

As Reported by the Senate Ways and Means Committee

131st General Assembly

Regular Session

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Sub. H. B. No. 390

Representatives Schaffer, Retherford

Cosponsors: Representatives Amstutz, Cera, Rogers, Anielski, Antonio, Baker, Bocchieri, Brenner, Brown, Buchy, Burkley, Celebrezze, Duffey, Fedor, Ginter, Green, Hagan, Hall, Hambley, Huffman, Lepore-Hagan, Maag, Manning, McClain, McColley, O'Brien, M., Patterson, Perales, Rezabek, Romanchuk, Ryan, Scherer, Schuring, Sears, Slaby, Slesnick, Smith, K., Sprague, Strahorn, Thompson, Young
Senators Williams, Beagle

A B I L L

To amend sections 103.71, 103.74, 120.33, 122.171, 1
122.85, 124.152, 124.181, 124.382, 126.32, 127.19, 2
181.22, 301.28, 305.31, 305.42, 323.47, 323.73, 3
1303.38, 2303.26, 2327.01, 2327.02, 2327.04, 4
2329.01, 2329.151, 2329.17, 2329.18, 2329.19, 5
2329.20, 2329.21, 2329.26, 2329.271, 2329.28, 6
2329.30, 2329.31, 2329.33, 2329.34, 2329.39, 7
2329.45, 2329.52, 2329.56, 2909.07, 2941.51, 8
3316.042, 3375.404, 3702.511, 4141.25, 4741.11, 9
5145.162, 5302.01, 5537.02, 5721.371, 5721.39, 10
5739.01, 5739.02, and 5747.51, to enact sections 11
122.076, 2308.01, 2308.02, 2308.03, 2308.04, 12
2329.071, 2329.152, 2329.153, 2329.154, 2329.211, 13
2329.311, 2329.312, 3701.981, 4141.251, 5302.31, 14
5721.372, and 5721.373, and to repeal sections 15
324.01, 324.02, 324.021, 324.03, 324.04, 324.05, 16
324.06, 324.07, 324.08, 324.09, 324.10, 324.11, 17

324.12, and 324.99 of the Revised Code, to amend 18
Sections 207.190, 223.10, 229.10, 245.10, 251.10, 19
257.10, 257.20, 263.50, 263.220, 263.390, 275.10, 20
305.10, 305.30, 305.53, 305.120, 309.10, and 21
379.10 of Am. Sub. H.B. 64 of the 131st General 22
Assembly, to amend Sections 263.10 and 371.10 of 23
Am. Sub. H.B. 64 of the 131st General Assembly, as 24
subsequently amended, to amend Sections 253.120, 25
273.10, 273.30, and 287.10 of Am. Sub. S.B. 260 of 26
the 131st General Assembly, and to amend Sections 27
203.10, 207.10, 207.80, 207.90, 207.100, 207.220, 28
207.240, 207.280, 207.290, 221.10, and 239.10 of 29
S.B. 310 of the 131st General Assembly, and to 30
repeal Section 9 of Sub. H.B. 238 of the 131st 31
General Assembly to provide authorization and 32
conditions for the operation of state programs and 33
to make appropriations. 34

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

Section 101.01. That sections 103.71, 103.74, 120.33, 35
122.171, 122.85, 124.152, 124.181, 124.382, 126.32, 127.19, 36
181.22, 301.28, 305.31, 305.42, 323.47, 323.73, 1303.38, 2303.26, 37
2327.01, 2327.02, 2327.04, 2329.01, 2329.151, 2329.17, 2329.18, 38
2329.19, 2329.20, 2329.21, 2329.26, 2329.271, 2329.28, 2329.30, 39
2329.31, 2329.33, 2329.34, 2329.39, 2329.45, 2329.52, 2329.56, 40
2909.07, 2941.51, 3316.042, 3375.404, 3702.511, 4141.25, 4741.11, 41
5145.162, 5302.01, 5537.02, 5721.371, 5721.39, 5739.01, 5739.02, 42
and 5747.51 be amended and sections 122.076, 2308.01, 2308.02, 43
2308.03, 2308.04, 2329.071, 2329.152, 2329.153, 2329.154, 44
2329.211, 2329.311, 2329.312, 3701.981, 4141.251, 5302.31, 45
5721.372, and 5721.373 of the Revised Code be enacted to read as 46
follows: 47

Sec. 103.71. There is hereby created a correctional 48
institution inspection committee as a subcommittee of the 49
legislative service commission. The committee shall consist of 50
eight persons, four of whom shall be members of the senate 51
appointed by the president of the senate, not more than two of 52
whom shall be members of the same political party, and four of 53
whom shall be members of the house of representatives appointed by 54
the speaker of the house of representatives, not more than two of 55
whom shall be members of the same political party. Initial 56
appointments to the committee shall be made within fifteen days 57
after ~~the effective date of this section~~ July 1, 1993, and in the 58
manner prescribed in this section. Thereafter, appointments to the 59
committee shall be made within fifteen days after the commencement 60
of the first regular session of the general assembly and in the 61
manner prescribed in this section. A vacancy on the committee 62
shall be filled for the unexpired term in the same manner as the 63
original appointment. Members of the committee shall serve on the 64
committee until the appointments are made in the first regular 65
session of the following general assembly, unless they cease to be 66
members of the general assembly. ~~The committee, subject to the~~ 67
~~oversight and direction of the legislative service commission,~~ 68
~~shall direct the work of the director and staff of the committee.~~ 69

Sec. 103.74. The correctional institution inspection 70
committee may employ ~~a director and any other nonlegal staff, who~~ 71
~~shall be in the unclassified service of the state, that are~~ 72
~~necessary for the committee to carry out its duties and may~~ 73
~~contract for the services of whatever nonlegal technical advisors~~ 74
~~are necessary for the committee to carry out its duties. The~~ 75
~~attorney general shall act as legal counsel to the committee.~~ 76

~~The chairperson and vice chairperson of the legislative~~ 77
~~service commission shall fix the compensation of the director. The~~ 78

~~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 110
resolution shall include those provisions the board of county 111
commissioners considers necessary to provide effective 112
representation of indigent persons in any proceeding for which 113
counsel is provided under this section. The resolution shall 114
include provisions for contracts with any municipal corporation 115
under which the municipal corporation shall reimburse the county 116
for counsel appointed to represent indigent persons charged with 117
violations of the ordinances of the municipal corporation. 118

(1) In a county that adopts a resolution to pay counsel, an 119
indigent person shall have the right to do either of the 120
following: 121

(a) To select the person's own personal counsel to represent 122
the person in any proceeding included within the provisions of the 123
resolution; 124

(b) To request the court to appoint counsel to represent the 125
person in such a proceeding. 126

(2) The court having jurisdiction over the proceeding in a 127
county that adopts a resolution to pay counsel shall, after 128
determining that the person is indigent and entitled to legal 129
representation under this section, do either of the following: 130

(a) By signed journal entry recorded on its docket, enter the 131
name of the lawyer selected by the indigent person as counsel of 132
record; 133

(b) Appoint counsel for the indigent person if the person has 134
requested the court to appoint counsel and, by signed journal 135
entry recorded on its dockets, enter the name of the lawyer 136
appointed for the indigent person as counsel of record. 137

(3) The board of county commissioners shall establish a 138
schedule of fees by case or on an hourly basis to be paid to 139
counsel for legal services provided pursuant to a resolution 140

adopted under this section. Prior to establishing the schedule, 141
the board of county commissioners shall request the bar 142
association or associations of the county to submit a proposed 143
schedule for cases other than capital cases. The schedule 144
submitted shall be subject to the review, amendment, and approval 145
of the board of county commissioners, except with respect to 146
capital cases. With respect to capital cases, the schedule shall 147
provide for fees by case or on an hourly basis to be paid to 148
counsel in the amount or at the rate set by the ~~supreme court~~ 149
capital case attorney fee council pursuant to division (D) of this 150
section, and the board of county commissioners shall approve that 151
amount or rate. 152

(4) Counsel selected by the indigent person or appointed by 153
the court at the request of an indigent person in a county that 154
adopts a resolution to pay counsel, except for counsel appointed 155
to represent a person charged with any violation of an ordinance 156
of a municipal corporation that has not contracted with the county 157
commissioners for the payment of appointed counsel, shall be paid 158
by the county and shall receive the compensation and expenses the 159
court approves. With respect to capital cases, the court shall 160
approve compensation and expenses in accordance with the amount or 161
at the rate set by the ~~supreme court~~ capital case attorney fee 162
council pursuant to division (D) of this section. Each request for 163
payment shall be accompanied by a financial disclosure form and an 164
affidavit of indigency that are completed by the indigent person 165
on forms prescribed by the state public defender. Compensation and 166
expenses shall not exceed the amounts fixed by the board of county 167
commissioners in the schedule adopted pursuant to division (A)(3) 168
of this section. No court shall approve compensation and expenses 169
that exceed the amount fixed pursuant to division (A)(3) of this 170
section. 171

The fees and expenses approved by the court shall not be 172

taxed as part of the costs and shall be paid by the county. 173
However, if the person represented has, or may reasonably be 174
expected to have, the means to meet some part of the cost of the 175
services rendered to the person, the person shall pay the county 176
an amount that the person reasonably can be expected to pay. 177
Pursuant to section 120.04 of the Revised Code, the county shall 178
pay to the state public defender a percentage of the payment 179
received from the person in an amount proportionate to the 180
percentage of the costs of the person's case that were paid to the 181
county by the state public defender pursuant to this section. The 182
money paid to the state public defender shall be credited to the 183
client payment fund created pursuant to division (B)(5) of section 184
120.04 of the Revised Code. 185

The county auditor shall draw a warrant on the county 186
treasurer for the payment of counsel in the amount fixed by the 187
court, plus the expenses the court fixes and certifies to the 188
auditor. The county auditor shall report periodically, but not 189
less than annually, to the board of county commissioners and to 190
the state public defender the amounts paid out pursuant to the 191
approval of the court. The board of county commissioners, after 192
review and approval of the auditor's report, or the county 193
auditor, with permission from and notice to the board of county 194
commissioners, may then certify it to the state public defender 195
for reimbursement. The state public defender may pay a requested 196
reimbursement only if the request for reimbursement is accompanied 197
by a financial disclosure form and an affidavit of indigency 198
completed by the indigent person on forms prescribed by the state 199
public defender or if the court certifies by electronic signature 200
as prescribed by the state public defender that a financial 201
disclosure form and affidavit of indigency have been completed by 202
the indigent person and are available for inspection. If a request 203
for the reimbursement of the cost of counsel in any case is not 204
received by the state public defender within ninety days after the 205

end of the calendar month in which the case is finally disposed of 206
by the court, unless the county has requested and the state public 207
defender has granted an extension of the ninety-day limit, the 208
state public defender shall not pay the requested reimbursement. 209
The state public defender shall also review the report and, in 210
accordance with the standards, guidelines, and maximums 211
established pursuant to divisions (B)(7) and (8) of section 120.04 212
of the Revised Code, prepare a voucher for fifty per cent of the 213
total cost of each county appointed counsel system in the period 214
of time covered by the certified report and a voucher for fifty 215
per cent of the costs and expenses that are reimbursable under 216
section 120.35 of the Revised Code, if any, or, if the amount of 217
money appropriated by the general assembly to reimburse counties 218
for the operation of county public defender offices, joint county 219
public defender offices, and county appointed counsel systems is 220
not sufficient to pay fifty per cent of the total cost of all of 221
the offices and systems other than costs and expenses that are 222
reimbursable under section 120.35 of the Revised Code, for the 223
lesser amount required by section 120.34 of the Revised Code. 224

(5) If any county appointed counsel system fails to maintain 225
the standards for the conduct of the system established by the 226
rules of the Ohio public defender commission pursuant to divisions 227
(B) and (C) of section 120.03 or the standards established by the 228
state public defender pursuant to division (B)(7) of section 229
120.04 of the Revised Code, the Ohio public defender commission 230
shall notify the board of county commissioners of the county that 231
the county appointed counsel system has failed to comply with its 232
rules or the standards of the state public defender. Unless the 233
board of county commissioners corrects the conduct of its 234
appointed counsel system to comply with the rules and standards 235
within ninety days after the date of the notice, the state public 236
defender may deny all or part of the county's reimbursement from 237
the state provided for in division (A)(4) of this section. 238

(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 271
this amendment. When any vacancy occurs, the chief justice shall 272
appoint an active judge of a district court of appeals in this 273
state to fill the vacancy for the unexpired term, in the same 274
manner as prescribed in this division. The chief justice shall 275
designate a chairperson from the appointed members of the council. 276
Members of the council shall receive no additional compensation 277
for their service as a member, but may be reimbursed for expenses 278
reasonably incurred in service to the council, to be paid by the 279
supreme court. The supreme court may provide administrative 280
support to the council. 281

(3) The capital case attorney fee council initially shall 282
meet not later than one hundred twenty days after the effective 283
date of this amendment. Thereafter, the council shall meet not 284
less than annually. 285

(4) Upon setting the amount or rate described in division 286
(D)(1) of this section, the chairperson of the capital case 287
attorney fee council promptly shall provide written notice to the 288
state public defender of the amount or rate so set. The amount or 289
rate so set shall become effective ninety days after the date on 290
which the chairperson provides that written notice to the state 291
public defender. The council shall specify that effective date in 292
the written notice provided to the state public defender. All 293
amounts or rates set by the council shall be final, subject to 294
modification as described in division (D)(5) of this section, and 295
not subject to appeal. 296

(5) The capital case attorney fee council may modify an 297
amount or rate set as described in division (D)(4) of this 298
section. The provisions of that division apply with respect to any 299
such modification of an amount or rate. 300

Sec. 122.076. (A) As used in this section: 301

(1) "Alternative fuel" means compressed natural gas, liquid natural gas, or liquid petroleum gas. 302
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(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. 304
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(3) "New alternative fuel vehicle" means an alternative fuel vehicle that meets all of the following criteria: 311
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(a) The purchaser purchased the vehicle from an original equipment manufacturer, automobile retailer, or after-market conversion facility. 313
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(b) The purchaser was the first person to purchase the vehicle not for resale. 316
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(c) The purchaser purchased the vehicle for use in business. 318

(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. 319
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(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. 323
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(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. 326
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(6) "Conversion parts and equipment" shall not include parts 331

and equipment that have previously been used to modify or retrofit 332
another traditional fuel vehicle. 333

(B) The director of environmental protection shall administer 334
an alternative fuel vehicle conversion program under which the 335
director may make grants to a person that purchases one or more 336
new alternative fuel vehicles or converts one or more traditional 337
fuel vehicles into alternative fuel vehicles. 338

(C) The director shall adopt rules in accordance with Chapter 339
119. of the Revised Code that are necessary for the administration 340
of the alternative fuel vehicle conversion program. The rules 341
shall establish all of the following: 342

(1) An application form and procedures governing the process 343
for applying to receive a grant under the program; 344

(2) The maximum grant amount allowed per alternative fuel 345
vehicle, which shall equal the lesser of fifty per cent of the 346
adjusted purchase price of the new alternative fuel vehicle or of 347
the cost of the conversion parts and equipment, as applicable, or 348
twenty-five thousand dollars; 349

(3) The limit on the total amount of grants allowed to a 350
person that purchases or converts multiple alternative fuel 351
vehicles, which shall equal four hundred thousand dollars; 352

(4) A requirement that each grant recipient attest that, of 353
the total number of miles that the recipient or any employee or 354
agent of the recipient will drive the alternative fuel vehicle, 355
over half will be within this state; 356

(5) Any other procedures, criteria, or grant terms that the 357
director determines necessary to administer the program. 358

Sec. 122.171. (A) As used in this section: 359

(1) "Capital investment project" means a plan of investment 360
at a project site for the acquisition, construction, renovation, 361

or repair of buildings, machinery, or equipment, or for	362
capitalized costs of basic research and new product development	363
determined in accordance with generally accepted accounting	364
principles, but does not include any of the following:	365
(a) Payments made for the acquisition of personal property	366
through operating leases;	367
(b) Project costs paid before January 1, 2002;	368
(c) Payments made to a related member as defined in section	369
5733.042 of the Revised Code or to a consolidated elected taxpayer	370
or a combined taxpayer as defined in section 5751.01 of the	371
Revised Code.	372
(2) "Eligible business" means a taxpayer and its related	373
members with Ohio operations satisfying all of the following:	374
(a) The taxpayer employs at least five hundred full-time	375
equivalent employees or has an annual Ohio employee payroll of at	376
least thirty-five million dollars at the time the tax credit	377
authority grants the tax credit under this section;	378
(b) The taxpayer makes or causes to be made payments for the	379
capital investment project of one of the following:	380
(i) If the taxpayer is engaged at the project site primarily	381
as a manufacturer, at least fifty million dollars in the aggregate	382
at the project site during a period of three consecutive calendar	383
years, including the calendar year that includes a day of the	384
taxpayer's taxable year or tax period with respect to which the	385
credit is granted;	386
(ii) If the taxpayer is engaged at the project site primarily	387
in significant corporate administrative functions, as defined by	388
the director of development services by rule, at least twenty	389
million dollars in the aggregate at the project site during a	390
period of three consecutive calendar years including the calendar	391

year that includes a day of the taxpayer's taxable year or tax 392
period with respect to which the credit is granted. 393

(c) The taxpayer had a capital investment project reviewed 394
and approved by the tax credit authority as provided in divisions 395
(C), (D), and (E) of this section. 396

(3) "Full-time equivalent employees" means the quotient 397
obtained by dividing the total number of hours for which employees 398
were compensated for employment in the project by two thousand 399
eighty. "Full-time equivalent employees" shall exclude hours that 400
are counted for a credit under section 122.17 of the Revised Code. 401

(4) "Ohio employee payroll" has the same meaning as in 402
section 122.17 of the Revised Code. 403

(5) "Manufacturer" has the same meaning as in section 404
5739.011 of the Revised Code. 405

(6) "Project site" means an integrated complex of facilities 406
in this state, as specified by the tax credit authority under this 407
section, within a fifteen-mile radius where a taxpayer is 408
primarily operating as an eligible business. 409

(7) "Related member" has the same meaning as in section 410
5733.042 of the Revised Code as that section existed on the 411
effective date of its amendment by Am. Sub. H.B. 215 of the 122nd 412
general assembly, September 29, 1997. 413

(8) "Taxable year" includes, in the case of a domestic or 414
foreign insurance company, the calendar year ending on the 415
thirty-first day of December preceding the day the superintendent 416
of insurance is required to certify to the treasurer of state 417
under section 5725.20 or 5729.05 of the Revised Code the amount of 418
taxes due from insurance companies. 419

(B) The tax credit authority created under section 122.17 of 420
the Revised Code may grant a nonrefundable tax credit to an 421

eligible business under this section for the purpose of fostering 422
job retention in this state. Upon application by an eligible 423
business and upon consideration of the determination of the 424
director of budget and management, tax commissioner, and the 425
superintendent of insurance in the case of an insurance company, 426
and the recommendation and determination of the director of 427
development services under division (C) of this section, the tax 428
credit authority may grant the credit against the tax imposed by 429
section 5725.18, 5726.02, 5729.03, 5733.06, 5736.02, 5747.02, or 430
5751.02 of the Revised Code. 431

The credit authorized in this section may be granted for a 432
period up to fifteen taxable years or, in the case of the tax 433
levied by section 5736.02 or 5751.02 of the Revised Code, for a 434
period of up to fifteen calendar years. The credit amount for a 435
taxable year or a calendar year that includes the tax period for 436
which a credit may be claimed equals the Ohio employee payroll for 437
that year multiplied by the percentage specified in the agreement 438
with the tax credit authority. The credit shall be claimed in the 439
order required under section 5725.98, 5726.98, 5729.98, 5733.98, 440
5747.98, or 5751.98 of the Revised Code. In determining the 441
percentage and term of the credit, the tax credit authority shall 442
consider both the number of full-time equivalent employees and the 443
value of the capital investment project. The credit amount may not 444
be based on the Ohio employee payroll for a calendar year before 445
the calendar year in which the tax credit authority specifies the 446
tax credit is to begin, and the credit shall be claimed only for 447
the taxable years or tax periods specified in the eligible 448
business' agreement with the tax credit authority. In no event 449
shall the credit be claimed for a taxable year or tax period 450
terminating before the date specified in the agreement. 451

If a credit allowed under this section for a taxable year or 452
tax period exceeds the taxpayer's tax liability for that year or 453

period, the excess may be carried forward for the three succeeding 454
taxable or calendar years, but the amount of any excess credit 455
allowed in any taxable year or tax period shall be deducted from 456
the balance carried forward to the succeeding year or period. 457

(C) A taxpayer that proposes a capital investment project to 458
retain jobs in this state may apply to the tax credit authority to 459
enter into an agreement for a tax credit under this section. The 460
director of development services shall prescribe the form of the 461
application. After receipt of an application, the authority shall 462
forward copies of the application to the director of budget and 463
management, the tax commissioner, and the superintendent of 464
insurance in the case of an insurance company, each of whom shall 465
review the application to determine the economic impact the 466
proposed project would have on the state and the affected 467
political subdivisions and shall submit a summary of their 468
determinations ~~and recommendations~~ to the authority. The authority 469
shall also forward a copy of the application to the director of 470
development services, who shall review the application to 471
determine the economic impact the proposed project would have on 472
the state and the affected political subdivisions and shall submit 473
a summary of ~~their~~ the director's determinations and 474
recommendations to the authority. 475

(D) Upon review and consideration of the determinations and 476
recommendations described in division (C) of this section, the tax 477
credit authority may enter into an agreement with the taxpayer for 478
a credit under this section if the authority determines all of the 479
following: 480

(1) The taxpayer's capital investment project will result in 481
the retention of employment in this state. 482

(2) The taxpayer is economically sound and has the ability to 483
complete the proposed capital investment project. 484

(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 515
information reported under division (E)(5) of this section and 516
compliance with the agreement. Upon verification, the director 517
shall issue a certificate to the taxpayer stating that the 518
information has been verified and identifying the amount of the 519
credit for the taxable year or calendar year that includes the tax 520
period. In determining the number of full-time equivalent 521
employees, no position shall be counted that is filled by an 522
employee who is included in the calculation of a tax credit under 523
section 122.17 of the Revised Code. 524

(7) A provision providing that the taxpayer may not relocate 525
a substantial number of employment positions from elsewhere in 526
this state to the project site unless the director of development 527
services determines that the taxpayer notified the legislative 528
authority of the county, township, or municipal corporation from 529
which the employment positions would be relocated. 530

For purposes of this section, the movement of an employment 531
position from one political subdivision to another political 532
subdivision shall be considered a relocation of an employment 533
position unless the movement is confined to the project site. The 534
transfer of an employment position from one political subdivision 535
to another political subdivision shall not be considered a 536
relocation of an employment position if the employment position in 537
the first political subdivision is replaced by another employment 538
position. 539

(8) A waiver by the taxpayer of any limitations periods 540
relating to assessments or adjustments resulting from the 541
taxpayer's failure to comply with the agreement. 542

(F) If a taxpayer fails to meet or comply with any condition 543
or requirement set forth in a tax credit agreement, the tax credit 544
authority may amend the agreement to reduce the percentage or term 545
of the credit. The reduction of the percentage or term may take 546

effect in the current taxable or calendar year. 547

(G) Financial statements and other information submitted to 548
the department of development services or the tax credit authority 549
by an applicant for or recipient of a tax credit under this 550
section, and any information taken for any purpose from such 551
statements or information, are not public records subject to 552
section 149.43 of the Revised Code. However, the chairperson of 553
the authority may make use of the statements and other information 554
for purposes of issuing public reports or in connection with court 555
proceedings concerning tax credit agreements under this section. 556
Upon the request of the tax commissioner, or the superintendent of 557
insurance in the case of an insurance company, the chairperson of 558
the authority shall provide to the commissioner or superintendent 559
any statement or other information submitted by an applicant for 560
or recipient of a tax credit in connection with the credit. The 561
commissioner or superintendent shall preserve the confidentiality 562
of the statement or other information. 563

(H) A taxpayer claiming a tax credit under this section shall 564
submit to the tax commissioner or, in the case of an insurance 565
company, to the superintendent of insurance, a copy of the 566
director of development services' certificate of verification 567
under division (E)(6) of this section with the taxpayer's tax 568
report or return for the taxable year or for the calendar year 569
that includes the tax period. Failure to submit a copy of the 570
certificate with the report or return does not invalidate a claim 571
for a credit if the taxpayer submits a copy of the certificate to 572
the commissioner or superintendent within thirty days after the 573
commissioner or superintendent requests it. 574

(I) For the purposes of this section, a taxpayer may include 575
a partnership, a corporation that has made an election under 576
subchapter S of chapter one of subtitle A of the Internal Revenue 577
Code, or any other business entity through which income flows as a 578

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. 611

(b) If the taxpayer fails to substantially maintain both the 612
number of full-time equivalent employees and the amount of Ohio 613
employee payroll required under the agreement at any time during 614
the term of the agreement or during the post-term reporting 615
period, an amount determined at the discretion of the authority. 616

(2) If a taxpayer files for bankruptcy and fails as described 617
in division (J)(1)(a) or (b) of this section, the director may 618
immediately commence an action to recoup an amount not exceeding 619
one hundred per cent of the sum of any credits received by the 620
taxpayer under this section. 621

(3) In determining the portion of the credit to be refunded 622
to this state, the authority shall consider the effect of market 623
conditions on the taxpayer's project and whether the taxpayer 624
continues to maintain other operations in this state. After making 625
the determination, the authority shall certify the amount to be 626
refunded to the tax commissioner or the superintendent of 627
insurance. If the taxpayer, or any related member or members who 628
claimed the tax credit under division (N) of this section, is not 629
an insurance company, the commissioner shall make an assessment 630
for that amount against the taxpayer under Chapter 5726., 5733., 631
5736., 5747., or 5751. of the Revised Code. If the taxpayer, or 632
any related member or members that claimed the tax credit under 633
division (N) of this section, is an insurance company, the 634
superintendent of insurance shall make an assessment under section 635
5725.222 or 5729.102 of the Revised Code. The time limitations on 636
assessments under those chapters and sections do not apply to an 637
assessment under this division, but the commissioner or 638
superintendent shall make the assessment within one year after the 639
date the authority certifies to the commissioner or superintendent 640
the amount to be refunded. 641

(K) The director of development services, after consultation 642

with the tax commissioner and the superintendent of insurance and 643
in accordance with Chapter 119. of the Revised Code, shall adopt 644
rules necessary to implement this section. The rules may provide 645
for recipients of tax credits under this section to be charged 646
fees to cover administrative costs of the tax credit program. The 647
fees collected shall be credited to the business assistance fund 648
created in section 122.174 of the Revised Code. At the time the 649
director gives public notice under division (A) of section 119.03 650
of the Revised Code of the adoption of the rules, the director 651
shall submit copies of the proposed rules to the chairpersons of 652
the standing committees on economic development in the senate and 653
the house of representatives. 654

(L) On or before the first day of August of each year, the 655
director of development services shall submit a report to the 656
governor, the president of the senate, and the speaker of the 657
house of representatives on the tax credit program under this 658
section. The report shall include information on the number of 659
agreements that were entered into under this section during the 660
preceding calendar year, a description of the project that is the 661
subject of each such agreement, and an update on the status of 662
projects under agreements entered into before the preceding 663
calendar year. 664

(M) The aggregate amount of nonrefundable tax credits issued 665
under this section during any calendar year for capital investment 666
projects reviewed and approved by the tax credit authority may not 667
exceed the following amounts: 668

(1) For 2010, thirteen million dollars; 669

(2) For 2011 through 2023, the amount of the limit for the 670
preceding calendar year plus thirteen million dollars; 671

(3) For 2024 and each year thereafter, one hundred 672
ninety-five million dollars. 673

The limitations in division (M) of this section do not apply 674
to credits for capital investment projects approved by the tax 675
credit authority before July 1, 2009. 676

(N) This division applies only to an eligible business that 677
is part of an affiliated group that includes a diversified savings 678
and loan holding company or a grandfathered unitary savings and 679
loan holding company, as those terms are defined in section 680
5726.01 of the Revised Code. Notwithstanding any contrary 681
provision of the agreement between such an eligible business and 682
the tax credit authority, any credit granted under this section 683
against the tax imposed by section 5725.18, 5729.03, 5733.06, 684
5747.02, or 5751.02 of the Revised Code to the eligible business, 685
at the election of the eligible business and without any action by 686
the tax credit authority, may be shared with any member or members 687
of the affiliated group that includes the eligible business, which 688
member or members may claim the credit against the taxes imposed 689
by section 5725.18, 5726.02, 5729.03, 5733.06, 5747.02, or 5751.02 690
of the Revised Code. Credits shall be claimed by the eligible 691
business in sequential order, as applicable, first claiming the 692
credits to the fullest extent possible against the tax that the 693
certificate holder is subject to, then against the tax imposed by, 694
sequentially, section 5729.03, 5725.18, 5747.02, 5751.02, and 695
lastly 5726.02 of the Revised Code. The credits may be allocated 696
among the members of the affiliated group in such manner as the 697
eligible business elects, but subject to the sequential order 698
required under this division. This division applies to credits 699
granted before, on, or after March 27, 2013, the effective date of 700
H.B. 510 of the 129th general assembly. Credits granted before 701
that effective date that are shared and allocated under this 702
division may be claimed in those calendar years in which the 703
remaining taxable years specified in the agreement end. 704

As used in this division, "affiliated group" means a group of 705

two or more persons with fifty per cent or greater of the value of 706
each person's ownership interests owned or controlled directly, 707
indirectly, or constructively through related interests by common 708
owners during all or any portion of the taxable year, and the 709
common owners. "Affiliated group" includes, but is not limited to, 710
any person eligible to be included in a consolidated elected 711
taxpayer group under section 5751.011 of the Revised Code or a 712
combined taxpayer group under section 5751.012 of the Revised 713
Code. 714

(O)(1) As used in division (O) of this section: 715

(a) "Eligible agreement" means an agreement approved by the 716
tax credit authority under this section on or before December 31, 717
2013. 718

(b) "Reporting period" means a period corresponding to the 719
annual report required under division (E)(5) of this section. 720

(c) "Income tax revenue" has the same meaning as under 721
division (S) of section 122.17 of the Revised Code. 722

(2) In calendar year 2016 and thereafter, the tax credit 723
authority shall annually determine a withholding adjustment factor 724
to be used in the computation of income tax revenue for eligible 725
agreements. The withholding adjustment factor shall be a numerical 726
percentage that equals the percentage that employer income tax 727
withholding rates have been increased or decreased as a result of 728
changes in the income tax rates prescribed by section 5747.02 of 729
the Revised Code by amendment of that section taking effect on or 730
after June 29, 2013. 731

(3) Except as provided in division (O)(4) of this section, 732
for reporting periods ending in 2015 and thereafter for taxpayers 733
subject to eligible agreements, the tax credit authority shall 734
adjust the income tax revenue reported on the taxpayer's annual 735
report by multiplying the withholding adjustment factor by the 736

taxpayer's income tax revenue and doing one of the following: 737

(a) If the income tax rates prescribed by section 5747.02 of 738
the Revised Code have decreased by amendment of this section 739
taking effect on or after June 29, 2013, add the product to the 740
taxpayer's income tax revenue. 741

(b) If the income tax rates prescribed by section 5747.02 of 742
the Revised Code have increased by amendment of this section 743
taking effect on or after June 29, 2013, subtract the product from 744
the taxpayer's income tax revenue. 745

(4) Division (O)(3) of this section shall not apply unless 746
all of the following apply with respect to the eligible agreement: 747

(a) The taxpayer has achieved one hundred per cent of the job 748
retention commitment identified in the agreement. 749

(b) If applicable, the taxpayer has achieved one hundred per 750
cent of the payroll retention commitment identified in the 751
agreement. 752

(c) If applicable, the taxpayer has achieved one hundred per 753
cent of the investment commitment identified in the agreement. 754

(5) Failure by a taxpayer to have achieved any of the 755
applicable commitments described in divisions (O)(4)(a) to (c) of 756
this section in a reporting period does not disqualify the 757
taxpayer for the adjustment under division (O) of this section for 758
an ensuing reporting period. 759

Sec. 122.85. (A) As used in this section and in sections 760
5726.55, 5733.59, 5747.66, and 5751.54 of the Revised Code: 761

(1) "Tax credit-eligible production" means a motion picture 762
production certified by the director of development services under 763
division (B) of this section as qualifying the motion picture 764
company for a tax credit under section 5726.55, 5733.59, 5747.66, 765
or 5751.54 of the Revised Code. 766

(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 799
include any television program created primarily as news, weather, 800
or financial market reports, a production featuring current events 801
or sporting events, an awards show or other gala event, a 802
production whose sole purpose is fundraising, a long-form 803
production that primarily markets a product or service or in-house 804
corporate advertising or other similar productions, a production 805
for purposes of political advocacy, or any production for which 806
records are required to be maintained under 18 U.S.C. 2257 with 807
respect to sexually explicit content. 808

(B) For the purpose of encouraging and developing a strong 809
film industry in this state, the director of development services 810
may certify a motion picture produced by a motion picture company 811
as a tax credit-eligible production. In the case of a television 812
series, the director may certify the production of each episode of 813
the series as a separate tax credit-eligible production. A motion 814
picture company shall apply for certification of a motion picture 815
as a tax credit-eligible production on a form and in the manner 816
prescribed by the director. Each application shall include the 817
following information: 818

(1) The name and telephone number of the motion picture 819
production company; 820

(2) The name and telephone number of the company's contact 821
person; 822

(3) A list of the first preproduction date through the last 823
production date in Ohio; 824

(4) The Ohio production office address and telephone number; 825

(5) The total production budget of the motion picture; 826

(6) The total budgeted eligible production expenditures and 827
the percentage that amount is of the total production budget of 828
the motion picture; 829

(7) The total percentage of the motion picture being shot in Ohio;	830 831
(8) The level of employment of cast and crew who reside in Ohio;	832 833
(9) A synopsis of the script;	834
(10) The shooting script;	835
(11) A creative elements list that includes the names of the principal cast and crew and the producer and director;	836 837
(12) Documentation of financial ability to undertake and complete the motion picture;	838 839
(13) Estimated value of the tax credit based upon total budgeted eligible production expenditures;	840 841
(14) Any other information considered necessary by the director.	842 843
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.	844 845 846 847 848 849 850 851 852 853 854
(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	855 856 857 858 859

consultation with the tax commissioner shall prescribe the form 860
and manner of the application and the information or documentation 861
required to be submitted with the application. 862

The credit is determined as follows: 863

(a) If the total budgeted eligible production expenditures 864
stated in the application submitted under division (B) of this 865
section or the actual eligible production expenditures as finally 866
determined under division (D) of this section, whichever is least, 867
is less than or equal to three hundred thousand dollars, no credit 868
is allowed; 869

(b) If the total budgeted eligible production expenditures 870
stated in the application submitted under division (B) of this 871
section or the actual eligible production expenditures as finally 872
determined under division (D) of this section, whichever is least, 873
is greater than three hundred thousand dollars, the credit equals 874
~~the sum of the following, subject to the limitation in division~~ 875
~~(C)(4) of this section:~~ 876

~~(i) Twenty five thirty per cent of the least of such budgeted 877
or actual eligible expenditure amounts ~~excluding budgeted or~~ 878
~~actual eligible expenditures for resident cast and crew wages;~~ 879~~

~~(ii) ~~Thirty five per cent of budgeted or actual eligible~~ 880
~~expenditures for resident cast and crew wages.~~ 881~~

(2) Except as provided in division (C)(4) of this section, if 882
the director of development services approves a motion picture 883
company's application for a credit, the director shall issue a tax 884
credit certificate to the company. The director in consultation 885
with the tax commissioner shall prescribe the form and manner of 886
issuing certificates. The director shall assign a unique 887
identifying number to each tax credit certificate and shall record 888
the certificate in a register devised and maintained by the 889
director for that purpose. The certificate shall state the amount 890

of the eligible production expenditures on which the credit is 891
based and the amount of the credit. Upon the issuance of a 892
certificate, the director shall certify to the tax commissioner 893
the name of the applicant, the amount of eligible production 894
expenditures shown on the certificate, and any other information 895
required by the rules adopted to administer this section. 896

(3) The amount of eligible production expenditures for which 897
a tax credit may be claimed is subject to inspection and 898
examination by the tax commissioner or employees of the 899
commissioner under section 5703.19 of the Revised Code and any 900
other applicable law. Once the eligible production expenditures 901
are finally determined under section 5703.19 of the Revised Code 902
and division (D) of this section, the credit amount is not subject 903
to adjustment unless the director determines an error was 904
committed in the computation of the credit amount. 905

(4) No tax credit certificate may be issued before the 906
completion of the tax credit-eligible production. Not more than 907
forty million dollars of tax credit may be allowed per fiscal 908
~~biennium beginning on or after July 1, 2011, and not more than~~ 909
~~twenty million dollars may be allowed in the first year of the~~ 910
~~biennium. At any time, not more than five million dollars of tax~~ 911
~~credit may be allowed per tax credit eligible production year~~ 912
beginning July 1, 2016. 913

(D) A motion picture company whose motion picture has been 914
certified as a tax credit-eligible production shall engage, at the 915
company's expense, an independent certified public accountant to 916
examine the company's production expenditures to identify the 917
expenditures that qualify as eligible production expenditures. The 918
certified public accountant shall issue a report to the company 919
and to the director of development services certifying the 920
company's eligible production expenditures and any other 921
information required by the director. Upon receiving and examining 922

the report, the director may disallow any expenditure the director 923
determines is not an eligible production expenditure. If the 924
director disallows an expenditure, the director shall issue a 925
written notice to the motion picture production company stating 926
that the expenditure is disallowed and the reason for the 927
disallowance. Upon examination of the report and disallowance of 928
any expenditures, the director shall determine finally the lesser 929
of the total budgeted eligible production expenditures stated in 930
the application submitted under division (B) of this section or 931
the actual eligible production expenditures for the purpose of 932
computing the amount of the credit. 933

(E) No credit shall be allowed under section 5726.55, 934
5733.59, 5747.66, or 5751.54 of the Revised Code unless the 935
director has reviewed the report and made the determination 936
prescribed by division (D) of this section. 937

(F) This state reserves the right to refuse the use of this 938
state's name in the credits of any tax credit-eligible motion 939
picture production. 940

(G)(1) The director of development services in consultation 941
with the tax commissioner shall adopt rules for the administration 942
of this section, including rules setting forth and governing the 943
criteria for determining whether a motion picture production is a 944
tax credit-eligible production; activities that constitute the 945
production of a motion picture; reporting sufficient evidence of 946
reviewable progress; expenditures that qualify as eligible 947
production expenditures; a competitive process for approving 948
credits; ~~and~~ consideration of geographic distribution of credits; 949
and implementation of the program described in division (I) of 950
this section. The rules shall be adopted under Chapter 119. of the 951
Revised Code. 952

(2) The director may require a reasonable application fee to 953
cover administrative costs of the tax credit program. The fees 954

collected shall be credited to the business assistance fund 955
created in section 122.174 of the Revised Code. All grants, gifts, 956
fees, and contributions made to the director for marketing and 957
promotion of the motion picture industry within this state shall 958
also be credited to the fund. The director shall use money in the 959
fund to pay expenses related to the administration of the Ohio 960
film office and the credit authorized by this section and sections 961
5726.55, 5733.59, 5747.66, and 5751.54 of the Revised Code. 962

(H)(1) After the director of development services makes the 963
determination required under division (D) of this section, a 964
motion picture company to which a tax credit certificate is issued 965
may transfer the authority to claim all or a portion of the amount 966
of the tax credit the motion picture company is authorized to 967
claim pursuant to that certificate under section 5726.55, 5733.59, 968
5747.66, or 5751.54 of the Revised Code to one or more other 969
persons. Within thirty days after a transfer under this division, 970
the motion picture company shall submit the following information 971
to the director, on a form prescribed by the director: 972

(a) Information necessary for the director to identify the 973
certificate that is the basis for the transfer; 974

(b) The portion or amount of the tax credit transferred to 975
each transferee; 976

(c) The portion or amount of the tax credit that the motion 977
picture company retains the authority to claim; 978

(d) The tax identification number of each transferee; 979

(e) The date of the transfer; 980

(f) Any other information required by the director; 981

(g) Any information required by the tax commissioner. 982

The director shall deliver a copy of any submission received 983
under division (H)(1) of this section to the tax commissioner. 984

(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. 985
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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. 997
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(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: 1003
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(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. 1007
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(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. 1013
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(3) Upon completion of a tax-credit eligible production, and 1017
upon the receipt of any salary information and other documentation 1018
required by the director, authorize a reimbursement payment to 1019
each motion picture company whose application was approved under 1020
division (I)(2) of this section. The payment shall equal fifty per 1021
cent of the salaries paid to film and multimedia trainees employed 1022
in the production. 1023

Sec. 124.152. (A)(1) Except as provided in divisions (A)(2) 1024
and (3) of this section, each exempt employee shall be paid a 1025
salary or wage in accordance with schedule E-1 or schedule E-2 of 1026
division (B) of this section. 1027

(2) Each exempt employee who holds a position in the 1028
unclassified civil service pursuant to division (A)(26) or (30) of 1029
section 124.11 of the Revised Code may be paid a salary or wage in 1030
accordance with schedule E-1, schedule E-1 for step eight only, or 1031
schedule E-2 of division (B) or (C) of this section, as 1032
applicable. 1033

(3)(a) Except as provided in division (A)(3)(b), (c), or (e) 1034
of this section, each exempt employee who was paid a salary or 1035
wage at step 7 in the employee's pay range on June 28, 2003, in 1036
accordance with the applicable schedule E-1 of former section 1037
124.152 of the Revised Code and who continued to be so paid on 1038
June 29, 2003, shall be paid a salary or wage in the corresponding 1039
pay range in schedule E-1 for step eight only of division (C) of 1040
this section for as long as the employee remains in the position 1041
the employee held as of July 1, 2003. Such an employee is not 1042
eligible to be paid a salary or wage at step 7 in schedule E-1 for 1043
as long as the employee remains in the position the employee held 1044
as of July 1, 2003. 1045

~~(b) Except as provided in division (A)(3)(c) of this section,~~ 1046
~~if~~ If an exempt employee who is being paid a salary or wage in 1047

accordance with schedule E-1 for step eight only of division (C) 1048
of this section moves to another position, the employee shall not 1049
receive a salary or wage for that position or any other position 1050
in the future in accordance with that schedule. 1051

(c) ~~If an~~ Each exempt employee who is being paid a salary or 1052
wage in ~~accordance with~~ pay range 12 through 16 of schedule E-1 1053
for step eight only of division (C) of this section ~~moves to~~ 1054
~~another position assigned to pay range 12 or above, the appointing~~ 1055
~~authority may assign the employee to be paid a salary or wage in~~ 1056
~~the appropriate pay range for that position in accordance with the~~ 1057
~~schedule E-1 for step eight only of division (C) of this section,~~ 1058
~~provided that the appointing authority so notifies the director of~~ 1059
~~administrative services in writing at the time the employee is~~ 1060
~~appointed to that position~~ shall be paid a salary or wage in the 1061
corresponding pay range in schedule E-1 of division (B) of this 1062
section as follows: 1063

(i) If the employee has maintained satisfactory performance 1064
in accordance with the criteria established by the employee's 1065
appointing authority within the twelve-month period immediately 1066
before July 1, 2016, at step 8 beginning on the first day of the 1067
pay period that includes July 1, 2016; 1068

(ii) If the employee has not maintained satisfactory 1069
performance in accordance with the criteria established by the 1070
employee's appointing authority within the twelve-month period 1071
immediately before July 1, 2016, but attains satisfactory 1072
performance in accordance with the criteria before July 1, 2017, 1073
at step 8 beginning on the first day of the pay period that 1074
follows the date the employee attains satisfactory performance; 1075

(iii) If the employee does not attain satisfactory 1076
performance in accordance with the criteria established by the 1077
employee's appointing authority before July 1, 2017, at the 1078
employee's base rate of pay as of the pay period immediately 1079

before the pay period that includes July 1, 2017, beginning on the 1080
first day of the pay period that includes July 1, 2017. 1081

(d) If an employee described in division (A)(3)(c)(iii) of 1082
this section attains satisfactory performance in accordance with 1083
the criteria established by the employee's appointing authority, 1084
the employee shall be paid a salary or wage at step 8 in the 1085
corresponding pay range in schedule E-1 of division (B) of this 1086
section beginning on the first day of the pay period that follows 1087
the date the employee attains satisfactory performance. 1088

(e) Except as otherwise provided in this chapter, each exempt 1089
employee who is being paid a salary or wage in range 17 or 18 of 1090
schedule E-1 for step eight only of division (C) of this section 1091
on the first day of the pay period that includes July 1, 2016, 1092
shall not receive an increase in salary or wage until the maximum 1093
rate of pay for step 6 of the employee's corresponding pay range 1094
in schedule E-1 of division (B) of this section exceeds the 1095
employee's base rate of pay as of July 1, 2016. 1096

(f) An employee who becomes eligible to receive an increase 1097
in salary or wage under division (A)(3)(e) of this section shall 1098
be paid a salary or wage in step 6 of the employee's corresponding 1099
pay range in schedule E-1 of division (B) of this section. 1100

(B)(1) Beginning on the first day of the pay period that 1101
includes July 1, 2015, each exempt employee who must be paid in 1102
accordance with schedule E-1 or schedule E-2 of this section shall 1103
be paid a salary or wage in accordance with the following schedule 1104
of rates: 1105

Schedule E-1 1106

Pay Ranges and Step Values 1107

1108

Step 1 Step 2 Step 3 Step 4 Step 5 Step 6 Step 7 1109

Range 1110

1	Hourly	10.32	10.78	11.24	11.73				1111
	Annually	21466	22422	23379	24398				1112
2	Hourly	12.52	13.05	13.61	14.21				1113
	Annually	26042	27144	28309	29557				1114
3	Hourly	13.11	13.70	14.31	14.93				1115
	Annually	27269	28496	29765	31054				1116
4	Hourly	13.77	14.38	15.07	15.74				1117
	Annually	28642	29910	31346	32739				1118
5	Hourly	14.44	15.10	15.74	16.43				1119
	Annually	30035	31408	32739	34174				1120
6	Hourly	15.22	15.85	16.55	17.23				1121
	Annually	31658	32968	34424	35838				1122
7	Hourly	16.16	16.76	17.45	18.06	18.76			1123
	Annually	33613	34861	36296	37565	39021			1124
8	Hourly	17.08	17.84	18.60	19.44	20.37			1125
	Annually	35526	37107	38688	40435	42370			1126
9	Hourly	18.22	19.17	20.11	21.12	22.19			1127
	Annually	37898	39874	41829	43930	46155			1128
10	Hourly	19.67	20.74	21.85	23.11	24.35			1129
	Annually	40914	43139	45448	48069	50648			1130
11	Hourly	21.41	22.66	23.97	25.33	26.76			1131
	Annually	44533	47133	49858	52686	55661			1132
12	Hourly	23.62	24.95	26.29	27.75	29.29	30.88	33.66	1133
	Annually	49130	51896	54683	57720	60923	64230	70013	1134
13	Hourly	26.04	27.47	28.98	30.52	32.24	33.99	37.04	1135
	Annually	54163	57138	60278	63482	67059	70699	77043	1136
14	Hourly	28.63	30.25	31.88	33.62	35.52	37.50	40.88	1137
	Annually	59550	62920	66310	69930	73882	78000	85030	1138
15	Hourly	31.45	33.22	35.10	37.02	39.08	41.23	44.94	1139
	Annually	65416	69098	73008	77002	81286	85758	93475	1140
16	Hourly	34.68	36.60	38.61	40.78	43.03	45.49	49.58	1141
	Annually	72134	76128	80309	84822	89502	94619	103126	1142
17	Hourly	38.21	40.32	42.58	44.93	47.43	50.08		1143

