpaid taxes, penalties, and interest be abated. If the Commissioner finds that the property is not now being used for an exempt purpose or is otherwise ineligible for abatement of taxes, penalties, and interest under this section, the Commissioner shall issue an order denying the application.

If the Commissioner finds that the property is not entitled to tax exemption and to the abatement of unpaid taxes, penalties, and interest, the Commissioner shall order the county treasurer of the county in which the property is located to collect all taxes, penalties, and interest due on the property for those years in accordance with law.

The Commissioner may apply this section to any qualified property that is the subject of an application for exemption pending before the Commissioner on the effective date of this section without requiring the property owner to file an additional application.

SECTION 757.20. The amendment by this act of sections 5739.01 and 5739.02 of the Revised Code is intended to be remedial in nature and shall apply to all sales made before, on, or after the effective date of this act.

SECTION 803.10. The amendment by this act of section 122.85 of the Revised Code applies to tax credit certificates issued under that section on or after July 1, 2016.

SECTION 812.10. (A) Except as otherwise provided in division (B) of this section, the amendment, enactment, or repeal by this act of a section 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 in this act, on that date.

(B) The amendment, enactment, or repeal by this act of the sections listed in this division is exempt from the referendum under Ohio Constitution, Article II, section 1d and section 1.471 of the Revised Code and therefore takes effect immediately when this act becomes law:

Sections of this act prefixed with section numbers in the 500s, 600s, and 700s, except for those sections making capital appropriations (capital appropriations are prefixed with the letter "C") and except for Section 753.10 of this act.

SECTION 812.20. The amendments by this act to sections 124.181, 124.382, and 126.32 of the Revised Code take effect on July 1, 2017.

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

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

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

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

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*Governor.*

Sub. H. B. No. 390

131st G.A.

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

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*Director, Legislative Service Commission.*

Filed in the office of the Secretary of State at Columbus, Ohio, on the  
\_\_\_\_ day of \_\_\_\_\_, A. D. 20\_\_\_\_.

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*Secretary of State.*

File No. \_\_\_\_\_ Effective Date \_\_\_\_\_