	Annually	79477	83866	88566	93454	98654	104166	1144
18	Hourly	42.11	44.44	46.95	49.52	52.26	55.19	1145
	Annually	87589	92435	97656	103002	108701	114795	1146

An employee who is being paid a salary or wage at step 6 on 1147
 July 1, 2015, is eligible to move to step 7 beginning on the first 1148
 day of the pay period that immediately follows July 1, 2015, if 1149
 the employee has maintained satisfactory performance in accordance 1150
 with the criteria established by the employee's appointing 1151
 authority and the employee has not advanced a step within the 1152
 twelve-month period immediately preceding the advancement to step 1153
 7. 1154

Schedule E-2 1155

Range		Minimum	Maximum	
41	Hourly	16.23	41.62	1157
	Annually	33758	86570	1158
42	Hourly	17.89	45.96	1159
	Annually	37211	95597	1160
43	Hourly	19.70	50.62	1161
	Annually	40976	105290	1162
44	Hourly	21.73	55.30	1163
	Annually	45198	115024	1164
45	Hourly	24.01	60.38	1165
	Annually	49941	137248	1166
46	Hourly	26.43	65.98	1167
	Annually	54974	137238	1168
47	Hourly	29.14	72.01	1169
	Annually	60611	149781	1170
48	Hourly	32.14	78.58	1171
	Annually	66851	163446	1172
49	Hourly	35.44	84.84	1173
	Annually	73715	176467	1174

(2) Beginning on the first day of the pay period that 1175

includes July 1, 2016, each exempt employee who must be paid in 1176
accordance with schedule E-1 or schedule E-2 of this section shall 1177
be paid a salary or wage in accordance with the following schedule 1178
of rates: 1179

Schedule E-1 1180

Pay Ranges and Step Values 1181

Step 1 Step 2 Step 3 Step 4 Step 5 Step 6 Step 7 Step 8 1182

Range 1183

1 Hourly 10.58 11.05 11.52 12.02 1184

Annually 22006 22984 23962 25002 1185

2 Hourly 12.83 13.38 13.95 14.57 1186

Annually 26686 27830 29016 30306 1187

3 Hourly 13.44 14.04 14.67 15.30 1188

Annually 27955 29203 30514 31824 1189

4 Hourly 14.11 14.74 15.45 16.13 1190

Annually 29349 30659 32136 33550 1191

5 Hourly 14.80 15.48 16.13 16.84 1192

Annually 30784 32198 33550 35027 1193

6 Hourly 15.60 16.25 16.96 17.66 1194

Annually 32448 33800 35277 36733 1195

7 Hourly 16.56 17.18 17.89 18.51 19.23 1196

Annually 34445 35734 37211 38501 39998 1197

8 Hourly 17.51 18.29 19.07 19.93 20.88 1198

Annually 36421 38043 39666 41454 43430 1199

9 Hourly 18.68 19.65 20.61 21.65 22.74 1200

Annually 38854 40872 42869 45032 47299 1201

10 Hourly 20.16 21.26 22.40 23.69 24.96 1202

Annually 41933 44221 46592 49275 51917 1203

11 Hourly 21.95 23.23 24.57 25.96 27.43 1204

Annually 45656 48318 51106 53997 57054 1205

12 Hourly 24.21 25.57 26.95 28.44 30.02 31.65 ~~34.50~~ 34.50 1206

32.95

	Annually	50357	53186	56056	59155	62442	65832	71760	<u>71760</u>	1207
									<u>68536</u>	
13	Hourly	26.69	28.16	29.70	31.28	33.05	34.84	37.97	<u>37.97</u>	1208
									<u>36.26</u>	
	Annually	55515	58573	61776	65062	68744	72467	78978	<u>78978</u>	1209
									<u>75421</u>	
14	Hourly	29.35	31.01	32.68	34.46	36.41	38.44	41.90	<u>41.90</u>	1210
									<u>40.01</u>	
	Annually	61048	64501	67974	71677	75733	79955	87152	<u>87152</u>	1211
									<u>83221</u>	
15	Hourly	32.24	34.05	35.98	37.95	40.06	42.26	46.06	<u>46.06</u>	1212
									<u>43.99</u>	
	Annually	67059	70824	74838	78936	83325	87901	95805	<u>95805</u>	1213
									<u>91499</u>	
16	Hourly	35.55	37.52	39.58	41.80	44.11	46.63	50.82	<u>50.82</u>	1214
									<u>48.53</u>	
	Annually	73944	78042	82326	86944	91749	96990	105706	<u>105706</u>	1215
									<u>100942</u>	
17	Hourly	39.17	41.33	43.64	46.05	48.62	51.33			1216
	Annually	81474	85966	90771	95784	101130	106766			1217
18	Hourly	43.16	45.55	48.12	50.76	53.57	56.57			1218
	Annually	89773	94744	100090	105581	111426	117666			1219

Schedule E-2 1220

Range		Minimum	Maximum	
41	Hourly	16.23	42.66	1222
	Annually	33758	88733	1223
42	Hourly	17.89	47.11	1224
	Annually	37211	97989	1225
43	Hourly	19.70	51.89	1226
	Annually	40976	107931	1227
44	Hourly	21.73	56.68	1228
	Annually	45198	117894	1229
45	Hourly	24.01	61.89	1230

	Annually	49941	128731	1231
46	Hourly	26.43	67.63	1232
	Annually	54974	140670	1233
47	Hourly	29.14	73.81	1234
	Annually	60611	153525	1235
48	Hourly	32.14	80.54	1236
	Annually	66851	167523	1237
49	Hourly	35.44	86.96	1238
	Annually	73715	180877	1239

(3) Beginning on the first day of the pay period that 1240
includes July 1, 2017, each exempt employee who must be paid in 1241
accordance with schedule E-1 or schedule E-2 of this section shall 1242
be paid a salary or wage in accordance with the following schedule 1243
of rates: 1244

Schedule E-1 1245

Pay Ranges and Step Values 1246

Step 1 Step 2 Step 3 Step 4 Step 5 Step 6 Step 7 Step 8 1247

Range 1248

1	Hourly	10.84	11.33	11.81	12.32					1249
	Annually	22547	23566	24565	25626					1250
2	Hourly	13.15	13.71	14.30	14.93					1251
	Annually	27352	28517	29744	31054					1252
3	Hourly	13.78	14.39	15.04	15.68					1253
	Annually	28662	29931	31283	32614					1254
4	Hourly	14.46	15.11	15.84	16.53					1255
	Annually	30077	31429	32947	34382					1256
5	Hourly	15.17	15.87	16.53	17.26					1257
	Annually	31554	33010	34382	35901					1258
6	Hourly	15.99	16.66	17.38	18.10					1259
	Annually	33259	34653	36150	37648					1260
7	Hourly	16.97	17.61	18.34	18.97	19.71				1261
	Annually	35298	36629	38147	39458	40997				1262

Range		Minimum	Maximum	
41	Hourly	16.23	43.73	1286
	Annually	33758	90958	1287
42	Hourly	17.89	48.29	1288
	Annually	37211	100443	1289
43	Hourly	19.70	53.19	1290
	Annually	40976	110635	1291
44	Hourly	21.73	58.10	1292
	Annually	45198	120848	1293
45	Hourly	24.01	63.44	1294
	Annually	49941	131955	1295
46	Hourly	26.43	69.32	1296
	Annually	54974	144186	1297
47	Hourly	29.14	75.66	1298
	Annually	60611	157373	1299
48	Hourly	32.14	82.55	1300
	Annually	66851	171704	1301
49	Hourly	35.44	89.13	1302
	Annually	73715	185390	1303

(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	1305
	Annually	67808	1306
13	Hourly	35.85	1307
	Annually	74568	1308
14	Hourly	39.53	1309

	Annually	82222	1318
15	Hourly	43.50	1319
	Annually	90480	1320
16	Hourly	47.98	1321
	Annually	99798	1322
17	Hourly	52.84	1323
	Annually	109907	1324
18	Hourly	58.22	1325
	Annually	121098	1326

(2) Beginning on the first day of the pay period that 1327
includes July 1, 2016, each exempt employee who must be paid in 1328
accordance with schedule E-1 for step eight only shall be paid a 1329
salary or wage in accordance with the following schedule of rates: 1330

Schedule E-1 for Step Eight Only 1331

Pay Ranges and Step Values 1332

Range 1333

12	Hourly	33.42	1334
	Annually	69514	1335
13	Hourly	36.75	1336
	Annually	76440	1337
14	Hourly	40.52	1338
	Annually	84282	1339
15	Hourly	44.59	1340
	Annually	92747	1341
16	Hourly	49.18	1342
	Annually	102294	1343
17	Hourly	54.16	1344
	Annually	112653	1345
18	Hourly	59.68	1346
	Annually	124134	1347

~~(3) Beginning on the first day of the pay period that 1348~~
~~includes July 1, 2017, each exempt employee who must be paid in 1349~~

~~accordance with schedule E-1 for step eight only shall be paid a~~ 1350
~~salary or wage in accordance with the following schedule of rates:~~ 1351

~~Schedule E-1 for Step Eight Only~~ 1352

~~Pay Ranges and Step Values~~ 1353

~~Range~~ 1354

~~12~~ Hourly 34.26 1355

~~Annually~~ 71261 1356

~~13~~ Hourly 37.67 1357

~~Annually~~ 78354 1358

~~14~~ Hourly 41.53 1359

~~Annually~~ 86382 1360

~~15~~ Hourly 45.70 1361

~~Annually~~ 95056 1362

~~16~~ Hourly 50.41 1363

~~Annually~~ 104853 1364

~~17~~ Hourly 55.51 1365

~~Annually~~ 115461 1366

~~18~~ Hourly 61.17 1367

~~Annually~~ 127234 1368

(D) As used in this section, ~~"exempt:~~ 1369

(1) "Exempt employee" means a permanent full-time or 1370

permanent part-time employee paid directly by warrant of the 1371

director of budget and management whose position is included in 1372

the job classification plan established under division (A) of 1373

section 124.14 of the Revised Code but who is not considered a 1374

public employee for the purposes of Chapter 4117. of the Revised 1375

Code. ~~As used in this section, "exempt~~ "Exempt employee" also 1376

includes a permanent full-time or permanent part-time employee of 1377

the secretary of state, auditor of state, treasurer of state, or 1378

attorney general who has not been placed in an appropriate 1379

bargaining unit by the state employment relations board. 1380

(2) "Base rate of pay" means the rate of pay established 1381

under schedule E-1 or schedule E-1 for step eight only of this 1382
section, plus the supplement provided under division (E) of 1383
section 124.181 of the Revised Code, plus any supplements enacted 1384
into law that are added to schedule E-1 or schedule E-1 for step 1385
eight only of this section. 1386

Sec. 124.181. (A) Except as provided in divisions (M) and (P) 1387
of this section, any employee paid in accordance with schedule B 1388
of section 124.15 or schedule E-1 ~~or schedule E-1 for step eight~~ 1389
~~only~~ of section 124.152 of the Revised Code is eligible for the 1390
pay supplements provided in this section upon application by the 1391
appointing authority substantiating the employee's qualifications 1392
for the supplement and with the approval of the director of 1393
administrative services except as provided in division (E) of this 1394
section. 1395

(B)(1) In computing any of the pay supplements provided in 1396
this section for an employee paid in accordance with schedule B of 1397
section 124.15 of the Revised Code, the classification salary base 1398
shall be the minimum hourly rate of the pay range, provided in 1399
that section, in which the employee is assigned at the time of 1400
computation. 1401

(2) In computing any of the pay supplements provided in this 1402
section for an employee paid in accordance with schedule E-1 of 1403
section 124.152 of the Revised Code, the classification salary 1404
base shall be the minimum hourly rate of the pay range, provided 1405
in that section, in which the employee is assigned at the time of 1406
computation. 1407

~~(3) In computing any of the pay supplements provided in this~~ 1408
~~section for an employee paid in accordance with schedule E-1 for~~ 1409
~~step eight only of section 124.152 of the Revised Code, the~~ 1410
~~classification salary base shall be the minimum hourly rate in the~~ 1411
~~corresponding pay range, provided in schedule E-1 of that section,~~ 1412

~~to which the employee is assigned at the time of the computation.~~ 1413

(C) The effective date of any pay supplement, except as 1414
provided in section 124.183 of the Revised Code or unless 1415
otherwise provided in this section, shall be determined by the 1416
director. 1417

(D) The director shall, by rule, establish standards 1418
regarding the administration of this section. 1419

(E)(1) Except as otherwise provided in this division, 1420
beginning on the first day of the pay period within which the 1421
employee completes five years of total service with the state 1422
government or any of its political subdivisions, each employee in 1423
positions paid in accordance with schedule B of section 124.15 of 1424
the Revised Code or in accordance with schedule E-1 ~~or schedule~~ 1425
~~E-1 for step eight only~~ of section 124.152 of the Revised Code 1426
shall receive an automatic salary adjustment equivalent to two and 1427
one-half per cent of the classification salary base, to the 1428
nearest whole cent. Each employee shall receive thereafter an 1429
annual adjustment equivalent to one-half of one per cent of the 1430
employee's classification salary base, to the nearest whole cent, 1431
for each additional year of qualified employment until a maximum 1432
of ten per cent of the employee's classification salary base is 1433
reached. The granting of longevity adjustments shall not be 1434
affected by promotion, demotion, or other changes in 1435
classification held by the employee, nor by any change in pay 1436
range for the employee's class or grade. Longevity pay adjustments 1437
shall become effective at the beginning of the pay period within 1438
which the employee completes the necessary length of service, 1439
except that when an employee requests credit for prior service, 1440
the effective date of the prior service credit and of any 1441
longevity adjustment shall be the first day of the pay period 1442
following approval of the credit by the director of administrative 1443
services. No employee, other than an employee who submits proof of 1444

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 1477
employee is in the position, until the moratorium expires. 1478

(F) When an exceptional condition exists that creates a 1479
temporary or a permanent hazard for one or more positions in a 1480
class paid in accordance with schedule B of section 124.15 of the 1481
Revised Code or in accordance with schedule E-1 ~~or schedule E-1~~ 1482
~~for step eight only~~ of section 124.152 of the Revised Code, a 1483
special hazard salary adjustment may be granted for the time the 1484
employee is subjected to the hazardous condition. All special 1485
hazard conditions shall be identified for each position and 1486
incidence from information submitted to the director on an 1487
appropriate form provided by the director and categorized into 1488
standard conditions of: some unusual hazard not common to the 1489
class; considerable unusual hazard not common to the class; and 1490
exceptional hazard not common to the class. 1491

(1) A hazardous salary adjustment of five per cent of the 1492
employee's classification salary base may be applied in the case 1493
of some unusual hazardous condition not common to the class for 1494
those hours worked, or a fraction of those hours worked, while the 1495
employee was subject to the unusual hazard condition. 1496

(2) A hazardous salary adjustment of seven and one-half per 1497
cent of the employee's classification salary base may be applied 1498
in the case of some considerable hazardous condition not common to 1499
the class for those hours worked, or a fraction of those hours 1500
worked, while the employee was subject to the considerable hazard 1501
condition. 1502

(3) A hazardous salary adjustment of ten per cent of the 1503
employee's classification salary base may be applied in the case 1504
of some exceptional hazardous condition not common to the class 1505
for those hours worked, or a fraction of those hours worked, when 1506
the employee was subject to the exceptional hazard condition. 1507

(4) Each claim for temporary hazard pay shall be submitted as 1508
a separate payment and shall be subject to an administrative audit 1509
by the director as to the extent and duration of the employee's 1510
exposure to the hazardous condition. 1511

(G) When a full-time employee whose salary or wage is paid 1512
directly by warrant of the director of budget and management and 1513
who also is eligible for overtime under the "Fair Labor Standards 1514
Act of 1938," 52 Stat. 1060, 29 U.S.C.A. 207, 213, as amended, is 1515
ordered by the appointing authority to report back to work after 1516
termination of the employee's regular work schedule and the 1517
employee reports, the employee shall be paid for such time. The 1518
employee shall be entitled to four hours at the employee's total 1519
rate of pay or overtime compensation for the actual hours worked, 1520
whichever is greater. This division does not apply to work that is 1521
a continuation of or immediately preceding an employee's regular 1522
work schedule. 1523

(H) When a certain position or positions paid in accordance 1524
with schedule B of section 124.15 of the Revised Code or in 1525
accordance with schedule E-1 ~~or schedule E-1 for step eight only~~ 1526
of section 124.152 of the Revised Code require the ability to 1527
speak or write a language other than English, a special pay 1528
supplement may be granted to attract bilingual individuals, to 1529
encourage present employees to become proficient in other 1530
languages, or to retain qualified bilingual employees. The 1531
bilingual pay supplement provided in this division may be granted 1532
in the amount of five per cent of the employee's classification 1533
salary base for each required foreign language and shall remain in 1534
effect as long as the bilingual requirement exists. 1535

(I) The director of administrative services may establish a 1536
shift differential for employees. The differential shall be paid 1537
to employees in positions working in other than the regular or 1538
first shift. In those divisions or agencies where only one shift 1539

prevails, no shift differential shall be paid regardless of the 1540
hours of the day that are worked. The director and the appointing 1541
authority shall designate which positions shall be covered by this 1542
division. 1543

(J) An appointing authority may assign an employee to work in 1544
a higher level position for a continuous period of more than two 1545
weeks but no more than two years. The employee's pay shall be 1546
established at a rate that is approximately four per cent above 1547
the employee's current base rate for the period the employee 1548
occupies the position, provided that this temporary assignment is 1549
approved by the director. Employees paid under this division shall 1550
continue to receive any of the pay supplements due them under 1551
other divisions of this section based on the step one base rate 1552
for their normal classification. 1553

(K) If a certain position, or positions, within a class paid 1554
in accordance with schedule B of section 124.15 of the Revised 1555
Code or in accordance with schedule E-1 ~~or schedule E-1 for step~~ 1556
~~eight only~~ of section 124.152 of the Revised Code are mandated by 1557
state or federal law or regulation or other regulatory agency or 1558
other certification authority to have special technical 1559
certification, registration, or licensing to perform the functions 1560
which are under the mandate, a special professional achievement 1561
pay supplement may be granted. This special professional 1562
achievement pay supplement shall not be granted when all 1563
incumbents in all positions in a class require a license as 1564
provided in the classification description published by the 1565
department of administrative services; to licensees where no 1566
special or extensive training is required; when certification is 1567
granted upon completion of a stipulated term of in-service 1568
training; when an appointing authority has required certification; 1569
or any other condition prescribed by the director. 1570

(1) Before this supplement may be applied, evidence as to the 1571

requirement must be provided by the agency for each position 1572
involved, and certification must be received from the director as 1573
to the director's concurrence for each of the positions so 1574
affected. 1575

(2) The professional achievement pay supplement provided in 1576
this division shall be granted in an amount up to ten per cent of 1577
the employee's classification salary base and shall remain in 1578
effect as long as the mandate exists. 1579

(L) Those employees assigned to teaching supervisory, 1580
principal, assistant principal, or superintendent positions who 1581
have attained a higher educational level than a basic bachelor's 1582
degree may receive an educational pay supplement to remain in 1583
effect as long as the employee's assignment and classification 1584
remain the same. 1585

(1) An educational pay supplement of two and one-half per 1586
cent of the employee's classification salary base may be applied 1587
upon the achievement of a bachelor's degree plus twenty quarter 1588
hours of postgraduate work. 1589

(2) An educational pay supplement of an additional five per 1590
cent of the employee's classification salary base may be applied 1591
upon achievement of a master's degree. 1592

(3) An educational pay supplement of an additional two and 1593
one-half per cent of the employee's classification salary base may 1594
be applied upon achievement of a master's degree plus thirty 1595
quarter hours of postgraduate work. 1596

(4) An educational pay supplement of five per cent of the 1597
employee's classification salary base may be applied when the 1598
employee is performing as a master teacher. 1599

(5) An educational pay supplement of five per cent of the 1600
employee's classification salary base may be applied when the 1601
employee is performing as a special education teacher. 1602

(6) Those employees in teaching supervisory, principal, 1603
assistant principal, or superintendent positions who are 1604
responsible for specific extracurricular activity programs shall 1605
receive overtime pay for those hours worked in excess of their 1606
normal schedule, at their straight time hourly rate up to a 1607
maximum of five per cent of their regular base salary in any 1608
calendar year. 1609

(M)(1) A state agency, board, or commission may establish a 1610
supplementary compensation schedule for those licensed physicians 1611
employed by the agency, board, or commission in positions 1612
requiring a licensed physician. The supplementary compensation 1613
schedule, together with the compensation otherwise authorized by 1614
this chapter, shall provide for the total compensation for these 1615
employees to range appropriately, but not necessarily uniformly, 1616
for each classification title requiring a licensed physician, in 1617
accordance with a schedule approved by the state controlling 1618
board. The individual salary levels recommended for each such 1619
physician employed shall be approved by the director. 1620
Notwithstanding section 124.11 of the Revised Code, such personnel 1621
are in the unclassified civil service. 1622

(2) The director of administrative services may approve 1623
supplementary compensation for the director of health, if the 1624
director is a licensed physician, in accordance with a 1625
supplementary compensation schedule approved under division (M)(1) 1626
of this section or in accordance with another supplementary 1627
compensation schedule the director of administrative services 1628
considers appropriate. The supplementary compensation shall not 1629
exceed twenty per cent of the director of health's base rate of 1630
pay. 1631

(N) Notwithstanding sections 117.28, 117.30, 117.33, 117.36, 1632
117.42, and 131.02 of the Revised Code, the state shall not 1633
institute any civil action to recover and shall not seek 1634

reimbursement for overpayments made in violation of division (E) 1635
of this section or division (C) of section 9.44 of the Revised 1636
Code for the period starting after June 24, 1987, and ending on 1637
October 31, 1993. 1638

(O) Employees of the office of the treasurer of state who are 1639
exempt from collective bargaining coverage may be granted a merit 1640
pay supplement of up to one and one-half per cent of their step 1641
rate. The rate at which this supplement is granted shall be based 1642
on performance standards established by the treasurer of state. 1643
Any supplements granted under this division shall be administered 1644
on an annual basis. 1645

(P) Intermittent employees appointed under section 124.30 of 1646
the Revised Code are not eligible for the pay supplements provided 1647
by this section. 1648

Sec. 124.382. (A) As used in this section and sections 1649
124.383, 124.386, 124.387, and 124.388 of the Revised Code: 1650

(1) "Pay period" means the fourteen-day period of time during 1651
which the payroll is accumulated, as determined by the director of 1652
administrative services. 1653

(2) "Active pay status" means the conditions under which an 1654
employee is eligible to receive pay, and includes, but is not 1655
limited to, vacation leave, sick leave, personal leave, 1656
bereavement leave, and administrative leave. 1657

(3) "No pay status" means the conditions under which an 1658
employee is ineligible to receive pay and includes, but is not 1659
limited to, leave without pay, leave of absence, and disability 1660
leave. 1661

(4) "Disability leave" means the leave granted pursuant to 1662
section 124.385 of the Revised Code. 1663

(5) "Full-time permanent employee" means an employee whose 1664

regular hours of duty total eighty hours in a pay period in a 1665
state agency and whose appointment is not for a limited period of 1666
time. 1667

(6) "Base rate of pay" means the rate of pay established 1668
under schedule B or C of section 124.15 of the Revised Code or 1669
under schedule E-1, ~~schedule E-1 for step eight only~~, or schedule 1670
E-2 of section 124.152 of the Revised Code, plus any supplement 1671
provided under section 124.181 of the Revised Code, plus any 1672
supplements enacted into law which are added to schedule B or C of 1673
section 124.15 of the Revised Code or to schedule E-1, ~~schedule~~ 1674
~~E-1 for step eight only~~, or schedule E-2 of section 124.152 of the 1675
Revised Code. 1676

(7) "Part-time permanent employee" means an employee whose 1677
regular hours of duty total less than eighty hours in a pay period 1678
in a state agency and whose appointment is not for a limited 1679
period of time. 1680

(B) Each full-time permanent and part-time permanent employee 1681
whose salary or wage is paid directly by warrant of the director 1682
of budget and management shall be credited with sick leave of 1683
three and one-tenth hours for each completed eighty hours of 1684
service, excluding overtime hours worked. Sick leave is not 1685
available for use until it appears on the employee's earning 1686
statement and the compensation described in the earning statement 1687
is available to the employee. 1688

(C) Any sick leave credit provided pursuant to division (B) 1689
of this section, remaining as of the last day of the pay period 1690
preceding the first paycheck the employee receives in December, 1691
shall be converted pursuant to section 124.383 of the Revised 1692
Code. 1693

(D) Employees may use sick leave, provided a credit balance 1694
is available, upon approval of the responsible administrative 1695

officer of the employing unit, for absence due to personal 1696
illness, pregnancy, injury, exposure to contagious disease that 1697
could be communicated to other employees, and illness, injury, or 1698
death in the employee's immediate family. When sick leave is used, 1699
it shall be deducted from the employee's credit on the basis of 1700
absence from previously scheduled work in such increments of an 1701
hour and at such a compensation rate as the director of 1702
administrative services determines. The appointing authority of 1703
each employing unit may require an employee to furnish a 1704
satisfactory, signed statement to justify the use of sick leave. 1705

If, after having utilized the credit provided by this 1706
section, an employee utilizes sick leave that was accumulated 1707
prior to November 15, 1981, compensation for such sick leave used 1708
shall be at a rate as the director determines. 1709

(E)(1) The previously accumulated sick leave balance of an 1710
employee who has been separated from the public service, for which 1711
separation payments pursuant to section 124.384 of the Revised 1712
Code have not been made, shall be placed to the employee's credit 1713
upon the employee's reemployment in the public service, if the 1714
reemployment takes place within ten years of the date on which the 1715
employee was last terminated from public service. 1716

(2) The previously accumulated sick leave balance of an 1717
employee who has separated from a school district shall be placed 1718
to the employee's credit upon the employee's appointment as an 1719
unclassified employee of the state department of education, if all 1720
of the following apply: 1721

(a) The employee accumulated the sick leave balance while 1722
employed by the school district. 1723

(b) The employee did not receive any separation payments for 1724
the sick leave balance. 1725

(c) The employee's employment with the department takes place 1726

within ten years after the date on which the employee separated 1727
from the school district. 1728

(F) An employee who transfers from one public agency to 1729
another shall be credited with the unused balance of the 1730
employee's accumulated sick leave. 1731

(G) The director of administrative services shall establish 1732
procedures to uniformly administer this section. No sick leave may 1733
be granted to a state employee upon or after the employee's 1734
retirement or termination of employment. 1735

(H) As used in this division, "active payroll" means 1736
conditions under which an employee is in active pay status or 1737
eligible to receive pay for an approved leave of absence, 1738
including, but not limited to, occupational injury leave, 1739
disability leave, or workers' compensation. 1740

(1) Employees who are in active payroll status on June 18, 1741
2011, shall receive a one-time credit of additional sick leave in 1742
the pay period that begins on July 1, 2011. Full-time employees 1743
shall receive the lesser of either a one-time credit of thirty-two 1744
hours of additional sick leave or a one-time credit of additional 1745
sick leave equivalent to half the hours of personal leave the 1746
employee lost during the moratorium established under either 1747
division (A) of section 124.386 of the Revised Code or pursuant to 1748
a rule of the director of administrative services. Part-time 1749
employees shall receive a one-time credit of sixteen hours of 1750
additional sick leave. 1751

(2) Employees who are not in active payroll status due to 1752
military leave or an absence taken in accordance with the federal 1753
"Family and Medical Leave Act" are eligible to receive the 1754
one-time additional sick leave credit. 1755

(3) The one-time additional sick leave credit does not apply 1756
to employees of the supreme court, general assembly, legislative 1757

service commission, secretary of state, auditor of state, 1758
treasurer of state, or attorney general unless the supreme court, 1759
general assembly, legislative service commission, secretary of 1760
state, auditor of state, treasurer of state, or attorney general 1761
participated in the moratorium under division (H) or (I) of 1762
section 124.386 of the Revised Code and notifies in writing the 1763
director of administrative services on or before June 1, 2011, of 1764
the decision to participate in the one-time additional sick leave 1765
credit. Written notice under this division shall be signed by the 1766
appointing authority for employees of the supreme court, general 1767
assembly, or legislative service commission, as the case may be. 1768

Sec. 126.32. (A) Any officer of any state agency may 1769
authorize reimbursement for travel, including the costs of 1770
transportation, for lodging, and for meals to any person who is 1771
interviewing for a position that is classified in pay range 13 or 1772
above in schedule E-1 ~~or schedule E-1 for step eight only~~, or is 1773
classified in schedule E-2~~7~~ of section 124.152 of the Revised 1774
Code. 1775

(B) If a person is appointed to a position listed in section 1776
121.03 of the Revised Code, to the position of chairperson of the 1777
industrial commission, adjutant general, chancellor of the Ohio 1778
board of regents, superintendent of public instruction, 1779
chairperson of the public utilities commission of Ohio, or 1780
director of the state lottery commission, to a position holding a 1781
fiduciary relationship to the governor, to a position of an 1782
appointing authority of the department of mental health and 1783
addiction services, developmental disabilities, or rehabilitation 1784
and correction, to a position of superintendent in the department 1785
of youth services, or to a position under section 122.05 of the 1786
Revised Code, and if that appointment requires a permanent change 1787
of residence, the appropriate state agency may reimburse the 1788
person for the person's actual and necessary expenses, including 1789

the cost of in-transit storage of household goods and personal 1790
effects, of moving the person and members of the person's 1791
immediate family residing in the person's household, and of moving 1792
their household goods and personal effects, to the person's new 1793
location. 1794

Until that person moves the person's permanent residence to 1795
the new location, but not for a period that exceeds thirty 1796
consecutive days, the state agency may reimburse the person for 1797
the person's temporary living expenses at the new location that 1798
the person has incurred on behalf of the person and members of the 1799
person's immediate family residing in the person's household. In 1800
addition, the state agency may reimburse that person for the 1801
person's travel expenses between the new location and the person's 1802
former residence during this period for a maximum number of trips 1803
specified by rule of the director of budget and management, but 1804
the state agency shall not reimburse the person for travel 1805
expenses incurred for those trips by members of the person's 1806
immediate family. With the prior written approval of the director, 1807
the maximum thirty-day period for temporary living expenses may be 1808
extended for a person appointed to a position under section 122.05 1809
of the Revised Code. 1810

The director of development services may reimburse a person 1811
appointed to a position under section 122.05 of the Revised Code 1812
for the person's actual and necessary expenses of moving the 1813
person and members of the person's immediate family residing in 1814
the person's household back to the United States and may reimburse 1815
a person appointed to such a position for the cost of storage of 1816
household goods and personal effects of the person and the 1817
person's immediate family while the person is serving outside the 1818
United States, if the person's office outside the United States is 1819
the person's primary job location. 1820

(C) All reimbursement under division (A) or (B) of this 1821

section shall be made in the manner, and at rates that do not 1822
exceed those, provided by rule of the director of budget and 1823
management in accordance with section 111.15 of the Revised Code. 1824
Reimbursements may be made under division (B) of this section 1825
directly to the persons who incurred the expenses or directly to 1826
the providers of goods or services the persons receive, as 1827
determined by the director of budget and management. 1828

Sec. 127.19. There is hereby created in the state treasury 1829
the controlling board emergency purposes/contingencies fund, 1830
consisting of transfers from the general revenue fund and any 1831
other funds appropriated by the general assembly. Moneys in the 1832
fund may be used by the controlling board at the request of a 1833
state agency or the director of budget and management for the 1834
purpose of providing disaster and emergency aid to state agencies 1835
and political subdivisions or for other purposes approved by the 1836
controlling board. 1837

Sec. 181.22. There is hereby created the criminal sentencing 1838
advisory committee. The committee shall be comprised of the 1839
chairperson of the parole board, the ~~director of the office of~~ 1840
staff representative assigned by the correctional institution 1841
inspection committee, a juvenile detention facility operator, a 1842
provider of juvenile probation or community control services, a 1843
provider of juvenile parole or aftercare services, a 1844
superintendent of a state institution operated by the department 1845
of youth services, a community-based juvenile services provider, a 1846
person who is a member of a youth advocacy organization, a victim 1847
of a violation of Title XXIX of the Revised Code that was 1848
committed by a juvenile offender, a representative of community 1849
corrections programming appointed by the governor, and any other 1850
members appointed by the chairperson of the state criminal 1851
sentencing commission upon the advice of the commission. The 1852

committee shall serve as an advisory body to the state criminal 1853
sentencing commission and to the commission's standing juvenile 1854
committee. 1855

The members of the committee shall serve without 1856
compensation, but each member shall be reimbursed for the member's 1857
actual and necessary expenses incurred in the performance of the 1858
member's official duties. 1859

Sec. 301.28. (A) As used in this section: 1860

(1) "Financial transaction device" includes a credit card, 1861
debit card, charge card, or prepaid or stored value card, or 1862
automated clearinghouse network credit, debit, or e-check entry 1863
that includes, but is not limited to, accounts receivable and 1864
internet-initiated, point of purchase, and telephone-initiated 1865
applications or any other device or method for making an 1866
electronic payment or transfer of funds. 1867

(2) "County expenses" includes fees, costs, taxes, 1868
assessments, fines, penalties, payments, or any other expense a 1869
person owes or otherwise pays to a county office under the 1870
authority of a county official, other than dog registration and 1871
kennel fees required to be paid under Chapter 955. of the Revised 1872
Code. "County expenses" includes payment to a county office of 1873
money confiscated during the commitment of an individual to a 1874
county jail, of bail, of money for a prisoner's inmate account, 1875
and of money for goods and services obtained by or for the use of 1876
an individual incarcerated by a county sheriff. "County expenses" 1877
includes online financial transaction device payments made through 1878
the official public sheriff sale web site pursuant to section 1879
2329.153 of the Revised Code. 1880

(3) "County official" includes the county auditor, county 1881
treasurer, county engineer, county recorder, county prosecuting 1882
attorney, county sheriff, county coroner, county park district and 1883

board of county commissioners, the clerk of the probate court, the 1884
clerk of the juvenile court, the clerks of court for all divisions 1885
of the courts of common pleas, and the clerk of the court of 1886
common pleas, the clerk of a county-operated municipal court, and 1887
the clerk of a county court. 1888

The term "county expenses" includes county expenses owed to 1889
the board of health of the general health district or a combined 1890
health district in the county. If the board of county 1891
commissioners authorizes county expenses to be paid by financial 1892
transaction devices under this section, then the board of health 1893
and the general health district and the combined health district 1894
may accept payments by financial transaction devices under this 1895
section as if the board were a "county official" and the district 1896
were a county office. However, in the case of a general health 1897
district formed by unification of general health districts under 1898
section 3709.10 of the Revised Code, this entitlement applies only 1899
if all the boards of county commissioners of all counties in the 1900
district have authorized payments to be accepted by financial 1901
transaction devices. 1902

The term "county expenses" also includes fees for services 1903
and the receipt of gifts to the county law library resources fund 1904
authorized by rules adopted by the county law library resources 1905
board under division (D) of section 307.51 of the Revised Code. If 1906
the board of county commissioners authorizes county expenses to be 1907
paid by financial transaction devices under this section, then the 1908
county law library resources board may accept payments by 1909
financial transaction devices under this section as if the board 1910
were a "county official." 1911

(B) Notwithstanding any other section of the Revised Code and 1912
except as provided in division (D) of this section, a board of 1913
county commissioners may adopt a resolution authorizing the 1914
acceptance of payments by financial transaction devices for county 1915

expenses. The resolution shall include the following: 1916

(1) A specification of those county officials who, and of the 1917
county offices under those county officials that, are authorized 1918
to accept payments by financial transaction devices; 1919

(2) A list of county expenses that may be paid for through 1920
the use of a financial transaction device; 1921

(3) Specific identification of financial transaction devices 1922
that the board authorizes as acceptable means of payment for 1923
county expenses. Uniform acceptance of financial transaction 1924
devices among different types of county expenses is not required. 1925

(4) The amount, if any, authorized as a surcharge or 1926
convenience fee under division (E) of this section for persons 1927
using a financial transaction device. Uniform application of 1928
surcharges or convenience fees among different types of county 1929
expenses is not required. 1930

(5) A specific provision as provided in division (G) of this 1931
section requiring the payment of a penalty if a payment made by 1932
means of a financial transaction device is returned or dishonored 1933
for any reason. 1934

The board's resolution shall also designate the county 1935
treasurer as an administrative agent to solicit proposals, within 1936
guidelines established by the board in the resolution and in 1937
compliance with the procedures provided in division (C) of this 1938
section, from financial institutions, issuers of financial 1939
transaction devices, and processors of financial transaction 1940
devices, to make recommendations about those proposals to the 1941
board, and to assist county offices in implementing the county's 1942
financial transaction devices program. The county treasurer may 1943
decline this responsibility within thirty days after receiving a 1944
copy of the board's resolution by notifying the board in writing 1945
within that period. If the treasurer so notifies the board, the 1946

board shall perform the duties of the administrative agent. 1947

If the county treasurer is the administrative agent and fails 1948
to administer the county financial transaction devices program in 1949
accordance with the guidelines in the board's resolution, the 1950
board shall notify the treasurer in writing of the board's 1951
findings, explain the failures, and give the treasurer six months 1952
to correct the failures. If the treasurer fails to make the 1953
appropriate corrections within that six-month period, the board 1954
may pass a resolution declaring the board to be the administrative 1955
agent. The board may later rescind that resolution at its 1956
discretion. 1957

(C) The county shall follow the procedures provided in this 1958
division whenever it plans to contract with financial 1959
institutions, issuers of financial transaction devices, or 1960
processors of financial transaction devices for the purposes of 1961
this section. The administrative agent shall request proposals 1962
from at least three financial institutions, issuers of financial 1963
transaction devices, or processors of financial transaction 1964
devices, as appropriate in accordance with the resolution adopted 1965
under division (B) of this section. Prior to sending any financial 1966
institution, issuer, or processor a copy of any such request, the 1967
county shall advertise its intent to request proposals in a 1968
newspaper of general circulation in the county once a week for two 1969
consecutive weeks or as provided in section 7.16 of the Revised 1970
Code. The notice shall state that the county intends to request 1971
proposals; specify the purpose of the request; indicate the date, 1972
which shall be at least ten days after the second publication, on 1973
which the request for proposals will be mailed to financial 1974
institutions, issuers, or processors; and require that any 1975
financial institution, issuer, or processor, whichever is 1976
appropriate, interested in receiving the request for proposals 1977
submit written notice of this interest to the county not later 1978

than noon of the day on which the request for proposals will be 1979
mailed. 1980

Upon receiving the proposals, the administrative agent shall 1981
review them and make a recommendation to the board of county 1982
commissioners on which proposals to accept. The board of county 1983
commissioners shall consider the agent's recommendation and review 1984
all proposals submitted, and then may choose to contract with any 1985
or all of the entities submitting proposals, as appropriate. The 1986
board shall provide any financial institution, issuer, or 1987
processor that submitted a proposal, but with which the board does 1988
not enter into a contract, notice that its proposal is rejected. 1989
The notice shall state the reasons for the rejection, indicate 1990
whose proposals were accepted, and provide a copy of the terms and 1991
conditions of the successful bids. 1992

(D) A board of county commissioners adopting a resolution 1993
under this section shall send a copy of the resolution to each 1994
county official in the county who is authorized by the resolution 1995
to accept payments by financial transaction devices. After 1996
receiving the resolution and before accepting payments by 1997
financial transaction devices, a county official shall provide 1998
written notification to the board of county commissioners of the 1999
official's intent to implement the resolution within the 2000
official's office. Each county office subject to the board's 2001
resolution adopted under division (B) of this section may use only 2002
the financial institutions, issuers of financial transaction 2003
devices, and processors of financial transaction devices with 2004
which the board of county commissioners contracts, and each such 2005
office is subject to the terms of those contracts. 2006

If a county office under the authority of a county official 2007
is directly responsible for collecting one or more county expenses 2008
and the county official determines not to accept payments by 2009
financial transaction devices for one or more of those expenses, 2010

the office shall not be required to accept payments by financial 2011
transaction devices, notwithstanding the adoption of a resolution 2012
by the board of county commissioners under this section. 2013

Any office of a clerk of the court of common pleas that 2014
accepts financial transaction devices on or before July 1, 1999, 2015
and any other county office that accepted such devices before 2016
January 1, 1998, may continue to accept such devices without being 2017
subject to any resolution passed by the board of county 2018
commissioners under division (B) of this section, or any other 2019
oversight by the board of the office's financial transaction 2020
devices program. Any such office may use surcharges or convenience 2021
fees in any manner the county official in charge of the office 2022
determines to be appropriate, and, if the county treasurer 2023
consents, may appoint the county treasurer to be the office's 2024
administrative agent for purposes of accepting financial 2025
transaction devices. In order not to be subject to the resolution 2026
of the board of county commissioners adopted under division (B) of 2027
this section, a county office shall notify the board in writing 2028
within thirty days after March 30, 1999, that it accepted 2029
financial transaction devices prior to January 1, 1998, or, in the 2030
case of the office of a clerk of the court of common pleas, the 2031
clerk has accepted or will accept such devices on or before July 2032
1, 1999. Each such notification shall explain how processing costs 2033
associated with financial transaction devices are being paid and 2034
shall indicate whether surcharge or convenience fees are being 2035
passed on to consumers. 2036

(E) A board of county commissioners may establish a surcharge 2037
or convenience fee that may be imposed upon a person making 2038
payment by a financial transaction device. The surcharge or 2039
convenience fee shall not be imposed unless authorized or 2040
otherwise permitted by the rules prescribed by an agreement 2041
governing the use and acceptance of the financial transaction 2042

device. 2043

If a surcharge or convenience fee is imposed, every county 2044
office accepting payment by a financial transaction device, 2045
regardless of whether that office is subject to a resolution 2046
adopted by a board of county commissioners, shall clearly post a 2047
notice in that office and shall notify each person making a 2048
payment by such a device about the surcharge or fee. Notice to 2049
each person making a payment shall be provided regardless of the 2050
medium used to make the payment and in a manner appropriate to 2051
that medium. Each notice shall include all of the following: 2052

(1) A statement that there is a surcharge or convenience fee 2053
for using a financial transaction device; 2054

(2) The total amount of the charge or fee expressed in 2055
dollars and cents for each transaction, or the rate of the charge 2056
or fee expressed as a percentage of the total amount of the 2057
transaction, whichever is applicable; 2058

(3) A clear statement that the surcharge or convenience fee 2059
is nonrefundable. 2060

(F) If a person elects to make a payment to the county by a 2061
financial transaction device and a surcharge or convenience fee is 2062
imposed, the payment of the surcharge or fee shall be considered 2063
voluntary and the surcharge or fee is not refundable. 2064

(G) If a person makes payment by financial transaction device 2065
and the payment is returned or dishonored for any reason, the 2066
person is liable to the county for payment of a penalty over and 2067
above the amount of the expense due. The board of county 2068
commissioners shall determine the amount of the penalty, which may 2069
be either a fee not to exceed twenty dollars or payment of the 2070
amount necessary to reimburse the county for banking charges, 2071
legal fees, or other expenses incurred by the county in collecting 2072
the returned or dishonored payment. The remedies and procedures 2073

provided in this section are in addition to any other available 2074
civil or criminal remedies provided by law. 2075

(H) No person making any payment by financial transaction 2076
device to a county office shall be relieved from liability for the 2077
underlying obligation except to the extent that the county 2078
realizes final payment of the underlying obligation in cash or its 2079
equivalent. If final payment is not made by the financial 2080
transaction device issuer or other guarantor of payment in the 2081
transaction, the underlying obligation shall survive and the 2082
county shall retain all remedies for enforcement that would have 2083
applied if the transaction had not occurred. 2084

(I) A county official or employee who accepts a financial 2085
transaction device payment in accordance with this section and any 2086
applicable state or local policies or rules is immune from 2087
personal liability for the final collection of such payments. 2088

Sec. 305.31. The procedure for submitting to a referendum a 2089
resolution adopted by a board of county commissioners under 2090
division (H) of section 307.695 of the Revised Code that is not 2091
submitted to the electors of the county for their approval or 2092
disapproval; any resolution adopted by a board of county 2093
commissioners pursuant to division (D)(1) of section 307.697, 2094
section 322.02, or 322.06, ~~or 324.02~~, sections 940.31 and 940.33, 2095
division (B)(1) of section 4301.421, section 4504.02, 5739.021, or 2096
5739.026, division (A)(6), (A)(10), or (M) of section 5739.09, 2097
section 5741.021 or 5741.023, or division (C)(1) of section 2098
5743.024 of the Revised Code; or a rule adopted pursuant to 2099
section 307.79 of the Revised Code shall be as prescribed by this 2100
section. 2101

Except as otherwise provided in this paragraph, when a 2102
petition, signed by ten per cent of the number of electors who 2103
voted for governor at the most recent general election for the 2104

office of governor in the county, is filed with the county auditor 2105
within thirty days after the date the resolution is passed or rule 2106
is adopted by the board of county commissioners, or is filed 2107
within forty-five days after the resolution is passed, in the case 2108
of a resolution adopted pursuant to section 5739.021 of the 2109
Revised Code that is passed within one year after a resolution 2110
adopted pursuant to that section has been rejected or repealed by 2111
the electors, requesting that the resolution be submitted to the 2112
electors of the county for their approval or rejection, the county 2113
auditor shall, after ten days following the filing of the 2114
petition, and not later than four p.m. of the ninetieth day before 2115
the day of election, transmit a certified copy of the text of the 2116
resolution or rule to the board of elections. In the case of a 2117
petition requesting that a resolution adopted under division 2118
(D)(1) of section 307.697, division (B)(1) of section 4301.421, or 2119
division (C)(1) of section 5743.024 of the Revised Code be 2120
submitted to electors for their approval or rejection, the 2121
petition shall be signed by seven per cent of the number of 2122
electors who voted for governor at the most recent election for 2123
the office of governor in the county. The county auditor shall 2124
transmit the petition to the board together with the certified 2125
copy of the resolution or rule. The board shall examine all 2126
signatures on the petition to determine the number of electors of 2127
the county who signed the petition. The board shall return the 2128
petition to the auditor within ten days after receiving it, 2129
together with a statement attesting to the number of such electors 2130
who signed the petition. The board shall submit the resolution or 2131
rule to the electors of the county, for their approval or 2132
rejection, at the succeeding general election held in the county 2133
in any year, or on the day of the succeeding primary election held 2134
in the county in even-numbered years, occurring subsequent to 2135
ninety days after the auditor certifies the sufficiency and 2136
validity of the petition to the board of elections. 2137

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 2168
estimate the amount of taxes, assessments, interest, and penalties 2169
that will be payable ~~at~~ as of the time the deed of the property is 2170
~~transferred to~~ date of the purchaser sale or election. If the 2171
county treasurer's estimate exceeds the amount of taxes, 2172
assessments, interest, and penalties actually payable ~~when the~~ 2173
~~deed is transferred to the purchaser, the officer who conducted~~ 2174
~~the sale shall~~ as of that date, the plaintiff in the action 2175
resulting in a sale or election, may request that the county 2176
treasurer refund that excess to holders of the purchaser the 2177
~~difference between the estimate and the amount actually payable~~ 2178
next lien interests according to the confirmation of sale or 2179
election or, if all liens are satisfied, that the treasurer remit 2180
that excess to the court for distribution. If the amount of taxes, 2181
assessments, interest, and penalties actually payable ~~when the~~ 2182
~~deed is transferred to the purchaser~~ at the time of the sale or 2183
election exceeds the county treasurer's estimate, or the proceeds 2184
are insufficient to satisfy that estimate, the officer who 2185
conducted the sale shall certify the amount of the excess to the 2186
treasurer, who shall enter that amount on the real and public 2187
utility property tax duplicate opposite the property; the amount 2188
of the excess shall be payable at the next succeeding date 2189
prescribed for payment of taxes in section 323.12 of the Revised 2190
Code. 2191

If the plaintiff in an action that results in a sale or 2192
election in accordance with this division is the land's or real 2193
estate's purchaser or electing party, the officer who conducted 2194
the sale shall not deduct the taxes, assessments, interest, and 2195
penalties, the lien for which attaches before the date of sale or 2196
election but that are not yet determined, assessed, and levied 2197
from the proceeds of the sale or election, unless such deduction 2198
is approved by that purchaser or electing party. The officer shall 2199
certify any such amount not paid from the proceeds to the county 2200

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. 2201
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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. 2205
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(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: 2211
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(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;~~ 2215
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(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~~. 2222
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~~(2) Upon the request of the officer who conducted the sale,~~ 2225
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 2226
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to holders of the purchaser the difference between the estimate 2232
and the actual amount next lien interests according to the 2233
confirmation of sale or, if all liens are satisfied, that the 2234
treasurer remit that excess to the court for distribution. If the 2235
actual amount exceeds the county treasurer's estimate, the officer 2236
shall certify the amount of the excess to the treasurer, who shall 2237
enter that amount on the real and public utility property tax 2238
duplicate opposite the property; the amount of the excess shall be 2239
payable at the next succeeding date prescribed for payment of 2240
taxes in section 323.12 of the Revised Code. 2241

If the plaintiff in an action that results in a sale in 2242
accordance with division (B) of this section is the real estate's 2243
purchaser, the officer who conducted the sale shall not deduct the 2244
taxes, assessments, interest, and penalties, the lien for which 2245
attaches before the date of sale but that are not yet determined, 2246
assessed, and levied from the proceeds of the sale or election, 2247
unless such deduction is approved by that purchaser. The officer 2248
shall certify any such amount not paid from the proceeds to the 2249
county treasurer, who shall enter that amount on the real and 2250
public utility property tax duplicate opposite the property; this 2251
amount shall be payable at the next succeeding date prescribed for 2252
payment of taxes in section 323.12 of the Revised Code. 2253

Taxes, assessments, interest, and penalties that are not paid 2254
on the date of that sale, including any amount that becomes due 2255
and payable after the date of the sale, continue to be a lien on 2256
the property as provided under section 323.11 of the Revised Code. 2257

(3) The amounts described in division (B)(1) of this section 2258
shall not be discharged out of the proceeds of a judicial sale, 2259
but shall instead be deemed to be satisfied and extinguished upon 2260
confirmation of sale, if both of the following conditions apply: 2261

(a) The real estate is sold pursuant to a foreclosure 2262
proceeding other than a tax foreclosure proceeding initiated by 2263

the county treasurer under section 323.25, sections 323.65 to 2264
323.79, or Chapter 5721. of the Revised Code. 2265

(b) A county land reutilization corporation organized under 2266
Chapter 1724. of the Revised Code is both the purchaser of the 2267
real estate and the judgment creditor or assignee of all rights, 2268
title, and interest in the judgment arising from the foreclosure 2269
proceeding. 2270

Sec. 323.73. (A) Except as provided in division (G) of this 2271
section or section 323.78 of the Revised Code, a parcel of 2272
abandoned land that is to be disposed of under this section shall 2273
be disposed of at a public auction scheduled and conducted as 2274
described in this section. At least twenty-one days prior to the 2275
date of the public auction, the clerk of court or sheriff of the 2276
county shall advertise the public auction in a newspaper of 2277
general circulation that meets the requirements of section 7.12 of 2278
the Revised Code in the county in which the land is located. The 2279
advertisement shall include the date, time, and place of the 2280
auction, the permanent parcel number of the land if a permanent 2281
parcel number system is in effect in the county as provided in 2282
section 319.28 of the Revised Code or, if a permanent parcel 2283
number system is not in effect, any other means of identifying the 2284
parcel, and a notice stating that the abandoned land is to be sold 2285
subject to the terms of sections 323.65 to 323.79 of the Revised 2286
Code. 2287

(B) The sheriff of the county or a designee of the sheriff 2288
shall conduct the public auction at which the abandoned land will 2289
be offered for sale. To qualify as a bidder, a person shall file 2290
with the sheriff on a form provided by the sheriff a written 2291
acknowledgment that the abandoned land being offered for sale is 2292
to be conveyed in fee simple to the successful bidder. At the 2293
auction, the sheriff of the county or a designee of the sheriff 2294

shall begin the bidding at an amount equal to the total of the 2295
impositions against the abandoned land, plus the costs apportioned 2296
to the land under section 323.75 of the Revised Code. The 2297
abandoned land shall be sold to the highest bidder. The county 2298
sheriff or designee may reject any and all bids not meeting the 2299
minimum bid requirements specified in this division. 2300

(C) Except as otherwise permitted under section 323.74 of the 2301
Revised Code, the successful bidder at a public auction conducted 2302
under this section shall pay the sheriff of the county or a 2303
designee of the sheriff a deposit of at least ten per cent of the 2304
purchase price in cash, or by bank draft or official bank check, 2305
at the time of the public auction, and shall pay the balance of 2306
the purchase price within thirty days after the day on which the 2307
auction was held. At the time of the public auction and before the 2308
successful bidder pays the deposit, the sheriff or a designee of 2309
the sheriff may provide notice to the successful bidder that 2310
failure to pay the balance of the purchase price within the 2311
prescribed period shall be considered a default under the terms of 2312
the sale and shall result in retention of the deposit as payment 2313
for the costs associated with advertising and offering the 2314
abandoned land for sale at a future public auction. If such a 2315
notice is provided to the successful bidder and the bidder fails 2316
to pay the balance of the purchase price within the prescribed 2317
period, the sale shall be deemed rejected by the county board of 2318
revision due to default, and the sheriff shall retain the full 2319
amount of the deposit. In such a case, rejection of the sale shall 2320
occur automatically without any action necessary on the part of 2321
the sheriff, county prosecuting attorney, or board. If the amount 2322
retained by the sheriff is less than the total costs of 2323
advertising and offering the abandoned land for sale at a future 2324
public auction, the sheriff or county prosecuting attorney may 2325
initiate an action to recover the amount of any deficiency from 2326
the bidder in the court of common pleas of the county or in a 2327

municipal court with jurisdiction. 2328

Following a default and rejection of sale under this 2329
division, the abandoned land involved in the rejected sale shall 2330
be disposed of in accordance with sections 323.65 to 323.79 of the 2331
Revised Code or as otherwise prescribed by law. The defaulting 2332
bidder, any member of the bidder's immediate family, any person 2333
with a power of attorney granted by the bidder, and any 2334
pass-through entity, trust, corporation, association, or other 2335
entity directly or indirectly owned or controlled by the bidder or 2336
a member of the defaulting bidder's immediate family shall be 2337
prohibited from bidding on the abandoned land at any future public 2338
auction for five years from the date of the bidder's default. 2339

Notwithstanding section 321.261 of the Revised Code, with 2340
respect to any proceedings initiated pursuant to sections 323.65 2341
to 323.79 of the Revised Code, from the total proceeds arising 2342
from the sale, transfer, or redemption of abandoned land, twenty 2343
per cent of such proceeds shall be deposited to the credit of the 2344
county treasurer's delinquent tax and assessment collection fund 2345
to reimburse the fund for costs paid from the fund for the 2346
transfer, redemption, or sale of abandoned land at public auction. 2347
Not more than one-half of the twenty per cent may be used by the 2348
treasurer for community development, nuisance abatement, 2349
foreclosure prevention, demolition, and related services or 2350
distributed by the treasurer to a land reutilization corporation. 2351
The balance of the proceeds, if any, shall be distributed to the 2352
appropriate political subdivisions and other taxing units in 2353
proportion to their respective claims for taxes, assessments, 2354
interest, and penalties on the land. Upon the sale of foreclosed 2355
lands, the clerk of court shall hold any surplus proceeds in 2356
excess of the impositions until the clerk receives an order of 2357
priority and amount of distribution of the surplus that are 2358
adjudicated by a court of competent jurisdiction or receives a 2359

certified copy of an agreement between the parties entitled to a 2360
share of the surplus providing for the priority and distribution 2361
of the surplus. Any party to the action claiming a right to 2362
distribution of surplus shall have a separate cause of action in 2363
the county or municipal court of the jurisdiction in which the 2364
land reposes, provided the board confirms the transfer or 2365
regularity of the sale. Any dispute over the distribution of the 2366
surplus shall not affect or revive the equity of redemption after 2367
the board confirms the transfer or sale. 2368

(D) Upon the confirmation of sale or transfer of abandoned 2369
land pursuant to this section, the owner's fee simple interest in 2370
the land shall be conveyed to the purchaser. A conveyance under 2371
this division is free and clear of any liens and encumbrances of 2372
the parties named in the complaint for foreclosure attaching 2373
before the sale or transfer, and free and clear of any liens for 2374
taxes, except for federal tax liens and covenants and easements of 2375
record attaching before the sale. 2376

(E) The county board of revision shall reject the sale of 2377
abandoned land to any person if it is shown by a preponderance of 2378
the evidence that the person is delinquent in the payment of taxes 2379
levied by or pursuant to Chapter 307., 322., ~~324.7~~ 5737., 5739., 2380
5741., or 5743. of the Revised Code or any real property taxing 2381
provision of the Revised Code. The board also shall reject the 2382
sale of abandoned land to any person if it is shown by a 2383
preponderance of the evidence that the person is delinquent in the 2384
payment of property taxes on any parcel in the county, or to a 2385
member of any of the following classes of parties connected to 2386
that person: 2387

(1) A member of that person's immediate family; 2388

(2) Any other person with a power of attorney appointed by 2389
that person; 2390

(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 2423
is entitled to enforce the instrument if all of the following 2424
apply: 2425

(1) The person seeking to enforce the instrument was ~~in~~ 2426
entitled to enforce the instrument when loss of possession 2427
occurred or has directly or indirectly acquired ownership of the 2428
instrument ~~and~~ from a person who was entitled to enforce ~~it~~ the 2429
instrument when loss of possession occurred. 2430

(2) The loss of possession was not the result of a transfer 2431
by the person or a lawful seizure. 2432

(3) The person cannot reasonably obtain ~~possession~~ 2433
possession of the instrument because the instrument was destroyed, 2434
its whereabouts cannot be determined, or it is in the wrongful 2435
possession of an unknown person or a person that cannot be found 2436
or is not amenable to service of process. 2437

(B) A person seeking enforcement of an instrument under 2438
division (A) of this section must prove the terms of the 2439
instrument and the person's right to enforce the instrument. If 2440
that proof is made, divisions (A) and (B) of section 1303.36 of 2441
the Revised Code applies to the case as if the person seeking 2442
enforcement had produced the instrument. The court may not enter 2443
judgment in favor of the person seeking enforcement unless it 2444
finds that the person required to pay the instrument is adequately 2445
protected against loss that might occur by reason of a claim by 2446
another person to enforce the instrument. Adequate protection for 2447
the person required to pay the instrument may be provided by any 2448
reasonable means. 2449

Sec. 2303.26. The clerk of the court of common pleas shall 2450
exercise the powers conferred and perform the duties enjoined upon 2451
~~him~~ the clerk by statute and by the common law; and in the 2452

performance of ~~his~~ official duties ~~he~~ the clerk shall be under the 2453
direction of ~~his~~ the court. The clerk shall not restrict, 2454
prohibit, or otherwise modify the rights of parties to seek 2455
service on party defendants allowed by the Rules of Civil 2456
Procedure, either singularly or concurrently. 2457

Sec. 2308.01. As used in this chapter: 2458

(A) "Manufactured home" has the same meaning as in section 2459
3781.06 of the Revised Code. 2460

(B) "Mobile home" has the same meaning as in section 4501.01 2461
of the Revised Code. 2462

(C) "Residential condominium unit" means a "residential unit" 2463
as defined in section 5311.01 of the Revised Code. 2464

(D) "Residential mortgage loan" means a loan or agreement to 2465
extend credit, including the renewal, refinancing, or modification 2466
of such a loan or agreement, that is made to a person and that is 2467
primarily secured by a mortgage, deed of trust, or other lien upon 2468
any interest in residential property or any certification of stock 2469
or other evidence of ownership in, and a proprietary lease from, a 2470
corporation or partnership formed for the purpose of cooperative 2471
ownership of residential property. 2472

(E) "Residential property" means real property located within 2473
this state consisting of land and a structure on that land 2474
containing four or fewer dwelling units, each of which is intended 2475
for occupancy by a separate household. "Residential property" 2476
includes a residential condominium unit, notwithstanding the 2477
number of units in the structure, but includes a manufactured or 2478
mobile home only if it is taxed as real property. 2479

Sec. 2308.02. (A) A mortgagee who files a foreclosure action 2480
on a residential property may file a motion with the court to 2481
proceed in an expedited manner under this section on the basis 2482

that the property is vacant and abandoned. In order to proceed in 2483
an expedited manner, upon the filing of such motion, the mortgagee 2484
must be a person entitled to enforce the instrument secured by the 2485
mortgage under division (A)(1) or (2) of section 1303.31 of the 2486
Revised Code or a person with the right to enforce the obligation 2487
secured by the mortgage pursuant to law outside of Chapter 1303. 2488
of the Revised Code. 2489

(B) If a motion to proceed in an expedited manner is filed 2490
before the last answer period has expired, the court shall decide 2491
the motion not later than twenty-one days, or within the time 2492
consistent with the local rules, after the last answer period has 2493
expired. If a motion to proceed in an expedited manner is filed 2494
after the last answer period has expired, the court shall decide 2495
the motion not later than twenty-one days, or within the time 2496
consistent with local rules, after the motion is filed. 2497

(C) In deciding the motion to proceed in an expedited manner, 2498
the court shall deem the property to be vacant and abandoned if 2499
all of the following apply: 2500

(1) The court finds by a preponderance of the evidence that 2501
the residential mortgage loan is in monetary default. 2502

(2) The court finds by a preponderance of the evidence that 2503
the mortgagee is a person entitled to enforce the instrument 2504
secured by the mortgage under division (A)(1) or (2) of section 2505
1303.31 of the Revised Code or a person with the right to enforce 2506
the obligation secured by the mortgage pursuant to law outside of 2507
Chapter 1303. of the Revised Code. 2508

(3) The court finds by clear and convincing evidence that at 2509
least three of the following factors are true: 2510

(a) Gas, electric, sewer, or water utility services to the 2511
property have been disconnected. 2512

(b) Windows or entrances to the property are boarded up or 2513

<u>closed off, or multiple window panes are broken and unrepaired.</u>	2514
<u>(c) Doors on the property are smashed through, broken off,</u>	2515
<u>unhinged, or continuously unlocked.</u>	2516
<u>(d) Junk, litter, trash, debris, or hazardous, noxious, or</u>	2517
<u>unhealthy substances or materials have accumulated on the</u>	2518
<u>property.</u>	2519
<u>(e) Furnishings, window treatments, or personal items are</u>	2520
<u>absent from the structure on the land.</u>	2521
<u>(f) The property is the object of vandalism, loitering, or</u>	2522
<u>criminal conduct, or there has been physical destruction or</u>	2523
<u>deterioration of the property.</u>	2524
<u>(g) A mortgagor has made a written statement expressing the</u>	2525
<u>intention of all mortgagors to abandon the property.</u>	2526
<u>(h) Neither an owner nor a tenant appears to be residing in</u>	2527
<u>the property at the time of an inspection of the property by the</u>	2528
<u>appropriate official of a county, municipal corporation, or</u>	2529
<u>township in which the property is located or by the mortgagee.</u>	2530
<u>(i) The appropriate official of a county, municipal</u>	2531
<u>corporation, or township in which the property is located provides</u>	2532
<u>a written statement or statements indicating that the structure on</u>	2533
<u>the land is vacant and abandoned.</u>	2534
<u>(j) The property is sealed because, immediately prior to</u>	2535
<u>being sealed, it was considered by the appropriate official of a</u>	2536
<u>county, municipal corporation, or township in which the property</u>	2537
<u>is located to be open, vacant, or vandalized.</u>	2538
<u>(k) Other reasonable indicia of abandonment exist.</u>	2539
<u>(4) No mortgagor or other defendant has filed an answer or</u>	2540
<u>objection setting forth a defense or objection that, if proven,</u>	2541
<u>would preclude the entry of a final judgment and decree of</u>	2542
<u>foreclosure.</u>	2543

(5) No mortgagor or other defendant has filed a written statement with the court indicating that the property is not vacant and abandoned. 2544
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(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. 2547
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(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. 2556
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(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. 2559
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(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. 2568
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(F) Nothing in this section shall supersede or limit other 2576
procedures adopted by the court to resolve the residential 2577
mortgage loan foreclosure action, including foreclosure mediation. 2578

Sec. 2308.03. (A) Except as otherwise provided in division 2579
(B) of this section, if a residential property is found to be 2580
vacant and abandoned under section 2308.02 of the Revised Code, a 2581
mortgagee on the residential property may enter that property to 2582
secure and protect it from damage. 2583

(B) A mortgagee that has not filed a residential mortgage 2584
loan foreclosure action on a property for which the mortgagee 2585
holds a mortgage may enter and secure that property only if the 2586
mortgage contract or other documents provide for such an entry. 2587

(C) The equitable and statutory rights to redemption of a 2588
mortgage on a property found to be vacant and abandoned pursuant 2589
to section 2308.02 of the Revised Code expire upon the 2590
confirmation of sale of the property. 2591

Sec. 2308.04. (A) A person is guilty of criminal mischief in 2592
violation of division (A)(1) of section 2909.07 of the Revised 2593
Code if all of the following apply: 2594

(1) The person knowingly and with purpose to diminish the 2595
value or enjoyment of the residential real property moves, 2596
defaces, damages, destroys, or otherwise improperly tampers with 2597
the person's own residential real property. 2598

(2) The residential real property is subject to a mortgage. 2599

(3) The person has been served with a summons and complaint 2600
in a pending residential mortgage loan foreclosure action relating 2601
to that residential real property. 2602

(B) As used in this section, "pending" includes the time 2603
between the filing of the foreclosure action and confirmation of 2604

sale. 2605

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. 2606
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(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~~ 2609
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(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. 2613
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(3) Executions may be issued to the sheriffs of different counties or different private selling officers at the same time. 2617
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Sec. 2327.02. (A) Executions are of three kinds: 2619

(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; 2620
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(2) Against the person of the judgment debtor; 2623

(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. 2624
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(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. 2628
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(C) In the case of foreclosures of real property, including 2634
foreclosures for taxes, mortgages, judgment liens, and other valid 2635
liens, the description of the property, the order of sale, order 2636
to transfer, and any deed or deed forms may be prepared, adopted, 2637
and otherwise approved in advance by the court having jurisdiction 2638
or the county board of revision with jurisdiction pursuant to 2639
section 323.66 of the Revised Code, directly commanding the 2640
sheriff or the private selling officer to sell, convey, or deliver 2641
possession of the property as commanded in that order. In those 2642
cases, the clerk shall journalize the order and deliver that writ 2643
or order to the sheriff or private selling officer for execution. 2644
If the property is sold under an order of sale or transferred 2645
under an order to transfer, the officer who conducted the sale or 2646
made the transfer of the property shall collect the recording fee 2647
and any associated costs to cover the recording from the purchaser 2648
or transferee at the time of the sale or transfer and, following 2649
confirmation of the sale or transfer and the payment of the 2650
balance due on the purchase price of the property, shall execute 2651
and record the deed conveying title to the property to the 2652
purchaser or transferee. For purposes of recording that deed, by 2653
placement of a bid or making a statement of interest by any party 2654
ultimately awarded the property, the purchaser or transferee 2655
thereby appoints the officer who makes the sale or is charged with 2656
executing and delivering the deed as agent for that purchaser or 2657
transferee for the sole purpose of accepting delivery of the deed. 2658

Sec. 2327.04. When, in the exercise of its authority, a court 2659
orders the deposit or delivery of money or other thing, and the 2660
order is disobeyed, besides punishing the disobedience as for a 2661
contempt, the court may make an order requiring the sheriff or 2662
private selling officer to take the money or thing and deposit or 2663
deliver it in conformity with the court's direction. 2664

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. 2695

(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. 2696
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(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. 2700
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(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. 2709
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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: 2717
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(A) An officer of the court ~~or by an auctioneer licensed under Chapter 4707. of the Revised Code;~~ 2721
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(B) For the public auction of goods and chattels, a resident of this state licensed as an auctioneer under Chapter 4707. of the 2723
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<u>Revised Code;</u>	2725
<u>(C) For the public auction of lands, a private selling officer.</u>	2726 2727
<u>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:</u>	2728 2729 2730 2731 2732 2733 2734 2735 2736 2737 2738 2739 2740 2741 2742 2743
<u>(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;</u>	2744 2745 2746
<u>(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.</u>	2747 2748 2749 2750
<u>(B)(1) As used in this division:</u>	2751
<u>(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.</u>	2752 2753 2754

(b) "Remote bid" means a bid submitted in writing via 2755
facsimile, electronic mail, or overnight delivery or courier. 2756

(2) If the sale of the real estate is conducted at a physical 2757
location and not online, then each judgment creditor and 2758
lienholder who was a party to the action may submit a remote bid 2759
to the sheriff or the private selling officer. Each sheriff and 2760
private selling officer shall establish and maintain a facsimile 2761
number or an electronic mail address for use by judgment creditors 2762
and lienholders in submitting remote bids. Each remote bid shall 2763
be of a fixed maximum amount and shall be delivered to the sheriff 2764
or private selling officer on or before four-thirty p.m. on the 2765
business day immediately preceding the date of the sale. 2766

(3) Before the sale, the sheriff or the private selling 2767
officer shall confirm receipt of the remote bid by sending notice 2768
of such receipt via facsimile or electronic mail to the judgment 2769
creditor or lienholder who submitted the remote bid. During the 2770
sale, the sheriff or the private selling officer shall place the 2771
remote bid on behalf of the judgment creditor or lienholder who 2772
submitted the remote bid. After the sale, the sheriff or the 2773
private selling officer shall provide notice of the results of the 2774
sale not later than the close of business on the day of the sale 2775
to all judgment creditors and lienholders who submitted remote 2776
bids. Such notice shall be sent via facsimile or electronic mail 2777
to the judgment creditor or lienholder or by posting the results 2778
of the sale on a public web site. 2779

(4) If a sheriff or private selling officer fails to place a 2780
remote bid on behalf of a judgment creditor or lienholder to the 2781
prejudice of the judgment creditor or lienholder, then, upon the 2782
filing of a motion to vacate the sale within ten business days 2783
after the sale date, the sale shall be vacated. 2784

(C)(1) A judgment creditor that obtains a court order 2785
authorizing a specified private selling officer to sell the real 2786

estate at a public auction pursuant to division (A) of this 2787
section may instruct the private selling officer to postpone the 2788
sale of the real estate one or more times, provided, however that 2789
all rescheduled sale dates shall be within one hundred eighty days 2790
of the initial sale date. Upon receiving this instruction, the 2791
private selling officer shall postpone the sale of the real estate 2792
by announcing that the sale is postponed. If the sale is at a 2793
physical location, this announcement shall be made at the sale and 2794
shall include the date, time, and place of the rescheduled sale of 2795
the real estate. If the sale is online, this announcement shall be 2796
made on the auction web site and shall include the date of the 2797
rescheduled sale of real estate. Each such announcement shall be 2798
deemed to meet the notice requirement in section 2329.26 of the 2799
Revised Code. 2800

(2) If the judgment creditor does not wish to postpone the 2801
sale of the real estate, the judgment creditor may instruct the 2802
private selling officer to cancel the sale of the real estate. 2803
Upon receiving this instruction, the private selling officer shall 2804
cancel the sale of the real estate by announcing that the sale is 2805
canceled. If the sale is at a physical location, this announcement 2806
shall be made at the sale. If the sale is online, this 2807
announcement shall be made on the auction web site and shall 2808
remain posted there until at least the end of the seven-day 2809
bidding period described in division (E)(1)(a) of section 2329.152 2810
of the Revised Code. 2811

(3) If the sale of the real estate is postponed or canceled 2812
as described in divisions (C)(1) and (2) of this section, all bids 2813
made on the real estate prior to the postponement or cancellation 2814
of the sale shall be void. 2815

(D)(1) If the judgment creditor obtains a court order to have 2816
the real estate sold by a private selling officer, then: 2817

(a) The cost of the appraisal required by section 2329.17 of 2818

the Revised Code shall be taxed as costs in the case. 2819

(b) The cost of the advertisement required by section 2329.26 of the Revised Code shall be taxed as costs in the case. 2820
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(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. 2822
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(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. 2835
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(E)(1) The private selling officer who conducts a sale under this section may do any of the following: 2843
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(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. 2845
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(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; 2850
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(c) Execute to the purchaser, or to the purchaser's legal representatives, a deed of conveyance of the real estate sold; 2854
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(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. 2856
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(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. 2860
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(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. 2864
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(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. 2869
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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. 2875
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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. 2880
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(B) The official public sheriff sale web site shall meet the following minimum requirements: 2884
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(1) The web site shall have a domain name relevant to the judicial sale of real property. 2886
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(2) The web site shall be limited to the judicial sale of real property located in this state. 2888
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(3) The web site shall not charge a fee for members of the public to view properties for sale. 2890
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(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. 2892
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(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. 2895
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(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. 2905
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(7) The web site shall provide a secure payment processing 2909

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. 2910
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(8) The web site shall include the ability for an attorney or law firm to enter a bid in a representative capacity. 2913
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(9) The web site shall be integrated with the auction management system described in division (C) of this section. 2915
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(C) The auction management system shall meet the following minimum requirements: 2917
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(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. 2919
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(2) The auction management system shall record the data necessary to meet the reporting requirements of section 2329.312 of the Revised Code. 2924
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(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. 2927
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(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. 2930
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(5) The auction management system shall be integrated with the web site described in division (B) of this section. 2934
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(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. 2936
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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. 2940
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(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: 2946
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(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. 2950
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(b) For commercial property, the sale may be conducted on the official public sheriff sale web site. 2955
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All sales conducted on the official public sheriff sale web site shall be open for bidding for at least seven days. 2957
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(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. 2959
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(3) If the judgment creditor does not wish to postpone the sale of the real property, the judgment creditor may instruct the 2969
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sheriff to cancel the sale of the property. Upon receiving this 2971
instruction, the sheriff shall cancel the sale of the property by 2972
announcing on the official public sheriff sale web site that the 2973
sale is canceled. This announcement shall remain posted on the 2974
official public sheriff sale web site until at least the end of 2975
the seven-day bidding period described in division (E)(1) of this 2976
section. 2977

(4) If the sale of the real property is postponed or canceled 2978
according to divisions (E)(2) and (3) of this section, all bids 2979
made on the real property prior to the postponement or 2980
cancellation of the sale shall be void. 2981

(F) Pursuant to their authority in section 9.482 of the 2982
Revised Code, counties may elect to enter into a shared services 2983
agreement relating to the judicial sale of real property on the 2984
official public sheriff sale web site. The shared services 2985
agreement may seek to improve efficiency and reduce costs in the 2986
judicial sale of real property by consolidating administrative 2987
functions and processes. 2988

Sec. 2329.154. (A) If property is sold online, the sheriff or 2989
private selling officer shall require persons seeking to bid to 2990
register online with the web site as a condition of being 2991
authorized to bid. The registration form shall include information 2992
relevant to the objective of enabling the sheriff or private 2993
selling officer to identify the bidder, contact the bidder, and 2994
complete the sale of the property. 2995

(B) If an attorney or a law firm that represents the 2996
plaintiff or a party to the action bids on property in a 2997
representative capacity, the attorney or law firm shall register 2998
as the representative of the plaintiff or party, either as an 2999
individual or entity. 3000

(C)(1) If the person registering to bid is an individual, the 3001

information required by division (A) of this section shall include 3002
the individual's name, mailing address, which shall not be a post 3003
office box address, electronic mail address, telephone number, 3004
and, if applicable, financial transaction device information. 3005

(2) If the person registering to bid is an entity, the 3006
information required by division (A) of this section shall include 3007
the entity's legal name, trade name if different from its legal 3008
name, state and date of formation, active status with the office 3009
of the secretary of state, mailing address, telephone number, 3010
financial transaction device information if applicable, the name 3011
of an individual contact person for the entity, and the contact 3012
person's title, mailing address, which shall not be a post office 3013
box address, electronic mail address, and telephone number. 3014

(D) The registration form on the web site shall require the 3015
person registering to bid to state, to the best of the person's 3016
knowledge and belief, that the information provided by the person 3017
is true, correct, and complete under penalties of perjury. 3018

(E) The electronic mail address, telephone number, and, if 3019
applicable, financial transaction device information required in 3020
division (C) of this section are confidential and not public 3021
records for purposes of section 149.43 of the Revised Code. 3022

(F) As used in this section, "financial transaction device" 3023
has the same meaning as in section 301.28 of the Revised Code. 3024

Sec. 2329.17. (A) When execution is levied upon lands and 3025
tenements, the ~~officer who makes the levy~~ sheriff shall call an 3026
inquest of three disinterested freeholders, who are residents of, 3027
and real property owners in, the county where the lands taken in 3028
execution are situated, ~~and administer to them an oath impartially~~ 3029
~~to~~ who shall appraise the property so levied upon, upon actual 3030
view. ~~They forthwith shall return to such officer, under their~~ 3031
~~hands, an estimate of the real value of the property in money.~~ 3032

(B) If the property to be appraised is residential property, 3033
the freeholders selected by the sheriff shall return to the 3034
sheriff an estimate of the value of the property in money within 3035
twenty-one calendar days of the issuance of the order of appraisal 3036
by the clerk of the court. If the court has ordered or the clerk 3037
of the court has issued an order for a private selling officer to 3038
advertise and sell the appraised property, the freeholders 3039
selected by the sheriff shall also deliver a copy of their 3040
appraisal to the private selling officer contemporaneously with 3041
their delivery of their appraisal to the sheriff. 3042

(C) If the freeholders selected by the sheriff under division 3043
(B) of this section do not deliver their appraisal within 3044
twenty-one calendar days of the issuance of the order of appraisal 3045
by the clerk of the court as required by division (B) of this 3046
section, then all of the following shall occur: 3047

(1) The cost of the appraisal by the freeholders shall not be 3048
payable to the freeholders or taxed as costs in the case. 3049

(2) The appraised value of the property shall be the fair 3050
market value of the property as shown on the records of the county 3051
auditor, unless, for good cause shown, the court authorizes a 3052
separate appraisal of the property. 3053

(3) The advertisement and sale of the property shall proceed 3054
immediately in accordance with the order of advertisement and sale 3055
issued by the clerk of the court. 3056

If a separate appraisal of the property is obtained, the cost 3057
of the appraisal shall be included as an expense of the sale 3058
pursuant to division (D) of section 2329.152 of the Revised Code. 3059

(D) If the property to be appraised is commercial property, 3060
the freeholders selected by the sheriff shall return to the 3061
sheriff an estimate of the value of the property in money in 3062
accordance with the timing or other requirements, if any, that may 3063

be established for the sale. 3064

(E) The municipal corporation or township in which the real 3065
property is situated may inspect prior to the judicial sale any 3066
structures located on lands subject to a writ of execution. 3067

Sec. 2329.18. ~~When an officer receives the return provided~~ 3068
~~for in division (A) of~~ (A) If a court has ordered or the clerk of 3069
a court has issued an order for the sheriff to advertise and sell 3070
the real estate for which the appraised value has been determined 3071
pursuant to section 2329.17 of the Revised Code, the officer 3072
~~forthwith~~ sheriff shall deposit a copy of it the appraisal with 3073
the clerk of the court from which the writ was issued, and 3074
immediately advertise and sell such real estate in conformity with 3075
sections 2329.01 to 2329.61 of the Revised Code. 3076

(B) If the court has ordered or the clerk of the court has 3077
issued an order for a private selling officer to advertise and 3078
sell the real estate for which the appraised value has been 3079
determined pursuant to section 2329.17 of the Revised Code, the 3080
private selling officer shall immediately advertise and sell the 3081
real estate in conformity with sections 2329.01 to 2329.61 of the 3082
Revised Code. 3083

Sec. 2329.19. Upon the ~~return~~ determination of the ~~estimate~~ 3084
~~provided for in division (A) of~~ appraised value pursuant to 3085
section 2329.17 of the Revised Code, if it appears ~~by the~~ 3086
~~inquisition~~ that two-thirds of the appraised value of the lands 3087
and tenements levied upon is sufficient to satisfy the execution, 3088
with costs, the judgment on which the execution issued shall not 3089
operate as a lien on the residue of the debtor's estate to the 3090
prejudice of any other judgment creditor. 3091

Sec. 2329.20. ~~No~~ Except as otherwise provided in this section 3092
or sections 2329.51 and 2329.52 of the Revised Code, no tract of 3093

land shall be sold for less than two-thirds the amount of the 3094
appraised value ~~returned in the inquest required by as determined~~ 3095
pursuant to section 2329.17 of the Revised Code; ~~except that in,~~ 3096
In all cases ~~where~~ in which a junior mortgage or other junior lien 3097
is sought to be enforced against real estate by an order, 3098
judgment, or decree of court, subject to a prior lien thereon, and 3099
such prior lien, and the claims or obligations secured thereby, 3100
are unaffected by such order, judgment, or decree, the court 3101
making such order, judgment, or decree, may determine the minimum 3102
amount for which such real estate may be sold~~7~~. In such a case, 3103
the minimum amount ~~to~~ shall be not less than two-thirds of the 3104
difference between the appraised value of the real estate 3105
appraised as provided determined in such that section, and the 3106
amount remaining unpaid on the claims or obligations secured by 3107
such prior lien. 3108

Sec. 2329.21. If the sum bid by the purchaser for the real 3109
estate sold under section 2329.20 of the Revised Code relating to 3110
the enforcement of junior liens is insufficient to pay the costs 3111
~~and allowance, allowances, and taxes,~~ which the court has 3112
determined prior to such sale should be paid out of the proceeds 3113
thereof, pursuant to the terms of the mortgage or lien sought to 3114
be enforced, then the purchaser, in addition to the amount of ~~his~~ 3115
the purchaser's bid, must pay a sum which, with the amount so bid 3116
will be sufficient to pay the costs ~~and,~~ allowances, and taxes. 3117
The court may fix the amount remaining unpaid on such claims or 3118
obligations for the purpose of the sale, and to that end require 3119
the parties to the suit to furnish to it satisfactory evidence of 3120
such unpaid amount. The advertisement for the sale of real estate 3121
sold under section 2329.20 of the Revised Code shall state that 3122
the purchaser shall be responsible for those costs, allowances, 3123
and taxes that the proceeds of the sale are insufficient to cover. 3124

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: 3125
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(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. 3130
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(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. 3133
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(3) If the appraised value of the residential property is greater than two hundred thousand dollars, the deposit shall be ten thousand dollars. 3137
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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. 3140
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(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. 3145
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Sec. 2329.26. (A) Lands and tenements taken in execution shall not be sold until all of the following occur: 3149
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(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: 3151
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(i) Causes a written notice ~~of the date, time, and place of~~ 3155
~~the sale~~ to be served in accordance with divisions (A) and (B) of 3156
Civil Rule 5 upon the judgment debtor and upon each other party to 3157
the action in which the judgment giving rise to the execution was 3158
rendered~~†~~. Such notice shall include the date, time, and place of 3159
the sale if the sale is to be held at a physical location or the 3160
start date and web site address of the sale if the sale is to be 3161
held online. Such notice shall also include the provisional second 3162
sale date described in division (B) of section 2329.52 of the 3163
Revised Code, if applicable. 3164

(ii) At least seven calendar days prior to the date of the 3165
sale, files with the clerk of the court that rendered the judgment 3166
giving rise to the execution a copy of the written notice 3167
described in division (A)(1)(a)(i) of this section with proof of 3168
service endorsed on the copy in the form described in division 3169
~~(D)~~(B) of Civil Rule 5. 3170

(b) Service of the written notice described in division 3171
(A)(1)(a)(i) of this section is not required to be made upon any 3172
party who is in default for failure to appear in the action in 3173
which the judgment giving rise to the execution was rendered. 3174

(2) One of the following applies: 3175

(a) The officer taking the lands and tenements gives public 3176
~~notice of the date, time, and place of the sale~~ once a week for at 3177
least three consecutive weeks before the day of sale if the sale 3178
is to be held at a physical location or the start date of the sale 3179
if the sale is to be conducted online. 3180

Such notice shall be by advertisement in a newspaper of 3181
general circulation in the county. The newspaper shall meet the 3182
requirements of section 7.12 of the Revised Code. The court 3183
ordering the sale may designate in the order of sale the newspaper 3184
in which this public notice shall be published. 3185

<u>The notice shall include all the following information:</u>	3186
<u>(i) The date, time, and place of the sale if the sale is to be held at a physical location;</u>	3187
<u>(ii) The start date, the minimum duration, and web site address of the sale if the sale is to be held online;</u>	3189
<u>(iii) The deposit required by section 2329.211 of the Revised Code;</u>	3191
<u>(iv) That the purchaser shall be responsible for those costs, allowances, and taxes that the proceeds of the sale are insufficient to cover;</u>	3193
<u>(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.</u>	3196
<u>(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.</u>	3197
<u>(3)(B) The officer taking the lands and tenements shall collect the purchaser's information required by section 2329.271 of the Revised Code.</u>	3198
<u>(B)(C) A sale of lands and tenements taken in execution may</u>	3199
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be set aside in accordance with division (A) or (B) of section 3216
2329.27 of the Revised Code. 3217

Sec. 2329.271. (A)(1) Subject to division (A)(2) of this 3218
section, the purchaser of lands and tenements taken in execution 3219
shall submit to the officer who makes the sale the following 3220
information: 3221

(a) ~~The~~ (i) If the purchaser is an individual, the 3222
information shall include the individual's name, mailing address, 3223
and which shall not be a post office box, electronic mail address, 3224
telephone number, and financial transaction device information of 3225
the purchaser; 3226

(ii) If the purchaser is an entity, the information shall 3227
include the entity's legal name, trade name if different from its 3228
legal name, state and date of formation, active status with the 3229
office of the secretary of state, mailing address, telephone 3230
number, financial transaction device information, the name of an 3231
individual contact person for the entity, and the contact person's 3232
title, mailing address, which shall not be a post office box, 3233
electronic mail address, and telephone number. 3234

(b) An attorney or a law firm that represents a purchaser may 3235
submit the information required under division (A)(1)(a) of this 3236
section in a representative capacity, either as an individual or 3237
entity. 3238

(c) If the lands and tenements taken in execution are 3239
residential rental property and the residential rental property is 3240
purchased by a trust, business trust, estate, partnership, limited 3241
partnership, limited liability company, association, corporation, 3242
or any other business entity, the name, address, and telephone 3243
number of the following with the provision that the purchaser be 3244
readily accessible through the identified contact person: 3245

(i) A trustee, in the case of a trust or business trust;	3246
(ii) The executor or administrator, in the case of an estate;	3247
(iii) A general partner, in the case of a partnership or a limited partnership;	3248 3249
(iv) A member, manager, or officer, in the case of a limited liability company;	3250 3251
(v) An associate, in the case of an association;	3252
(vi) An officer, in the case of a corporation;	3253
(vii) A member, manager, or officer, in the case of any other business entity.	3254 3255
(e) (d) A statement indicating whether the purchaser will occupy the lands and tenements.	3256 3257
(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	3258 3259 3260 3261 3262 3263 3264 3265 3266 3267 3268 3269 3270 3271 3272 3273 3274 3275

in this state, the information required by divisions (A)(1)(a) and 3276
(~~e~~)(d) of this section shall be the contact information for a 3277
natural person who is employed by the purchasing entity at the 3278
purchasing entity's principal place of business outside of this 3279
state and whom the purchasing entity has designated to receive 3280
notices or inquiries about the property. 3281

(B)(1) The information required by division (A) of this 3282
section shall be part of ~~the sheriff's record of proceedings and~~ 3283
~~shall be part of~~ the record of the court of common pleas. The If 3284
the court has ordered or the clerk of the court has issued an 3285
order for the sheriff to advertise and sell the lands and 3286
tenements, the information also shall be part of the sheriff's 3287
record of proceedings. Except as provided in division (B)(2) of 3288
this section, the information is a public record and open to 3289
public inspection. 3290

(2) The electronic mail address, telephone number, and 3291
financial transaction device information required in division 3292
(A)(1) of this section are confidential and not public records for 3293
purposes of section 149.43 of the Revised Code. 3294

(C) As used in this section, "financial transaction device" 3295
has the same meaning as in section 301.28 of the Revised Code. 3296

Sec. 2329.28. The ~~sheriff~~ levying officer shall indorse on 3297
the writ of execution ~~his~~ the officer's proceedings thereon, and 3298
the clerk of the court of common pleas, upon the return thereof, 3299
immediately shall record all such indorsements at length, in the 3300
execution docket, or other docket provided for that purpose. That 3301
record shall be a part of the record of the court of common pleas. 3302

Sec. 2329.30. The court from which an execution or order of 3303
sale issues, upon notice and motion of the officer who makes the 3304
sale or of an interested party, may punish any purchaser of lands 3305

and tenements who fails to pay within thirty days of the 3306
confirmation of the sale the balance due on the purchase price of 3307
the lands and tenements by forfeiting the sale of the lands and 3308
tenements and returning any deposit paid in connection with the 3309
sale of the lands and tenements, by forfeiting any deposit paid in 3310
connection with the sale of the lands and tenements, as for 3311
contempt, or in any other manner the court considers appropriate. 3312
Upon motion, the court may order the return of any remaining 3313
portion of the deposit of the purchaser, less the costs of a 3314
subsequent sale and any other remedy the court considers 3315
appropriate. An order for contempt for failure of the purchaser to 3316
pay voids the confirmation of sale and transfer. 3317

Sec. 2329.31. (A) Upon the return of any writ of execution 3318
for the satisfaction of which lands and tenements have been sold, 3319
on careful examination of the proceedings of the officer making 3320
the sale, if the court of common pleas finds that the sale was 3321
made, in all respects, in conformity with sections 2329.01 to 3322
2329.61 of the Revised Code, it shall, within thirty days of the 3323
return of the writ, direct the clerk of the court of common pleas 3324
to make an entry on the journal that the court is satisfied of the 3325
legality of such sale ~~and that the attorney who filed the writ of~~ 3326
~~execution make to the purchaser a deed for the lands and~~ 3327
~~tenements.~~ Nothing in this section prevents the court of common 3328
pleas from staying the confirmation of the sale to permit a 3329
property owner time to redeem the property or for any other reason 3330
that it determines is appropriate. In those instances, the sale 3331
shall be confirmed within thirty days after the termination of any 3332
stay of confirmation. 3333

(B) The officer making the sale shall require the purchaser, 3334
including a lienholder, to pay within thirty days of the 3335
confirmation of the sale the balance due on the purchase price of 3336
the lands and tenements. 3337

(C)(1) The officer making the sale shall record the prepared 3338
deed required by section 2329.36 of the Revised Code within 3339
fourteen days after the confirmation of sale and payment of the 3340
balance due. 3341

(2)(a) If the deed is not prepared and recorded within the 3342
fourteen-day period, the purchaser may file a motion with the 3343
court to proceed with the transfer of title. If the court finds 3344
that a proper sale was made, it shall enter an order transferring 3345
the title of the lands and tenements to the purchaser, ordering 3346
the plaintiff to present a certified copy of the order to the 3347
county recorder for recording, and ordering the county recorder to 3348
record the order in the record of deeds. The order, when filed 3349
with the county recorder, shall have the same effect as a deed 3350
prepared pursuant to section 2329.36 of the Revised Code. 3351

(b) Upon the issuance of the court order described in 3352
division (C)(2)(a) of this section, the plaintiff, or the 3353
plaintiff's attorney, shall present a certified copy of the order 3354
to be recorded in the office of the county recorder. The county 3355
recorder shall record the order in the record of deeds. 3356

(c) The clerk shall issue a copy of the court order to the 3357
county auditor to transfer record ownership of the lands and 3358
tenements for the purpose of real estate taxes. Real estate taxes 3359
coming due after the date of the sale shall not prohibit the 3360
auditor from transferring ownership of the lands and tenements on 3361
its records or cause the recorder to deny recording. The real 3362
estate taxes shall become the responsibility of the new title 3363
holder of the lands and tenements. The sheriff shall not require 3364
the confirmation of sale to be amended for taxes not due and 3365
payable as of the date of the sale. 3366

Sec. 2329.311. In sales of residential properties taken in 3367
execution or order of sale that are sold at an auction with no set 3368

minimum bid pursuant to division (B) of section 2329.52 of the 3369
Revised Code, the judgment creditor and the first lienholder each 3370
have the right to redeem the property within fourteen days after 3371
the sale by paying the purchase price. The redeeming party shall 3372
pay the purchase price to the clerk of the court in which the 3373
judgment was rendered or the order of sale was made. Upon timely 3374
payment, the court shall proceed as described in section 2329.31 3375
of the Revised Code, with the redeeming party considered the 3376
successful purchaser at sale. 3377

Sec. 2329.312. (A) All levying officers appointed or 3378
authorized by a court under this chapter to conduct the judicial 3379
or execution sale of residential property consisting of one to 3380
four single-family units shall submit quarterly reports to the 3381
attorney general for the purpose of assessing the extent to which 3382
deadlines required by this chapter are met. The reports shall 3383
include data on each such sale conducted by the officer. 3384

(B) Starting one year after the effective date of this 3385
section, the attorney general shall do all of the following: 3386

(1) Establish and maintain a database comprised of the 3387
information submitted by levying officers pursuant to division (A) 3388
of this section; 3389

(2) Make the information included in the database publicly 3390
available; 3391

(3) Adopt rules for the creation and administration of the 3392
database. 3393

Sec. 2329.33. ~~In~~ Except as provided in division (C) of 3394
section 2308.03 or any other section of the Revised Code, in sales 3395
of real estate on execution or order of sale, at any time before 3396
the confirmation thereof, the debtor may redeem it from sale by 3397

depositing in the hands of the clerk of the court of common pleas 3398
to which such execution or order is returnable, the amount of the 3399
judgment or decree upon which such lands were sold, with all 3400
costs, including poundage, and interest at the rate of eight per 3401
cent per annum on the purchase money from the day of sale to the 3402
time of such deposit, except where the judgment creditor is the 3403
purchaser, the interest at such rate on the excess above ~~his~~ the 3404
judgment creditor's claim. The court of common pleas thereupon 3405
shall make an order setting aside such sale, and apply the deposit 3406
to the payment of such judgment or decree and costs, and award 3407
such interest to the purchaser, who shall receive from the officer 3408
making the sale the purchase money paid by ~~him~~ the purchaser, and 3409
the interest from the clerk. This section does not take away the 3410
power of the court to set aside such sale for any reason for which 3411
it might have been set aside prior to April 16, 1888. 3412

Sec. 2329.34. Real property may be conveyed by a master 3413
commissioner or special master only: 3414

(A) When, by an order or a judgment in an action or 3415
proceeding, a party is required to convey such property to 3416
another, and ~~he~~ the party neglects or refuses to do so, and the 3417
master is directed to convey on ~~his~~ the party's failure; 3418

(B) When specific real property is sold by a master under an 3419
order or judgment of the court appointing ~~him~~ the master. No court 3420
shall make or issue an order to a master for the sale of real 3421
estate except in response to a motion by a judgment creditor, 3422
~~unless~~ which motion shall be granted only if there exists some 3423
special reason why the sale should not be made by the sheriff of 3424
the county where the decree or order was made, ~~which reason, if or~~ 3425
by a private selling officer. If the court finds any such reason 3426
to exist, that reason shall be embodied in and made part of the 3427
judgment, order, or decree for such sale. 3428

Sec. 2329.39. Sale Except as provided in sections 2329.152 3429
and 2329.153 of the Revised Code, sale of lands or tenements under 3430
execution or order of sale must be held in the county in which 3431
they are situated and at the courthouse, unless otherwise ordered 3432
by the court. Purchase of real or personal property, by the 3433
officer making the sale thereof, or by an appraiser of such 3434
property, shall be fraudulent and void. 3435

Sec. 2329.45. If a judgment in satisfaction of which lands, 3436
or tenements are sold, is reversed on appeal, such reversal shall 3437
not defeat or affect the title of the purchaser. In such case 3438
restitution ~~must be made by the judgment creditor of~~ in an amount 3439
equal to the money for which such lands or tenements were sold, 3440
with interest from the day of sale, must be made by the judgment 3441
creditor. In ordering restitution, the court shall take into 3442
consideration all persons who lost an interest in the property by 3443
reason of the judgment and sale and the order of the priority of 3444
those interests. 3445

Sec. 2329.52. ~~When~~ (A) Except as otherwise provided in 3446
division (B) of this section, when premises are ordered to be 3447
sold, if said premises, or a part thereof, remain unsold for want 3448
of bidders after having been once appraised, advertised, and 3449
offered for sale, the court from which the order of sale issued 3450
may, on motion of the plaintiff or defendant and from time to time 3451
until said premises are disposed of, order a new appraisement and 3452
sale or direct the amount for which said premises, or a part 3453
thereof, may be sold. 3454

The court may order that the premises be sold as follows: One 3455
third cash in hand, one third in nine months from the day of sale, 3456
and the remaining one third in eighteen months from the day of 3457
sale, the deferred payments to draw interest at six per cent and 3458

be secured by a mortgage on the premises. 3459

(B) When a residential property is ordered to be sold 3460
pursuant to a residential mortgage loan foreclosure action, and 3461
the sale will be held at a physical location and not online, and 3462
if the property remains unsold after the first auction, then a 3463
second auction shall be held and the property shall be sold to the 3464
highest bidder without regard to the minimum bid requirement in 3465
section 2329.20 of the Revised Code, but subject to section 3466
2329.21 of the Revised Code relating to costs, allowances, and 3467
real estate taxes. This second auction shall be held not earlier 3468
than seven days and not later than thirty days after the first 3469
auction. A residential property that remains unsold after two 3470
auctions may be subsequently offered for sale without regard to 3471
the minimum bid requirement in section 2329.20 of the Revised Code 3472
or disposed of in any other manner pursuant to this chapter or any 3473
other provision of the Revised Code. 3474

Sec. 2329.56. When a freeholder, summoned as an appraiser, 3475
fails to appear at the time and place appointed by the officers 3476
ordering ~~his~~ the freeholder's appearance and discharge ~~his~~ the 3477
duty as such, on complaint made to a judge of the county court in 3478
the district in which such freeholder resides, unless ~~he~~ the 3479
freeholder has a reasonable excuse, ~~he~~ the freeholder shall pay 3480
fifty ~~cents~~ dollars for each neglect, which shall be collected by 3481
the judge, and paid into the county treasury for the use of the 3482
county. 3483

Sec. 2909.07. (A) No person shall: 3484

(1) Without privilege to do so, knowingly move, deface, 3485
damage, destroy, or otherwise improperly tamper with ~~the~~ either of 3486
the following: 3487

(a) The property of another; 3488

<u>(b) One's own residential real property with the purpose to</u>	3489
<u>decrease the value of or enjoyment of the residential real</u>	3490
<u>property, if both of the following apply:</u>	3491
<u>(i) The residential real property is subject to a mortgage.</u>	3492
<u>(ii) The person has been served with a summons and complaint</u>	3493
<u>in a pending residential mortgage loan foreclosure action relating</u>	3494
<u>to that real property. As used in this division, "pending"</u>	3495
<u>includes the time between judgment entry and confirmation of sale.</u>	3496
(2) With purpose to interfere with the use or enjoyment of	3497
property of another, employ a tear gas device, stink bomb, smoke	3498
generator, or other device releasing a substance that is harmful	3499
or offensive to persons exposed or that tends to cause public	3500
alarm;	3501
(3) Without privilege to do so, knowingly move, deface,	3502
damage, destroy, or otherwise improperly tamper with a bench mark,	3503
triangulation station, boundary marker, or other survey station,	3504
monument, or marker;	3505
(4) Without privilege to do so, knowingly move, deface,	3506
damage, destroy, or otherwise improperly tamper with any safety	3507
device, the property of another, or the property of the offender	3508
when required or placed for the safety of others, so as to destroy	3509
or diminish its effectiveness or availability for its intended	3510
purpose;	3511
(5) With purpose to interfere with the use or enjoyment of	3512
the property of another, set a fire on the land of another or	3513
place personal property that has been set on fire on the land of	3514
another, which fire or personal property is outside and apart from	3515
any building, other structure, or personal property that is on	3516
that land;	3517
(6) Without privilege to do so, and with intent to impair the	3518
functioning of any computer, computer system, computer network,	3519

computer software, or computer program, knowingly do any of the 3520
following: 3521

(a) In any manner or by any means, including, but not limited 3522
to, computer hacking, alter, damage, destroy, or modify a 3523
computer, computer system, computer network, computer software, or 3524
computer program or data contained in a computer, computer system, 3525
computer network, computer software, or computer program; 3526

(b) Introduce a computer contaminant into a computer, 3527
computer system, computer network, computer software, or computer 3528
program. 3529

(B) As used in this section, "safety device" means any fire 3530
extinguisher, fire hose, or fire axe, or any fire escape, 3531
emergency exit, or emergency escape equipment, or any life line, 3532
life-saving ring, life preserver, or life boat or raft, or any 3533
alarm, light, flare, signal, sign, or notice intended to warn of 3534
danger or emergency, or intended for other safety purposes, or any 3535
guard railing or safety barricade, or any traffic sign or signal, 3536
or any railroad grade crossing sign, signal, or gate, or any first 3537
aid or survival equipment, or any other device, apparatus, or 3538
equipment intended for protecting or preserving the safety of 3539
persons or property. 3540

(C)(1) Whoever violates this section is guilty of criminal 3541
mischief, and shall be punished as provided in division (C)(2) or 3542
(3) of this section. 3543

(2) Except as otherwise provided in this division, criminal 3544
mischief committed in violation of division (A)(1), (2), (3), (4), 3545
or (5) of this section is a misdemeanor of the third degree. 3546
Except as otherwise provided in this division, if the violation of 3547
division (A)(1), (2), (3), (4), or (5) of this section creates a 3548
risk of physical harm to any person, criminal mischief committed 3549
in violation of division (A)(1), (2), (3), (4), or (5) of this 3550

section is a misdemeanor of the first degree. If the property 3551
involved in the violation of division (A)(1), (2), (3), (4), or 3552
(5) of this section is an aircraft, an aircraft engine, propeller, 3553
appliance, spare part, fuel, lubricant, hydraulic fluid, any other 3554
equipment, implement, or material used or intended to be used in 3555
the operation of an aircraft, or any cargo carried or intended to 3556
be carried in an aircraft, criminal mischief committed in 3557
violation of division (A)(1), (2), (3), (4), or (5) of this 3558
section is one of the following: 3559

(a) If the violation creates a risk of physical harm to any 3560
person, except as otherwise provided in division (C)(2)(b) of this 3561
section, criminal mischief committed in violation of division 3562
(A)(1), (2), (3), (4), or (5) of this section is a felony of the 3563
fifth degree. 3564

(b) If the violation creates a substantial risk of physical 3565
harm to any person or if the property involved in a violation of 3566
this section is an occupied aircraft, criminal mischief committed 3567
in violation of division (A)(1), (2), (3), (4), or (5) of this 3568
section is a felony of the fourth degree. 3569

(3) Except as otherwise provided in this division, criminal 3570
mischief committed in violation of division (A)(6) of this section 3571
is a misdemeanor of the first degree. Except as otherwise provided 3572
in this division, if the value of the computer, computer system, 3573
computer network, computer software, computer program, or data 3574
involved in the violation of division (A)(6) of this section or 3575
the loss to the victim resulting from the violation is one 3576
thousand dollars or more and less than ten thousand dollars, or if 3577
the computer, computer system, computer network, computer 3578
software, computer program, or data involved in the violation of 3579
division (A)(6) of this section is used or intended to be used in 3580
the operation of an aircraft and the violation creates a risk of 3581
physical harm to any person, criminal mischief committed in 3582

violation of division (A)(6) of this section is a felony of the 3583
fifth degree. If the value of the computer, computer system, 3584
computer network, computer software, computer program, or data 3585
involved in the violation of division (A)(6) of this section or 3586
the loss to the victim resulting from the violation is ten 3587
thousand dollars or more, or if the computer, computer system, 3588
computer network, computer software, computer program, or data 3589
involved in the violation of division (A)(6) of this section is 3590
used or intended to be used in the operation of an aircraft and 3591
the violation creates a substantial risk of physical harm to any 3592
person or the aircraft in question is an occupied aircraft, 3593
criminal mischief committed in violation of division (A)(6) of 3594
this section is a felony of the fourth degree. 3595

Sec. 2941.51. (A) Counsel appointed to a case or selected by 3596
an indigent person under division (E) of section 120.16 or 3597
division (E) of section 120.26 of the Revised Code, or otherwise 3598
appointed by the court, except for counsel appointed by the court 3599
to provide legal representation for a person charged with a 3600
violation of an ordinance of a municipal corporation, shall be 3601
paid for their services by the county the compensation and 3602
expenses that the trial court approves. Each request for payment 3603
shall be accompanied by a financial disclosure form and an 3604
affidavit of indigency that are completed by the indigent person 3605
on forms prescribed by the state public defender. Compensation and 3606
expenses shall not exceed the amounts fixed by the board of county 3607
commissioners pursuant to division (B) of this section. 3608

(B) The board of county commissioners shall establish a 3609
schedule of fees by case or on an hourly basis to be paid by the 3610
county for legal services provided by appointed counsel. Prior to 3611
establishing such schedule, the board shall request the bar 3612
association or associations of the county to submit a proposed 3613
schedule for cases other than capital cases. The schedule 3614

submitted shall be subject to the review, amendment, and approval 3615
of the board of county commissioners, except with respect to 3616
capital cases. With respect to capital cases, the schedule shall 3617
provide for fees by case or on an hourly basis to be paid to 3618
counsel in the amount or at the rate set by the ~~supreme court~~ 3619
capital case attorney fee council pursuant to division (D) of 3620
section 120.33 of the Revised Code, and the board of county 3621
commissioners shall approve that amount or rate. 3622

With respect to capital cases, counsel shall be paid 3623
compensation and expenses in accordance with the amount or at the 3624
rate set by the ~~supreme court~~ capital case attorney fee council 3625
pursuant to division (D) of section 120.33 of the Revised Code. 3626

(C) In a case where counsel have been appointed to conduct an 3627
appeal under Chapter 120. of the Revised Code, such compensation 3628
shall be fixed by the court of appeals or the supreme court, as 3629
provided in divisions (A) and (B) of this section. 3630

(D) The fees and expenses approved by the court under this 3631
section shall not be taxed as part of the costs and shall be paid 3632
by the county. However, if the person represented has, or 3633
reasonably may be expected to have, the means to meet some part of 3634
the cost of the services rendered to the person, the person shall 3635
pay the county an amount that the person reasonably can be 3636
expected to pay. Pursuant to section 120.04 of the Revised Code, 3637
the county shall pay to the state public defender a percentage of 3638
the payment received from the person in an amount proportionate to 3639
the percentage of the costs of the person's case that were paid to 3640
the county by the state public defender pursuant to this section. 3641
The money paid to the state public defender shall be credited to 3642
the client payment fund created pursuant to division (B)(5) of 3643
section 120.04 of the Revised Code. 3644

(E) The county auditor shall draw a warrant on the county 3645
treasurer for the payment of such counsel in the amount fixed by 3646

the court, plus the expenses that the court fixes and certifies to 3647
the auditor. The county auditor shall report periodically, but not 3648
less than annually, to the board of county commissioners and to 3649
the Ohio public defender commission the amounts paid out pursuant 3650
to the approval of the court under this section, separately 3651
stating costs and expenses that are reimbursable under section 3652
120.35 of the Revised Code. The board, after review and approval 3653
of the auditor's report, may then certify it to the state public 3654
defender for reimbursement. The request for reimbursement shall be 3655
accompanied by a financial disclosure form completed by each 3656
indigent person for whom counsel was provided on a form prescribed 3657
by the state public defender. The state public defender shall 3658
review the report and, in accordance with the standards, 3659
guidelines, and maximums established pursuant to divisions (B)(7) 3660
and (8) of section 120.04 of the Revised Code, pay fifty per cent 3661
of the total cost, other than costs and expenses that are 3662
reimbursable under section 120.35 of the Revised Code, if any, of 3663
paying appointed counsel in each county and pay fifty per cent of 3664
costs and expenses that are reimbursable under section 120.35 of 3665
the Revised Code, if any, to the board. 3666

(F) If any county system for paying appointed counsel fails 3667
to maintain the standards for the conduct of the system 3668
established by the rules of the Ohio public defender commission 3669
pursuant to divisions (B) and (C) of section 120.03 of the Revised 3670
Code or the standards established by the state public defender 3671
pursuant to division (B)(7) of section 120.04 of the Revised Code, 3672
the commission shall notify the board of county commissioners of 3673
the county that the county system for paying appointed counsel has 3674
failed to comply with its rules. Unless the board corrects the 3675
conduct of its appointed counsel system to comply with the rules 3676
within ninety days after the date of the notice, the state public 3677
defender may deny all or part of the county's reimbursement from 3678
the state provided for in this section. 3679

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, 3710
authorizing, or providing for the security or sale or award of, 3711
notes, and includes the provisions set forth or incorporated in 3712
those notes and proceedings. 3713

(3) "Board" or "board of library trustees" means the board of 3714
library trustees appointed pursuant to sections 3375.06, 3375.10, 3715
3375.12, 3375.15, 3375.22, and 3375.30 of the Revised Code. 3716

(4) "Library fund" means the public library fund provided for 3717
in Chapter 5747. of the Revised Code or any successor to that 3718
fund. 3719

(5) "Note service charges" means principal, including any 3720
mandatory sinking fund or redemption requirements for retirement 3721
of notes, interest, and any redemption premium payable on notes. 3722

(6) "Notes" means the ~~library fund~~ library facilities notes 3723
authorized by this section, including anticipation notes. 3724

(7) "Public library" means any of the libraries provided for 3725
in sections 3375.06, 3375.10, 3375.12, 3375.15, 3375.22, and 3726
3375.30 of the Revised Code. 3727

(8) "Refunding notes" means notes issued to provide for the 3728
refunding of the notes, or of obligations issued prior to ~~the~~ 3729
~~effective date of this section~~ March 4, 1996, collectively 3730
referred to in this section as refunded obligations. 3731

(B) A board of library trustees of a public library that 3732
receives an allocation of the library fund pursuant to section 3733
5705.32 and Chapter 5747. of the Revised Code may anticipate its 3734
portion of the proceeds of the library fund distribution and, if 3735
the board receives proceeds from a tax levied under section 3736
5705.23 of the Revised Code by the taxing authority of the 3737
political subdivision to whose jurisdiction the board is subject, 3738
the lawfully available proceeds of that tax and issue ~~library fund~~ 3739
library facilities notes of the public library in the principal 3740

amount necessary to pay the costs of financing the facilities or 3741
other property referred to in division (C) of section 3375.40 of 3742
the Revised Code, or to refund any refunded obligations, provided 3743
that the board projects annual note service charges on the notes, 3744
or on the notes being anticipated by anticipation notes, to be 3745
capable of being paid from the annual library fund receipts of the 3746
public library and the available proceeds of the tax. The maximum 3747
aggregate amount of notes that may be outstanding at any time in 3748
accordance with their terms upon issuance of the new notes shall 3749
not exceed an amount which requires or is estimated to require 3750
payments from library fund and tax receipts of note service 3751
charges on the notes, or, in the case of anticipation notes, 3752
projected note service charges on the notes anticipated, in any 3753
calendar year in an amount exceeding ~~thirty~~ the sum of the 3754
following: 3755

(1) Thirty per cent of the average of the library fund 3756
receipts of the public library for the two calendar years prior to 3757
the year in which the notes are issued; 3758

(2) The portion of the lawfully available proceeds from a tax 3759
levied under section 5705.23 of the Revised Code that the board 3760
has, in the authorizing proceedings, covenanted to appropriate 3761
annually for the purpose of paying note service charges or, in the 3762
case of anticipation notes, projected note service charges. A 3763

A board may at any time issue renewal anticipation notes, 3764
issue notes to pay renewal anticipation notes, and, if it 3765
considers refunding expedient, issue refunding notes whether the 3766
refunded obligations have or have not matured. The refunding notes 3767
shall be sold and the proceeds needed for such purpose applied in 3768
the manner provided in the authorizing proceedings of the board. 3769

(C) Every issue of notes outstanding in accordance with their 3770
terms shall be payable out of the money received by the public 3771
library from the library fund or from a tax levied under section 3772

5705.23 of the Revised Code or proceeds of notes, renewal 3773
anticipation notes, or refunding notes which may be pledged for 3774
such payment in the authorizing proceedings. The pledge shall be 3775
valid and binding from the time the pledge is made, and the 3776
~~library fund~~ receipts and proceeds so pledged and thereafter 3777
received by the board shall immediately be subject to the lien of 3778
that pledge without any physical delivery of the ~~library fund~~ 3779
receipts or proceeds or further act. The lien of any pledge is 3780
valid and binding as against all parties having claims of any kind 3781
in tort, contract, or otherwise against the board, whether or not 3782
such parties have notice of the lien. Neither the resolution nor 3783
any trust agreement by which a pledge is created or further 3784
evidenced need be filed or recorded except in the board's records. 3785

(D) No property tax levied under section 5705.23 of the 3786
Revised Code that is either pledged, or that a board of library 3787
trustees has covenanted to appropriate annually, to pay the note 3788
service charges and projected note service charges under this 3789
section shall be repealed while those notes are outstanding. If 3790
such a tax is reduced while those notes are outstanding, the 3791
taxing authority to whose jurisdiction the board is subject shall 3792
continue to levy and collect the tax under the authority of the 3793
original election authorizing the tax at a rate in each year that 3794
the board of library trustees reasonably estimates will produce an 3795
amount equal to the note service charges on the notes for that 3796
year. 3797

(E) Notes issued under this section do not constitute a debt, 3798
or a pledge of the faith and credit, of the state, the public 3799
library, or any other political subdivision of the state, and the 3800
holders or owners of the notes have no right to have taxes levied 3801
by the general assembly or by the taxing authority of any 3802
political subdivision of the state, including the board of the 3803
public library, for the payment of note service charges. Notes are 3804

payable solely from the funds pledged for their payment as 3805
authorized by this section. All notes shall contain on their face 3806
a statement to the effect that the notes, as to note service 3807
charges, are not debts or obligations of the state and are not 3808
debts of any political subdivision of the state, but are payable 3809
solely from the funds pledged for their payment. The utilization 3810
and pledge of the library fund receipts and tax receipts and 3811
proceeds of notes, renewal anticipation notes, or refunding notes 3812
for the payment of note service charges is determined by the 3813
general assembly to create a special obligation which is not a 3814
bonded indebtedness subject to Section 11 of Article XII, Ohio 3815
Constitution, or, alternatively, to satisfy any applicable 3816
requirement of that Section 11. 3817

~~(E)~~(F) The notes shall bear such date or dates, shall be 3818
executed in the manner, and shall mature at such time or times, in 3819
the case of any anticipation notes not exceeding ten years from 3820
the date of issue of the original anticipation notes and in the 3821
case of any notes that are not anticipation notes or of any 3822
refunding notes, not exceeding twenty-five years from the date of 3823
the original issue of notes, or other obligations for the purpose, 3824
all as the authorizing proceedings may provide. The notes shall 3825
bear interest at such rates, or at variable rate or rates changing 3826
from time to time, in accordance with provisions provided in the 3827
authorizing proceedings, be in such denominations and form, either 3828
coupon or registered, carry such registration privileges, be 3829
payable in such medium of payment and at such place or places, and 3830
be subject to such terms of redemption, as the board may authorize 3831
or provide. The notes may be sold at public or private sale, and 3832
at, or at not less than, the price or prices as the board 3833
determines. If any officer whose signature or a facsimile of whose 3834
signature appears on any notes or coupons ceases to be such 3835
officer before delivery of the notes or anticipation notes, the 3836
signature or facsimile shall nevertheless be sufficient for all 3837

purposes as if that officer had remained in office until delivery 3838
of the notes. Whether or not the notes are of such form and 3839
character as to be negotiable instruments under Title XIII of the 3840
Revised Code, the notes shall have all the qualities and incidents 3841
of negotiable instruments, subject only to any provisions for 3842
registration. Neither the members of the board nor any person 3843
executing the notes shall be liable personally on the notes or be 3844
subject to any personal liability or accountability by reason of 3845
their issuance. 3846

~~(F)~~(G) Notwithstanding any other provision of this section, 3847
sections 9.98 to 9.983, 133.02, 133.70, and 5709.76, and division 3848
(A) of section 133.03 of the Revised Code apply to the notes. 3849
Notes issued under this section need not comply with any other law 3850
applicable to notes or bonds but the authorizing proceedings may 3851
provide that divisions (B) through (E) of section 133.25 of the 3852
Revised Code apply to the notes or anticipation notes. 3853

~~(G)~~(H) Any authorizing proceedings may contain provisions, 3854
subject to any agreements with holders as may then exist, which 3855
shall be a part of the contract with the holders, as to the 3856
pledging of any or all of the board's anticipated library fund 3857
receipts and receipts from a tax levied under section 5705.23 of 3858
the Revised Code to secure the payment of the notes; the use and 3859
disposition of the library fund and tax receipts of the boards; 3860
the crediting of the proceeds of the sale of notes to and among 3861
the funds referred to or provided for in the authorizing 3862
proceedings; limitations on the purpose to which the proceeds of 3863
the notes may be applied and the pledging of portions of such 3864
proceeds to secure the payment of the notes or of anticipation 3865
notes; the agreement of the board to do all things necessary for 3866
the authorization, issuance, and sale of those notes anticipated 3867
in such amounts as may be necessary for the timely payment of note 3868
service charges on any anticipation notes; limitations on the 3869

issuance of additional notes; the terms upon which additional 3870
notes may be issued and secured; the refunding of refunded 3871
obligations; the procedure by which the terms of any contract with 3872
holders may be amended, and the manner in which any required 3873
consent to amend may be given; securing any notes by a trust 3874
agreement or other agreement which may provide for notes or 3875
refunding notes to be further secured by a mortgage on the 3876
property financed with the proceeds of the notes, anticipation 3877
notes, or refunded obligations refunded by refunding notes; and 3878
any other matters, of like or different character, that in any way 3879
affect the security or protection of the notes or anticipation 3880
notes. 3881

Sec. 3701.981. (A) As used in this section: 3882

(1) "Assessment" means either of the following: 3883

(a) A hospital community health needs assessment that meets 3884
the requirements set forth in 26 C.F.R. 1.501(r)-3(b); 3885

(b) An assessment of community health conducted by a board of 3886
health. 3887

(2) "Board of health" means the board of health of a city or 3888
general health district or the authority having the duties of a 3889
board of health under section 3709.05 of the Revised Code. 3890

(3) "Plan" means either of the following: 3891

(a) A hospital implementation strategy that meets the 3892
requirements set forth in 26 C.F.R. 1.501(r)-3(c); 3893

(b) A plan regarding improving community health created by a 3894
board of health. 3895

(4) "Tax-exempt hospital" means a nonprofit hospital or 3896
government-owned hospital that is exempt from income tax under 3897
section 501(c)(3) of the Internal Revenue Code of 1986, 26 U.S.C. 3898
1, as amended, and that under federal law is a hospital 3899

organization required to meet community health needs assessment 3900
requirements set forth in 26 C.F.R. 1.501(r)-3. 3901

(B)(1) Not later than July 1, 2017, each board of health and 3902
tax-exempt hospital shall submit to the department of health any 3903
existing plans and assessments for the most recent assessment and 3904
planning period. 3905

(2) Beginning January 1, 2020, each board of health and 3906
tax-exempt hospital shall complete assessments and plans in 3907
alignment on a three-year interval established by the department. 3908
Not later than October 1, 2020, each board of health and 3909
tax-exempt hospital shall submit to the department plans and 3910
related assessments covering years 2020 through 2022. Beginning 3911
October 1, 2023, and every three years thereafter, each board of 3912
health and tax-exempt hospital shall submit subsequent plans and 3913
related assessments to the department. The department shall 3914
provide guidance regarding submitting plans and assessments and 3915
shall provide an online repository for the plans and assessments. 3916

(C)(1) Not later than July 1, 2017, and annually thereafter, 3917
each tax-exempt hospital shall submit information to the 3918
department as follows: 3919

(a) If the hospital is not a government-owned hospital, the 3920
hospital shall submit a copy of the hospital's schedule H (form 3921
990) submitted to the internal revenue service for the preceding 3922
fiscal year, including corresponding attachments and reporting on 3923
financial assistance and means-tested government programs and 3924
community building activities in parts I and II of schedule H. 3925
Subsequent annual schedule H filings shall be submitted to the 3926
department not later than thirty days after filing with the 3927
internal revenue service. 3928

(b) If the hospital is a government-owned hospital, the 3929
hospital shall submit information that is equivalent to the 3930

information that is submitted by a hospital under division 3931
(C)(1)(a) of this section. 3932

(2) The department shall provide an online repository for 3933
schedule H and equivalent information submitted by tax-exempt 3934
hospitals. 3935

Sec. 3702.511. (A) Except as provided in division (B) of this 3936
section, the following activities are reviewable under sections 3937
3702.51 to 3702.62 of the Revised Code: 3938

(1) Establishment, development, or construction of a new 3939
long-term care facility; 3940

(2) Replacement of an existing long-term care facility; 3941

(3) Renovation of or addition to a long-term care facility 3942
that involves a capital expenditure of two million dollars or 3943
more, not including expenditures for equipment, staffing, or 3944
operational costs; 3945

(4) An increase in long-term care bed capacity; 3946

(5) A relocation of long-term care beds from one physical 3947
facility or site to another, excluding relocation of beds within a 3948
long-term care facility or among buildings of a long-term care 3949
facility at the same site; 3950

(6) Expenditure of more than one hundred ten per cent of the 3951
maximum expenditure specified in a certificate of need concerning 3952
long-term care beds; 3953

(7) Any failure to conduct a reviewable activity in 3954
substantial accordance with the approved application for which a 3955
certificate of need was granted, including a change in the site, 3956
if the failure occurs within five years after implementation of 3957
the reviewable activity for which the certificate was granted. 3958

(B) The following activities are not subject to review under 3959

sections 3702.51 to 3702.62 of the Revised Code:	3960
(1) Acquisition of computer hardware or software;	3961
(2) Acquisition of a telephone system;	3962
(3) Construction or acquisition of parking facilities;	3963
(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;	3964 3965 3966 3967
(5) Acquisition of an existing long-term care facility that does not involve a change in the number of the beds;	3968 3969
(6) Mergers, consolidations, or other corporate reorganizations of long-term care facilities that do not involve a change in the number of beds;	3970 3971 3972
(7) Construction, repair, or renovation of bathroom facilities;	3973 3974
(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;	3975 3976 3977 3978
(9) Removal of asbestos from a health care facility.	3979
Only that portion of a project that is described in this division is not reviewable.	3980 3981
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	3982 3983 3984 3985 3986 3987 3988

as provided in division (D) of section 4141.26 of the Revised 3989
Code, that rate shall remain effective throughout such 3990
contribution period. The rate of contribution shall be determined 3991
in accordance with the following requirements: 3992

(1) An employer whose experience does not meet the terms of 3993
division (A)(2) of this section shall be assigned a standard rate 3994
of contribution. Effective for contribution periods beginning on 3995
and after January 1, 1998, an employer's standard rate of 3996
contribution shall be a rate of two and seven-tenths per cent, 3997
except that the rate for employers engaged in the construction 3998
industry shall be the average contribution rate computed for the 3999
construction industry or a rate of two and seven-tenths per cent, 4000
whichever is greater. The standard rate set forth in this division 4001
shall be applicable to a nonprofit organization whose election to 4002
make payments in lieu of contributions is voluntarily terminated 4003
or canceled by the director under section 4141.241 of the Revised 4004
Code, and thereafter pays contributions as required by this 4005
section. If such nonprofit organization had been a contributory 4006
employer prior to its election to make payments in lieu of 4007
contributions, then any prior balance in the contributory account 4008
shall become part of the reactivated account. 4009

As used in division (A) of this section, "the average 4010
contribution rate computed for the construction industry" means 4011
the most recent annual average rate attributable to the 4012
construction industry as prescribed by the director. 4013

(2) A contributing employer subject to this chapter shall 4014
qualify for an experience rate only if there have been four 4015
consecutive quarters, ending on the thirtieth day of June 4016
immediately prior to the computation date, throughout which the 4017
employer's account was chargeable with benefits. Upon meeting the 4018
qualifying requirements provided in division (A)(2) of this 4019
section, the director shall calculate the total credits to each 4020

employer's account consisting of the contributions other than 4021
mutualized contributions including all contributions paid prior to 4022
the computation date for all past periods plus: 4023

(a) The contributions owing on the computation date that are 4024
paid within thirty days after the computation date, and credited 4025
to the employer's account; 4026

(b) All voluntary contributions paid by an employer pursuant 4027
to division (B) of section 4141.24 of the Revised Code. 4028

(3) The director also shall determine the benefits which are 4029
chargeable to each employer's account and which were paid prior to 4030
the computation date with respect to weeks of unemployment ending 4031
prior to the computation date. The director then shall determine 4032
the positive or negative balance of each employer's account by 4033
calculating the excess of such contributions and interest over the 4034
benefits chargeable, or the excess of such benefits over such 4035
contributions and interest. Any resulting negative balance then 4036
shall be subject to adjustment as provided in division (A)(2) of 4037
section 4141.24 of the Revised Code after which the positive or 4038
negative balance shall be expressed in terms of a percentage of 4039
the employer's average annual payroll. If the total standing to 4040
the credit of an employer's account exceeds the total charges, as 4041
provided in this division, the employer has a positive balance and 4042
if such charges exceed such credits the employer has a negative 4043
balance. Each employer's contribution rate shall then be 4044
determined in accordance with the following schedule: 4045

Contribution Rate Schedule 4046

If, as of the computation date	The employer's	4047
the contribution rate balance of	contribution rate for	4048
an employer's account as a	the next succeeding	4049
percentage of the employer's	contribution period	4050
average annual payroll is	shall be	4051
(a) A negative balance of:		4052

20.0% or more	6.5%	4053
19.0% but less than 20.0%	6.4%	4054
17.0% but less than 19.0%	6.3%	4055
15.0% but less than 17.0%	6.2%	4056
13.0% but less than 15.0%	6.1%	4057
11.0% but less than 13.0%	6.0%	4058
9.0% but less than 11.0%	5.9%	4059
5.0% but less than 9.0%	5.7%	4060
4.0% but less than 5.0%	5.5%	4061
3.0% but less than 4.0%	5.3%	4062
2.0% but less than 3.0%	5.1%	4063
1.0% but less than 2.0%	4.9%	4064
more than 0.0% but less than 1.0%	4.8%	4065
(b) A 0.0% or a positive balance of less than 1.0%	4.7%	4066 4067
(c) A positive balance of:		4068
1.0% or more, but less than 1.5%	4.6%	4069
1.5% or more, but less than 2.0%	4.5%	4070
2.0% or more, but less than 2.5%	4.3%	4071
2.5% or more, but less than 3.0%	4.0%	4072
3.0% or more, but less than 3.5%	3.8%	4073
3.5% or more, but less than 4.0%	3.5%	4074
4.0% or more, but less than 4.5%	3.3%	4075
4.5% or more, but less than 5.0%	3.0%	4076
5.0% or more, but less than 5.5%	2.8%	4077
5.5% or more, but less than 6.0%	2.5%	4078
6.0% or more, but less than 6.5%	2.2%	4079
6.5% or more, but less than 7.0%	2.0%	4080
7.0% or more, but less than 7.5%	1.8%	4081
7.5% or more, but less than 8.0%	1.6%	4082
8.0% or more, but less than 8.5%	1.4%	4083
8.5% or more, but less than 9.0%	1.3%	4084

9.0% or more, but less than 9.5%	1.1%	4085
9.5% or more, but less than 10.0%	1.0%	4086
10.0% or more, but less than 10.5%	.9%	4087
10.5% or more, but less than 11.0%	.7%	4088
11.0% or more, but less than 11.5%	.6%	4089
11.5% or more, but less than 12.0%	.5%	4090
12.0% or more, but less than 12.5%	.4%	4091
12.5% or more, but less than 13.0%	.3%	4092
13.0% or more, but less than 14.0%	.2%	4093
14.0% or more	.1%	4094

(d) The contribution rates shall be as specified in divisions 4095
(a), (b), and (c) of the contribution rate schedule except that 4096
notwithstanding the amendments made to division (a) of the 4097
contribution rate schedule in this section, if, as of the 4098
computation date: for 1991, the negative balance is 5.0% or more, 4099
the contribution rate shall be 5.7%; for 1992, if the negative 4100
balance is 11.0% or more, the contribution rate shall be 6.0%; and 4101
for 1993, if the negative balance is 17.0% or more, the 4102
contribution rate shall be 6.3%. Thereafter, the contribution 4103
rates shall be as specified in the contribution rate schedule. 4104

(B)(1) The director shall establish and maintain a separate 4105
account to be known as the "mutualized account." As of each 4106
computation date there shall be charged to this account: 4107

(a) As provided in division (A)(2) of section 4141.24 of the 4108

Revised Code, an amount equal to the sum of that portion of the 4109
negative balances of employer accounts which exceeds the 4110
applicable limitations as such balances are computed under 4111
division (A) of this section as of such date; 4112

(b) An amount equal to the sum of the negative balances 4113
remaining in employer accounts which have been closed during the 4114
year immediately preceding such computation date pursuant to 4115
division (E) of section 4141.24 of the Revised Code; 4116

(c) An amount equal to the sum of all benefits improperly 4117
paid preceding such computation date which are not recovered but 4118
which are not charged to an employer's account, or which after 4119
being charged, are credited back to an employer's account; 4120

(d) An amount equal to the sum of any other benefits paid 4121
preceding such computation date which, under this chapter, are not 4122
chargeable to an employer's account; 4123

(e) An amount equal to the sum of any refunds made during the 4124
year immediately preceding such computation date of erroneously 4125
collected mutualized contributions required by this division which 4126
were previously credited to this account; 4127

(f) An amount equal to the sum of any repayments made to the 4128
federal government during the year immediately preceding such 4129
computation date of amounts which may have been advanced by it to 4130
the unemployment compensation fund under section 1201 of the 4131
"Social Security Act," 49 Stat. 648 (1935), 42 U.S.C. 301; 4132

(g) Any amounts appropriated by the general assembly out of 4133
funds paid by the federal government, under section 903 of the 4134
"Social Security Act," to the account of this state in the federal 4135
unemployment trust fund. 4136

(2) As of every computation date there shall be credited to 4137
the mutualized account provided for in this division: 4138

(a) The proceeds of the mutualized contributions as provided	4139
in this division;	4140
(b) Any positive balances remaining in employer accounts	4141
which are closed as provided in division (E) of section 4141.24 of	4142
the Revised Code;	4143
(c) Any benefits improperly paid which are recovered but	4144
which cannot be credited to an employer's account;	4145
(d) All amounts which may be paid by the federal government	4146
under section 903 of the "Social Security Act" to the account of	4147
this state in the federal unemployment trust fund;	4148
(e) Amounts advanced by the federal government to the account	4149
of this state in the federal unemployment trust fund under section	4150
1201 of the "Social Security Act" to the extent such advances have	4151
been repaid to or recovered by the federal government;	4152
(f) Interest credited to the Ohio unemployment trust fund as	4153
deposited with the secretary of the treasury of the United States;	4154
(g) Amounts deposited into the unemployment compensation fund	4155
for penalties collected pursuant to division (A)(4) of section	4156
4141.35 of the Revised Code.	4157
(3) Annually, as of the computation date, the director shall	4158
determine the total credits and charges made to the mutualized	4159
account during the preceding twelve months and the overall	4160
condition of the account. The director shall issue an annual	4161
statement containing this information and such other information	4162
as the director deems pertinent, including a report that the sum	4163
of the balances in the mutualized account, employers' accounts,	4164
and any subsidiary accounts equal the balance in the state's	4165
unemployment trust fund maintained under section 904 of the	4166
"Social Security Act."	4167
(4) As used in this division:	4168

(a) "Fund as of the computation date" means as of any 4169
computation date, the aggregate amount of the unemployment 4170
compensation fund, including all contributions owing on the 4171
computation date that are paid within thirty days thereafter, all 4172
payments in lieu of contributions that are paid within sixty days 4173
after the computation date, all reimbursements of the federal 4174
share of extended benefits described in section 4141.301 of the 4175
Revised Code that are owing on the computation date, and all 4176
interest earned by the fund and received on or before the 4177
computation date from the federal government. 4178

(b) "Minimum safe level" means an amount equal to two 4179
standard deviations above the average of the adjusted annual 4180
average unemployment compensation benefit payment from 1970 to the 4181
most recent calendar year prior to the computation date, as 4182
determined by the director pursuant to division (B)(4)(b) of this 4183
section. To determine the adjusted annual payment of unemployment 4184
compensation benefits, the director first shall multiply the 4185
number of weeks compensated during each calendar year beginning 4186
with 1970 by the most recent annual average weekly unemployment 4187
compensation benefit payment and then compute the average and 4188
standard deviation of the resultant products. 4189

(c) "Annual average weekly unemployment compensation benefit 4190
payment" means the amount resulting from dividing the unemployment 4191
compensation benefits paid from the benefit account maintained 4192
within the unemployment compensation fund pursuant to section 4193
4141.09 of the Revised Code, by the number of weeks compensated 4194
during the same time period. 4195

(5) If, as of any computation date, the charges to the 4196
mutualized account during the entire period subsequent to the 4197
computation date, July 1, 1966, made in accordance with division 4198
(B)(1) of this section, exceed the credits to such account 4199
including mutualized contributions during such period, made in 4200

accordance with division (B)(2) of this section, the amount of 4201
such excess charges shall be recovered during the next 4202
contribution period. To recover such amount, the director shall 4203
compute the percentage ratio of such excess charges to the average 4204
annual payroll of all employers eligible for an experience rate 4205
under division (A) of this section. The percentage so determined 4206
shall be computed to the nearest tenth of one per cent and shall 4207
be an additional contribution rate to be applied to the wages paid 4208
by each employer whose rate is computed under the provisions of 4209
division (A) of this section in the contribution period next 4210
following such computation date, but such percentage shall not 4211
exceed five-tenths of one per cent; however, when there are any 4212
excess charges in the mutualized account, as computed in this 4213
division, then the mutualized contribution rate shall not be less 4214
than one-tenth of one per cent. 4215

(6) If the fund as of the computation date is above or below 4216
minimum safe level, the contribution rates provided for in each 4217
classification in division (A)(3) of this section for the next 4218
contribution period shall be adjusted as follows: 4219

(a) If the fund is thirty per cent or more above minimum safe 4220
level, the contribution rates provided in division (A)(3) of this 4221
section shall be decreased two-tenths of one per cent. 4222

(b) If the fund is more than fifteen per cent but less than 4223
thirty per cent above minimum safe level, the contribution rates 4224
provided in division (A)(3) of this section shall be decreased 4225
one-tenth of one per cent. 4226

(c) If the fund is more than fifteen per cent but less than 4227
thirty per cent below minimum safe level, the contribution rates 4228
of all employers shall be increased twenty-five one-thousandths of 4229
one per cent plus a per cent increase calculated and rounded 4230
pursuant to division (B)(6)(g) of this section. 4231

(d) If the fund is more than thirty per cent but less than 4232
forty-five per cent below minimum safe level, the contribution 4233
rates of all employers shall be increased seventy-five 4234
one-thousandths of one per cent plus a per cent increase 4235
calculated and rounded pursuant to division (B)(6)(g) of this 4236
section. 4237

(e) If the fund is more than forty-five per cent but less 4238
than sixty per cent below minimum safe level, the contribution 4239
rates of all employers shall be increased one-eighth of one per 4240
cent plus a per cent increase calculated and rounded pursuant to 4241
division (B)(6)(g) of this section. 4242

(f) If the fund is sixty per cent or more below minimum safe 4243
level, the contribution rates of all employers shall be increased 4244
two-tenths of one per cent plus a per cent increase calculated and 4245
rounded pursuant to division (B)(6)(g) of this section. 4246

(g) The additional per cent increase in contribution rates 4247
required by divisions (B)(6)(c), (d), (e), and (f) of this section 4248
that is payable by each individual employer shall be calculated in 4249
the following manner. The flat rate increase required by a 4250
particular division shall be increased by the amount required 4251
under division (B)(7) of this section, if applicable, and that sum 4252
shall be multiplied by three and the product divided by the 4253
average experienced-rated contribution rate for all employers as 4254
determined by the director for the most recent calendar year. The 4255
resulting quotient shall be multiplied by an individual employer's 4256
contribution rate determined pursuant to division (A)(3) of this 4257
section. The resulting product shall be rounded to the nearest 4258
tenth of one per cent, added to the flat rate increase required by 4259
division (B)(6)(c), (d), (e), or (f) of this section, as 4260
appropriate, and the total shall be rounded to the nearest tenth 4261
of one per cent. As used in division (B)(6)(g) of this section, 4262
the "average experienced-rated contribution rate" means the most 4263

recent annual average contribution rate reported by the director 4264
contained in report RS 203.2 less the mutualized and minimum safe 4265
level contribution rates included in such rate. 4266

(h) If any of the increased contribution rates of division 4267
(B)(6)(c), (d), (e), or (f) of this section are imposed, the rate 4268
shall remain in effect for the calendar year in which it is 4269
imposed and for each calendar year thereafter until the director 4270
determines as of the computation date for calendar year 1991 and 4271
as of the computation date for any calendar year thereafter 4272
pursuant to this section, that the level of the unemployment 4273
compensation fund equals or exceeds the minimum safe level as 4274
defined in division (B)(4)(b) of this section. Nothing in division 4275
(B)(6)(h) of this section shall be construed as restricting the 4276
imposition of the increased contribution rates provided in 4277
divisions (B)(6)(c), (d), (e), and (f) of this section if the fund 4278
falls below the percentage of the minimum safe level as specified 4279
in those divisions. 4280

(7)(a) If, as of the computation date, an outstanding balance 4281
for advances made to the state under section 1201 of the "Social 4282
Security Act," 42 U.S.C. 1321, exists, the contribution rates of 4283
all contributory employers subject to an experience rate under 4284
division (A)(2) of this section shall be increased, as determined 4285
by the director, in an amount up to five-tenths of one per cent 4286
for the purpose of eliminating the principal on any outstanding 4287
balance of the advances. 4288

(b) If the increase in contribution rates under division 4289
(B)(7)(a) of this section is imposed, the increase shall remain in 4290
effect for each calendar year thereafter until the earlier of the 4291
following: 4292

(i) The principal on any outstanding balance of the advances 4293
has been eliminated. 4294

(ii) The director determines that the total credits allowable 4295
against the tax imposed by section 3301 of the "Federal 4296
Unemployment Tax Act," 26 U.S.C. 3301, for employers of the state 4297
will be reduced pursuant to section 3302(c)(2) of the "Federal 4298
Unemployment Tax Act," 26 U.S.C. 3302(c)(2) for that calender 4299
year. 4300

(8) The additional contributions required by division (B)(5) 4301
of this section shall be credited to the mutualized account. The 4302
additional contributions required by ~~division~~ divisions (B)(6) and 4303
(7) of this section shall be credited fifty per cent to individual 4304
employer accounts and fifty per cent to the mutualized account. 4305

(C) If an employer makes a payment of contributions which is 4306
less than the full amount required by this section and sections 4307
4141.23, 4141.24, 4141.241, 4141.242, 4141.25, 4141.26, and 4308
4141.27 of the Revised Code, such partial payment shall be applied 4309
first against the mutualized contributions required under this 4310
chapter. Any remaining partial payment shall be credited to the 4311
employer's individual account. 4312

(D) Whenever there are any increases in contributions 4313
resulting from an increase in wages subject to contributions as 4314
defined in division (G) of section 4141.01 of the Revised Code, or 4315
from an increase in the mutualized rate of contributions provided 4316
in division (B) of this section, or from a revision of the 4317
contribution rate schedule provided in division (A) of this 4318
section, except for that portion of the increase attributable to a 4319
change in the positive or negative balance in an employer's 4320
account, which increases become effective after a contract for the 4321
construction of real property, as defined in section 5701.02 of 4322
the Revised Code, has been entered into, the contractee upon 4323
written notice by a prime contractor shall reimburse the 4324
contractor for all increased contributions paid by the prime 4325
contractor or by subcontractors upon wages for services performed 4326

under the contract. Upon reimbursement by the contractee to the 4327
prime contractor, the prime contractor shall reimburse each 4328
subcontractor for the increased contributions. 4329

(E) Effective only for the contribution period beginning on 4330
January 1, 1996, and ending on December 31, 1996, mutualized 4331
contributions collected or received by the director pursuant to 4332
division (B)(5) of this section and amounts credited to the 4333
mutualized account pursuant to division (B)~~(7)~~(8) of this section 4334
shall be deposited into or credited to the unemployment 4335
compensation benefit reserve fund that is created under division 4336
(F) of this section, except that amounts collected, received, or 4337
credited in excess of two hundred million dollars shall be 4338
deposited into or credited to the unemployment trust fund 4339
established pursuant to section 4141.09 of the Revised Code. 4340

(F) The state unemployment compensation benefit reserve fund 4341
is hereby created as a trust fund in the custody of the treasurer 4342
of state and shall not be part of the state treasury. The fund 4343
shall consist of all moneys collected or received as mutualized 4344
contributions pursuant to division (B)(5) of this section and 4345
amounts credited to the mutualized account pursuant to division 4346
(B)~~(7)~~(8) of this section as provided by division (E) of this 4347
section. All moneys in the fund shall be used solely to pay 4348
unemployment compensation benefits in the event that funds are no 4349
longer available for that purpose from the unemployment trust fund 4350
established pursuant to section 4141.09 of the Revised Code. 4351

(G) The balance in the unemployment compensation benefit 4352
reserve fund remaining at the end of the contribution period 4353
beginning January 1, 2000, and any mutualized contribution amounts 4354
for the contribution period beginning on January 1, 1996, that may 4355
be received after December 31, 2000, shall be deposited into the 4356
unemployment trust fund established pursuant to section 4141.09 of 4357
the Revised Code. Income earned on moneys in the state 4358

unemployment compensation benefit reserve fund shall be available 4359
for use by the director only for the purposes described in 4360
division (I) of this section, and shall not be used for any other 4361
purpose. 4362

(H) The unemployment compensation benefit reserve fund 4363
balance shall be added to the unemployment trust fund balance in 4364
determining the minimum safe level tax to be imposed pursuant to 4365
division (B) of this section and shall be included in the 4366
mutualized account balance for the purpose of determining the 4367
mutualized contribution rate pursuant to division (B)(5) of this 4368
section. 4369

(I) All income earned on moneys in the unemployment 4370
compensation benefit reserve fund from the investment of the fund 4371
by the treasurer of state shall accrue to the department of job 4372
and family services automation administration fund, which is 4373
hereby established in the state treasury. Moneys within the 4374
automation administration fund shall be used to meet the costs 4375
related to automation of the department and the administrative 4376
costs related to collecting and accounting for unemployment 4377
compensation benefit reserve fund revenue. Any funds remaining in 4378
the automation administration fund upon completion of the 4379
department's automation projects that are funded by that fund 4380
shall be deposited into the unemployment trust fund established 4381
pursuant to section 4141.09 of the Revised Code. 4382

(J) The director shall prepare and submit monthly reports to 4383
the unemployment compensation advisory commission with respect to 4384
the status of efforts to collect and account for unemployment 4385
compensation benefit reserve fund revenue and the costs related to 4386
collecting and accounting for that revenue. The director shall 4387
obtain approval from the unemployment compensation advisory 4388
commission for expenditure of funds from the department of job and 4389
family services automation administration fund. Funds may be 4390

approved for expenditure for purposes set forth in division (I) of 4391
this section only to the extent that federal or other funds are 4392
not available. 4393

Sec. 4141.251. (A) Beginning October 1, 2016, if the director 4394
of job and family services has paid interest charged under section 4395
1202(b) of the "Social Security Act," 42 U.S.C. 1322(b), for an 4396
advance made to the state under section 1201 of the "Social 4397
Security Act," 42 U.S.C. 1321, from the unemployment compensation 4398
interest contingency fund created in this section, the director 4399
shall require each contributory employer to pay a surcharge in 4400
accordance with this section. 4401

(B) If division (A) of this section applies, the director 4402
shall determine the amount of a surcharge to assess against each 4403
contributory employer that generates an amount not greater in the 4404
aggregate than the amount sufficient to repay the fund for the 4405
amount of that interest paid. The director shall determine the 4406
amount of the surcharge on a flat rate basis. 4407

(C) The director shall collect any surcharge due under this 4408
section at the same time and in the same manner as contributions 4409
due under section 4141.25 of the Revised Code. The director shall 4410
provide notice to each employer subject to a surcharge under this 4411
section, either upon the quarterly contribution report due from 4412
each employer under section 4141.20 of the Revised Code or by 4413
other appropriate notice, a separate listing of the amount of any 4414
surcharge due under this section. Surcharge payments made pursuant 4415
to this section shall not be used to satisfy an employer's 4416
contribution obligations under section 4141.25 of the Revised 4417
Code. 4418

(D) If an employer makes a payment that is insufficient to 4419
pay the amount of contributions due under this chapter and the 4420
amount of a surcharge due under this section, the partial payment 4421

shall be applied first against the surcharge due under this 4422
section. The director shall apply any remaining amounts from the 4423
partial payment in the following order: 4424

(1) Against any mutualized contributions due under this 4425
chapter; 4426

(2) To the credit of the employer's individual account; 4427

(3) Against any interest, forfeiture, and fines due under 4428
this chapter. 4429

(E) Any surcharge due from an employer under this section, if 4430
not paid when due, shall be treated the same as delinquent 4431
contributions under section 4141.23 of the Revised Code. Any 4432
forfeiture or interest payments associated with the collection of 4433
the surcharge shall be deposited consistent with forfeiture and 4434
interest associated with contributions, pursuant to section 4435
4141.11 of the Revised Code. 4436

(F) There is hereby created in the state treasury the 4437
unemployment compensation interest contingency fund. The fund 4438
shall be used to pay interest charged under section 1202(b) of the 4439
"Social Security Act," 42 U.S.C. 1322(b) on advances made to the 4440
state under section 1201 of the "Social Security Act," 42 U.S.C. 4441
1321. Any interest earned on the money in the fund shall be 4442
retained in the fund. The director shall deposit amounts received 4443
pursuant to the surcharge assessed under this section in the fund. 4444

Sec. 4741.11. Whenever an applicant for a license to practice 4445
veterinary medicine has graduated from a veterinary college 4446
approved by the state veterinary medical licensing board or 4447
accredited by the American veterinary medical association or has 4448
been issued a certificate on or after May 1, 1987, by the 4449
education commission for foreign veterinary graduates of the 4450
American veterinary medical association or by the program for the 4451

assessment of veterinary education equivalence of the American 4452
association of veterinary state boards, has passed the nationally 4453
recognized examination approved by the state veterinary medical 4454
licensing board in accordance with rules adopted by the board, and 4455
is not in violation of this chapter, the board shall issue a 4456
certificate of license to that effect, signed by the members and 4457
bearing the seal of the board. The certificate shall show that the 4458
successful applicant has qualified under the laws of this state 4459
and the requirements of the board and that the applicant is duly 4460
licensed and qualified to practice veterinary medicine. 4461

Sec. 5145.162. (A) There is hereby created the office of 4462
enterprise development advisory board to advise and assist the 4463
department of rehabilitation and correction with the creation of 4464
training programs and jobs for inmates and releasees through 4465
partnerships with private sector businesses. The board shall 4466
consist of at least five appointed members and the ~~executive~~ 4467
~~director of the office of~~ staff representative assigned by the 4468
correctional institution inspection committee, who shall serve as 4469
an ex officio member. Each member shall have experience in labor 4470
relations, marketing, business management, or business. The 4471
members and chairperson shall be appointed by the director of the 4472
department of rehabilitation and correction. 4473

(B) Each member of the advisory board shall receive no 4474
compensation but may be reimbursed for expenses actually and 4475
necessarily incurred in the performance of official duties of the 4476
board. Members of the board who are state employees shall be 4477
reimbursed for expenses pursuant to travel rules promulgated by 4478
the office of budget and management. 4479

(C) The advisory board shall adopt procedures for the conduct 4480
of the board's meetings. The board shall meet at least once every 4481
quarter, and otherwise shall meet at the call of the chairperson 4482

or the director of the department of rehabilitation and 4483
correction. Sixty per cent of the members shall constitute a 4484
quorum. No transaction of the board's business shall be taken 4485
without the concurrence of a quorum of the members. The board may 4486
have committees with persons who are not members of the board but 4487
whose experience and expertise is relevant and useful to the work 4488
of the committee. 4489

(D) The advisory board shall have the following duties: 4490

(1) Solicit business proposals offering job training, 4491
apprenticeship, education programs, and employment opportunities 4492
for inmates and releasees; 4493

(2) Provide information and input to the office of enterprise 4494
development to support the job training and employment program of 4495
inmates and releasees and any additional, related duties as 4496
requested by the director of the department of rehabilitation and 4497
correction; 4498

(3) Recommend to the office of enterprise development any 4499
legislation, administrative rule, or department policy change that 4500
the board believes is necessary to implement the department's 4501
program; 4502

(4) Promote public awareness of the office of enterprise 4503
development and the office's employment program; 4504

(5) Familiarize itself and the public with avenues to access 4505
the office of enterprise development on employment program 4506
concerns; 4507

(6) Advocate for the needs and concerns of the office of 4508
enterprise development in local communities, counties, and the 4509
state; 4510

(7) Play an active role in the office of enterprise 4511
development's efforts to reduce recidivism in the state by doing 4512

all of the following:	4513
(a) Providing input and making recommendations for the office's consideration in monitoring employment program compliance and effectiveness;	4514 4515 4516
(b) Making suggestions on the appropriate priorities for the office's grant award criteria;	4517 4518
(c) Being a liaison between the office and constituents of the board's members;	4519 4520
(d) Working to develop constituent groups interested in employment program issues;	4521 4522
(8) Aid in the employment program development process by playing a leadership role in professional associations by discussing employment program issues.	4523 4524 4525
(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.	4526 4527 4528 4529 4530 4531 4532 4533
Sec. 5302.01. The forms set forth in sections 5302.05, 5302.07, 5302.09, 5302.11, 5302.12, 5302.14, and 5302.17, <u>and</u> <u>5302.31</u> 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	4534 4535 4536 4537 4538 4539 4540 4541 4542

method of incorporation as indicated in the statutory forms shall 4543
be sufficient, but shall not preclude other methods. 4544

Sec. 5302.31. A deed in substance following the form set 4545
forth in this section, when duly executed in accordance with 4546
Chapter 5301. of the Revised Code, has the force and effect of a 4547
deed in fee simple to the grantee, the grantee's heirs, assigns, 4548
and successors, to the grantee's and the grantee's heirs', 4549
assigns', and successors' own use, with covenants on the part of 4550
the grantor with the grantee, the grantee's heirs, assigns, and 4551
successors, that, at the time of the delivery of that deed, the 4552
grantor was duly appointed, qualified, and acting in the fiduciary 4553
capacity described in that deed, and was duly authorized to make 4554
the sale and conveyance of the premises; and that in all of the 4555
grantor's proceedings in the sale of the premises the grantor has 4556
complied with the requirements of the statutes in such case 4557
provided. 4558

"Private Selling Officer's Deed 4559

Ohio Revised Code § 2329.152 4560

Case No. 4561

I,, a private selling officer as 4562
defined in section 2329.01 of the Revised Code, pursuant to the 4563
Order of Sale entered on, the Confirmation of 4564
Sale entered on, and in consideration of the sum 4565
of \$....., the receipt whereof is hereby 4566
acknowledged, do hereby grant, sell, and convey unto 4567
....., tax mailing address 4568
....., all the rights, title, and interest of 4569
the parties in Court of Common Pleas, County, 4570
Ohio, Case No., vs. 4571
....., and all pleadings therein incorporated 4572
herein by reference in and to the following Lands and Tenements 4573

<u>situated in the County of</u> and State of Ohio,	4574
<u>known and described as follows, to-wit:</u>	4575
<u>(description of land or interest therein)</u>	4576
<u>This deed does not reflect any restrictions, conditions, or</u>	4577
<u>easements of record.</u>	4578
<u>Prior Owner:</u>	4579
<u>Prior Instrument Reference:</u>	4580
<u>Executed this day of</u>	4581
<u>.....</u>	4582
<u>(signature of private selling officer)</u>	4583
<u>Auctioneer License #</u>	4584
<u>Real Estate Broker License #.....</u>	4585
<u>(Execution in accordance with Chapter 5301. of the Revised</u>	4586
<u>Code)"</u>	4587
Sec. 5537.02. (A) There is hereby created a commission to be	4588
known on and after July 1, 2013, as the "Ohio turnpike and	4589
infrastructure commission." The commission is a body both	4590
corporate and politic, constituting an instrumentality of the	4591
state, and the exercise by it of the powers conferred by this	4592
chapter in the construction, operation, and maintenance of the	4593
Ohio turnpike system, and also in entering into agreements with	4594
the department of transportation to pay the cost or a portion of	4595
the costs of infrastructure projects, are and shall be held to be	4596
essential governmental functions of the state, but the commission	4597
shall not be immune from liability by reason thereof. Chapter	4598
2744. of the Revised Code applies to the commission and the	4599
commission is a political subdivision of the state for purposes of	4600
that chapter. The commission is subject to all provisions of law	4601
generally applicable to state agencies which do not conflict with	4602

this chapter. 4603

(B)(1) The commission shall consist of ten members as 4604
follows: 4605

(a) Six members appointed by the governor with the advice and 4606
consent of the senate, no more than three of whom shall be members 4607
of the same political party; 4608

(b) The director of transportation, or the director's 4609
designee, who shall be a voting member, and the director of budget 4610
and management, ~~both of whom~~ or the director's designee. The 4611
directors or their designees, as applicable, shall serve as ex 4612
officio members, without compensation; 4613

(c) One member of the senate, appointed by the president of 4614
the senate, who shall represent either a district in which is 4615
located or through which passes a portion of a turnpike project 4616
that is part of the Ohio turnpike system or a district located in 4617
the vicinity of a turnpike project that is part of the Ohio 4618
turnpike system; 4619

(d) One member of the house of representatives, appointed by 4620
the speaker of the house of representatives, who shall represent 4621
either a district in which is located or through which passes a 4622
portion of a turnpike project that is part of the Ohio turnpike 4623
system or a district located in the vicinity of a turnpike project 4624
that is part of the Ohio turnpike system. 4625

(2) The members appointed by the governor shall be residents 4626
of the state, shall have been qualified electors therein for a 4627
period of at least five years next preceding their appointment. In 4628
making the appointments, the governor may appoint persons who 4629
reside in different geographic areas of the state, taking into 4630
consideration the various turnpike and infrastructure projects in 4631
the state. Members appointed to the commission prior to July 1, 4632
2013, shall serve terms of eight years commencing on the first day 4633

of July and ending on the thirtieth day of June. Thereafter, 4634
members appointed by the governor shall serve terms of five years 4635
commencing on the first day of July and ending on the thirtieth 4636
day of June. Those members appointed by the president of the 4637
senate or the speaker of the house of representatives shall serve 4638
a term of the remainder of the general assembly during which the 4639
senator or representative is appointed. Each appointed member 4640
shall hold office from the date of appointment until the end of 4641
the term for which the member was appointed. If a commission 4642
member dies or resigns, or if a senator or representative who is a 4643
member of the commission ceases to be a senator or representative, 4644
or if an ex officio member ceases to hold the applicable office, 4645
the vacancy shall be filled in the same manner as provided in 4646
division (B)(1) of this section. Any member who fills a vacancy 4647
occurring prior to the end of the term for which the member's 4648
predecessor was appointed shall, if appointed by the governor, 4649
hold office for the remainder of such term or, if appointed by the 4650
president of the senate or the speaker of the house of 4651
representatives, shall hold office for the remainder of the term 4652
or for a shorter period of time as determined by the president or 4653
the speaker. Any member appointed by the governor shall continue 4654
in office subsequent to the expiration date of the member's term 4655
until the member's successor takes office, or until a period of 4656
sixty days has elapsed, whichever occurs first. A member of the 4657
commission is eligible for reappointment. Each member of the 4658
commission appointed by the governor, before entering upon the 4659
member's duties, shall take an oath as provided by Section 7 of 4660
Article XV, Ohio Constitution. The governor, the president of the 4661
senate, or the speaker of the house of representatives, may at any 4662
time remove their respective appointees to the commission for 4663
misfeasance, nonfeasance, or malfeasance in office. 4664

(3)(a) A member of the commission who is appointed by the 4665
president of the senate or the speaker of the house of 4666

representatives shall not participate in any vote of the 4667
commission. Serving as an appointed member of the commission under 4668
divisions (B)(1)(c), (1)(d), or (2) of this section does not 4669
constitute grounds for resignation from the senate or the house of 4670
representatives under section 101.26 of the Revised Code. 4671

(b) The director of budget and management shall not 4672
participate in any vote of the commission. 4673

(C) The voting members of the commission shall elect one of 4674
the voting members as chairperson and another as vice-chairperson, 4675
and shall appoint a secretary-treasurer who need not be a member 4676
of the commission. Four of the voting members of the commission 4677
constitute a quorum, and the affirmative vote of four voting 4678
members is necessary for any action taken by the commission. No 4679
vacancy in the membership of the commission impairs the rights of 4680
a quorum to exercise all the rights and perform all the duties of 4681
the commission. 4682

(D) Each member of the commission appointed by the governor 4683
shall give a surety bond to the commission in the penal sum of 4684
twenty-five thousand dollars and the secretary-treasurer shall 4685
give such a bond in at least the penal sum of fifty thousand 4686
dollars. The commission may require any of its officers or 4687
employees to file surety bonds including a blanket bond as 4688
provided in section 3.06 of the Revised Code. Each such bond shall 4689
be in favor of the commission and shall be conditioned upon the 4690
faithful performance of the duties of the office, executed by a 4691
surety company authorized to transact business in this state, 4692
approved by the governor, and filed in the office of the secretary 4693
of state. The costs of the surety bonds shall be paid or 4694
reimbursed by the commission from revenues. Each member of the 4695
commission appointed by the governor shall receive an annual 4696
salary of five thousand dollars, payable in monthly installments. 4697
Each member shall be reimbursed for the member's actual expenses 4698

necessarily incurred in the performance of the member's duties. 4699
All costs and expenses incurred by the commission in carrying out 4700
this chapter shall be payable solely from revenues and state 4701
taxes, and no liability or obligation shall be incurred by the 4702
commission beyond the extent to which revenues have been provided 4703
for pursuant to this chapter. 4704

Sec. 5721.371. (A) Private attorney's fees payable with 4705
respect to an action under sections 5721.30 to 5721.46 of the 4706
Revised Code are subject to the following conditions: 4707

~~(A)(1)~~ The fees must be reasonable. 4708

~~(B)(2)~~ Fees exceeding two thousand five hundred dollars shall 4709
be paid only if authorized by a court order. 4710

~~(C)(B)(1)~~ Fees less than or equal to two thousand five 4711
hundred dollars shall be presumed to be reasonable. 4712

(2) If the private attorney's fees payable are fixed and not 4713
determined on an hourly basis, the court shall not consider or 4714
require evidence of hours expended or hourly rates. 4715

(3) The terms of a sale negotiated under section 5721.33 of 4716
the Revised Code may include the amount to be paid in private 4717
attorney's fees, subject to division ~~(B)(A)(2)~~ of this section. 4718

Sec. 5721.372. (A) A private selling officer's fees payable 4719
with respect to an action under sections 5721.30 to 5721.46 of the 4720
Revised Code are subject to both of the following conditions: 4721

(1) The fees must be reasonable. 4722

(2) Fees exceeding five per cent of the sale price of the 4723
property, if such amount is greater than seven hundred fifty 4724
dollars, shall be paid only if authorized by a court order. 4725

(B)(1) Fees less than or equal to seven hundred fifty dollars 4726
shall be presumed to be reasonable. 4727

(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. 4728
4729
4730

(C) As used in this section, "private selling officer" has the same meaning as in section 2329.01 of the Revised Code. 4731
4732

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: 4733
4734
4735
4736

(1) The fees must be reasonable. 4737

(2) Fees exceeding five hundred dollars shall be paid only if authorized by a court order. 4738
4739

(B)(1) Fees less than or equal to five hundred dollars shall be presumed to be reasonable. 4740
4741

(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. 4742
4743
4744
4745

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: 4746
4747
4748
4749

(1) The amount of the sum of the certificate redemption prices for all the tax certificates sold against the parcel; 4750
4751

(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; 4752
4753
4754
4755
4756

(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 4789
sell the parcel at a public auction. If the court authorizes a 4790
private selling officer to sell the parcel, then upon the filing 4791
of a praecipe for order of sale with the clerk of the court, the 4792
clerk of the court shall immediately issue an order of sale to the 4793
private selling officer authorized by the court. 4794

(2) The officer to whom the order of sale is directed may 4795
conduct the public auction of the parcel at a physical location in 4796
the county in which the parcel is located or online. If the public 4797
auction occurs online, the auction shall be open for bidding for 4798
seven days. If the parcel is not sold during this initial 4799
seven-day period, a second online auction shall be held not 4800
earlier than three days or later than thirty days after the end of 4801
the first auction. The second online auction shall be open for 4802
bidding for seven days. 4803

(3) A private selling officer who conducts an auction of the 4804
parcel under this section may do any of the following: 4805

(a) Market the parcels for sale and hire a title insurance 4806
agent licensed under Chapter 3953. of the Revised Code or title 4807
insurance company authorized to do business under that chapter to 4808
assist the private selling officer in performing administrative 4809
services; 4810

(b) Execute to the purchaser, or to the purchaser's legal 4811
representatives, a deed of conveyance of the parcel sold in 4812
conformity with the form set forth in section 5302.31 of the 4813
Revised Code; 4814

(c) Record on behalf of the purchaser the deed conveying 4815
title to the parcel sold, notwithstanding that the deed may not 4816
actually have been delivered to the purchaser prior to its 4817
recording. 4818

(4) By placing a bid at a sale conducted pursuant to this 4819

section, a purchaser appoints the private selling officer who 4820
conducts the sale as agent of the purchaser for the sole purpose 4821
of accepting delivery of the deed. 4822

(5) The private selling officer who conducts the sale shall 4823
hire a title insurance agent licensed under Chapter 3953. of the 4824
Revised Code or title insurance company authorized to do business 4825
under that chapter to perform title, escrow, and closing services 4826
related to the sale of the parcel. 4827

(6) Except as otherwise provided in sections 323.65 to 323.79 4828
of the Revised Code, and the alternative redemption period 4829
thereunder, each certificate parcel shall be advertised and sold 4830
by the officer to whom the order of sale is directed in the manner 4831
provided by law for the sale of real property on execution. The 4832
advertisement for sale of certificate parcels shall be published 4833
once a week for three consecutive weeks and shall include the date 4834
on which a second sale will be conducted if no bid is accepted at 4835
the first sale. Any number of parcels may be included in one 4836
advertisement. 4837

Except as otherwise provided in sections 323.65 to 323.79 of 4838
the Revised Code, whenever the officer charged to conduct the sale 4839
offers a certificate parcel for sale at a physical location and 4840
not online and no bids are made equal to at least the amount of 4841
the finding of the court or board of revision, the officer shall 4842
adjourn the sale of the parcel to the second date that was 4843
specified in the advertisement of sale. The second sale shall be 4844
held at the same place and commence at the same time as set forth 4845
in the advertisement of sale. The officer shall offer any parcel 4846
not sold at the first sale. Upon the conclusion of any sale, or if 4847
any parcel remains unsold after being offered at two sales, the 4848
officer conducting the sale shall report the results to the court 4849
or board of revision. 4850

(D) Upon the confirmation of a sale, the proceeds of the sale 4851

shall be applied as follows: 4852

(1) The fees and costs incurred in the proceeding filed 4853
against the parcel pursuant to section 5721.37 of the Revised Code 4854
shall be paid first, including attorney's fees of the certificate 4855
holder's attorney payable under division (F) of that section, 4856
private selling officer's fees and marketing costs, title agent's 4857
or title company's fees, or the county prosecutor's costs covered 4858
by the fee paid by the certificate holder under division (B)(3) of 4859
that section. 4860

(2) Following the payment required by division (D)(1) of this 4861
section, the certificate holder that filed the notice of intent to 4862
foreclose or request for foreclosure with the county treasurer 4863
shall be paid the sum of the following amounts: 4864

(a) The sum of the amount found due for the certificate 4865
redemption prices of all the tax certificates that are sold 4866
against the parcel; 4867

(b) Any premium paid by the certificate holder at the time of 4868
purchase; 4869

(c) Interest on the amounts paid by the certificate holder 4870
under division (B)(1) of section 5721.37 of the Revised Code at 4871
the rate of eighteen per cent per year beginning on the day on 4872
which the payment was submitted by the certificate holder to the 4873
county treasurer and ending on the day immediately preceding the 4874
day on which the proceeds of the foreclosure sale are paid to the 4875
certificate holder; 4876

(d) Interest on the amounts paid by the certificate holder 4877
under divisions (B)(2) and (3) of section 5721.37 of the Revised 4878
Code at the rate of eighteen per cent per year beginning on the 4879
day on which the payment was submitted by the certificate holder 4880
under divisions (B)(2) and (3) of that section and ending on the 4881
day immediately preceding the day on which the proceeds of the 4882

foreclosure sale are paid to the certificate holder pursuant to 4883
this section, except that such interest shall not accrue for more 4884
than three years if the certificate was sold under section 5721.32 4885
of the Revised Code, or under section 5721.42 of the Revised Code 4886
by the holder of a certificate issued under section 5721.32 of the 4887
Revised Code, or more than six years if the certificate was sold 4888
under section 5721.33 of the Revised Code, or under section 4889
5721.42 of the Revised Code by the holder of a certificate issued 4890
under section 5721.33 of the Revised Code, after the day the 4891
amounts were paid by the certificate holder under divisions (B)(2) 4892
and (3) of section 5721.37 of the Revised Code; 4893

(e) The amounts paid by the certificate holder under 4894
divisions (B)(1), (2), and (3) of section 5721.37 of the Revised 4895
Code. 4896

(3) Following the payment required by division (D)(2) of this 4897
section, any amount due for taxes, installments of assessments, 4898
charges, penalties, and interest not covered by the tax 4899
certificate holder's payment under division (B)(2) of section 4900
5721.37 of the Revised Code shall be paid, including all taxes, 4901
installments of assessments, charges, penalties, and interest 4902
payable subsequent to the entry of the finding and prior to the 4903
transfer of the deed of the parcel to the purchaser following 4904
confirmation of sale. If the proceeds available for distribution 4905
pursuant to this division are insufficient to pay the entire 4906
amount of those taxes, installments of assessments, charges, 4907
penalties, and interest, the proceeds shall be paid to each 4908
claimant in proportion to the amount of those taxes, installments 4909
of assessments, charges, penalties, and interest that each is due, 4910
and those taxes, installments of assessments, charges, penalties, 4911
and interest are deemed satisfied and shall be removed from the 4912
tax list and duplicate. 4913

(4) Any residue of money from proceeds of the sale shall be 4914

disposed of as prescribed by section 5721.20 of the Revised Code. 4915

(E) Unless the parcel previously was redeemed pursuant to 4916
section 5721.25 or 5721.38 of the Revised Code, upon the filing of 4917
the entry of confirmation of sale, or an order to transfer the 4918
parcel under sections 323.65 to 323.79 of the Revised Code, the 4919
title to the parcel is incontestable in the purchaser and is free 4920
and clear of all liens and encumbrances, except a federal tax 4921
lien, notice of which lien is properly filed in accordance with 4922
section 317.09 of the Revised Code prior to the date that a 4923
foreclosure proceeding is instituted pursuant to section 5721.37 4924
of the Revised Code, and which lien was foreclosed in accordance 4925
with 28 U.S.C.A. 2410(c), and except for the easements and 4926
covenants of record running with the land or lots that were 4927
created prior to the time the taxes or installments of 4928
assessments, for the nonpayment of which a tax certificate was 4929
issued and the parcel sold at foreclosure, became due and payable. 4930

The title shall not be invalid because of any irregularity, 4931
informality, or omission of any proceedings under this chapter or 4932
in any processes of taxation, if such irregularity, informality, 4933
or omission does not abrogate the provision for notice to holders 4934
of title, lien, or mortgage to, or other interests in, such 4935
foreclosed parcels, as prescribed in this chapter. 4936

Sec. 5739.01. As used in this chapter: 4937

(A) "Person" includes individuals, receivers, assignees, 4938
trustees in bankruptcy, estates, firms, partnerships, 4939
associations, joint-stock companies, joint ventures, clubs, 4940
societies, corporations, the state and its political subdivisions, 4941
and combinations of individuals of any form. 4942

(B) "Sale" and "selling" include all of the following 4943
transactions for a consideration in any manner, whether absolutely 4944
or conditionally, whether for a price or rental, in money or by 4945

exchange, and by any means whatsoever: 4946

(1) All transactions by which title or possession, or both, 4947
of tangible personal property, is or is to be transferred, or a 4948
license to use or consume tangible personal property is or is to 4949
be granted; 4950

(2) All transactions by which lodging by a hotel is or is to 4951
be furnished to transient guests; 4952

(3) All transactions by which: 4953

(a) An item of tangible personal property is or is to be 4954
repaired, except property, the purchase of which would not be 4955
subject to the tax imposed by section 5739.02 of the Revised Code; 4956

(b) An item of tangible personal property is or is to be 4957
installed, except property, the purchase of which would not be 4958
subject to the tax imposed by section 5739.02 of the Revised Code 4959
or property that is or is to be incorporated into and will become 4960
a part of a production, transmission, transportation, or 4961
distribution system for the delivery of a public utility service; 4962

(c) The service of washing, cleaning, waxing, polishing, or 4963
painting a motor vehicle is or is to be furnished; 4964

(d) Until August 1, 2003, industrial laundry cleaning 4965
services are or are to be provided and, on and after August 1, 4966
2003, laundry and dry cleaning services are or are to be provided; 4967

(e) Automatic data processing, computer services, or 4968
electronic information services are or are to be provided for use 4969
in business when the true object of the transaction is the receipt 4970
by the consumer of automatic data processing, computer services, 4971
or electronic information services rather than the receipt of 4972
personal or professional services to which automatic data 4973
processing, computer services, or electronic information services 4974
are incidental or supplemental. Notwithstanding any other 4975

provision of this chapter, such transactions that occur between 4976
members of an affiliated group are not sales. An "affiliated 4977
group" means two or more persons related in such a way that one 4978
person owns or controls the business operation of another member 4979
of the group. In the case of corporations with stock, one 4980
corporation owns or controls another if it owns more than fifty 4981
per cent of the other corporation's common stock with voting 4982
rights. 4983

(f) Telecommunications service, including prepaid calling 4984
service, prepaid wireless calling service, or ancillary service, 4985
is or is to be provided, but not including coin-operated telephone 4986
service; 4987

(g) Landscaping and lawn care service is or is to be 4988
provided; 4989

(h) Private investigation and security service is or is to be 4990
provided; 4991

(i) Information services or tangible personal property is 4992
provided or ordered by means of a nine hundred telephone call; 4993

(j) Building maintenance and janitorial service is or is to 4994
be provided; 4995

(k) Employment service is or is to be provided; 4996

(l) Employment placement service is or is to be provided; 4997

(m) Exterminating service is or is to be provided; 4998

(n) Physical fitness facility service is or is to be 4999
provided; 5000

(o) Recreation and sports club service is or is to be 5001
provided; 5002

(p) On and after August 1, 2003, satellite broadcasting 5003
service is or is to be provided; 5004

(q) On and after August 1, 2003, personal care service is or 5005
is to be provided to an individual. As used in this division, 5006
"personal care service" includes skin care, the application of 5007
cosmetics, manicuring, pedicuring, hair removal, tattooing, body 5008
piercing, tanning, massage, and other similar services. "Personal 5009
care service" does not include a service provided by or on the 5010
order of a licensed physician or licensed chiropractor, or the 5011
cutting, coloring, or styling of an individual's hair. 5012

(r) On and after August 1, 2003, the transportation of 5013
persons by motor vehicle or aircraft is or is to be provided, when 5014
the transportation is entirely within this state, except for 5015
transportation provided by an ambulance service, by a transit bus, 5016
as defined in section 5735.01 of the Revised Code, and 5017
transportation provided by a citizen of the United States holding 5018
a certificate of public convenience and necessity issued under 49 5019
U.S.C. 41102; 5020

(s) On and after August 1, 2003, motor vehicle towing service 5021
is or is to be provided. As used in this division, "motor vehicle 5022
towing service" means the towing or conveyance of a wrecked, 5023
disabled, or illegally parked motor vehicle. 5024

(t) On and after August 1, 2003, snow removal service is or 5025
is to be provided. As used in this division, "snow removal 5026
service" means the removal of snow by any mechanized means, but 5027
does not include the providing of such service by a person that 5028
has less than five thousand dollars in sales of such service 5029
during the calendar year. 5030

(u) Electronic publishing service is or is to be provided to 5031
a consumer for use in business, except that such transactions 5032
occurring between members of an affiliated group, as defined in 5033
division (B)(3)(e) of this section, are not sales. 5034

(4) All transactions by which printed, imprinted, 5035

overprinted, lithographic, multilithic, blueprinted, photostatic, 5036
or other productions or reproductions of written or graphic matter 5037
are or are to be furnished or transferred; 5038

(5) The production or fabrication of tangible personal 5039
property for a consideration for consumers who furnish either 5040
directly or indirectly the materials used in the production of 5041
fabrication work; and include the furnishing, preparing, or 5042
serving for a consideration of any tangible personal property 5043
consumed on the premises of the person furnishing, preparing, or 5044
serving such tangible personal property. Except as provided in 5045
section 5739.03 of the Revised Code, a construction contract 5046
pursuant to which tangible personal property is or is to be 5047
incorporated into a structure or improvement on and becoming a 5048
part of real property is not a sale of such tangible personal 5049
property. The construction contractor is the consumer of such 5050
tangible personal property, provided that the sale and 5051
installation of carpeting, the sale and installation of 5052
agricultural land tile, the sale and erection or installation of 5053
portable grain bins, or the provision of landscaping and lawn care 5054
service and the transfer of property as part of such service is 5055
never a construction contract. 5056

As used in division (B)(5) of this section: 5057

(a) "Agricultural land tile" means fired clay or concrete 5058
tile, or flexible or rigid perforated plastic pipe or tubing, 5059
incorporated or to be incorporated into a subsurface drainage 5060
system appurtenant to land used or to be used primarily in 5061
production by farming, agriculture, horticulture, or floriculture. 5062
The term does not include such materials when they are or are to 5063
be incorporated into a drainage system appurtenant to a building 5064
or structure even if the building or structure is used or to be 5065
used in such production. 5066

(b) "Portable grain bin" means a structure that is used or to 5067

be used by a person engaged in farming or agriculture to shelter 5068
the person's grain and that is designed to be disassembled without 5069
significant damage to its component parts. 5070

(6) All transactions in which all of the shares of stock of a 5071
closely held corporation are transferred, or an ownership interest 5072
in a pass-through entity, as defined in section 5733.04 of the 5073
Revised Code, is transferred, if the corporation or pass-through 5074
entity is not engaging in business and its entire assets consist 5075
of boats, planes, motor vehicles, or other tangible personal 5076
property operated primarily for the use and enjoyment of the 5077
shareholders or owners; 5078

(7) All transactions in which a warranty, maintenance or 5079
service contract, or similar agreement by which the vendor of the 5080
warranty, contract, or agreement agrees to repair or maintain the 5081
tangible personal property of the consumer is or is to be 5082
provided; 5083

(8) The transfer of copyrighted motion picture films used 5084
solely for advertising purposes, except that the transfer of such 5085
films for exhibition purposes is not a sale; 5086

(9) On and after August 1, 2003, all transactions by which 5087
tangible personal property is or is to be stored, except such 5088
property that the consumer of the storage holds for sale in the 5089
regular course of business; 5090

(10) All transactions in which "guaranteed auto protection" 5091
is provided whereby a person promises to pay to the consumer the 5092
difference between the amount the consumer receives from motor 5093
vehicle insurance and the amount the consumer owes to a person 5094
holding title to or a lien on the consumer's motor vehicle in the 5095
event the consumer's motor vehicle suffers a total loss under the 5096
terms of the motor vehicle insurance policy or is stolen and not 5097
recovered, if the protection and its price are included in the 5098

purchase or lease agreement; 5099

(11)(a) Except as provided in division (B)(11)(b) of this 5100
section, on and after October 1, 2009, all transactions by which 5101
health care services are paid for, reimbursed, provided, 5102
delivered, arranged for, or otherwise made available by a medicaid 5103
health insuring corporation pursuant to the corporation's contract 5104
with the state. 5105

(b) If the centers for medicare and medicaid services of the 5106
United States department of health and human services determines 5107
that the taxation of transactions described in division (B)(11)(a) 5108
of this section constitutes an impermissible health care-related 5109
tax under the "Social Security Act," section 1903(w), 42 U.S.C. 5110
1396b(w), and regulations adopted thereunder, the medicaid 5111
director shall notify the tax commissioner of that determination. 5112
Beginning with the first day of the month following that 5113
notification, the transactions described in division (B)(11)(a) of 5114
this section are not sales for the purposes of this chapter or 5115
Chapter 5741. of the Revised Code. The tax commissioner shall 5116
order that the collection of taxes under sections 5739.02, 5117
5739.021, 5739.023, 5739.026, 5741.02, 5741.021, 5741.022, and 5118
5741.023 of the Revised Code shall cease for transactions 5119
occurring on or after that date. 5120

(12) All transactions by which a specified digital product is 5121
provided for permanent use or less than permanent use, regardless 5122
of whether continued payment is required. 5123

Except as provided in this section, "sale" and "selling" do 5124
not include transfers of interest in leased property where the 5125
original lessee and the terms of the original lease agreement 5126
remain unchanged, or professional, insurance, or personal service 5127
transactions that involve the transfer of tangible personal 5128
property as an inconsequential element, for which no separate 5129
charges are made. 5130

(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. 5163

(3) A person who performs a facility management, or similar 5164
service contract for a contractee is a consumer of all tangible 5165
personal property and services purchased for use in connection 5166
with the performance of such contract, regardless of whether title 5167
to any such property vests in the contractee. The purchase of such 5168
property and services is not subject to the exception for resale 5169
under division (E)(1) of this section. 5170

(4)(a) In the case of a person who purchases printed matter 5171
for the purpose of distributing it or having it distributed to the 5172
public or to a designated segment of the public, free of charge, 5173
that person is the consumer of that printed matter, and the 5174
purchase of that printed matter for that purpose is a sale. 5175

(b) In the case of a person who produces, rather than 5176
purchases, printed matter for the purpose of distributing it or 5177
having it distributed to the public or to a designated segment of 5178
the public, free of charge, that person is the consumer of all 5179
tangible personal property and services purchased for use or 5180
consumption in the production of that printed matter. That person 5181
is not entitled to claim exemption under division (B)(42)(f) of 5182
section 5739.02 of the Revised Code for any material incorporated 5183
into the printed matter or any equipment, supplies, or services 5184
primarily used to produce the printed matter. 5185

(c) The distribution of printed matter to the public or to a 5186
designated segment of the public, free of charge, is not a sale to 5187
the members of the public to whom the printed matter is 5188
distributed or to any persons who purchase space in the printed 5189
matter for advertising or other purposes. 5190

(5) A person who makes sales of any of the services listed in 5191
division (B)(3) of this section is the consumer of any tangible 5192
personal property used in performing the service. The purchase of 5193

that property is not subject to the resale exception under 5194
division (E)(1) of this section. 5195

(6) A person who engages in highway transportation for hire 5196
is the consumer of all packaging materials purchased by that 5197
person and used in performing the service, except for packaging 5198
materials sold by such person in a transaction separate from the 5199
service. 5200

(7) In the case of a transaction for health care services 5201
under division (B)(11) of this section, a medicaid health insuring 5202
corporation is the consumer of such services. The purchase of such 5203
services by a medicaid health insuring corporation is not subject 5204
to the exception for resale under division (E)(1) of this section 5205
or to the exemptions provided under divisions (B)(12), (18), (19), 5206
and (22) of section 5739.02 of the Revised Code. 5207

(E) "Retail sale" and "sales at retail" include all sales, 5208
except those in which the purpose of the consumer is to resell the 5209
thing transferred or benefit of the service provided, by a person 5210
engaging in business, in the form in which the same is, or is to 5211
be, received by the person. 5212

(F) "Business" includes any activity engaged in by any person 5213
with the object of gain, benefit, or advantage, either direct or 5214
indirect. "Business" does not include the activity of a person in 5215
managing and investing the person's own funds. 5216

(G) "Engaging in business" means commencing, conducting, or 5217
continuing in business, and liquidating a business when the 5218
liquidator thereof holds itself out to the public as conducting 5219
such business. Making a casual sale is not engaging in business. 5220

(H)(1)(a) "Price," except as provided in divisions (H)(2), 5221
(3), and (4) of this section, means the total amount of 5222
consideration, including cash, credit, property, and services, for 5223
which tangible personal property or services are sold, leased, or 5224

rented, valued in money, whether received in money or otherwise,	5225
without any deduction for any of the following:	5226
(i) The vendor's cost of the property sold;	5227
(ii) The cost of materials used, labor or service costs,	5228
interest, losses, all costs of transportation to the vendor, all	5229
taxes imposed on the vendor, including the tax imposed under	5230
Chapter 5751. of the Revised Code, and any other expense of the	5231
vendor;	5232
(iii) Charges by the vendor for any services necessary to	5233
complete the sale;	5234
(iv) On and after August 1, 2003, delivery charges. As used	5235
in this division, "delivery charges" means charges by the vendor	5236
for preparation and delivery to a location designated by the	5237
consumer of tangible personal property or a service, including	5238
transportation, shipping, postage, handling, crating, and packing.	5239
(v) Installation charges;	5240
(vi) Credit for any trade-in.	5241
(b) "Price" includes consideration received by the vendor	5242
from a third party, if the vendor actually receives the	5243
consideration from a party other than the consumer, and the	5244
consideration is directly related to a price reduction or discount	5245
on the sale; the vendor has an obligation to pass the price	5246
reduction or discount through to the consumer; the amount of the	5247
consideration attributable to the sale is fixed and determinable	5248
by the vendor at the time of the sale of the item to the consumer;	5249
and one of the following criteria is met:	5250
(i) The consumer presents a coupon, certificate, or other	5251
document to the vendor to claim a price reduction or discount	5252
where the coupon, certificate, or document is authorized,	5253
distributed, or granted by a third party with the understanding	5254

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 5285
consumer in purchasing tangible personal property or services if 5286
the vendor is not reimbursed and does not receive compensation 5287
from a third party to cover all or part of the gift card value. 5288
For the purposes of this division, a gift card is not sold by a 5289
vendor or purchased by a consumer if it is distributed pursuant to 5290
an awards, loyalty, or promotional program. Past and present 5291
purchases of tangible personal property or services by the 5292
consumer shall not be treated as consideration exchanged for a 5293
gift card. 5294

(2) In the case of a sale of any new motor vehicle by a new 5295
motor vehicle dealer, as defined in section 4517.01 of the Revised 5296
Code, in which another motor vehicle is accepted by the dealer as 5297
part of the consideration received, "price" has the same meaning 5298
as in division (H)(1) of this section, reduced by the credit 5299
afforded the consumer by the dealer for the motor vehicle received 5300
in trade. 5301

(3) In the case of a sale of any watercraft or outboard motor 5302
by a watercraft dealer licensed in accordance with section 5303
1547.543 of the Revised Code, in which another watercraft, 5304
watercraft and trailer, or outboard motor is accepted by the 5305
dealer as part of the consideration received, "price" has the same 5306
meaning as in division (H)(1) of this section, reduced by the 5307
credit afforded the consumer by the dealer for the watercraft, 5308
watercraft and trailer, or outboard motor received in trade. As 5309
used in this division, "watercraft" includes an outdrive unit 5310
attached to the watercraft. 5311

(4) In the case of transactions for health care services 5312
under division (B)(11) of this section, "price" means the amount 5313
of managed care premiums received each month by a medicaid health 5314
insuring corporation. 5315

(I) "Receipts" means the total amount of the prices of the 5316

sales of vendors, provided that the dollar value of gift cards 5317
distributed pursuant to an awards, loyalty, or promotional 5318
program, and cash discounts allowed and taken on sales at the time 5319
they are consummated are not included, minus any amount deducted 5320
as a bad debt pursuant to section 5739.121 of the Revised Code. 5321
"Receipts" does not include the sale price of property returned or 5322
services rejected by consumers when the full sale price and tax 5323
are refunded either in cash or by credit. 5324

(J) "Place of business" means any location at which a person 5325
engages in business. 5326

(K) "Premises" includes any real property or portion thereof 5327
upon which any person engages in selling tangible personal 5328
property at retail or making retail sales and also includes any 5329
real property or portion thereof designated for, or devoted to, 5330
use in conjunction with the business engaged in by such person. 5331

(L) "Casual sale" means a sale of an item of tangible 5332
personal property that was obtained by the person making the sale, 5333
through purchase or otherwise, for the person's own use and was 5334
previously subject to any state's taxing jurisdiction on its sale 5335
or use, and includes such items acquired for the seller's use that 5336
are sold by an auctioneer employed directly by the person for such 5337
purpose, provided the location of such sales is not the 5338
auctioneer's permanent place of business. As used in this 5339
division, "permanent place of business" includes any location 5340
where such auctioneer has conducted more than two auctions during 5341
the year. 5342

(M) "Hotel" means every establishment kept, used, maintained, 5343
advertised, or held out to the public to be a place where sleeping 5344
accommodations are offered to guests, in which five or more rooms 5345
are used for the accommodation of such guests, whether the rooms 5346
are in one or several structures, except as otherwise provided in 5347
division (G) of section 5739.09 of the Revised Code. 5348

(N) "Transient guests" means persons occupying a room or 5349
rooms for sleeping accommodations for less than thirty consecutive 5350
days. 5351

(O) "Making retail sales" means the effecting of transactions 5352
wherein one party is obligated to pay the price and the other 5353
party is obligated to provide a service or to transfer title to or 5354
possession of the item sold. "Making retail sales" does not 5355
include the preliminary acts of promoting or soliciting the retail 5356
sales, other than the distribution of printed matter which 5357
displays or describes and prices the item offered for sale, nor 5358
does it include delivery of a predetermined quantity of tangible 5359
personal property or transportation of property or personnel to or 5360
from a place where a service is performed. 5361

(P) "Used directly in the rendition of a public utility 5362
service" means that property that is to be incorporated into and 5363
will become a part of the consumer's production, transmission, 5364
transportation, or distribution system and that retains its 5365
classification as tangible personal property after such 5366
incorporation; fuel or power used in the production, transmission, 5367
transportation, or distribution system; and tangible personal 5368
property used in the repair and maintenance of the production, 5369
transmission, transportation, or distribution system, including 5370
only such motor vehicles as are specially designed and equipped 5371
for such use. Tangible personal property and services used 5372
primarily in providing highway transportation for hire are not 5373
used directly in the rendition of a public utility service. In 5374
this definition, "public utility" includes a citizen of the United 5375
States holding, and required to hold, a certificate of public 5376
convenience and necessity issued under 49 U.S.C. 41102. 5377

(Q) "Refining" means removing or separating a desirable 5378
product from raw or contaminated materials by distillation or 5379
physical, mechanical, or chemical processes. 5380

(R) "Assembly" and "assembling" mean attaching or fitting 5381
together parts to form a product, but do not include packaging a 5382
product. 5383

(S) "Manufacturing operation" means a process in which 5384
materials are changed, converted, or transformed into a different 5385
state or form from which they previously existed and includes 5386
refining materials, assembling parts, and preparing raw materials 5387
and parts by mixing, measuring, blending, or otherwise committing 5388
such materials or parts to the manufacturing process. 5389
"Manufacturing operation" does not include packaging. 5390

(T) "Fiscal officer" means, with respect to a regional 5391
transit authority, the secretary-treasurer thereof, and with 5392
respect to a county that is a transit authority, the fiscal 5393
officer of the county transit board if one is appointed pursuant 5394
to section 306.03 of the Revised Code or the county auditor if the 5395
board of county commissioners operates the county transit system. 5396

(U) "Transit authority" means a regional transit authority 5397
created pursuant to section 306.31 of the Revised Code or a county 5398
in which a county transit system is created pursuant to section 5399
306.01 of the Revised Code. For the purposes of this chapter, a 5400
transit authority must extend to at least the entire area of a 5401
single county. A transit authority that includes territory in more 5402
than one county must include all the area of the most populous 5403
county that is a part of such transit authority. County population 5404
shall be measured by the most recent census taken by the United 5405
States census bureau. 5406

(V) "Legislative authority" means, with respect to a regional 5407
transit authority, the board of trustees thereof, and with respect 5408
to a county that is a transit authority, the board of county 5409
commissioners. 5410

(W) "Territory of the transit authority" means all of the 5411

area included within the territorial boundaries of a transit 5412
authority as they from time to time exist. Such territorial 5413
boundaries must at all times include all the area of a single 5414
county or all the area of the most populous county that is a part 5415
of such transit authority. County population shall be measured by 5416
the most recent census taken by the United States census bureau. 5417

(X) "Providing a service" means providing or furnishing 5418
anything described in division (B)(3) of this section for 5419
consideration. 5420

(Y)(1)(a) "Automatic data processing" means processing of 5421
others' data, including keypunching or similar data entry services 5422
together with verification thereof, or providing access to 5423
computer equipment for the purpose of processing data. 5424

(b) "Computer services" means providing services consisting 5425
of specifying computer hardware configurations and evaluating 5426
technical processing characteristics, computer programming, and 5427
training of computer programmers and operators, provided in 5428
conjunction with and to support the sale, lease, or operation of 5429
taxable computer equipment or systems. 5430

(c) "Electronic information services" means providing access 5431
to computer equipment by means of telecommunications equipment for 5432
the purpose of either of the following: 5433

(i) Examining or acquiring data stored in or accessible to 5434
the computer equipment; 5435

(ii) Placing data into the computer equipment to be retrieved 5436
by designated recipients with access to the computer equipment. 5437

For transactions occurring on or after the effective date of 5438
the amendment of this section by H.B. 157 of the 127th general 5439
assembly, December 21, 2007, "electronic information services" 5440
does not include electronic publishing as defined in division 5441
(LLL) of this section. 5442

(d) "Automatic data processing, computer services, or 5443
electronic information services" shall not include personal or 5444
professional services. 5445

(2) As used in divisions (B)(3)(e) and (Y)(1) of this 5446
section, "personal and professional services" means all services 5447
other than automatic data processing, computer services, or 5448
electronic information services, including but not limited to: 5449

(a) Accounting and legal services such as advice on tax 5450
matters, asset management, budgetary matters, quality control, 5451
information security, and auditing and any other situation where 5452
the service provider receives data or information and studies, 5453
alters, analyzes, interprets, or adjusts such material; 5454

(b) Analyzing business policies and procedures; 5455

(c) Identifying management information needs; 5456

(d) Feasibility studies, including economic and technical 5457
analysis of existing or potential computer hardware or software 5458
needs and alternatives; 5459

(e) Designing policies, procedures, and custom software for 5460
collecting business information, and determining how data should 5461
be summarized, sequenced, formatted, processed, controlled, and 5462
reported so that it will be meaningful to management; 5463

(f) Developing policies and procedures that document how 5464
business events and transactions are to be authorized, executed, 5465
and controlled; 5466

(g) Testing of business procedures; 5467

(h) Training personnel in business procedure applications; 5468

(i) Providing credit information to users of such information 5469
by a consumer reporting agency, as defined in the "Fair Credit 5470
Reporting Act," 84 Stat. 1114, 1129 (1970), 15 U.S.C. 1681a(f), or 5471
as hereafter amended, including but not limited to gathering, 5472

organizing, analyzing, recording, and furnishing such information 5473
by any oral, written, graphic, or electronic medium; 5474

(j) Providing debt collection services by any oral, written, 5475
graphic, or electronic means. 5476

The services listed in divisions (Y)(2)(a) to (j) of this 5477
section are not automatic data processing or computer services. 5478

(Z) "Highway transportation for hire" means the 5479
transportation of personal property belonging to others for 5480
consideration by any of the following: 5481

(1) The holder of a permit or certificate issued by this 5482
state or the United States authorizing the holder to engage in 5483
transportation of personal property belonging to others for 5484
consideration over or on highways, roadways, streets, or any 5485
similar public thoroughfare; 5486

(2) A person who engages in the transportation of personal 5487
property belonging to others for consideration over or on 5488
highways, roadways, streets, or any similar public thoroughfare 5489
but who could not have engaged in such transportation on December 5490
11, 1985, unless the person was the holder of a permit or 5491
certificate of the types described in division (Z)(1) of this 5492
section; 5493

(3) A person who leases a motor vehicle to and operates it 5494
for a person described by division (Z)(1) or (2) of this section. 5495

(AA)(1) "Telecommunications service" means the electronic 5496
transmission, conveyance, or routing of voice, data, audio, video, 5497
or any other information or signals to a point, or between or 5498
among points. "Telecommunications service" includes such 5499
transmission, conveyance, or routing in which computer processing 5500
applications are used to act on the form, code, or protocol of the 5501
content for purposes of transmission, conveyance, or routing 5502
without regard to whether the service is referred to as voice-over 5503

internet protocol service or is classified by the federal 5504
communications commission as enhanced or value-added. 5505
"Telecommunications service" does not include any of the 5506
following: 5507

(a) Data processing and information services that allow data 5508
to be generated, acquired, stored, processed, or retrieved and 5509
delivered by an electronic transmission to a consumer where the 5510
consumer's primary purpose for the underlying transaction is the 5511
processed data or information; 5512

(b) Installation or maintenance of wiring or equipment on a 5513
customer's premises; 5514

(c) Tangible personal property; 5515

(d) Advertising, including directory advertising; 5516

(e) Billing and collection services provided to third 5517
parties; 5518

(f) Internet access service; 5519

(g) Radio and television audio and video programming 5520
services, regardless of the medium, including the furnishing of 5521
transmission, conveyance, and routing of such services by the 5522
programming service provider. Radio and television audio and video 5523
programming services include, but are not limited to, cable 5524
service, as defined in 47 U.S.C. 522(6), and audio and video 5525
programming services delivered by commercial mobile radio service 5526
providers, as defined in 47 C.F.R. 20.3; 5527

(h) Ancillary service; 5528

(i) Digital products delivered electronically, including 5529
software, music, video, reading materials, or ring tones. 5530

(2) "Ancillary service" means a service that is associated 5531
with or incidental to the provision of telecommunications service, 5532
including conference bridging service, detailed telecommunications 5533

billing service, directory assistance, vertical service, and voice 5534
mail service. As used in this division: 5535

(a) "Conference bridging service" means an ancillary service 5536
that links two or more participants of an audio or video 5537
conference call, including providing a telephone number. 5538
"Conference bridging service" does not include telecommunications 5539
services used to reach the conference bridge. 5540

(b) "Detailed telecommunications billing service" means an 5541
ancillary service of separately stating information pertaining to 5542
individual calls on a customer's billing statement. 5543

(c) "Directory assistance" means an ancillary service of 5544
providing telephone number or address information. 5545

(d) "Vertical service" means an ancillary service that is 5546
offered in connection with one or more telecommunications 5547
services, which offers advanced calling features that allow 5548
customers to identify callers and manage multiple calls and call 5549
connections, including conference bridging service. 5550

(e) "Voice mail service" means an ancillary service that 5551
enables the customer to store, send, or receive recorded messages. 5552
"Voice mail service" does not include any vertical services that 5553
the customer may be required to have in order to utilize the voice 5554
mail service. 5555

(3) "900 service" means an inbound toll telecommunications 5556
service purchased by a subscriber that allows the subscriber's 5557
customers to call in to the subscriber's prerecorded announcement 5558
or live service, and which is typically marketed under the name 5559
"900 service" and any subsequent numbers designated by the federal 5560
communications commission. "900 service" does not include the 5561
charge for collection services provided by the seller of the 5562
telecommunications service to the subscriber, or services or 5563
products sold by the subscriber to the subscriber's customer. 5564

(4) "Prepaid calling service" means the right to access 5565
exclusively telecommunications services, which must be paid for in 5566
advance and which enables the origination of calls using an access 5567
number or authorization code, whether manually or electronically 5568
dialed, and that is sold in predetermined units or dollars of 5569
which the number declines with use in a known amount. 5570

(5) "Prepaid wireless calling service" means a 5571
telecommunications service that provides the right to utilize 5572
mobile telecommunications service as well as other 5573
non-telecommunications services, including the download of digital 5574
products delivered electronically, and content and ancillary 5575
services, that must be paid for in advance and that is sold in 5576
predetermined units or dollars of which the number declines with 5577
use in a known amount. 5578

(6) "Value-added non-voice data service" means a 5579
telecommunications service in which computer processing 5580
applications are used to act on the form, content, code, or 5581
protocol of the information or data primarily for a purpose other 5582
than transmission, conveyance, or routing. 5583

(7) "Coin-operated telephone service" means a 5584
telecommunications service paid for by inserting money into a 5585
telephone accepting direct deposits of money to operate. 5586

(8) "Customer" has the same meaning as in section 5739.034 of 5587
the Revised Code. 5588

(BB) "Laundry and dry cleaning services" means removing soil 5589
or dirt from towels, linens, articles of clothing, or other fabric 5590
items that belong to others and supplying towels, linens, articles 5591
of clothing, or other fabric items. "Laundry and dry cleaning 5592
services" does not include the provision of self-service 5593
facilities for use by consumers to remove soil or dirt from 5594
towels, linens, articles of clothing, or other fabric items. 5595

(CC) "Magazines distributed as controlled circulation 5596
publications" means magazines containing at least twenty-four 5597
pages, at least twenty-five per cent editorial content, issued at 5598
regular intervals four or more times a year, and circulated 5599
without charge to the recipient, provided that such magazines are 5600
not owned or controlled by individuals or business concerns which 5601
conduct such publications as an auxiliary to, and essentially for 5602
the advancement of the main business or calling of, those who own 5603
or control them. 5604

(DD) "Landscaping and lawn care service" means the services 5605
of planting, seeding, sodding, removing, cutting, trimming, 5606
pruning, mulching, aerating, applying chemicals, watering, 5607
fertilizing, and providing similar services to establish, promote, 5608
or control the growth of trees, shrubs, flowers, grass, ground 5609
cover, and other flora, or otherwise maintaining a lawn or 5610
landscape grown or maintained by the owner for ornamentation or 5611
other nonagricultural purpose. However, "landscaping and lawn care 5612
service" does not include the providing of such services by a 5613
person who has less than five thousand dollars in sales of such 5614
services during the calendar year. 5615

(EE) "Private investigation and security service" means the 5616
performance of any activity for which the provider of such service 5617
is required to be licensed pursuant to Chapter 4749. of the 5618
Revised Code, or would be required to be so licensed in performing 5619
such services in this state, and also includes the services of 5620
conducting polygraph examinations and of monitoring or overseeing 5621
the activities on or in, or the condition of, the consumer's home, 5622
business, or other facility by means of electronic or similar 5623
monitoring devices. "Private investigation and security service" 5624
does not include special duty services provided by off-duty police 5625
officers, deputy sheriffs, and other peace officers regularly 5626
employed by the state or a political subdivision. 5627

(FF) "Information services" means providing conversation, 5628
giving consultation or advice, playing or making a voice or other 5629
recording, making or keeping a record of the number of callers, 5630
and any other service provided to a consumer by means of a nine 5631
hundred telephone call, except when the nine hundred telephone 5632
call is the means by which the consumer makes a contribution to a 5633
recognized charity. 5634

(GG) "Research and development" means designing, creating, or 5635
formulating new or enhanced products, equipment, or manufacturing 5636
processes, and also means conducting scientific or technological 5637
inquiry and experimentation in the physical sciences with the goal 5638
of increasing scientific knowledge which may reveal the bases for 5639
new or enhanced products, equipment, or manufacturing processes. 5640

(HH) "Qualified research and development equipment" means 5641
capitalized tangible personal property, and leased personal 5642
property that would be capitalized if purchased, used by a person 5643
primarily to perform research and development. Tangible personal 5644
property primarily used in testing, as defined in division (A)(4) 5645
of section 5739.011 of the Revised Code, or used for recording or 5646
storing test results, is not qualified research and development 5647
equipment unless such property is primarily used by the consumer 5648
in testing the product, equipment, or manufacturing process being 5649
created, designed, or formulated by the consumer in the research 5650
and development activity or in recording or storing such test 5651
results. 5652

(II) "Building maintenance and janitorial service" means 5653
cleaning the interior or exterior of a building and any tangible 5654
personal property located therein or thereon, including any 5655
services incidental to such cleaning for which no separate charge 5656
is made. However, "building maintenance and janitorial service" 5657
does not include the providing of such service by a person who has 5658
less than five thousand dollars in sales of such service during 5659

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 5722
structures for livestock waste handling. 5723

(QQ) "Horticulture" means the growing, cultivation, and 5724
production of flowers, fruits, herbs, vegetables, sod, mushrooms, 5725
and nursery stock. As used in this division, "nursery stock" has 5726
the same meaning as in section 927.51 of the Revised Code. 5727

(RR) "Horticulture structure" means a building or structure 5728
used exclusively for the commercial growing, raising, or 5729
overwintering of horticultural products, and includes the area 5730
used for stocking, storing, and packing horticultural products 5731
when done in conjunction with the production of those products. 5732

(SS) "Newspaper" means an unbound publication bearing a title 5733
or name that is regularly published, at least as frequently as 5734
biweekly, and distributed from a fixed place of business to the 5735
public in a specific geographic area, and that contains a 5736
substantial amount of news matter of international, national, or 5737
local events of interest to the general public. 5738

(TT) "Professional racing team" means a person that employs 5739
at least twenty full-time employees for the purpose of conducting 5740
a motor vehicle racing business for profit. The person must 5741
conduct the business with the purpose of racing one or more motor 5742
racing vehicles in at least ten competitive professional racing 5743
events each year that comprise all or part of a motor racing 5744
series sanctioned by one or more motor racing sanctioning 5745
organizations. A "motor racing vehicle" means a vehicle for which 5746
the chassis, engine, and parts are designed exclusively for motor 5747
racing, and does not include a stock or production model vehicle 5748
that may be modified for use in racing. For the purposes of this 5749
division: 5750

(1) A "competitive professional racing event" is a motor 5751
vehicle racing event sanctioned by one or more motor racing 5752

sanctioning organizations, at which aggregate cash prizes in 5753
excess of eight hundred thousand dollars are awarded to the 5754
competitors. 5755

(2) "Full-time employee" means an individual who is employed 5756
for consideration for thirty-five or more hours a week, or who 5757
renders any other standard of service generally accepted by custom 5758
or specified by contract as full-time employment. 5759

(UU)(1) "Lease" or "rental" means any transfer of the 5760
possession or control of tangible personal property for a fixed or 5761
indefinite term, for consideration. "Lease" or "rental" includes 5762
future options to purchase or extend, and agreements described in 5763
26 U.S.C. 7701(h)(1) covering motor vehicles and trailers where 5764
the amount of consideration may be increased or decreased by 5765
reference to the amount realized upon the sale or disposition of 5766
the property. "Lease" or "rental" does not include: 5767

(a) A transfer of possession or control of tangible personal 5768
property under a security agreement or a deferred payment plan 5769
that requires the transfer of title upon completion of the 5770
required payments; 5771

(b) A transfer of possession or control of tangible personal 5772
property under an agreement that requires the transfer of title 5773
upon completion of required payments and payment of an option 5774
price that does not exceed the greater of one hundred dollars or 5775
one per cent of the total required payments; 5776

(c) Providing tangible personal property along with an 5777
operator for a fixed or indefinite period of time, if the operator 5778
is necessary for the property to perform as designed. For purposes 5779
of this division, the operator must do more than maintain, 5780
inspect, or set up the tangible personal property. 5781

(2) "Lease" and "rental," as defined in division (UU) of this 5782
section, shall not apply to leases or rentals that exist before 5783

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(3) "Lease" and "rental" have the same meaning as in division 5785
(UU)(1) of this section regardless of whether a transaction is 5786
characterized as a lease or rental under generally accepted 5787
accounting principles, the Internal Revenue Code, Title XIII of 5788
the Revised Code, or other federal, state, or local laws. 5789

(VV) "Mobile telecommunications service" has the same meaning 5790
as in the "Mobile Telecommunications Sourcing Act," Pub. L. No. 5791
106-252, 114 Stat. 631 (2000), 4 U.S.C.A. 124(7), as amended, and, 5792
on and after August 1, 2003, includes related fees and ancillary 5793
services, including universal service fees, detailed billing 5794
service, directory assistance, service initiation, voice mail 5795
service, and vertical services, such as caller ID and three-way 5796
calling. 5797

(WW) "Certified service provider" has the same meaning as in 5798
section 5740.01 of the Revised Code. 5799

(XX) "Satellite broadcasting service" means the distribution 5800
or broadcasting of programming or services by satellite directly 5801
to the subscriber's receiving equipment without the use of ground 5802
receiving or distribution equipment, except the subscriber's 5803
receiving equipment or equipment used in the uplink process to the 5804
satellite, and includes all service and rental charges, premium 5805
channels or other special services, installation and repair 5806
service charges, and any other charges having any connection with 5807
the provision of the satellite broadcasting service. 5808

(YY) "Tangible personal property" means personal property 5809
that can be seen, weighed, measured, felt, or touched, or that is 5810
in any other manner perceptible to the senses. For purposes of 5811
this chapter and Chapter 5741. of the Revised Code, "tangible 5812
personal property" includes motor vehicles, electricity, water, 5813
gas, steam, and prewritten computer software. 5814

(ZZ) "Direct mail" means printed material delivered or 5815
distributed by United States mail or other delivery service to a 5816
mass audience or to addressees on a mailing list provided by the 5817
consumer or at the direction of the consumer when the cost of the 5818
items are not billed directly to the recipients. "Direct mail" 5819
includes tangible personal property supplied directly or 5820
indirectly by the consumer to the direct mail vendor for inclusion 5821
in the package containing the printed material. "Direct mail" does 5822
not include multiple items of printed material delivered to a 5823
single address. 5824

(AAA) "Computer" means an electronic device that accepts 5825
information in digital or similar form and manipulates it for a 5826
result based on a sequence of instructions. 5827

(BBB) "Computer software" means a set of coded instructions 5828
designed to cause a computer or automatic data processing 5829
equipment to perform a task. 5830

(CCC) "Delivered electronically" means delivery of computer 5831
software from the seller to the purchaser by means other than 5832
tangible storage media. 5833

(DDD) "Prewritten computer software" means computer software, 5834
including prewritten upgrades, that is not designed and developed 5835
by the author or other creator to the specifications of a specific 5836
purchaser. The combining of two or more prewritten computer 5837
software programs or prewritten portions thereof does not cause 5838
the combination to be other than prewritten computer software. 5839
"Prewritten computer software" includes software designed and 5840
developed by the author or other creator to the specifications of 5841
a specific purchaser when it is sold to a person other than the 5842
purchaser. If a person modifies or enhances computer software of 5843
which the person is not the author or creator, the person shall be 5844
deemed to be the author or creator only of such person's 5845
modifications or enhancements. Prewritten computer software or a 5846

prewritten portion thereof that is modified or enhanced to any 5847
degree, where such modification or enhancement is designed and 5848
developed to the specifications of a specific purchaser, remains 5849
prewritten computer software; provided, however, that where there 5850
is a reasonable, separately stated charge or an invoice or other 5851
statement of the price given to the purchaser for the modification 5852
or enhancement, the modification or enhancement shall not 5853
constitute prewritten computer software. 5854

(EEE)(1) "Food" means substances, whether in liquid, 5855
concentrated, solid, frozen, dried, or dehydrated form, that are 5856
sold for ingestion or chewing by humans and are consumed for their 5857
taste or nutritional value. "Food" does not include alcoholic 5858
beverages, dietary supplements, soft drinks, or tobacco. 5859

(2) As used in division (EEE)(1) of this section: 5860

(a) "Alcoholic beverages" means beverages that are suitable 5861
for human consumption and contain one-half of one per cent or more 5862
of alcohol by volume. 5863

(b) "Dietary supplements" means any product, other than 5864
tobacco, that is intended to supplement the diet and that is 5865
intended for ingestion in tablet, capsule, powder, softgel, 5866
gelcap, or liquid form, or, if not intended for ingestion in such 5867
a form, is not represented as conventional food for use as a sole 5868
item of a meal or of the diet; that is required to be labeled as a 5869
dietary supplement, identifiable by the "supplement facts" box 5870
found on the label, as required by 21 C.F.R. 101.36; and that 5871
contains one or more of the following dietary ingredients: 5872

(i) A vitamin; 5873

(ii) A mineral; 5874

(iii) An herb or other botanical; 5875

(iv) An amino acid; 5876

(v) A dietary substance for use by humans to supplement the diet by increasing the total dietary intake;	5877 5878
(vi) A concentrate, metabolite, constituent, extract, or combination of any ingredient described in divisions (EEE)(2)(b)(i) to (v) of this section.	5879 5880 5881
(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.	5882 5883 5884 5885 5886
(d) "Tobacco" means cigarettes, cigars, chewing or pipe tobacco, or any other item that contains tobacco.	5887 5888
(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.	5889 5890 5891 5892 5893 5894 5895 5896 5897
(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.	5898 5899 5900 5901
(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	5902 5903 5904 5905 5906 5907

equipment. 5908

(III) "Mobility enhancing equipment" means equipment, 5909
including repair and replacement parts for such equipment, that is 5910
primarily and customarily used to provide or increase the ability 5911
to move from one place to another and is appropriate for use 5912
either in a home or a motor vehicle, that is not generally used by 5913
persons with normal mobility, and that does not include any motor 5914
vehicle or equipment on a motor vehicle normally provided by a 5915
motor vehicle manufacturer. "Mobility enhancing equipment" does 5916
not include durable medical equipment. 5917

(JJJ) "Prosthetic device" means a replacement, corrective, or 5918
supportive device, including repair and replacement parts for the 5919
device, worn on or in the human body to artificially replace a 5920
missing portion of the body, prevent or correct physical deformity 5921
or malfunction, or support a weak or deformed portion of the body. 5922
As used in this division, "prosthetic device" does not include 5923
corrective eyeglasses, contact lenses, or dental prosthesis. 5924

(KKK)(1) "Fractional aircraft ownership program" means a 5925
program in which persons within an affiliated group sell and 5926
manage fractional ownership program aircraft, provided that at 5927
least one hundred airworthy aircraft are operated in the program 5928
and the program meets all of the following criteria: 5929

(a) Management services are provided by at least one program 5930
manager within an affiliated group on behalf of the fractional 5931
owners. 5932

(b) Each program aircraft is owned or possessed by at least 5933
one fractional owner. 5934

(c) Each fractional owner owns or possesses at least a 5935
one-sixteenth interest in at least one fixed-wing program 5936
aircraft. 5937

(d) A dry-lease aircraft interchange arrangement is in effect 5938

among all of the fractional owners. 5939

(e) Multi-year program agreements are in effect regarding the 5940
fractional ownership, management services, and dry-lease aircraft 5941
interchange arrangement aspects of the program. 5942

(2) As used in division (KKK)(1) of this section: 5943

(a) "Affiliated group" has the same meaning as in division 5944
(B)(3)(e) of this section. 5945

(b) "Fractional owner" means a person that owns or possesses 5946
at least a one-sixteenth interest in a program aircraft and has 5947
entered into the agreements described in division (KKK)(1)(e) of 5948
this section. 5949

(c) "Fractional ownership program aircraft" or "program 5950
aircraft" means a turbojet aircraft that is owned or possessed by 5951
a fractional owner and that has been included in a dry-lease 5952
aircraft interchange arrangement and agreement under divisions 5953
(KKK)(1)(d) and (e) of this section, or an aircraft a program 5954
manager owns or possesses primarily for use in a fractional 5955
aircraft ownership program. 5956

(d) "Management services" means administrative and aviation 5957
support services furnished under a fractional aircraft ownership 5958
program in accordance with a management services agreement under 5959
division (KKK)(1)(e) of this section, and offered by the program 5960
manager to the fractional owners, including, at a minimum, the 5961
establishment and implementation of safety guidelines; the 5962
coordination of the scheduling of the program aircraft and crews; 5963
program aircraft maintenance; program aircraft insurance; crew 5964
training for crews employed, furnished, or contracted by the 5965
program manager or the fractional owner; the satisfaction of 5966
record-keeping requirements; and the development and use of an 5967
operations manual and a maintenance manual for the fractional 5968
aircraft ownership program. 5969

(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 6001
by a consumer for a dollar value when making a purchase of 6002
tangible personal property or services. 6003

(QQQ) "Specified digital product" means an electronically 6004
transferred digital audiovisual work, digital audio work, or 6005
digital book. 6006

As used in division (QQQ) of this section: 6007

(1) "Digital audiovisual work" means a series of related 6008
images that, when shown in succession, impart an impression of 6009
motion, together with accompanying sounds, if any. 6010

(2) "Digital audio work" means a work that results from the 6011
fixation of a series of musical, spoken, or other sounds, 6012
including digitized sound files that are downloaded onto a device 6013
and that may be used to alert the customer with respect to a 6014
communication. 6015

(3) "Digital book" means a work that is generally recognized 6016
in the ordinary and usual sense as a book. 6017

(4) "Electronically transferred" means obtained by the 6018
purchaser by means other than tangible storage media. 6019

(RRR) "Municipal gas utility" means a municipal corporation 6020
that owns or operates a system for the distribution of natural 6021
gas. 6022

Sec. 5739.02. For the purpose of providing revenue with which 6023
to meet the needs of the state, for the use of the general revenue 6024
fund of the state, for the purpose of securing a thorough and 6025
efficient system of common schools throughout the state, for the 6026
purpose of affording revenues, in addition to those from general 6027
property taxes, permitted under constitutional limitations, and 6028
from other sources, for the support of local governmental 6029
functions, and for the purpose of reimbursing the state for the 6030

expense of administering this chapter, an excise tax is hereby 6031
levied on each retail sale made in this state. 6032

(A)(1) The tax shall be collected as provided in section 6033
5739.025 of the Revised Code. The rate of the tax shall be five 6034
and three-fourths per cent. The tax applies and is collectible 6035
when the sale is made, regardless of the time when the price is 6036
paid or delivered. 6037

(2) In the case of the lease or rental, with a fixed term of 6038
more than thirty days or an indefinite term with a minimum period 6039
of more than thirty days, of any motor vehicles designed by the 6040
manufacturer to carry a load of not more than one ton, watercraft, 6041
outboard motor, or aircraft, or of any tangible personal property, 6042
other than motor vehicles designed by the manufacturer to carry a 6043
load of more than one ton, to be used by the lessee or renter 6044
primarily for business purposes, the tax shall be collected by the 6045
vendor at the time the lease or rental is consummated and shall be 6046
calculated by the vendor on the basis of the total amount to be 6047
paid by the lessee or renter under the lease agreement. If the 6048
total amount of the consideration for the lease or rental includes 6049
amounts that are not calculated at the time the lease or rental is 6050
executed, the tax shall be calculated and collected by the vendor 6051
at the time such amounts are billed to the lessee or renter. In 6052
the case of an open-end lease or rental, the tax shall be 6053
calculated by the vendor on the basis of the total amount to be 6054
paid during the initial fixed term of the lease or rental, and for 6055
each subsequent renewal period as it comes due. As used in this 6056
division, "motor vehicle" has the same meaning as in section 6057
4501.01 of the Revised Code, and "watercraft" includes an outdrive 6058
unit attached to the watercraft. 6059

A lease with a renewal clause and a termination penalty or 6060
similar provision that applies if the renewal clause is not 6061
exercised is presumed to be a sham transaction. In such a case, 6062

the tax shall be calculated and paid on the basis of the entire 6063
length of the lease period, including any renewal periods, until 6064
the termination penalty or similar provision no longer applies. 6065
The taxpayer shall bear the burden, by a preponderance of the 6066
evidence, that the transaction or series of transactions is not a 6067
sham transaction. 6068

(3) Except as provided in division (A)(2) of this section, in 6069
the case of a sale, the price of which consists in whole or in 6070
part of the lease or rental of tangible personal property, the tax 6071
shall be measured by the installments of that lease or rental. 6072

(4) In the case of a sale of a physical fitness facility 6073
service or recreation and sports club service, the price of which 6074
consists in whole or in part of a membership for the receipt of 6075
the benefit of the service, the tax applicable to the sale shall 6076
be measured by the installments thereof. 6077

(B) The tax does not apply to the following: 6078

(1) Sales to the state or any of its political subdivisions, 6079
or to any other state or its political subdivisions if the laws of 6080
that state exempt from taxation sales made to this state and its 6081
political subdivisions; 6082

(2) Sales of food for human consumption off the premises 6083
where sold; 6084

(3) Sales of food sold to students only in a cafeteria, 6085
dormitory, fraternity, or sorority maintained in a private, 6086
public, or parochial school, college, or university; 6087

(4) Sales of newspapers and sales or transfers of magazines 6088
distributed as controlled circulation publications; 6089

(5) The furnishing, preparing, or serving of meals without 6090
charge by an employer to an employee provided the employer records 6091
the meals as part compensation for services performed or work 6092

done; 6093

(6) Sales of motor fuel upon receipt, use, distribution, or 6094
sale of which in this state a tax is imposed by the law of this 6095
state, but this exemption shall not apply to the sale of motor 6096
fuel on which a refund of the tax is allowable under division (A) 6097
of section 5735.14 of the Revised Code; and the tax commissioner 6098
may deduct the amount of tax levied by this section applicable to 6099
the price of motor fuel when granting a refund of motor fuel tax 6100
pursuant to division (A) of section 5735.14 of the Revised Code 6101
and shall cause the amount deducted to be paid into the general 6102
revenue fund of this state; 6103

(7) Sales of natural gas by a natural gas company or 6104
municipal gas utility, of water by a water-works company, or of 6105
steam by a heating company, if in each case the thing sold is 6106
delivered to consumers through pipes or conduits, and all sales of 6107
communications services by a telegraph company, all terms as 6108
defined in section 5727.01 of the Revised Code, and sales of 6109
electricity delivered through wires; 6110

(8) Casual sales by a person, or auctioneer employed directly 6111
by the person to conduct such sales, except as to such sales of 6112
motor vehicles, watercraft or outboard motors required to be 6113
titled under section 1548.06 of the Revised Code, watercraft 6114
documented with the United States coast guard, snowmobiles, and 6115
all-purpose vehicles as defined in section 4519.01 of the Revised 6116
Code; 6117

(9)(a) Sales of services or tangible personal property, other 6118
than motor vehicles, mobile homes, and manufactured homes, by 6119
churches, organizations exempt from taxation under section 6120
501(c)(3) of the Internal Revenue Code of 1986, or nonprofit 6121
organizations operated exclusively for charitable purposes as 6122
defined in division (B)(12) of this section, provided that the 6123
number of days on which such tangible personal property or 6124

services, other than items never subject to the tax, are sold does 6125
not exceed six in any calendar year, except as otherwise provided 6126
in division (B)(9)(b) of this section. If the number of days on 6127
which such sales are made exceeds six in any calendar year, the 6128
church or organization shall be considered to be engaged in 6129
business and all subsequent sales by it shall be subject to the 6130
tax. In counting the number of days, all sales by groups within a 6131
church or within an organization shall be considered to be sales 6132
of that church or organization. 6133

(b) The limitation on the number of days on which tax-exempt 6134
sales may be made by a church or organization under division 6135
(B)(9)(a) of this section does not apply to sales made by student 6136
clubs and other groups of students of a primary or secondary 6137
school, or a parent-teacher association, booster group, or similar 6138
organization that raises money to support or fund curricular or 6139
extracurricular activities of a primary or secondary school. 6140

(c) Divisions (B)(9)(a) and (b) of this section do not apply 6141
to sales by a noncommercial educational radio or television 6142
broadcasting station. 6143

(10) Sales not within the taxing power of this state under 6144
the Constitution or laws of the United States or the Constitution 6145
of this state; 6146

(11) Except for transactions that are sales under division 6147
(B)(3)(r) of section 5739.01 of the Revised Code, the 6148
transportation of persons or property, unless the transportation 6149
is by a private investigation and security service; 6150

(12) Sales of tangible personal property or services to 6151
churches, to organizations exempt from taxation under section 6152
501(c)(3) of the Internal Revenue Code of 1986, and to any other 6153
nonprofit organizations operated exclusively for charitable 6154
purposes in this state, no part of the net income of which inures 6155

to the benefit of any private shareholder or individual, and no 6156
substantial part of the activities of which consists of carrying 6157
on propaganda or otherwise attempting to influence legislation; 6158
sales to offices administering one or more homes for the aged or 6159
one or more hospital facilities exempt under section 140.08 of the 6160
Revised Code; and sales to organizations described in division (D) 6161
of section 5709.12 of the Revised Code. 6162

"Charitable purposes" means the relief of poverty; the 6163
improvement of health through the alleviation of illness, disease, 6164
or injury; the operation of an organization exclusively for the 6165
provision of professional, laundry, printing, and purchasing 6166
services to hospitals or charitable institutions; the operation of 6167
a home for the aged, as defined in section 5701.13 of the Revised 6168
Code; the operation of a radio or television broadcasting station 6169
that is licensed by the federal communications commission as a 6170
noncommercial educational radio or television station; the 6171
operation of a nonprofit animal adoption service or a county 6172
humane society; the promotion of education by an institution of 6173
learning that maintains a faculty of qualified instructors, 6174
teaches regular continuous courses of study, and confers a 6175
recognized diploma upon completion of a specific curriculum; the 6176
operation of a parent-teacher association, booster group, or 6177
similar organization primarily engaged in the promotion and 6178
support of the curricular or extracurricular activities of a 6179
primary or secondary school; the operation of a community or area 6180
center in which presentations in music, dramatics, the arts, and 6181
related fields are made in order to foster public interest and 6182
education therein; the production of performances in music, 6183
dramatics, and the arts; or the promotion of education by an 6184
organization engaged in carrying on research in, or the 6185
dissemination of, scientific and technological knowledge and 6186
information primarily for the public. 6187

Nothing in this division shall be deemed to exempt sales to 6188
any organization for use in the operation or carrying on of a 6189
trade or business, or sales to a home for the aged for use in the 6190
operation of independent living facilities as defined in division 6191
(A) of section 5709.12 of the Revised Code. 6192

(13) Building and construction materials and services sold to 6193
construction contractors for incorporation into a structure or 6194
improvement to real property under a construction contract with 6195
this state or a political subdivision of this state, or with the 6196
United States government or any of its agencies; building and 6197
construction materials and services sold to construction 6198
contractors for incorporation into a structure or improvement to 6199
real property that are accepted for ownership by this state or any 6200
of its political subdivisions, or by the United States government 6201
or any of its agencies at the time of completion of the structures 6202
or improvements; building and construction materials sold to 6203
construction contractors for incorporation into a horticulture 6204
structure or livestock structure for a person engaged in the 6205
business of horticulture or producing livestock; building 6206
materials and services sold to a construction contractor for 6207
incorporation into a house of public worship or religious 6208
education, or a building used exclusively for charitable purposes 6209
under a construction contract with an organization whose purpose 6210
is as described in division (B)(12) of this section; building 6211
materials and services sold to a construction contractor for 6212
incorporation into a building under a construction contract with 6213
an organization exempt from taxation under section 501(c)(3) of 6214
the Internal Revenue Code of 1986 when the building is to be used 6215
exclusively for the organization's exempt purposes; building and 6216
construction materials sold for incorporation into the original 6217
construction of a sports facility under section 307.696 of the 6218
Revised Code; building and construction materials and services 6219
sold to a construction contractor for incorporation into real 6220

property outside this state if such materials and services, when 6221
sold to a construction contractor in the state in which the real 6222
property is located for incorporation into real property in that 6223
state, would be exempt from a tax on sales levied by that state; 6224
building and construction materials for incorporation into a 6225
transportation facility pursuant to a public-private agreement 6226
entered into under sections 5501.70 to 5501.83 of the Revised 6227
Code; and, until one calendar year after the construction of a 6228
convention center that qualifies for property tax exemption under 6229
section 5709.084 of the Revised Code is completed, building and 6230
construction materials and services sold to a construction 6231
contractor for incorporation into the real property comprising 6232
that convention center; 6233

(14) Sales of ships or vessels or rail rolling stock used or 6234
to be used principally in interstate or foreign commerce, and 6235
repairs, alterations, fuel, and lubricants for such ships or 6236
vessels or rail rolling stock; 6237

(15) Sales to persons primarily engaged in any of the 6238
activities mentioned in division (B)(42)(a), (g), or (h) of this 6239
section, to persons engaged in making retail sales, or to persons 6240
who purchase for sale from a manufacturer tangible personal 6241
property that was produced by the manufacturer in accordance with 6242
specific designs provided by the purchaser, of packages, including 6243
material, labels, and parts for packages, and of machinery, 6244
equipment, and material for use primarily in packaging tangible 6245
personal property produced for sale, including any machinery, 6246
equipment, and supplies used to make labels or packages, to 6247
prepare packages or products for labeling, or to label packages or 6248
products, by or on the order of the person doing the packaging, or 6249
sold at retail. "Packages" includes bags, baskets, cartons, 6250
crates, boxes, cans, bottles, bindings, wrappings, and other 6251
similar devices and containers, but does not include motor 6252

vehicles or bulk tanks, trailers, or similar devices attached to 6253
motor vehicles. "Packaging" means placing in a package. Division 6254
(B)(15) of this section does not apply to persons engaged in 6255
highway transportation for hire. 6256

(16) Sales of food to persons using supplemental nutrition 6257
assistance program benefits to purchase the food. As used in this 6258
division, "food" has the same meaning as in 7 U.S.C. 2012 and 6259
federal regulations adopted pursuant to the Food and Nutrition Act 6260
of 2008. 6261

(17) Sales to persons engaged in farming, agriculture, 6262
horticulture, or floriculture, of tangible personal property for 6263
use or consumption primarily in the production by farming, 6264
agriculture, horticulture, or floriculture of other tangible 6265
personal property for use or consumption primarily in the 6266
production of tangible personal property for sale by farming, 6267
agriculture, horticulture, or floriculture; or material and parts 6268
for incorporation into any such tangible personal property for use 6269
or consumption in production; and of tangible personal property 6270
for such use or consumption in the conditioning or holding of 6271
products produced by and for such use, consumption, or sale by 6272
persons engaged in farming, agriculture, horticulture, or 6273
floriculture, except where such property is incorporated into real 6274
property; 6275

(18) Sales of drugs for a human being that may be dispensed 6276
only pursuant to a prescription; insulin as recognized in the 6277
official United States pharmacopoeia; urine and blood testing 6278
materials when used by diabetics or persons with hypoglycemia to 6279
test for glucose or acetone; hypodermic syringes and needles when 6280
used by diabetics for insulin injections; epoetin alfa when 6281
purchased for use in the treatment of persons with medical 6282
disease; hospital beds when purchased by hospitals, nursing homes, 6283
or other medical facilities; and medical oxygen and medical 6284

oxygen-dispensing equipment when purchased by hospitals, nursing homes, or other medical facilities;	6285 6286
(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.	6287 6288 6289 6290
(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;	6291 6292 6293 6294 6295
(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;	6296 6297 6298 6299 6300 6301
(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;	6302 6303 6304 6305 6306
(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;	6307 6308 6309
(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	6310 6311 6312 6313 6314 6315

packaging eggs for sale; and handling and transportation equipment 6316
and parts therefor, except motor vehicles licensed to operate on 6317
public highways, used in intraplant or interplant transfers or 6318
shipment of eggs in the process of preparation for sale, when the 6319
plant or plants within or between which such transfers or 6320
shipments occur are operated by the same person. "Packages" 6321
includes containers, cases, baskets, flats, fillers, filler flats, 6322
cartons, closure materials, labels, and labeling materials, and 6323
"packaging" means placing therein. 6324

(25)(a) Sales of water to a consumer for residential use; 6325

(b) Sales of water by a nonprofit corporation engaged 6326
exclusively in the treatment, distribution, and sale of water to 6327
consumers, if such water is delivered to consumers through pipes 6328
or tubing. 6329

(26) Fees charged for inspection or reinspection of motor 6330
vehicles under section 3704.14 of the Revised Code; 6331

(27) Sales to persons licensed to conduct a food service 6332
operation pursuant to section 3717.43 of the Revised Code, of 6333
tangible personal property primarily used directly for the 6334
following: 6335

(a) To prepare food for human consumption for sale; 6336

(b) To preserve food that has been or will be prepared for 6337
human consumption for sale by the food service operator, not 6338
including tangible personal property used to display food for 6339
selection by the consumer; 6340

(c) To clean tangible personal property used to prepare or 6341
serve food for human consumption for sale. 6342

(28) Sales of animals by nonprofit animal adoption services 6343
or county humane societies; 6344

(29) Sales of services to a corporation described in division 6345

(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, 6377
based upon the use of the thing purchased in providing the 6378
telecommunications, mobile telecommunications, or satellite 6379
broadcasting service. 6380

(35)(a) Sales where the purpose of the consumer is to use or 6381
consume the things transferred in making retail sales and 6382
consisting of newspaper inserts, catalogues, coupons, flyers, gift 6383
certificates, or other advertising material that prices and 6384
describes tangible personal property offered for retail sale. 6385

(b) Sales to direct marketing vendors of preliminary 6386
materials such as photographs, artwork, and typesetting that will 6387
be used in printing advertising material; and of printed matter 6388
that offers free merchandise or chances to win sweepstake prizes 6389
and that is mailed to potential customers with advertising 6390
material described in division (B)(35)(a) of this section; 6391

(c) Sales of equipment such as telephones, computers, 6392
facsimile machines, and similar tangible personal property 6393
primarily used to accept orders for direct marketing retail sales. 6394

(d) Sales of automatic food vending machines that preserve 6395
food with a shelf life of forty-five days or less by refrigeration 6396
and dispense it to the consumer. 6397

For purposes of division (B)(35) of this section, "direct 6398
marketing" means the method of selling where consumers order 6399
tangible personal property by United States mail, delivery 6400
service, or telecommunication and the vendor delivers or ships the 6401
tangible personal property sold to the consumer from a warehouse, 6402
catalogue distribution center, or similar fulfillment facility by 6403
means of the United States mail, delivery service, or common 6404
carrier. 6405

(36) Sales to a person engaged in the business of 6406
horticulture or producing livestock of materials to be 6407

incorporated into a horticulture structure or livestock structure;	6408
(37) Sales of personal computers, computer monitors, computer	6409
keyboards, modems, and other peripheral computer equipment to an	6410
individual who is licensed or certified to teach in an elementary	6411
or a secondary school in this state for use by that individual in	6412
preparation for teaching elementary or secondary school students;	6413
(38) Sales to a professional racing team of any of the	6414
following:	6415
(a) Motor racing vehicles;	6416
(b) Repair services for motor racing vehicles;	6417
(c) Items of property that are attached to or incorporated in	6418
motor racing vehicles, including engines, chassis, and all other	6419
components of the vehicles, and all spare, replacement, and	6420
rebuilt parts or components of the vehicles; except not including	6421
tires, consumable fluids, paint, and accessories consisting of	6422
instrumentation sensors and related items added to the vehicle to	6423
collect and transmit data by means of telemetry and other forms of	6424
communication.	6425
(39) Sales of used manufactured homes and used mobile homes,	6426
as defined in section 5739.0210 of the Revised Code, made on or	6427
after January 1, 2000;	6428
(40) Sales of tangible personal property and services to a	6429
provider of electricity used or consumed directly and primarily in	6430
generating, transmitting, or distributing electricity for use by	6431
others, including property that is or is to be incorporated into	6432
and will become a part of the consumer's production, transmission,	6433
or distribution system and that retains its classification as	6434
tangible personal property after incorporation; fuel or power used	6435
in the production, transmission, or distribution of electricity;	6436
energy conversion equipment as defined in section 5727.01 of the	6437
Revised Code; and tangible personal property and services used in	6438

the repair and maintenance of the production, transmission, or 6439
distribution system, including only those motor vehicles as are 6440
specially designed and equipped for such use. The exemption 6441
provided in this division shall be in lieu of all other exemptions 6442
in division (B)(42)(a) or (n) of this section to which a provider 6443
of electricity may otherwise be entitled based on the use of the 6444
tangible personal property or service purchased in generating, 6445
transmitting, or distributing electricity. 6446

(41) Sales to a person providing services under division 6447
(B)(3)(r) of section 5739.01 of the Revised Code of tangible 6448
personal property and services used directly and primarily in 6449
providing taxable services under that section. 6450

(42) Sales where the purpose of the purchaser is to do any of 6451
the following: 6452

(a) To incorporate the thing transferred as a material or a 6453
part into tangible personal property to be produced for sale by 6454
manufacturing, assembling, processing, or refining; or to use or 6455
consume the thing transferred directly in producing tangible 6456
personal property for sale by mining, including, without 6457
limitation, the extraction from the earth of all substances that 6458
are classed geologically as minerals, production of crude oil and 6459
natural gas, or directly in the rendition of a public utility 6460
service, except that the sales tax levied by this section shall be 6461
collected upon all meals, drinks, and food for human consumption 6462
sold when transporting persons. Persons engaged in rendering 6463
services in the exploration for, and production of, crude oil and 6464
natural gas for others are deemed engaged directly in the 6465
exploration for, and production of, crude oil and natural gas. 6466
This paragraph does not exempt from "retail sale" or "sales at 6467
retail" the sale of tangible personal property that is to be 6468
incorporated into a structure or improvement to real property. 6469

(b) To hold the thing transferred as security for the 6470

performance of an obligation of the vendor;	6471
(c) To resell, hold, use, or consume the thing transferred as evidence of a contract of insurance;	6472 6473
(d) To use or consume the thing directly in commercial fishing;	6474 6475
(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;	6476 6477 6478 6479
(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;	6480 6481 6482 6483 6484
(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;	6485 6486 6487
(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;	6488 6489 6490 6491 6492 6493
(i) To use the thing transferred as qualified research and development equipment;	6494 6495
(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	6496 6497 6498 6499 6500

warehouse, distribution center, or similar facility, to retail 6501
stores of an affiliated group of which that person is a member, or 6502
by means of direct marketing. This division does not apply to 6503
motor vehicles registered for operation on the public highways. As 6504
used in this division, "affiliated group" has the same meaning as 6505
in division (B)(3)(e) of section 5739.01 of the Revised Code and 6506
"direct marketing" has the same meaning as in division (B)(35) of 6507
this section. 6508

(k) To use or consume the thing transferred to fulfill a 6509
contractual obligation incurred by a warrantor pursuant to a 6510
warranty provided as a part of the price of the tangible personal 6511
property sold or by a vendor of a warranty, maintenance or service 6512
contract, or similar agreement the provision of which is defined 6513
as a sale under division (B)(7) of section 5739.01 of the Revised 6514
Code; 6515

(l) To use or consume the thing transferred in the production 6516
of a newspaper for distribution to the public; 6517

(m) To use tangible personal property to perform a service 6518
listed in division (B)(3) of section 5739.01 of the Revised Code, 6519
if the property is or is to be permanently transferred to the 6520
consumer of the service as an integral part of the performance of 6521
the service; 6522

(n) To use or consume the thing transferred primarily in 6523
producing tangible personal property for sale by farming, 6524
agriculture, horticulture, or floriculture. Persons engaged in 6525
rendering farming, agriculture, horticulture, or floriculture 6526
services for others are deemed engaged primarily in farming, 6527
agriculture, horticulture, or floriculture. This paragraph does 6528
not exempt from "retail sale" or "sales at retail" the sale of 6529
tangible personal property that is to be incorporated into a 6530
structure or improvement to real property. 6531

(o) To use or consume the thing transferred in acquiring, 6532
formatting, editing, storing, and disseminating data or 6533
information by electronic publishing; 6534

(p) To provide the thing transferred to the owner or lessee 6535
of a motor vehicle that is being repaired or serviced, if the 6536
thing transferred is a rented motor vehicle and the purchaser is 6537
reimbursed for the cost of the rented motor vehicle by a 6538
manufacturer, warrantor, or provider of a maintenance, service, or 6539
other similar contract or agreement, with respect to the motor 6540
vehicle that is being repaired or serviced. 6541

As used in division (B)(42) of this section, "thing" includes 6542
all transactions included in divisions (B)(3)(a), (b), and (e) of 6543
section 5739.01 of the Revised Code. 6544

(43) Sales conducted through a coin operated device that 6545
activates vacuum equipment or equipment that dispenses water, 6546
whether or not in combination with soap or other cleaning agents 6547
or wax, to the consumer for the consumer's use on the premises in 6548
washing, cleaning, or waxing a motor vehicle, provided no other 6549
personal property or personal service is provided as part of the 6550
transaction. 6551

(44) Sales of replacement and modification parts for engines, 6552
airframes, instruments, and interiors in, and paint for, aircraft 6553
used primarily in a fractional aircraft ownership program, and 6554
sales of services for the repair, modification, and maintenance of 6555
such aircraft, and machinery, equipment, and supplies primarily 6556
used to provide those services. 6557

(45) Sales of telecommunications service that is used 6558
directly and primarily to perform the functions of a call center. 6559
As used in this division, "call center" means any physical 6560
location where telephone calls are placed or received in high 6561
volume for the purpose of making sales, marketing, customer 6562

service, technical support, or other specialized business 6563
activity, and that employs at least fifty individuals that engage 6564
in call center activities on a full-time basis, or sufficient 6565
individuals to fill fifty full-time equivalent positions. 6566

(46) Sales by a telecommunications service vendor of 900 6567
service to a subscriber. This division does not apply to 6568
information services, as defined in division (FF) of section 6569
5739.01 of the Revised Code. 6570

(47) Sales of value-added non-voice data service. This 6571
division does not apply to any similar service that is not 6572
otherwise a telecommunications service. 6573

(48)(a) Sales of machinery, equipment, and software to a 6574
qualified direct selling entity for use in a warehouse or 6575
distribution center primarily for storing, transporting, or 6576
otherwise handling inventory that is held for sale to independent 6577
salespersons who operate as direct sellers and that is held 6578
primarily for distribution outside this state; 6579

(b) As used in division (B)(48)(a) of this section: 6580

(i) "Direct seller" means a person selling consumer products 6581
to individuals for personal or household use and not from a fixed 6582
retail location, including selling such product at in-home product 6583
demonstrations, parties, and other one-on-one selling. 6584

(ii) "Qualified direct selling entity" means an entity 6585
selling to direct sellers at the time the entity enters into a tax 6586
credit agreement with the tax credit authority pursuant to section 6587
122.17 of the Revised Code, provided that the agreement was 6588
entered into on or after January 1, 2007. Neither contingencies 6589
relevant to the granting of, nor later developments with respect 6590
to, the tax credit shall impair the status of the qualified direct 6591
selling entity under division (B)(48) of this section after 6592
execution of the tax credit agreement by the tax credit authority. 6593

(c) Division (B)(48) of this section is limited to machinery, 6594
equipment, and software first stored, used, or consumed in this 6595
state within the period commencing June 24, 2008, and ending on 6596
the date that is five years after that date. 6597

(49) Sales of materials, parts, equipment, or engines used in 6598
the repair or maintenance of aircraft or avionics systems of such 6599
aircraft, and sales of repair, remodeling, replacement, or 6600
maintenance services in this state performed on aircraft or on an 6601
aircraft's avionics, engine, or component materials or parts. As 6602
used in division (B)(49) of this section, "aircraft" means 6603
aircraft of more than six thousand pounds maximum certified 6604
takeoff weight or used exclusively in general aviation. 6605

(50) Sales of full flight simulators that are used for pilot 6606
or flight-crew training, sales of repair or replacement parts or 6607
components, and sales of repair or maintenance services for such 6608
full flight simulators. "Full flight simulator" means a replica of 6609
a specific type, or make, model, and series of aircraft cockpit. 6610
It includes the assemblage of equipment and computer programs 6611
necessary to represent aircraft operations in ground and flight 6612
conditions, a visual system providing an out-of-the-cockpit view, 6613
and a system that provides cues at least equivalent to those of a 6614
three-degree-of-freedom motion system, and has the full range of 6615
capabilities of the systems installed in the device as described 6616
in appendices A and B of part 60 of chapter 1 of title 14 of the 6617
Code of Federal Regulations. 6618

(51) Any transfer or lease of tangible personal property 6619
between the state and JobsOhio in accordance with section 4313.02 6620
of the Revised Code. 6621

(52)(a) Sales to a qualifying corporation. 6622

(b) As used in division (B)(52) of this section: 6623

(i) "Qualifying corporation" means a nonprofit corporation 6624

organized in this state that leases from an eligible county land, 6625
buildings, structures, fixtures, and improvements to the land that 6626
are part of or used in a public recreational facility used by a 6627
major league professional athletic team or a class A to class AAA 6628
minor league affiliate of a major league professional athletic 6629
team for a significant portion of the team's home schedule, 6630
provided the following apply: 6631

(I) The facility is leased from the eligible county pursuant 6632
to a lease that requires substantially all of the revenue from the 6633
operation of the business or activity conducted by the nonprofit 6634
corporation at the facility in excess of operating costs, capital 6635
expenditures, and reserves to be paid to the eligible county at 6636
least once per calendar year. 6637

(II) Upon dissolution and liquidation of the nonprofit 6638
corporation, all of its net assets are distributable to the board 6639
of commissioners of the eligible county from which the corporation 6640
leases the facility. 6641

(ii) "Eligible county" has the same meaning as in section 6642
307.695 of the Revised Code. 6643

(53) Sales to or by a cable service provider, video service 6644
provider, or radio or television broadcast station regulated by 6645
the federal government of cable service or programming, video 6646
service or programming, audio service or programming, or 6647
electronically transferred digital audiovisual or audio work. As 6648
used in division (B)(53) of this section, "cable service" and 6649
"cable service provider" have the same meanings as in section 6650
1332.01 of the Revised Code, and "video service," "video service 6651
provider," and "video programming" have the same meanings as in 6652
section 1332.21 of the Revised Code. 6653

(C) For the purpose of the proper administration of this 6654
chapter, and to prevent the evasion of the tax, it is presumed 6655

that all sales made in this state are subject to the tax until the 6656
contrary is established. 6657

(D) The levy of this tax on retail sales of recreation and 6658
sports club service shall not prevent a municipal corporation from 6659
levying any tax on recreation and sports club dues or on any 6660
income generated by recreation and sports club dues. 6661

(E) The tax collected by the vendor from the consumer under 6662
this chapter is not part of the price, but is a tax collection for 6663
the benefit of the state, and of counties levying an additional 6664
sales tax pursuant to section 5739.021 or 5739.026 of the Revised 6665
Code and of transit authorities levying an additional sales tax 6666
pursuant to section 5739.023 of the Revised Code. Except for the 6667
discount authorized under section 5739.12 of the Revised Code and 6668
the effects of any rounding pursuant to section 5703.055 of the 6669
Revised Code, no person other than the state or such a county or 6670
transit authority shall derive any benefit from the collection or 6671
payment of the tax levied by this section or section 5739.021, 6672
5739.023, or 5739.026 of the Revised Code. 6673

Sec. 5747.51. (A) On or before the twenty-fifth day of July 6674
of each year, the tax commissioner shall make and certify to the 6675
county auditor of each county an estimate of the amount of the 6676
local government fund to be allocated to the undivided local 6677
government fund of each county for the ensuing calendar year, 6678
adjusting the total as required to account for subdivisions 6679
receiving local government funds under section 5747.502 of the 6680
Revised Code. 6681

(B) At each annual regular session of the county budget 6682
commission convened pursuant to section 5705.27 of the Revised 6683
Code, each auditor shall present to the commission the certificate 6684
of the commissioner, the annual tax budget and estimates, and the 6685
records showing the action of the commission in its last preceding 6686

regular session. The commission, after extending to the 6687
representatives of each subdivision an opportunity to be heard, 6688
under oath administered by any member of the commission, and 6689
considering all the facts and information presented to it by the 6690
auditor, shall determine the amount of the undivided local 6691
government fund needed by and to be apportioned to each 6692
subdivision for current operating expenses, as shown in the tax 6693
budget of the subdivision. This determination shall be made 6694
pursuant to divisions (C) to (I) of this section, unless the 6695
commission has provided for a formula pursuant to section 5747.53 6696
of the Revised Code. The commissioner shall reduce or increase the 6697
amount of funds from the undivided local government fund to a 6698
subdivision required to receive reduced or increased funds under 6699
section 5747.502 of the Revised Code. 6700

Nothing in this section prevents the budget commission, for 6701
the purpose of apportioning the undivided local government fund, 6702
from inquiring into the claimed needs of any subdivision as stated 6703
in its tax budget, or from adjusting claimed needs to reflect 6704
actual needs. For the purposes of this section, "current operating 6705
expenses" means the lawful expenditures of a subdivision, except 6706
those for permanent improvements and except payments for interest, 6707
sinking fund, and retirement of bonds, notes, and certificates of 6708
indebtedness of the subdivision. 6709

(C) The commission shall determine the combined total of the 6710
estimated expenditures, including transfers, from the general fund 6711
and any special funds other than special funds established for 6712
road and bridge; street construction, maintenance, and repair; 6713
state highway improvement; and gas, water, sewer, and electric 6714
public utilities operated by a subdivision, as shown in the 6715
subdivision's tax budget for the ensuing calendar year. 6716

(D) From the combined total of expenditures calculated 6717
pursuant to division (C) of this section, the commission shall 6718

deduct the following expenditures, if included in these funds in the tax budget:	6719 6720
(1) Expenditures for permanent improvements as defined in division (E) of section 5705.01 of the Revised Code;	6721 6722
(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;	6723 6724 6725 6726
(3) Expenditures for the payment of debt charges;	6727
(4) Expenditures for the payment of judgments.	6728
(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:	6729 6730 6731 6732 6733
(1) Taxes levied within the ten-mill limitation, as defined in section 5705.02 of the Revised Code;	6734 6735
(2) The budget commission allocation of estimated county public library fund revenues to be distributed pursuant to section 5747.48 of the Revised Code;	6736 6737 6738
(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;	6739 6740 6741 6742
(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	6743 6744 6745 6746 6747 6748

voted by its electorate or receives from special assessment or 6749
revenue bond collection. For the purposes of this division, where 6750
the charter of a municipal corporation prohibits the levy of an 6751
income tax, an income tax levied by the legislative authority of 6752
such municipal corporation pursuant to an amendment of the charter 6753
of that municipal corporation to authorize such a levy represents 6754
an additional tax voted by the electorate of that municipal 6755
corporation. For the purposes of this division, any measure 6756
adopted by a board of county commissioners pursuant to section 6757
322.02, ~~324.02~~, 4504.02, or 5739.021 of the Revised Code, 6758
including those measures upheld by the electorate in a referendum 6759
conducted pursuant to section 322.021, ~~324.021~~, 4504.021, or 6760
5739.022 of the Revised Code, shall not be considered an 6761
additional tax voted by the electorate. 6762

Subject to division (G) of section 5705.29 of the Revised 6763
Code, money in a reserve balance account established by a county, 6764
township, or municipal corporation under section 5705.13 of the 6765
Revised Code shall not be considered an unencumbered balance or 6766
revenue under division (E)(3) or (4) of this section. Money in a 6767
reserve balance account established by a township under section 6768
5705.132 of the Revised Code shall not be considered an 6769
unencumbered balance or revenue under division (E)(3) or (4) of 6770
this section. 6771

If a county, township, or municipal corporation has created 6772
and maintains a nonexpendable trust fund under section 5705.131 of 6773
the Revised Code, the principal of the fund, and any additions to 6774
the principal arising from sources other than the reinvestment of 6775
investment earnings arising from such a fund, shall not be 6776
considered an unencumbered balance or revenue under division 6777
(E)(3) or (4) of this section. Only investment earnings arising 6778
from investment of the principal or investment of such additions 6779
to principal may be considered an unencumbered balance or revenue 6780

under those divisions. 6781

(F) The total expenditures calculated pursuant to division 6782
(C) of this section, less the deductions authorized in divisions 6783
(D) and (E) of this section, shall be known as the "relative need" 6784
of the subdivision, for the purposes of this section. 6785

(G) The budget commission shall total the relative need of 6786
all participating subdivisions in the county, and shall compute a 6787
relative need factor by dividing the total estimate of the 6788
undivided local government fund by the total relative need of all 6789
participating subdivisions. 6790

(H) The relative need of each subdivision shall be multiplied 6791
by the relative need factor to determine the proportionate share 6792
of the subdivision in the undivided local government fund of the 6793
county; provided, that the maximum proportionate share of a county 6794
shall not exceed the following maximum percentages of the total 6795
estimate of the undivided local government fund governed by the 6796
relationship of the percentage of the population of the county 6797
that resides within municipal corporations within the county to 6798
the total population of the county as reported in the reports on 6799
population in Ohio by the department of development as of the 6800
twentieth day of July of the year in which the tax budget is filed 6801
with the budget commission: 6802

Percentage of municipal	Percentage share of the county	6803
population within the county:	shall not exceed:	

6804

Less than forty-one per cent	Sixty per cent	6805
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Forty-one per cent or more but	Fifty per cent	6806
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less than eighty-one per cent

Eighty-one per cent or more	Thirty per cent	6807
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Where the proportionate share of the county exceeds the 6808
limitations established in this division, the budget commission 6809
shall adjust the proportionate shares determined pursuant to this 6810

division so that the proportionate share of the county does not 6811
exceed these limitations, and it shall increase the proportionate 6812
shares of all other subdivisions on a pro rata basis. In counties 6813
having a population of less than one hundred thousand, not less 6814
than ten per cent shall be distributed to the townships therein. 6815

(I) The proportionate share of each subdivision in the 6816
undivided local government fund determined pursuant to division 6817
(H) of this section for any calendar year shall not be less than 6818
the product of the average of the percentages of the undivided 6819
local government fund of the county as apportioned to that 6820
subdivision for the calendar years 1968, 1969, and 1970, 6821
multiplied by the total amount of the undivided local government 6822
fund of the county apportioned pursuant to former section 5735.23 6823
of the Revised Code for the calendar year 1970. For the purposes 6824
of this division, the total apportioned amount for the calendar 6825
year 1970 shall be the amount actually allocated to the county in 6826
1970 from the state collected intangible tax as levied by section 6827
5707.03 of the Revised Code and distributed pursuant to section 6828
5725.24 of the Revised Code, plus the amount received by the 6829
county in the calendar year 1970 pursuant to division (B)(1) of 6830
former section 5739.21 of the Revised Code, and distributed 6831
pursuant to former section 5739.22 of the Revised Code. If the 6832
total amount of the undivided local government fund for any 6833
calendar year is less than the amount of the undivided local 6834
government fund apportioned pursuant to former section 5739.23 of 6835
the Revised Code for the calendar year 1970, the minimum amount 6836
guaranteed to each subdivision for that calendar year pursuant to 6837
this division shall be reduced on a basis proportionate to the 6838
amount by which the amount of the undivided local government fund 6839
for that calendar year is less than the amount of the undivided 6840
local government fund apportioned for the calendar year 1970. 6841

(J) On the basis of such apportionment, the county auditor 6842

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 6874
by sections 5747.50 to 5747.55 of the Revised Code or by the rules 6875
issued by the tax commissioner, the auditor of state, or the 6876
treasurer of state pursuant to such sections, or fails to comply 6877
with any law relating to the enforcement of such sections, the 6878
local government fund money allocated to the county may be 6879
withheld until such time as the public official has complied with 6880
such sections or such law or the rules issued pursuant thereto. 6881

Section 101.02. That existing sections 103.71, 103.74, 6882
120.33, 122.171, 122.85, 124.152, 124.181, 124.382, 126.32, 6883
127.19, 181.22, 301.28, 305.31, 305.42, 323.47, 323.73, 1303.38, 6884
2303.26, 2327.01, 2327.02, 2327.04, 2329.01, 2329.151, 2329.17, 6885
2329.18, 2329.19, 2329.20, 2329.21, 2329.26, 2329.271, 2329.28, 6886
2329.30, 2329.31, 2329.33, 2329.34, 2329.39, 2329.45, 2329.52, 6887
2329.56, 2909.07, 2941.51, 3316.042, 3375.404, 3702.511, 4141.25, 6888
4741.11, 5145.162, 5302.01, 5537.02, 5721.371, 5721.39, 5739.01, 6889
5739.02, and 5747.51 and sections 324.01, 324.02, 324.021, 324.03, 6890
324.04, 324.05, 324.06, 324.07, 324.08, 324.09, 324.10, 324.11, 6891
324.12, and 324.99 of the Revised Code are hereby repealed. 6892
6893

Section 101.03. (A) The provisions of the Revised Code, 6894
including Title XXIII, relating to the judicial sale of real 6895
estate pursuant to a mortgage loan foreclosure action comprise a 6896
comprehensive regulatory framework intended to operate uniformly 6897
throughout the state to provide efficient sales procedures for 6898
foreclosed property, improve the market for such property by 6899
increasing sale prices, and reduce the number of unoccupied and 6900
abandoned properties marring the cities of this state. This 6901
provision does not preempt vacant foreclosed property registration 6902
ordinances enacted by political subdivisions pursuant to their 6903
police powers. 6904

(B)(1) A person whose conduct is governed by this act shall 6905
comply in good faith with the requirements of this act and shall 6906
act in good faith throughout the foreclosure process. "Good 6907
faith," as defined in section 1303.201 of the Revised Code, means 6908
honesty in fact and the observance of reasonable commercial 6909
standards of fair dealing. 6910

(2) A judgment creditor in connection with a real property 6911
foreclosure action shall proceed in a commercially reasonable 6912
manner in complying with this act, not in consistent with division 6913
(A)(9) of section 1303.01 of the Revised Code. 6914

Section 101.04. (A) The winning bidder pursuant to division 6915
(A) of section 2329.153 of the Revised Code shall work with 6916
sheriffs and other groups to address issues regarding the official 6917
public sheriff sale web site, including potential cost and 6918
recoupment, details of the implementation of the online system, 6919
and other unresolved concerns. 6920

(B) A sheriff may conduct a dual real property foreclosure 6921
sale on the official public sheriff sale web site and at a 6922
physical location considered appropriate by the sheriff. 6923

Section 103.10. That Section 9 of Sub. H.B. 238 of the 131st 6924
General Assembly is hereby repealed. 6925

Section 501.10. All items in this section are hereby 6926
appropriated as designated out of any moneys in the state treasury 6927
to the credit of the designated fund. The appropriations made in 6928
this section are for the biennium ending June 30, 2018. The 6929
appropriations made in this section are in addition to any other 6930
appropriations made for the FY 2017-FY 2018 biennium. 6931

FCC FACILITIES CONSTRUCTION COMMISSION 6932

Public School Building Fund (Fund 7021) 6933

C230X9	Lead Plumbing Fixture	\$	12,000,000	6934
	Replacement Assistance			
	Grants			
TOTAL	Public School Building Fund	\$	12,000,000	6935
	Cultural and Sports Facilities Building Fund (Fund 7030)			6936
C230EF	Dayton Aviation Heritage	\$	1,000,000	6937
	National Historic Park			
TOTAL	Cultural and Sports	\$	1,000,000	6938
	Facilities Building Fund			
TOTAL ALL BUDGET FUND GROUPS		\$	13,000,000	6939
	LEAD PLUMBING FIXTURE REPLACEMENT ASSISTANCE GRANTS			6940
	The foregoing appropriation item C230X9, Lead Plumbing			6941
	Fixture Replacement Assistance Grants, shall be used by the			6942
	Facilities Construction Commission to provide funding to eligible			6943
	public and chartered nonpublic schools for the reimbursement of			6944
	the cost of the replacement of drinking fountains, water coolers,			6945
	plumbing fixtures, and limited connected piping that are found to			6946
	be a cause of lead above the federal action level in drinking			6947
	water. The foregoing appropriation item may also be used by the			6948
	Commission to reimburse eligible public and chartered nonpublic			6949
	schools for the cost of the drinking water assessments described			6950
	in the following paragraph. For the purposes of this grant			6951
	program, an eligible school is a traditional public school,			6952
	community school, or chartered nonpublic school that is housed in			6953
	a building constructed before 1990.			6954
	An eligible school may apply to the Facilities Construction			6955
	Commission for reimbursement of the cost of an assessment			6956
	performed by a commercial laboratory certified by the Ohio			6957
	Environmental Protection Agency to perform chemical analysis on			6958
	public drinking water. In order to be eligible for reimbursement,			6959
	the assessment must follow testing protocols consistent with			6960
	United States Environmental Protection Agency guidelines.			6961

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 7023
and development of the Professions Licensing System. The 7024
transferred amounts are hereby appropriated to appropriation item 7025
100658, Professionals Licensing System. The unobligated, 7026
unexpended amount of the cash transferred in FY 2016 is hereby 7027
reappropriated for the same purpose in FY 2017. 7028

Effective with the implementation of the replacement 7029
licensing system, the Department of Administrative Services shall 7030
establish charges for recovering the costs of ongoing maintenance 7031
of the system. The charges shall be billed to the professional 7032
licensing boards and the Casino Control Commission, and deposited 7033
via intrastate transfer vouchers to the credit of the Professions 7034
Licensing System Fund (Fund 5JQ0), which is hereby created in the 7035
state treasury. 7036

Sec. 223.10. AUD AUDITOR OF STATE 7037

General Revenue Fund 7038

GRF	070321	Operating Expenses	\$	28,751,872	\$	28,751,872	7039
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GRF	070403	Fiscal	\$	800,000	\$	800,000	7040
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Watch/Emergency
Technical Assistance

<u>GRF</u>	<u>070409</u>	<u>School District</u>	<u>\$</u>	<u>0</u>	<u>\$</u>	<u>1,000,000</u>	7041
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Performance Audits

TOTAL GRF	General Revenue Fund	\$	29,551,872	\$	29,551,872	7042
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30,551,872

Dedicated Purpose Fund Group 7043

1090	070601	Public Audit Expense	\$	9,600,181	\$	9,600,181	7044
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- Intra-State

4220	070602	Public Audit Expense	\$	33,509,944	\$	33,715,944	7045
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- Local Government

5840	070603	Training Program	\$	403,750	\$	403,750	7046
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5JZ0	070606	LEAP Revolving Loans	\$	400,000	\$	400,000	7047
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6750 070605	Uniform Accounting	\$	3,187,637	\$	3,187,637	7048
	Network					
TOTAL DPF Dedicated Purpose Fund						7049
Group		\$	47,101,512	\$	47,307,512	7050
TOTAL ALL BUDGET FUND GROUPS		\$	76,653,384	\$	76,859,384	7051
					<u>77,859,384</u>	
<u>SCHOOL DISTRICT PERFORMANCE AUDITS</u>						7052
<u>The foregoing appropriation item 070409, School District</u>						7053
<u>Performance Audits, shall be used by the Auditor of State, in</u>						7054
<u>consultation with the Department of Education and the Office of</u>						7055
<u>Budget and Management, for expenses incurred in the Auditor of</u>						7056
<u>State's role relating to fiscal caution, fiscal watch, and fiscal</u>						7057
<u>emergency activities pursuant to section 3316.042 of the Revised</u>						7058
<u>Code.</u>						7059
 Sec. 229.10. CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD						7060
General Revenue Fund						7061
GRF 874100	Personal Services	\$	2,417,467	\$	2,417,467	7062
GRF 874320	Maintenance and	\$	1,161,098	\$	1,161,098	7063
	Equipment				<u>1,411,098</u>	
TOTAL GRF General Revenue Fund		\$	3,578,565	\$	3,578,565	7064
					<u>3,828,565</u>	
Dedicated Purpose Fund Group						7065
2080 874601	Underground Parking	\$	3,496,740	\$	3,496,740	7066
	Garage Operations					
4G50 874603	Capitol Square	\$	6,000	\$	6,000	7067
	Education Center and					
	Arts					
TOTAL DPF Dedicated Purpose						7068
Fund Group		\$	3,502,740	\$	3,502,740	7069
Internal Service Activity Fund Group						7070

4S70 874602	Statehouse Gift	\$	700,000	\$	700,000	7071
	Shop/Events					
TOTAL ISA	Internal Service Activity					7072
Fund Group		\$	700,000	\$	700,000	7073
TOTAL ALL BUDGET FUND GROUPS		\$	7,781,305	\$	7,781,305	7074
					<u>8,031,305</u>	

HISTORICAL UNITED STATES AND OHIO FLAGS DISPLAY 7075

Of the foregoing appropriation item 874320, Maintenance and 7076
Equipment, up to \$50,000 in fiscal year 2017 shall be used to 7077
display inside the Statehouse borrowed or purchased United States, 7078
Ohio, or Ohio military flags that have historical significance to 7079
the State of Ohio. The use of these funds is subject to the 7080
approval of the members of the Capitol Square Review and Advisory 7081
Board. The Board shall consult with the Ohio History Connection 7082
regarding the display. 7083

UNDERGROUND PARKING GARAGE FUND 7084

Notwithstanding division (G) of section 105.41 of the Revised 7085
Code and any other provision to the contrary, moneys in the 7086
Underground Parking Garage Fund (Fund 2080) may be used for 7087
personnel and operating costs related to the operations of the 7088
Statehouse and the Statehouse Underground Parking Garage. 7089

HOUSE AND SENATE PARKING REIMBURSEMENT 7090

On July 1 of each fiscal year, or as soon as possible 7091
thereafter, the Director of Budget and Management shall transfer 7092
\$500,000 cash from the General Revenue Fund to the Underground 7093
Parking Garage Fund (Fund 2080). The amounts transferred under 7094
this section shall be used to reimburse the Capitol Square Review 7095
and Advisory Board for legislative parking costs. 7096

Sec. 245.10. CEB CONTROLLING BOARD 7097

General Revenue Fund 7098

GRF 911441	Ballot Advertising	\$	475,000	\$	475,000	7099
	Costs					
TOTAL GRF	General Revenue Fund	\$	475,000	\$	475,000	7100
	Dedicated Purpose Fund Group					7101
5RU0 911617	Absent Voter's Ballot	\$	0	\$	1,250,000	7102
	Mailings					
TOTAL DPF	Dedicated Purpose Fund	\$	0	\$	1,250,000	7103
	Group					
	Internal Service Activity Fund Group					7104
5KM0 911614	CB Emergency	\$	10,000,000	\$	10,000,000	7105
	<u>Purposes/Contingencies</u>					
TOTAL ISA	Internal Service Activity					7106
	Fund Group	\$	10,000,000	\$	10,000,000	7107
TOTAL ALL BUDGET FUND GROUPS		\$	10,475,000	\$	11,725,000	7108

FEDERAL SHARE 7109

In transferring appropriations to or from appropriation items 7110
that have federal shares identified in this act, the Controlling 7111
Board shall add or subtract corresponding amounts of federal 7112
matching funds at the percentages indicated by the state and 7113
federal division of the appropriations in ~~this act~~ Am. Sub. H.B. 7114
64 of the 131st General Assembly. Such changes are hereby 7115
appropriated. 7116

ABSENT VOTER'S BALLOT APPLICATION MAILING 7117

Pursuant to section 111.31 of the Revised Code and upon the 7118
request of the Secretary of State, the Controlling Board shall 7119
approve cash transfers from the Absent Voter's Ballot Fund (Fund 7120
5RU0), which is hereby created, under the foregoing appropriation 7121
item 911617, Absent Voter's Ballot Mailings, to the Absent Voter's 7122
Ballot Application Mailing Fund (Fund 5RG0) used by the Secretary 7123
of State to pay the cost of printing and mailing unsolicited 7124
applications for absent voters' ballots for the general election 7125

to be held on November 8, 2016.	7126
BALLOT ADVERTISING COSTS	7127
Pursuant to section 3501.17 of the Revised Code, and upon	7128
requests submitted by the Secretary of State, the Controlling	7129
Board shall approve transfers from the foregoing appropriation	7130
item 911441, Ballot Advertising Costs, to appropriation item	7131
050621, Statewide Ballot Advertising, in order to pay for the cost	7132
of public notices associated with statewide ballot initiatives.	7133
CAPITAL APPROPRIATION INCREASE FOR FEDERAL STIMULUS	7134
ELIGIBILITY	7135
A state agency director shall request that the Controlling	7136
Board increase the amount of the agency's capital appropriations	7137
if the director determines such an increase is necessary for the	7138
agency to receive and use funds under the federal American	7139
Recovery and Reinvestment Act of 2009. The Controlling Board may	7140
increase the capital appropriations pursuant to the request up to	7141
the exact amount necessary under the federal act if the Board	7142
determines it is necessary for the agency to receive and use those	7143
federal funds.	7144
DISASTER SERVICES	7145
Pursuant to requests submitted by the Department of Public	7146
Safety, the Controlling Board may approve transfers from the	7147
Disaster Services Fund (Fund 5E20) to a fund and appropriation	7148
item used by the Department of Public Safety to provide for	7149
assistance to political subdivisions made necessary by natural	7150
disasters or emergencies. These transfers may be requested and	7151
approved prior to the occurrence of any specific natural disasters	7152
or emergencies in order to facilitate the provision of timely	7153
assistance. The Emergency Management Agency of the Department of	7154
Public Safety shall use the funding to fund the State Disaster	7155
Relief Program for disasters that have a written Governor's	7156

authorization, and the State Individual Assistance Program for 7157
disasters that have a written Governor's authorization and is 7158
declared by the federal Small Business Administration. The Ohio 7159
Emergency Management Agency shall publish and make available 7160
application packets outlining procedures for the State Disaster 7161
Relief Program and the State Individual Assistance Program. 7162

Fund 5E20 shall be used by the Controlling Board, pursuant to 7163
requests submitted by state agencies, to transfer cash and 7164
appropriations to any fund and appropriation item for the payment 7165
of state agency disaster relief program expenses for disasters 7166
that have a written Governor's authorization, if the Director of 7167
Budget and Management determines that sufficient funds exist. 7168

Sec. 251.10. CLA COURT OF CLAIMS 7169

General Revenue Fund 7170

GRF 015321 Operating Expenses \$ 2,562,959 \$ 2,536,419 7171

GRF 015403 Public Records \$ 0 \$ 500,000 7172

Adjudication

TOTAL GRF General Revenue Fund \$ 2,562,959 \$ ~~2,536,419~~ 7173
3,036,419

Dedicated Purpose Fund Group 7174

5K20 015603 CLA Victims of Crime \$ 427,184 \$ 434,019 7175

TOTAL DPF Dedicated Purpose 7176

Fund Group \$ 427,184 \$ 434,019 7177

TOTAL ALL BUDGET FUND GROUPS \$ 2,990,143 \$ ~~2,970,438~~ 7178
3,470,438

PUBLIC RECORDS ADJUDICATION 7179

The foregoing appropriation item 015403, Public Records 7180
Adjudication, shall be used by the Court of Claims to perform its 7181
duties and responsibilities as directed by S.B. 321 of the 131st 7182
General Assembly. 7183

		Sec. 257.10. DEV DEVELOPMENT SERVICES AGENCY			7184
		General Revenue Fund			7185
GRF	195402	Coal Research and Development Program	\$ 234,400	\$ 234,400	7186
GRF	195405	Minority Business Development	\$ 1,822,191	\$ 1,722,191	7187
GRF	195407	Travel and Tourism	\$ 1,250,000	\$ 1,250,000	7188
GRF	195415	Business Development Services	\$ 2,483,187	\$ 2,483,187	7189
GRF	195426	Redevelopment Assistance	\$ 525,000	\$ 525,000	7190
GRF	195453	Technology Programs and Grants	\$ 14,577,641 <u>14,827,641</u>	\$ 14,577,641 <u>15,527,641</u>	7191
GRF	195454	Business Assistance	\$ 3,506,474	\$ 3,256,474	7192
GRF	195455	Appalachia Assistance	\$ 5,748,749	\$ 5,748,749	7193
GRF	195497	CDBG Operating Match	\$ 1,053,200	\$ 1,053,200	7194
GRF	195537	Ohio-Israel Agricultural Initiative	\$ 200,000	\$ 200,000	7195
GRF	195540	Port Authority Assistance	\$ 2,500,000	\$ 0	7196
GRF	195542	The Wilds	\$ 250,000	\$ 0	7197
GRF	195547	Saint Luke's Manor	\$ 200,000	\$ 0	7198
GRF	195549	Pathway Pilot Project	\$ 86,727	\$ 86,727	7199
GRF	195901	Coal Research & Development General Obligation Bond Debt Service	\$ 5,991,400	\$ 5,038,700	7200
GRF	195905	Third Frontier Research & Development General Obligation Bond Debt	\$ 76,591,400	\$ 96,212,000	7201

		Service					
GRF	195912	Job Ready Site	\$	18,634,000	\$	15,235,900	7202
		Development General					
		Obligation Bond Debt					
		Service					
TOTAL GRF		General Revenue Fund	\$	136,004,369	\$	147,974,169	7203
				<u>135,904,369</u>		<u>148,574,169</u>	
		Dedicated Purpose Fund Group					7204
4500	195624	Minority Business	\$	74,905	\$	74,905	7205
		Bonding Program					
		Administration					
4510	195649	Business Assistance	\$	5,000,000	\$	5,000,000	7206
		Programs					
4F20	195639	State Special Projects	\$	102,104	\$	102,104	7207
4F20	195699	Utility Community	\$	500,000	\$	500,000	7208
		Assistance					
4W10	195646	Minority Business	\$	4,000,000	\$	4,000,000	7209
		Enterprise Loan					
5CG0	195679	Alternative Fuel	\$	3,000,000	\$	3,000,000	7210
		Transportation					
5HR0	195622	Defense Development	\$	3,500,000	\$	3,500,000	7211
		Assistance					
5HR0	195662	Incumbent Workforce	\$	7,500,000	\$	7,500,000	7212
		Training Vouchers					
5JR0	195635	Redevelopment Program	\$	100,000	\$	100,000	7213
		Support					
5KN0	195640	Local Government	\$	11,922,500	\$	11,922,500	7214
		Innovation					
5KP0	195645	Historic Rehab	\$	900,000	\$	1,000,000	7215
		Operating					
5M40	195659	Low Income Energy	\$	370,000,000	\$	370,000,000	7216
		Assistance (USF)					
5M50	195660	Advanced Energy Loan	\$	12,000,000	\$	12,000,000	7217

		Programs				
5MH0	195644	SiteOhio Administration	\$	100,000	\$	100,000 7218
5MJ0	195683	TourismOhio Administration	\$	9,000,000	\$	10,000,000 7219
5NS0	195616	Career Exploration Internship	\$	500,000	\$	0 7220
5RD0	195666	Local Government Safety Capital Grant Program	\$	10,000,000	\$	10,000,000 7221
5RQ0	195546	Lakes in Economic Distress Revolving Loan Program	\$	500,000	\$	0 7222
5SA3	195678	Local Public Enhancement	\$	250,000	\$	0 7223
5W50	195690	Travel and Tourism Cooperative Projects	\$	150,000	\$	150,000 7224
5W60	195691	International Trade Cooperative Projects	\$	18,000	\$	18,000 7225
6170	195654	Volume Cap Administration	\$	32,562	\$	32,562 7226
6460	195638	Low- and Moderate- Income Housing Programs	\$	53,000,000	\$	53,000,000 7227
M087	195435	Biomedical Research and Technology Transfer	\$	500,000	\$	500,000 7228
TOTAL	DPF	Dedicated Purpose Fund Group	\$	492,650,071	\$	492,500,071 7229
		Internal Service Activity Fund Group				7230
1350	195684	Development Services Operations	\$	10,800,000	\$	10,800,000 7231
6850	195636	Development Services	\$	700,000	\$	700,000 7232

Reimbursable			
Expenditures			
TOTAL ISA Internal Service Activity			7233
Fund Group	\$	11,500,000 \$	11,500,000 7234
Facilities Establishment Fund Group			7235
5S90 195628 Capital Access Loan	\$	3,000,000 \$	3,000,000 7236
Program			
7009 195664 Innovation Ohio	\$	10,000,000 \$	10,000,000 7237
7010 195665 Research and	\$	10,000,000 \$	10,000,000 7238
Development			
7037 195615 Facilities	\$	35,000,000 \$	35,000,000 7239
Establishment			
TOTAL FCE Facilities			7240
Establishment Fund Group	\$	58,000,000 \$	58,000,000 7241
Bond Research & Development Fund Group			7242
7011 195617 Third Frontier	\$	2,788,755 \$	2,788,755 7243
Internship Program			
7011 195686 Third Frontier Tax	\$	1,140,000 \$	1,140,000 7244
Exempt - Operating			
7011 195687 Third Frontier	\$	68,904,946 \$	63,904,946 7245
Research &			
Development Projects			
7014 195620 Third Frontier	\$	1,710,000 \$	1,710,000 7246
Taxable - Operating			
7014 195692 Research &	\$	90,850,250 \$	90,850,250 7247
Development Taxable			
Bond Projects			
TOTAL BRD Bond Research &	\$	165,393,951 \$	160,393,951 7248
Development Fund Group			
Capital Projects Fund Group			7249
7003 195663 Clean Ohio	\$	600,000 \$	600,000 7250
Revitalization			

		Operating				
7012	195688	Job Ready Site	\$	300,000	\$	300,000 7251
		Development Operating				
TOTAL CPF		Capital Projects Fund	\$	900,000	\$	900,000 7252
Group						
Federal Fund		Group				7253
3080	195603	Housing Assistance	\$	10,000,000	\$	10,000,000 7254
		Programs				
3080	195609	Small Business	\$	5,271,381	\$	5,271,381 7255
		Administration Grants				
3080	195618	Energy Grants	\$	4,100,000	\$	4,100,000 7256
3080	195670	Home Weatherization	\$	20,000,000	\$	20,000,000 7257
		Program				
3080	195671	Brownfield	\$	3,000,000	\$	3,000,000 7258
		Redevelopment				
3080	195672	Manufacturing	\$	5,359,305	\$	5,359,305 7259
		Extension Partnership				
3080	195675	Procurement Technical	\$	1,250,000	\$	750,000 7260
		Assistance				
3080	195681	SBDC Disability	\$	1,300,000	\$	1,300,000 7261
		Consulting				
3080	195696	State Trade and	\$	486,000	\$	486,000 7262
		Export Promotion				
3350	195610	Energy Programs	\$	200,000	\$	200,000 7263
3AE0	195643	Workforce Development	\$	1,500,000	\$	1,500,000 7264
		Initiatives				
3FJ0	195626	Small Business	\$	5,644,445	\$	5,644,445 7265
		Capital Access and				
		Collateral				
		Enhancement Program				
3FJ0	195661	Technology Targeted	\$	2,260,953	\$	2,260,953 7266
		Investment Program				
3K80	195613	Community Development	\$	65,000,000	\$	65,000,000 7267

		Block Grant				
3K90	195611	Home Energy	\$	175,000,000	\$	175,000,000
		Assistance Block				
		Grant				
3K90	195614	HEAP Weatherization	\$	25,000,000	\$	25,000,000
3L00	195612	Community Services	\$	28,000,000	\$	28,000,000
		Block Grant				
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			\$	1,242,820,475	\$	1,249,140,275
				<u>1,242,720,475</u>		<u>1,249,740,275</u>

Sec. 257.20. COAL RESEARCH AND DEVELOPMENT PROGRAM 7275

The foregoing appropriation item 195402, Coal Research and 7276
Development Program, shall be used for the operating expenses of 7277
the Community Services Division in support of the Ohio Coal 7278
Development Office. 7279

MINORITY BUSINESS DEVELOPMENT 7280

Of the foregoing appropriation item 195405, Minority Business 7281
Development, \$100,000 in fiscal year 2016 shall be for a Minority 7282
Business Enterprise (MBE)/Encouraging Diversity, Growth and Equity 7283
(EDGE) Connectivity Study. 7284

TRAVEL AND TOURISM 7285

Of the foregoing appropriation item 195407, Travel and 7286
Tourism, \$1,000,000 in each fiscal year shall be used to make 7287
grants under section 122.121 of the Revised Code. 7288

Of the foregoing appropriation item 195407, Travel and 7289
Tourism, \$250,000 in each fiscal year shall be used to award 7290
grants to assist businesses and other entities that are adversely 7291
affected due to economic circumstances that result in the 7292
declaration of a lake as an area under economic distress by the 7293

Director of Natural Resources pursuant to section 122.641 of the Revised Code.	7294 7295
BUSINESS DEVELOPMENT SERVICES	7296
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.	7297 7298 7299 7300
REDEVELOPMENT ASSISTANCE	7301
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.	7302 7303 7304 7305
TECHNOLOGY PROGRAMS AND GRANTS	7306
Of the foregoing appropriation item 195453, Technology Programs and Grants, <u>\$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;</u> 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	7307 7308 7309 7310 7311 7312 7313 7314 7315 7316 7317 7318 7319 7320 7321 7322 7323 7324

fiscal year to develop and manage an accessible online inventory 7325
of technological resources to support small- and mid-sized 7326
manufacturers; and up to \$337,500 in each fiscal year to 7327
administer the Applied Research Grant Program, which is hereby 7328
created, to award direct cash grant assistance. A grant awarded 7329
under the Applied Research Grant Program shall not exceed the 7330
amount matched by the recipient. The Director of Development 7331
Services shall determine other eligibility criteria and the 7332
allocation of awards in implementing and administering the Applied 7333
Research Grant Program. 7334

BUSINESS ASSISTANCE 7335

The foregoing appropriation item 195454, Business Assistance, 7336
may be used to provide a range of business assistance, including 7337
grants to local organizations to support economic development 7338
activities that promote minority business development, small 7339
business development, entrepreneurship, and exports of Ohio's 7340
goods and services. This appropriation item shall also be used as 7341
matching funds for grants from the United States Small Business 7342
Administration and other federal agencies, pursuant to Public Law 7343
No. 96-302 as amended by Public Law No. 98-395, and regulations 7344
and policy guidelines for the programs pursuant thereto. 7345

APPALACHIA ASSISTANCE 7346

The foregoing appropriation item 195455, Appalachia 7347
Assistance, may be used for the administrative costs of planning 7348
and liaison activities for the Governor's Office of Appalachia, to 7349
provide financial assistance to projects in Ohio's Appalachian 7350
counties, to support four local development districts, and to pay 7351
dues for the Appalachian Regional Commission. These funds may be 7352
used to match federal funds from the Appalachian Regional 7353
Commission. Programs funded through the foregoing appropriation 7354
item shall be identified and recommended by the local development 7355
districts and approved by the Governor's Office of Appalachia. The 7356

Development Services Agency shall conduct compliance and 7357
regulatory review of the programs recommended by the local 7358
development districts. Moneys allocated under the foregoing 7359
appropriation item may be used to fund projects including, but not 7360
limited to, those designated by the local development districts as 7361
community investment and rapid response projects. 7362

Of the foregoing appropriation item 195455, Appalachia 7363
Assistance, in each fiscal year, \$170,000 shall be allocated to 7364
the Ohio Valley Regional Development Commission, \$170,000 shall be 7365
allocated to the Ohio Mid-Eastern Government Association, \$170,000 7366
shall be allocated to the Buckeye Hills-Hocking Valley Regional 7367
Development District, and \$70,000 shall be allocated to the 7368
Eastgate Regional Council of Governments. Local development 7369
districts receiving funding under this section shall use the funds 7370
for the implementation and administration of programs and duties 7371
under section 107.21 of the Revised Code. 7372

CDBG OPERATING MATCH 7373

The foregoing appropriation item 195497, CDBG Operating 7374
Match, shall be used as matching funds for grants from the United 7375
States Department of Housing and Urban Development pursuant to the 7376
Housing and Community Development Act of 1974 and regulations and 7377
policy guidelines for the programs pursuant thereto. 7378

OHIO-ISRAEL AGRICULTURAL INITIATIVE 7379

The foregoing appropriation item 195537, Ohio-Israel 7380
Agricultural Initiative, shall be used for the Ohio-Israel 7381
Agricultural Initiative. 7382

PORT AUTHORITY ASSISTANCE 7383

The foregoing appropriation item 195540, Port Authority 7384
Assistance, shall be used to distribute a grant to the Montgomery 7385
County Port Authority for the Midtown Redevelopment Initiative. 7386

THE WILDS	7387
The foregoing appropriation item 195542, The Wilds, shall be	7388
used to distribute a grant to The Wilds, a nonprofit conservation	7389
center in Muskingum County, for the development of a public water	7390
connection.	7391
SAINT LUKE'S MANOR	7392
The foregoing appropriation item 195547, Saint Luke's Manor,	7393
shall be allocated to Cleveland Neighborhood Progress to support	7394
the completion of the Saint Luke's Manor project.	7395
PATHWAY PILOT PROJECT	7396
The foregoing appropriation item 195549, Pathway Pilot	7397
Project, shall be allocated to Pathway, a Community Action Agency	7398
in Lucas County, for a pilot program to connect individuals with	7399
sustainable employment opportunities.	7400
COAL RESEARCH AND DEVELOPMENT GENERAL OBLIGATION BOND DEBT	7401
SERVICE	7402
The foregoing appropriation line item 195901, Coal Research	7403
and Development General Obligation Bond Debt Service, shall be	7404
used to pay all debt service and related financing costs during	7405
the period July 1, 2015, through June 30, 2017, on obligations	7406
issued under sections 151.01 and 151.07 of the Revised Code.	7407
THIRD FRONTIER RESEARCH & DEVELOPMENT GENERAL OBLIGATION BOND	7408
DEBT SERVICE	7409
The foregoing appropriation item 195905, Third Frontier	7410
Research & Development General Obligation Bond Debt Service, shall	7411
be used to pay all debt service and related financing costs during	7412
the period from July 1, 2015, through June 30, 2017, on	7413
obligations issued under sections 151.01 and 151.10 of the Revised	7414
Code.	7415
JOB READY SITE DEVELOPMENT GENERAL OBLIGATION BOND DEBT	7416

SERVICE 7417

The foregoing appropriation item 195912, Job Ready Site 7418
Development General Obligation Bond Debt Service, shall be used to 7419
pay all debt service and related financing costs during the period 7420
from July 1, 2015, through June 30, 2017, on obligations issued 7421
under sections 151.01 and 151.11 of the Revised Code. 7422

Sec. 263.50. SCHOOL MANAGEMENT ASSISTANCE 7423

Of the foregoing appropriation item 200422, School Management 7424
Assistance, \$1,000,000 in ~~each~~ fiscal year 2016 shall be used by 7425
the Auditor of State in consultation with the Department of 7426
Education for expenses incurred in the Auditor of State's role 7427
relating to fiscal caution, fiscal watch, and fiscal emergency 7428
activities as defined in Chapter 3316. of the Revised Code, unless 7429
an amount less than \$1,000,000 is needed and mutually agreed to by 7430
the Department and the Auditor of State. This set-aside may also 7431
be used by the Auditor of State to conduct performance audits of 7432
other school districts with priority given to districts in fiscal 7433
distress. Districts in fiscal distress shall be determined by the 7434
Auditor of State and shall include districts that the Auditor of 7435
State, in consultation with the Department of Education, 7436
determines are employing fiscal practices or experiencing 7437
budgetary conditions that could produce a state of fiscal watch or 7438
fiscal emergency. 7439

The remainder of appropriation item 200422, School Management 7440
Assistance, shall be used by the Department of Education to 7441
provide fiscal technical assistance and inservice education for 7442
school district management personnel and to administer, monitor, 7443
and implement the fiscal caution, fiscal watch, and fiscal 7444
emergency provisions under Chapter 3316. of the Revised Code. 7445

Sec. 263.220. FOUNDATION FUNDING 7446

Of the foregoing appropriation item 200550, Foundation 7447
Funding, up to \$40,000,000 in each fiscal year shall be used to 7448
provide additional state aid to school districts, joint vocational 7449
school districts, community schools, and STEM schools for special 7450
education students under division (C)(3) of section 3314.08, 7451
section 3317.0214, division (B) of section 3317.16, and section 7452
3326.34 of the Revised Code, except that the Controlling Board may 7453
increase these amounts if presented with such a request from the 7454
Department of Education at the final meeting of the fiscal year. 7455

Of the foregoing appropriation item 200550, Foundation 7456
Funding, up to \$3,800,000 in each fiscal year shall be used to 7457
fund gifted education at educational service centers. The 7458
Department shall distribute the funding through the unit-based 7459
funding methodology in place under division (L) of section 7460
3317.024, division (E) of section 3317.05, and divisions (A), (B), 7461
and (C) of section 3317.053 of the Revised Code as they existed 7462
prior to fiscal year 2010. 7463

Of the foregoing appropriation item 200550, Foundation 7464
Funding, up to ~~\$37,950,000~~ \$41,600,000 in each fiscal year ~~2016~~ 7465
~~and up to \$41,400,000 in fiscal year 2017~~ shall be reserved to 7466
fund the state reimbursement of educational service centers under 7467
the section of this act entitled "EDUCATIONAL SERVICE CENTERS 7468
FUNDING"; and up to \$3,500,000 in each fiscal year shall be 7469
distributed to educational service centers for School Improvement 7470
Initiatives and for the provision of technical assistance as 7471
required by the Elementary and Secondary Education Act Flexibility 7472
waivers approved for Ohio by the United States Department of 7473
Education. Educational service centers shall be required to 7474
support districts in the development and implementation of their 7475
continuous improvement plans as required in section 3302.04 of the 7476
Revised Code and to provide technical assistance and support in 7477
accordance with Title I of the "No Child Left Behind Act of 2001," 7478

115 Stat. 1425, 20 U.S.C. 6317, as administered pursuant to the 7479
Elementary and Secondary Education Act Flexibility waivers 7480
approved for Ohio by the United States Department of Education. 7481

Of the foregoing appropriation item 200550, Foundation 7482
Funding, up to \$20,000,000 in each fiscal year shall be reserved 7483
for payments under sections 3317.026, 3317.027, and 3317.028 of 7484
the Revised Code. If this amount is not sufficient, the Department 7485
of Education shall prorate the payment amounts so that the 7486
aggregate amount allocated in this paragraph is not exceeded. 7487

Of the foregoing appropriation item 200550, Foundation 7488
Funding, up to \$1,000,000 in each fiscal year shall be used to pay 7489
career-technical planning districts for the amounts reimbursed to 7490
students, as prescribed in this paragraph. Each career-technical 7491
planning district shall reimburse individuals taking the online 7492
General Educational Development (GED) test for the first time for 7493
application/test fees in excess of \$40. Each career-technical 7494
planning district shall designate a site or sites where 7495
individuals may register and take the exam. For each individual 7496
that registers for the exam, the career-technical planning 7497
district shall make available and offer career counseling 7498
services, including information on adult education programs that 7499
are available. Any remaining funds in each fiscal year shall be 7500
reimbursed to the Department of Youth Services and the Department 7501
of Rehabilitation and Correction for individuals in these 7502
facilities who have taken the GED for the first time. The amounts 7503
reimbursed shall not exceed the per-individual amounts reimbursed 7504
to other individuals under this section for each section of the 7505
GED. 7506

Of the foregoing appropriation item 200550, Foundation 7507
Funding, up to \$29,900,000 in fiscal year 2016 and up to 7508
\$38,000,000 in fiscal year 2017 shall be used to support school 7509
choice programs. 7510

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 7543
Funding, a portion may be used to pay college-preparatory boarding 7544
schools the per pupil boarding amount pursuant to section 3328.34 7545
of the Revised Code. 7546

Of the foregoing appropriation item 200550, Foundation 7547
Funding, up to \$2,000,000 in each fiscal year shall be used for 7548
the Bright New Leaders for Ohio Schools Program created and 7549
implemented by the nonprofit corporation incorporated pursuant to 7550
Section 733.40 of Am. Sub. H.B. 59 of the 130th General Assembly, 7551
to provide an alternative path for individuals to receive training 7552
and development in the administration of primary and secondary 7553
education and leadership, enable those individuals to earn degrees 7554
and obtain licenses in public school administration, and promote 7555
the placement of those individuals in public schools that have a 7556
poverty percentage greater than fifty per cent. 7557

Of the foregoing appropriation item 200550, Foundation 7558
Funding, \$750,000 in fiscal year 2016 shall be used as matching 7559
funds to support efforts by the Accelerate Great Schools 7560
public-private partnership to increase the number of 7561
high-performing schools in Cincinnati; to attract and develop 7562
excellent school leaders and teachers; and to engage families and 7563
communities in fostering educational improvement. 7564

Of the foregoing appropriation item 200550, Foundation 7565
Funding, \$200,000 in each fiscal year shall be used to support 7566
Bellefaire JCB's Social Advocates for Youth Program. 7567

Of the foregoing appropriation item 200550, Foundation 7568
Funding, \$150,000 in each fiscal year shall be used to support 7569
programming at the Cleveland Museum of Natural History. 7570

Of the foregoing appropriation item 200550, Foundation 7571
Funding, a portion in each fiscal year shall be used to pay 7572
community schools the amounts calculated for the graduation and 7573

third-grade reading bonuses under section 3314.085 and to pay STEM 7574
schools the amounts calculated for the graduation bonus under 7575
section 3326.41 of the Revised Code. 7576

Of the foregoing appropriation item 200550, Foundation 7577
Funding, up to \$930,000 in fiscal year 2016 and up to \$2,000,000 7578
in fiscal year 2017 may be used by the Department of Education for 7579
duties and activities related to the establishment of academic 7580
distress commissions under section 3302.10 of the Revised Code. A 7581
portion of the funds may be used as matching funds for any 7582
monetary contributions made by a school district for which an 7583
academic distress commission is established or by the district's 7584
local community to support innovative education programs or a 7585
high-quality school accelerator as provided for in section 3302.10 7586
of the Revised Code. 7587

The remainder of appropriation item 200550, Foundation 7588
Funding, shall be used to distribute the amounts calculated for 7589
formula aid under ~~sections~~ section 3317.022 of the Revised Code 7590
and the section of this act entitled "TEMPORARY TRANSITIONAL AID 7591
FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS." 7592

Appropriation items 200502, Pupil Transportation, 200540, 7593
Special Education Enhancements, and 200550, Foundation Funding, 7594
other than specific set-asides, are collectively used in each 7595
fiscal year to pay state formula aid obligations for school 7596
districts, community schools, STEM schools, college preparatory 7597
boarding schools, and joint vocational school districts under this 7598
act. The first priority of these appropriation items, with the 7599
exception of specific set-asides, is to fund state formula aid 7600
obligations. It may be necessary to reallocate funds among these 7601
appropriation items or use excess funds from other general revenue 7602
fund appropriation items in the Department of Education's budget 7603
in each fiscal year in order to meet state formula aid 7604
obligations. If it is determined that it is necessary to transfer 7605

funds among these appropriation items or to transfer funds from 7606
other General Revenue Fund appropriations in the Department of 7607
Education's budget to meet state formula aid obligations, the 7608
Superintendent of Public Instruction shall seek approval from the 7609
Director of Budget and Management to transfer funds as needed. 7610

The Superintendent of Public Instruction shall make payments, 7611
transfers, and deductions, as authorized by Title XXXIII of the 7612
Revised Code in amounts substantially equal to those made in the 7613
prior year, or otherwise, at the discretion of the Superintendent, 7614
until at least the effective date of the amendments and enactments 7615
made to Title XXXIII by this act. Any funds paid to districts or 7616
schools under this section shall be credited toward the annual 7617
funds calculated for the district or school after the changes made 7618
to Title XXXIII in this act are effective. Upon the effective date 7619
of changes made to Title XXXIII in this act, funds shall be 7620
calculated as an annual amount. 7621

Sec. 263.390. EDUCATIONAL SERVICE CENTERS FUNDING 7622

As used in this section, "high-performing primary educational 7623
service center" means an educational service center that reduces 7624
client school district expenditures in fiscal year 2016 through 7625
efficiencies attained by coordinating and consolidating services. 7626

As used in this section, "student count" means the count 7627
calculated under division (G)(1) of section 3313.843 of the 7628
Revised Code. 7629

In fiscal year 2016, the Department of Education shall pay 7630
the governing board of each primary educational service center 7631
state funds equal to ~~thirty-three~~ twenty-seven dollars times its 7632
student count. 7633

In fiscal year 2017, the Department of Education shall pay 7634
the governing board of each high-performing educational service 7635

center state funds equal to ~~thirty-five~~ twenty-seven dollars times 7636
its student count, and to the governing board of each other 7637
center, state funds equal to ~~thirty-three~~ twenty-five dollars 7638
times its student count. 7639

The State Board of Education shall adopt rules by December 7640
31, 2015, governing the determination of high-performing 7641
educational service centers and the distribution of state funds 7642
under this section for fiscal year 2017. The rules shall establish 7643
the following: (1) an application process whereby educational 7644
service centers may provide evidence of reductions in client 7645
school district expenditures in fiscal year 2016; (2) a deadline 7646
by which applications must be submitted to the Department of 7647
Education; (3) the criteria the Department will use in determining 7648
the degree of efficiencies attained by coordinating and 7649
consolidating services and which centers qualify as 7650
high-performing for purposes of funding under this section; (4) a 7651
metric the Department will use in evaluating and monitoring the 7652
efficiencies attained by coordinating and consolidating services. 7653

If the amount earmarked for the state reimbursement of 7654
educational service centers in appropriation item 200550, 7655
Foundation Funding, is not sufficient, the Department of Education 7656
shall prorate the payment amounts so that the appropriation is not 7657
exceeded. 7658

Notwithstanding any provision of law to the contrary, the 7659
Department of Education shall modify the payments under this 7660
section as follows: 7661

(A) If an educational service center ceases operation, the 7662
Department shall redistribute that center's funding, as calculated 7663
under this section, to the remaining centers in proportion to each 7664
center's service center ADM as defined in former section 3317.11 7665
of the Revised Code, as that section existed prior to the date of 7666
its repeal. 7667

(B) If two or more educational service centers merge 7668
operations to create a single service center, the Department shall 7669
distribute the sum of the original service centers' funding, as 7670
calculated under this section, to the new service center. 7671

Sec. 275.10. EPA ENVIRONMENTAL PROTECTION AGENCY 7672

General Revenue Fund 7673

GRF	715502	Auto Emissions	\$	10,923,093	\$	10,923,093	7674
		e-Check Program					

GRF	715505	Drinking Water	\$	4,000,000	\$	4,000,000	7675
		Solutions					

TOTAL GRF		General Revenue Fund	\$	14,923,093	\$	14,923,093	7676
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Dedicated Purpose Fund Group 7677

4D50	715618	Recycled State	\$	50,000	\$	50,000	7678
		Materials					

4J00	715638	Underground Injection	\$	393,917	\$	399,125	7679
		Control					

4K20	715648	Clean Air - Non Title	\$	3,309,301	\$	3,726,893	7680
		V					

4K30	715649	Solid Waste	\$	13,118,573	\$	13,202,293	7681
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4K40	715650	Surface Water	\$	9,446,300	\$	8,422,600	7682
		Protection					

4K40	715686	Environmental	\$	2,096,007	\$	2,096,007	7683
		Laboratory Services					

4K50	715651	Drinking Water	\$	6,637,044	\$	6,825,955	7684
		Protection					

4P50	715654	Cozart Landfill	\$	10,000	\$	10,000	7685
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4R50	715656	Scrap Tire Management	\$	1,040,161	\$	1,060,965	7686
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4R90	715658	Voluntary Action	\$	825,759	\$	842,275	7687
		Program					

4T30	715659	Clean Air - Title V	\$	13,507,000	\$	13,639,150	7688
		Permit Program					

5000	715608	Immediate Removal Special Account	\$	718,793	\$	731,293	7689
5030	715621	Hazardous Waste Facility Management	\$	5,765,075	\$	6,082,805	7690
5050	715623	Hazardous Waste Cleanup	\$	14,388,348	\$	14,701,826	7691
5320	715646	Recycling and Litter Control	\$	4,691,000	\$	4,698,000	7692
5410	715670	Site Specific Cleanup	\$	2,048,101	\$	2,048,101	7693
5420	715671	Risk Management Reporting	\$	214,826	\$	214,826	7694
5860	715637	Scrap Tire Market Development	\$	1,150,000	\$	1,170,000	7695
5BC0	715622	Local Air Pollution Control	\$	1,999,172	\$	1,999,172	7696
5BC0	715624	Surface Water	\$	8,665,974	\$	8,665,974	7697
5BC0	715672	Air Pollution Control	\$	4,945,566	\$	4,945,566	7698
5BC0	715673	Drinking and Ground Water	\$	3,324,521	\$	3,324,520	7699
5BC0	715676	Assistance and Prevention	\$	1,583,098	\$	1,591,682	7700
5BC0	715677	Laboratory	\$	1,253,586	\$	1,253,586	7701
5BC0	715678	Corrective Actions	\$	1,316,878	\$	1,316,878	7702
5BC0	715687	Areawide Planning Agencies	\$	450,000	\$	450,000	7703
5BC0	715692	Administration	\$	12,885,000	\$	13,505,000	7704
5BC0	715694	Environmental Resource Coordination	\$	100,000	\$	100,000	7705
5BT0	715679	C&DD Groundwater Monitoring	\$	645,000	\$	919,000	7706
5CD0	715682	Clean Diesel School Buses	\$	150,000	\$	150,000	7707
5H40	715664	Groundwater Support	\$	350,499	\$	356,727	7708

5PZ0	715696	Drinking Water Loan Fee	\$	220,200	\$	126,200	7709
5Y30	715685	Surface Water Improvement	\$	1,800,000	\$	1,800,000	7710
6440	715631	Emergency Response Radiological Safety	\$	298,304	\$	303,174	7711
6760	715642	Water Pollution Control Loan Administration	\$	1,933,621	\$	1,990,262	7712
6780	715635	Air Toxic Release	\$	133,636	\$	133,636	7713
6790	715636	Emergency Planning	\$	2,623,252	\$	2,623,252	7714
6960	715643	Air Pollution Control Administration	\$	1,125,000	\$	1,125,000	7715
6990	715644	Water Pollution Control Administration	\$	800,000	\$	800,000	7716
6A10	715645	Environmental Education	\$	1,500,000	\$	1,500,000	7717
TOTAL DPF		Dedicated Purpose Fund Group	\$	127,513,512	\$	128,901,743	7718
		Internal Service Activity Fund Group					7719
1990	715602	Laboratory Services	\$	427,234	\$	594,566	7720
2190	715604	Central Support Indirect	\$	6,900,000	\$	6,600,000	7721
4A10	715640	Operating Expenses	\$	2,050,000	\$	2,050,000	7722
TOTAL ISA		Internal Service Activity Fund Group	\$	9,377,234	\$	9,244,566	7723
		Capital Projects Fund Group					7724
5S10	715607	Clean Ohio Revitalization Operating	\$	284,124	\$	284,124	7725
TOTAL CPF		Capital Projects Fund	\$	284,124	\$	284,124	7726

Group

Federal Fund Group						7727
3530 715612	Public Water Supply	\$	2,058,127	\$	2,113,020	7728
3540 715614	Hazardous Waste	\$	3,038,383	\$	3,038,383	7729
	Management - Federal					
3570 715619	Air Pollution Control	\$	6,310,203	\$	6,310,203	7730
	- Federal					
3620 715605	Underground Injection	\$	98,628	\$	102,859	7731
	Control - Federal					
3BU0 715684	Water Quality	\$	13,211,815	\$	14,537,389	7732
	Protection					
3CS0 715688	Federal NRD	\$	200,000	\$	200,000	7733
	Settlements					
3F20 715630	Revolving Loan Fund -	\$	2,800,000	\$	2,900,000	7734
	Operating					
3F30 715632	Federally Supported	\$	4,168,991	\$	4,291,191	7735
	Cleanup and Response					
3T30 715669	Drinking Water State	\$	2,824,076	\$	2,824,076	7736
	Revolving Fund					
3V70 715606	Agencywide Grants	\$	600,000	\$	600,000	7737
TOTAL FED	Federal Fund Group	\$	35,310,223	\$	36,917,121	7738
TOTAL ALL BUDGET	FUND GROUPS	\$	187,408,186	\$	190,270,647	7739

DRINKING WATER SOLUTIONS 7740

The Director of Environmental Protection, in consultation 7741
with the Director of Natural Resources, shall distribute the money 7742
appropriated to GRF appropriation item 715505, Drinking Water 7743
Solutions, to each municipal corporation the boundaries of which 7744
are located in both the Lake Erie drainage basin and the Ohio 7745
River drainage basin and that is subject to the Great Lakes-St. 7746
Lawrence River Basin Water Resources Compact if the municipal 7747
corporation is experiencing increased costs for treatment of, or 7748
to obtain, its drinking water supplies as a result of its 7749

inability to pursue alternate water resources due to the Compact 7750
and the location of its waste water plant and preferred water 7751
sources. A municipal corporation receiving this money shall use it 7752
for one of the following purposes: relocating its water treatment 7753
facility, partnering with another political subdivision or 7754
subdivisions to access water sources, establishing pipelines to 7755
access suitable water resources, or treating water to supply 7756
drinking water to the municipal corporation. Such a municipal 7757
corporation may also use this money for expenses related to 7758
undertaking one of these required purposes. 7759

AREAWIDE PLANNING AGENCIES 7760

The Director of Environmental Protection Agency may award 7761
grants from appropriation item 715687, Areawide Planning Agencies, 7762
to areawide planning agencies engaged in areawide water quality 7763
management and planning activities in accordance with Section 208 7764
of the "Federal Clean Water Act," 33 U.S.C. 1288. 7765

WATER POLLUTION CONTROL ADMINISTRATION FUND (FUND 6990) 7766

EXPENDITURES LIMITATION 7767

Notwithstanding division (B) of section 6111.09 of the 7768
Revised Code, the Director of Environmental Protection may expend 7769
not more than \$800,000 of the moneys credited to the Water 7770
Pollution Control Administration Fund (Fund 6990) under that 7771
division in either of fiscal years 2016 or 2017 for the purposes 7772
specified in that division. 7773

ALTERNATIVE FUEL VEHICLE CONVERSION PROGRAM 7774

The Director of Budget and Management shall, in consultation 7775
with the Director of the Development Services Agency, make at 7776
least \$5,000,000 available in fiscal year 2017 for the Alternative 7777
Fuel Vehicle Conversion Program established under section 122.076 7778
of the Revised Code from the Alternative Fuel Transportation Fund 7779
(Fund 5CG0), used by the Development Services Agency. 7780

Sec. 305.10. JFS DEPARTMENT OF JOB AND FAMILY SERVICES				7781
General Revenue Fund				7782
GRF 600321	Program Support	\$ 29,189,231	\$ 29,189,231	7783
GRF 600410	TANF State/Maintenance of Effort	\$ 152,886,934	\$ 152,886,934	7784
GRF 600413	Child Care State/Maintenance of Effort	\$ 84,732,730	\$ 84,732,730	7785
GRF 600416	Information Technology Projects	\$ 54,184,700	\$ 54,184,700	7786
GRF 600420	Child Support Programs	\$ 6,591,048	\$ 6,591,048	7787
GRF 600421	Family Assistance Programs	\$ 3,161,930	\$ 3,161,930	7788
GRF 600423	Families and Children Programs	\$ 7,428,670	\$ 7,428,670	7789
GRF 600445	Unemployment Insurance Administration	\$ 23,718,724	\$ 22,523,501	7790
<u>GRF 600466</u>	<u>Foster Care</u> <u>Administration</u>	<u>\$ 0</u>	<u>\$ 550,000</u>	7791
GRF 600502	Child Support - Local	\$ 23,814,103	\$ 23,814,103	7792
GRF 600511	Disability Financial Assistance	\$ 17,000,000	\$ 17,000,000	7793
GRF 600521	Family Assistance - Local	\$ 46,132,751	\$ 46,132,751	7794
GRF 600523	Family and Children Services	\$ 57,755,323	\$ 57,755,323	7795
GRF 600528	Adoption Services			7796
	State	\$ 28,623,389	\$ 28,623,389	7797
	Federal	\$ 38,202,557	\$ 38,202,557	7798
	Adoption Services Total	\$ 66,825,946	\$ 66,825,946	7799
GRF 600533	Child, Family, and Community Protective	\$ 13,500,000	\$ 13,500,000	7800

	Services				
GRF 600534	Adult Protective	\$	2,640,000	\$	2,640,000
	7801				
	Services				
GRF 600535	Early Care and	\$	143,617,211	\$	143,436,793
	7802				
	Education				
GRF 600541	Kinship Permanency	\$	3,500,000	\$	3,500,000
	7803				
	Incentive Program				
GRF 600546	Healthy Food Financing	\$	1,000,000	\$	1,000,000
	7804				
	Initiative				
<u>GRF 600548</u>	<u>Gallipolis Digital</u>	<u>\$</u>	<u>0</u>	<u>\$</u>	<u>100,000</u>
	7805				
	<u>Works</u>				
GRF 655522	Medicaid Program	\$	31,067,970	\$	31,067,970
	7806				
	Support - Local				
GRF 655523	Medicaid Program	\$	42,280,495	\$	45,080,495
	7807				
	Support - Local				
	Transportation				
TOTAL GRF General Revenue Fund					7808
	State	\$	772,825,209	\$	774,249,568
					7809
					<u>774,899,568</u>
	Federal	\$	38,202,557	\$	38,202,557
					7810
	GRF Total	\$	811,027,766	\$	812,452,125
					7811
					<u>813,102,125</u>
	Dedicated Purpose Fund Group				7812
1980 600647	Children's Trust Fund	\$	5,873,848	\$	5,873,848
	7813				
4A80 600658	Public Assistance	\$	26,000,000	\$	26,000,000
	7814				
	Activities				
4A90 600607	Unemployment	\$	15,850,000	\$	15,250,000
	7815				
	Compensation				
	Administration Fund				
4E70 600604	Family and Children	\$	400,000	\$	400,000
	7816				
	Services Collections				
4F10 600609	Family and Children	\$	383,549	\$	383,549
	7817				
	Activities				

5DM0	600633	Audit Settlements and Contingency	\$	5,000,000	\$	5,000,000	7818
5DP0	600634	Adoption Assistance Loan	\$	500,000	\$	500,000	7819
5ES0	600630	Food Bank Assistance	\$	500,000	\$	500,000	7820
5HC0	600695	Unemployment Compensation Interest	\$	38,701,835	\$	28,668,609	7821
5KT0	600696	Early Childhood Education	\$	20,000,000	\$	20,000,000	7822
5KU0	600611	Unemployment Insurance Support - Other Sources	\$	500,000	\$	500,000	7823
5NG0	600660	Victims of Human Trafficking	\$	100,000	\$	100,000	7824
5RC0	600669	Healthier Buckeye Grant Pilot Program	\$	5,000,000	\$	6,500,000	7825
5U60	600663	Family and Children Support	\$	4,000,000	\$	4,000,000	7826
TOTAL DPF		Dedicated Purpose Fund Group	\$	122,809,232	\$	113,676,006	7827
		Internal Service Activity Fund Group					7828
5HL0	600602	State and County Shared Services	\$	3,000,000	\$	3,000,000	7829
TOTAL ISA		Internal Service Activity Fund Group	\$	3,000,000	\$	3,000,000	7830
		Fiduciary Fund Group					7831
1920	600646	Child Support Intercept - Federal	\$	129,250,000	\$	129,250,000	7832
5830	600642	Child Support Intercept - State	\$	14,000,000	\$	14,000,000	7833
5B60	600601	Food Assistance Intercept	\$	1,000,000	\$	1,000,000	7834

TOTAL FID Fiduciary Fund Group	\$	144,250,000	\$	144,250,000	7835
Holding Account Fund Group					7836
R012 600643 Refunds and Audit	\$	500,000	\$	500,000	7837
Settlements					
R013 600644 Forgery Collections	\$	10,000	\$	10,000	7838
TOTAL HLD Holding Account Fund	\$	510,000	\$	510,000	7839
Group					
Federal Fund Group					7840
3270 600606 Child Welfare	\$	29,769,866	\$	29,769,866	7841
3310 600615 Veterans Programs	\$	8,000,000	\$	8,000,000	7842
3310 600624 Employment Services	\$	26,000,000	\$	26,000,000	7843
Programs					
3310 600686 Workforce Programs	\$	6,260,000	\$	6,260,000	7844
3840 600610 Food Assistance	\$	160,381,394	\$	160,381,394	7845
Programs					
3850 600614 Refugee Services	\$	12,564,952	\$	12,564,952	7846
3950 600616 Federal Discretionary	\$	2,259,264	\$	2,259,264	7847
Grants					
3960 600620 Social Services Block	\$	47,000,000	\$	47,000,000	7848
Grant					
3970 600626 Child Support -	\$	200,000,000	\$	200,000,000	7849
Federal					
3980 600627 Adoption Program -	\$	171,178,779	\$	171,178,779	7850
Federal					
3A20 600641 Emergency Food	\$	5,000,000	\$	5,000,000	7851
Distribution					
3D30 600648 Children's Trust Fund	\$	3,477,699	\$	3,477,699	7852
Federal					
3F01 655624 Medicaid Program	\$	122,280,495	\$	125,080,495	7853
Support					
3H70 600617 Child Care Federal	\$	222,212,089	\$	213,000,000	7854
3N00 600628 Foster Care Program -	\$	291,968,616	\$	291,968,616	7855

	Federal				
3S50 600622	Child Support Projects	\$ 534,050	\$ 534,050		7856
3V00 600688	Workforce Innovation and Opportunity Act Programs	\$ 128,000,000	\$ 128,000,000		7857
3V40 600678	Federal Unemployment Programs	\$ 133,814,212	\$ 133,814,212		7858
3V40 600679	UC Review Commission - Federal	\$ 6,185,788	\$ 6,185,788		7859
3V60 600689	TANF Block Grant	\$ 824,900,560	\$ 836,437,504		7860
TOTAL FED	Federal Fund Group	\$ 2,401,787,764	\$ 2,406,912,619		7861
TOTAL ALL BUDGET FUND GROUPS		\$ 3,483,384,762	\$ 3,480,800,750 <u>3,481,450,750</u>		7862

GALLIPOLIS DIGITAL WORKS 7863

Of the foregoing appropriation item 600548, Gallipolis 7864
Digital Works, \$100,000 in fiscal year 2017 shall be allocated to 7865
the Gallipolis Digital Works program. 7866

Sec. 305.30. COUNTY ADMINISTRATIVE FUNDS 7867

(A) The foregoing appropriation item 600521, Family 7868
 Assistance - Local, may be provided to county departments of job 7869
 and family services to administer food assistance and disability 7870
 assistance programs. 7871

(B) The foregoing appropriation item 655522, Medicaid Program 7872
 Support - Local, may be provided to county departments of job and 7873
 family services to administer the Medicaid program and the State 7874
 Children's Health Insurance program. 7875

(C) The foregoing appropriation item 655523, Medicaid Program 7876
 Support - Local Transportation, may be provided to county 7877
 departments of job and family services to administer the Medicaid 7878
 transportation program. 7879

(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 7911
criteria, application processes, and maximum grant amounts for the 7912
Program. Eligibility criteria established for the Program shall 7913
give priority to proposals including the following factors: 7914

(1) Prior effectiveness in providing services that achieve 7915
lasting self-sufficiency for low-income individuals; 7916

(2) Alignment and coordination of public and private 7917
resources to assist low-income individuals achieve 7918
self-sufficiency; 7919

(3) Maintenance of continuous mentoring support and 7920
coordinated community-level participation for participants as they 7921
resolve barriers; 7922

(4) Use of local matching funds; 7923

(5) Use of volunteers and peer supports; 7924

(6) Evidence of previous experience managing or providing 7925
similar services with public funds; 7926

(7) Evidence of capability to effectively evaluate program 7927
outcomes, including success at assisting individuals and families 7928
in achieving and maintaining financial self-sufficiency, and to 7929
report relevant participant data; 7930

(8) Creation through local assessment and planning processes; 7931

(9) Collaboration between entities that participate in 7932
assessment and planning processes. 7933

(C) Not later than 180 days after the effective date of this 7934
section, the Department of Job and Family Services, in 7935
collaboration with the Ohio Healthier Buckeye Advisory Council, 7936
shall issue a request for grant proposals that meet the goals and 7937
objectives set forth in this section or that propose means to 7938
measure and achieve those goals and objectives. Each grant 7939
proposal shall specify how the council, individual, or 7940

organization plans to test and evaluate effective models of 7941
intensive case management to achieve the purpose set forth in 7942
division (A) of this section. The case management may include 7943
mentoring, coordinated community level partnerships, and 7944
comprehensive assessments to identify barriers and gaps to 7945
achieving self-sufficiency. 7946

(D) The Director, in collaboration with the Council, shall 7947
review all grant proposals submitted and shall select recipients 7948
to receive grants through the Program in the remainder of fiscal 7949
year 2016 and in fiscal year 2017. Grant recipients may contract 7950
with public and private entities, community-based organizations, 7951
and individuals to provide the services outlined in the grant 7952
proposals. 7953

(E) Funds for grants awarded under the Program shall be made 7954
from the Healthier Buckeye Fund, which is hereby created in the 7955
state treasury for fiscal year 2016 and fiscal year 2017. The Fund 7956
shall consist of moneys appropriated to it and any grants or 7957
donations received. Interest earned on the money in the Fund shall 7958
be credited to the Fund. 7959

(F) On July 1, 2016, or as soon as possible thereafter, the 7960
Director of the Ohio Department of Job and Family Services shall 7961
certify to the Director of Budget and Management the amount of the 7962
unexpended, unencumbered balance of the foregoing appropriation 7963
item 600669, Healthier Buckeye Grant Pilot Program, at the end of 7964
fiscal year 2016 to be reappropriated to fiscal year 2017. The 7965
amount certified is hereby reappropriated to the same 7966
appropriation item for fiscal year 2017 for the same purpose. 7967

Sec. 305.53. HEALTHY FOOD FINANCING INITIATIVE 7968

The foregoing GRF appropriation item 600546, Healthy Food 7969
Financing Initiative, shall be used by the Director of Job and 7970
Family Services to support healthy food access in underserved 7971

communities in urban and rural Low and Moderate Income Areas, as 7972
defined by either the U.S. Department of Agriculture (USDA), as 7973
identified in the USDA's Food Access Research Atlas, or through a 7974
methodology that has been adopted for use by another governmental 7975
or philanthropic healthy food initiative. 7976

The Director of Job and Family Services, in cooperation with 7977
the Director of Health and with the approval of the Director of 7978
the Governor's Office of Health Transformation, shall, not later 7979
than October 1, 2015, contract with an Ohio domiciled community 7980
development financial institution certified by the United States 7981
Department of the Treasury and designated as a statewide community 7982
development financial institution to initiate and administer a 7983
Healthy Food Financing Initiative. The selected community 7984
development financial institution shall demonstrate a capacity to 7985
administer grant and forgivable loan programs in accordance with 7986
state and federal rules and accounting principles and shall 7987
partner with one or more entities with demonstrable experience in 7988
healthy food access-related policy matters. The Department of Job 7989
and Family Services shall establish monitoring and accountability 7990
mechanisms for the initiative, including the cost of start-up and 7991
administration of the initiative. The Director of Job and Family 7992
Services shall establish a request for proposals, using funds 7993
appropriated for the initiative, to contract with an Ohio-based 7994
research and/or academic institution to evaluate the health impact 7995
of the initiative. 7996

Of the foregoing appropriation item 600546, Healthy Food 7997
Financing Initiative, \$250,000 in each fiscal year shall be 7998
provided ~~for the East Side Market in Cleveland to support healthy~~ 7999
~~food access under the Healthy Food Financing Initiative to the~~ 8000
Cleveland Community Development Corporation to be used to 8001
establish and operate a sustainable public market in the east side 8002
of Cleveland that will sell fresh produce and other healthy foods. 8003

Any unexpended, unencumbered amount of the earmark not distributed 8004
in fiscal year 2016 is hereby reappropriated to fiscal year 2017 8005
for the same purpose. 8006

The Director of Job and Family Services shall, not later than 8007
December 31, 2016, provide to the Governor, Speaker of the House 8008
of Representatives, President of the Senate, and Minority Leaders 8009
of the House of Representatives and Senate a written progress 8010
report on the Health Food Financing Initiative including, but not 8011
limited to, state funds granted or loaned, the number of new or 8012
retained jobs associated with related projects, the health impact 8013
of the initiative and the number and location of healthy food 8014
access projects established or in development. 8015

Sec. 305.120. STATE CHILD PROTECTION ALLOCATION 8016

Of the foregoing appropriation item 600523, Family and 8017
Children Services, up to \$3,200,000 shall be used to match 8018
eligible federal Title IV-B ESSA funds and federal Title IV-E 8019
Chafee funds allocated to public children services agencies. 8020

CHILD PLACEMENT LEVEL OF CARE TOOL PILOT PROGRAM 8021

(A) The Ohio Department of Job and Family Services shall 8022
implement and oversee use of a Child Placement Level of Care Tool 8023
on a pilot basis. The Department shall implement the pilot program 8024
in up to ten counties selected by the Department and shall include 8025
the county and at least one private child placing agency or 8026
private noncustodial agency. The pilot program shall be developed 8027
with the participating counties and agencies and must be 8028
acceptable to all participants. A selected county or agency must 8029
agree to participate in the pilot program. 8030

(B) The pilot program shall begin not later than one hundred 8031
eighty days after the effective date of this section and end not 8032
later than eighteen months after the date the pilot program 8033

begins. The length of the pilot program shall not include any time 8034
expended in preparation for implementation or any post-pilot 8035
program evaluation activity. 8036

(C)(1) In accordance with sections 125.01 to 125.11 of the 8037
Revised Code, the Ohio Department of Job and Family Services shall 8038
provide for an independent evaluation of the pilot program to rate 8039
the program's success in the following areas: 8040

(a) Placement stability, length of stay, and other outcomes 8041
for children; 8042

(b) Cost; 8043

(c) Worker satisfaction; 8044

(d) Any other criteria the Department determines will be 8045
useful in the consideration of statewide implementation. 8046

(2) The evaluation design shall include: 8047

(a) A comparison of data to historical outcomes or control 8048
counties; 8049

(b) A prospective data evaluation in each of the pilot 8050
counties. 8051

(D) The Ohio Department of Job and Family Services may adopt 8052
rules in accordance with Chapter 119. of the Revised Code as 8053
necessary to carry out the purposes of this section. The 8054
Department shall seek maximum federal financial participation to 8055
support the pilot program and the evaluation. 8056

(E) Notwithstanding division (E) of section 5101.141 of the 8057
Revised Code, the Department of Job and Family Services shall seek 8058
state funding to implement the Child Placement Level of Care Tool 8059
pilot program described in this section and to contract for the 8060
independent evaluation of the pilot program. 8061

(F) As used in this section, "Child Placement Level of Care 8062
Tool" means an assessment tool to be used by participating 8063

counties and agencies to assess a child's placement needs when a 8064
child must be removed from the child's own home and cannot be 8065
placed with a relative or kin not certified as a foster caregiver 8066
that includes assessing a child's functioning, needs, strengths, 8067
risk behaviors, and exposure to traumatic experiences. 8068

(G) Of the foregoing appropriation item 600523, Family and 8069
Children Services, \$700,000 in fiscal year 2016 and \$200,000 in 8070
fiscal year 2017 shall be used to fund the Child Placement Level 8071
of Care Tool Pilot Program established in Section 301.143 of Am. 8072
Sub. H.B. 59 of the 130th General Assembly, as amended by Am. Sub. 8073
H.B. 483 of the 130th General Assembly. These amounts represent 8074
the expected unencumbered, unexpended balance of appropriations 8075
established in Am. Sub. S.B. 243 of the 130th General Assembly. 8076

FOSTER CARE ADMINISTRATION 8077

The foregoing appropriation item, 600466, Foster Care 8078
Administration, shall be used by the Department of Job and Family 8079
Services to plan the expansion of foster care services for 8080
individuals 18 to 21 years of age. 8081

Sec. 309.10. JCO JUDICIAL CONFERENCE OF OHIO 8082

General Revenue Fund 8083

GRF 018321 Operating Expenses	\$	749,250	\$	389,250	8084
				<u>684,250</u>	

TOTAL GRF General Revenue Fund	\$	749,250	\$	389,250	8085
				<u>684,250</u>	

Dedicated Purpose Fund Group 8086

4030 018601 Ohio Jury	\$	252,750	\$	126,375	8087
Instructions					

TOTAL DPF Dedicated Purpose Fund	\$	252,750	\$	126,375	8088
Group					

TOTAL ALL BUDGET FUND GROUPS	\$	1,002,000	\$	515,625	8089
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810,625

STATE COUNCIL OF UNIFORM STATE LAWS 8090

Notwithstanding section 105.26 of the Revised Code, of the 8091
foregoing appropriation item 018321, Operating Expenses, up to 8092
\$88,300 in fiscal year 2016 and up to \$91,832 in fiscal year 2017 8093
shall be used to pay the expenses of the State Council of Uniform 8094
State Laws, including membership dues to the National Conference 8095
of Commissioners on Uniform State Laws. 8096

OHIO JURY INSTRUCTIONS FUND 8097

The Ohio Jury Instructions Fund (Fund 4030) shall consist of 8098
grants, royalties, dues, conference fees, bequests, devises, and 8099
other gifts received for the purpose of supporting costs incurred 8100
by the Judicial Conference of Ohio in its activities as a part of 8101
the judicial system of the state as determined by the Judicial 8102
Conference Executive Committee. Fund 4030 shall be used by the 8103
Judicial Conference of Ohio to pay expenses incurred in its 8104
activities as a part of the judicial system of the state as 8105
determined by the Judicial Conference Executive Committee. All 8106
moneys accruing to Fund 4030 in excess of \$491,350 in fiscal year 8107
2016 and in excess of \$292,000 in fiscal year 2017 are hereby 8108
appropriated for the purposes authorized. No money in Fund 4030 8109
shall be transferred to any other fund by the Director of Budget 8110
and Management or the Controlling Board. 8111

Sec. 379.10. OSB OHIO STATE SCHOOL FOR THE BLIND 8112

General Revenue Fund 8113

GRF 226321 Operations	\$	8,100,000	\$	8,100,000	8114
				<u>9,499,542</u>	

TOTAL GRF General Revenue Fund	\$	8,100,000	\$	8,100,000	8115
				<u>9,499,542</u>	

Dedicated Purpose Fund Group 8116

4H80	226602	Education Reform	\$	27,000	\$	27,000	8117
		Grants					
4M50	226601	Work Study and	\$	461,521	\$	461,521	8118
		Technology Investment					
5NJ0	226622	Food Service Program	\$	9,000	\$	9,000	8119
TOTAL DPF	Dedicated Purpose						8120
Fund Group			\$	497,521	\$	497,521	8121
Federal Fund Group							8122
3100	226626	Coordinating Unit	\$	2,527,104	\$	2,527,104	8123
3DT0	226621	Ohio Transition	\$	650,000	\$	650,000	8124
		Collaborative					
3P50	226643	Medicaid Professional	\$	50,000	\$	50,000	8125
		Services					
		Reimbursement					
TOTAL FED	Federal Fund Group		\$	3,227,104	\$	3,227,104	8126
TOTAL ALL BUDGET	FUND GROUPS		\$	11,824,625	\$	11,824,625	8127
						<u>13,224,167</u>	

Section 601.11. That existing Sections 207.190, 223.10, 8129
229.10, 245.10, 251.10, 257.10, 257.20, 263.150, 263.220, 263.390, 8130
275.10, 305.10, 305.30, 305.53, 305.120, 309.10, and 379.10 of Am. 8131
Sub. H.B. 64 of the 131st General Assembly are hereby repealed. 8132

Section 601.21. That Sections 263.10 and 371.10 of Am. Sub. 8133
H.B. 64 of the 131st General Assembly, as subsequently amended by 8134
Sub. H.B. 340 of the 131st General Assembly, be amended to read as 8135
follows: 8136

Sec. 263.10. EDU DEPARTMENT OF EDUCATION 8137
General Revenue Fund 8138
GRF 200321 Operating Expenses \$ 13,967,708 \$ 14,267,708 8139
GRF 200408 Early Childhood \$ 60,268,341 \$ 70,268,341 8140
Education

GRF 200420	Information Technology Development and Support	\$ 3,841,296	\$ 3,841,296	8141
GRF 200421	Alternative Education Programs	\$ 10,753,998	\$ 10,753,998	8142
GRF 200422	School Management Assistance	\$ 3,000,000	3,000,000 <u>2,000,000</u>	8143
GRF 200424	Policy Analysis	\$ 428,558	\$ 428,558	8144
GRF 200425	Tech Prep Consortia Support	\$ 260,542	\$ 260,542	8145
GRF 200426	Ohio Educational Computer Network	\$ 16,200,000	\$ 16,200,000	8146
GRF 200427	Academic Standards	\$ 3,800,000	\$ 3,800,000	8147
GRF 200437	Student Assessment	\$ 60,241,438	\$ 59,830,050	8148
GRF 200439	Accountability/Report Cards	\$ 4,897,310	\$ 4,897,310	8149
GRF 200442	Child Care Licensing	\$ 1,822,500	\$ 1,822,500	8150
GRF 200446	Education Management Information System	\$ 6,833,070	\$ 6,833,070	8151
GRF 200447	GED Testing	\$ 324,000	\$ 324,000	8152
GRF 200448	Educator Preparation	\$ 1,689,237	\$ 1,689,237	8153
GRF 200455	Community Schools and Choice Programs	\$ 3,651,395	\$ 3,731,395	8154
GRF 200457	STEM Initiatives	\$ 150,000	\$ 0	8155
GRF 200465	Education Technology Resources	\$ 3,170,976	\$ 3,170,976	8156
GRF 200502	Pupil Transportation	\$ 567,723,920	\$ 603,486,409	8157
GRF 200505	School Lunch Match	\$ 9,100,000	\$ 9,100,000	8158
GRF 200511	Auxiliary Services	\$ 144,254,342	\$ 149,909,112	8159
GRF 200532	Nonpublic Administrative Cost Reimbursement	\$ 65,165,374	\$ 67,719,856	8160
GRF 200540	Special Education	\$ 162,871,292	\$ 162,871,292	8161

		Enhancements				
GRF	200545	Career-Technical	\$	11,922,418	\$	11,947,418 8162
		Education Enhancements				
GRF	200550	Foundation Funding	\$	6,398,844,920	\$	6,655,755,799 8163
GRF	200566	Literacy Improvement	\$	750,000	\$	750,000 8164
GRF	200572	Adult Diploma	\$	3,750,000	\$	5,000,000 8165
GRF	200573	EdChoice Expansion	\$	23,500,000	\$	31,500,000 8166
GRF	200574	Half-Mill Maintenance	\$	18,750,000	\$	19,250,000 8167
		Equalization				
GRF	200576	Adaptive Sports	\$	50,000	\$	50,000 8168
		Program				
GRF	200588	Competency Based	\$	1,000,000	\$	1,000,000 8169
		Education Pilot				
GRF	200597	Education Program	\$	2,750,000	\$	2,500,000 8170
		Support				
TOTAL GRF		General Revenue Fund	\$	7,605,732,635	\$	7,925,958,867 8171
						<u>7,924,958,867</u>
		Dedicated Purpose Fund Group				8172
4520	200638	Fees and Refunds	\$	1,000,000	\$	1,000,000 8173
4540	200610	GED Testing	\$	250,000	\$	250,000 8174
4550	200608	Commodity Foods	\$	24,000,000	\$	24,000,000 8175
4L20	200681	Teacher Certification	\$	14,150,000	\$	14,250,000 8176
		and Licensure				
5980	200659	Auxiliary Services	\$	1,328,910	\$	1,328,910 8177
		Reimbursement				
5H30	200687	School District	\$	10,000,000	\$	10,000,000 8178
		Solvency Assistance				
5KX0	200691	Ohio School	\$	487,419	\$	528,600 8179
		Sponsorship Program				
5MM0	200677	Child Nutrition	\$	550,000	\$	550,000 8180
		Refunds				
5RB0	200644	Straight A Fund	\$	27,250,000	\$	15,000,000 8181
5RE0	200697	School District TPP	\$	56,500,000	\$	44,000,000 8182

		Supplement				
5U20	200685	National Education	\$	300,000	\$	300,000 8183
		Statistics				
6200	200615	Educational	\$	175,000	\$	175,000 8184
		Improvement Grants				
TOTAL DPF		Dedicated Purpose Fund	\$	135,991,329	\$	111,382,510 8185
Group						
Internal Service Activity Fund Group						8186
1380	200606	Information	\$	6,850,090	\$	6,850,090 8187
		Technology				
		Development and				
		Support				
4R70	200695	Indirect Operational	\$	7,600,000	\$	7,600,000 8188
		Support				
4V70	200633	Interagency Program	\$	500,000	\$	500,000 8189
		Support				
TOTAL ISA		Internal Service Activity				8190
Fund Group			\$	14,950,090	\$	14,950,090 8191
State Lottery Fund Group						8192
7017	200612	Foundation Funding	\$	987,650,000	\$	1,042,700,000 8193
7017	200629	Community Connectors	\$	10,000,000	\$	10,000,000 8194
7017	200684	Community School	\$	14,900,000	\$	20,700,000 8195
		Facilities				
TOTAL SLF		State Lottery				8196
Fund Group			\$	1,012,550,000	\$	1,073,400,000 8197
Federal Fund Group						8198
3090	200601	Neglected and	\$	1,600,000	\$	1,600,000 8199
		Delinquent Education				
3670	200607	School Food Services	\$	9,240,111	\$	9,794,517 8200
3700	200624	Education of	\$	1,702,040	\$	1,274,040 8201
		Exceptional Children				
3AF0	200603	Schools Medicaid	\$	750,000	\$	750,000 8202

Administrative Claims						
3AN0	200671	School Improvement	\$	32,400,000	\$ 32,400,000	8203
Grants						
3C50	200661	Early Childhood	\$	14,554,749	\$ 14,554,749	8204
Education						
3CG0	200646	Teacher Incentive	\$	12,500,000	\$ 200,000	8205
3D10	200664	Drug Free Schools	\$	521,000	\$ 282,000	8206
3D20	200667	Math Science	\$	7,500,000	\$ 7,500,000	8207
Partnerships						
3EH0	200620	Migrant Education	\$	2,900,000	\$ 2,900,000	8208
3EJ0	200622	Homeless Children	\$	2,600,000	\$ 2,600,000	8209
Education						
3EK0	200637	Advanced Placement	\$	432,444	\$ 498,484	8210
3FD0	200665	Race to the Top	\$	12,000,000	\$ 0	8211
3FN0	200672	Early Learning	\$	8,000,000	\$ 3,400,000	8212
Challenge - Race to the Top						
3GE0	200674	Summer Food Service	\$	14,423,915	\$ 14,856,635	8213
Program						
3GF0	200675	Miscellaneous	\$	3,000,000	\$ 3,000,000	8214
Nutrition Grants						
3GG0	200676	Fresh Fruit and	\$	5,026,545	\$ 5,177,340	8215
Vegetable Program						
3GP0	200600	School Climate	\$	252,420	\$ 252,420	8216
Transformation						
3GQ0	200679	Project Aware	\$	1,907,423	\$ 1,907,423	8217
3H90	200605	Head Start	\$	225,000	\$ 225,000	8218
Collaboration Project						
3L60	200617	Federal School Lunch	\$	371,960,060	\$ 383,118,860	8219
3L70	200618	Federal School	\$	117,332,605	\$ 122,025,909	8220
Breakfast						
3L80	200619	Child/Adult Food	\$	113,508,500	\$ 116,913,755	8221
Programs						

3L90	200621	Career-Technical Education Basic Grant	\$ 44,663,900	\$ 44,663,900	8222
3M00	200623	ESEA Title 1A	\$ 590,000,000	\$ 600,000,000	8223
3M20	200680	Individuals with Disabilities Education Act	\$ 444,000,000	\$ 445,000,000	8224
3Y20	200688	21st Century Community Learning Centers	\$ 50,000,000	\$ 50,000,000	8225
3Y60	200635	Improving Teacher Quality	\$ 90,000,000	\$ 90,000,000	8226
3Y70	200689	English Language Acquisition	\$ 10,101,411	\$ 10,101,411	8227
3Y80	200639	Rural and Low Income Technical Assistance	\$ 3,300,000	\$ 3,300,000	8228
3Z20	200690	State Assessments	\$ 10,263,000	\$ 10,263,000	8229
3Z30	200645	Consolidated Federal Grant Administration	\$ 10,000,000	\$ 10,000,000	8230
TOTAL FED	Federal Fund Group		\$ 1,986,665,123	\$ 1,988,559,443	8231
TOTAL ALL BUDGET FUND GROUPS			\$10,755,889,177	\$11,114,250,910 <u>11,113,250,910</u>	8232

Sec. 371.10. DRC DEPARTMENT OF REHABILITATION AND CORRECTION 8234

		General Revenue Fund			8235
GRF	501321	Institutional Operations	\$ 955,095,937	\$ 975,215,085 <u>987,800,384</u>	8236
GRF	501405	Halfway House	\$ 54,369,687	\$ 56,541,437	8237
GRF	501406	Adult Correctional Facilities Lease Rental Bond Payments	\$ 76,255,700	\$ 79,702,800	8238
GRF	501407	Community Nonresidential Programs	\$ 51,477,390	\$ 53,365,890	8239
GRF	501408	Community Misdemeanor	\$ 14,356,800	\$ 14,356,800	8240

		Programs					
GRF	501501	Community Residential	\$	74,491,705	\$	78,329,955	8241
		Programs - CBCF					
GRF	501503	Residential Grant	\$	100,000	\$	100,000	8242
		Program					
GRF	503321	Parole and Community	\$	73,346,119	\$	75,149,295	8243
		Operations					
GRF	504321	Administrative	\$	21,475,332	\$	21,999,343	8244
		Operations					
GRF	505321	Institution Medical	\$	241,459,148	\$	249,000,000	8245
		Services				<u>254,211,763</u>	
GRF	506321	Institution Education	\$	24,586,681	\$	30,454,204	8246
		Services				<u>30,666,114</u>	
TOTAL GRF	General Revenue Fund		\$	1,587,014,499	\$	1,634,214,809	8247
						<u>1,652,223,781</u>	
		Dedicated Purpose Fund Group					8248
4B00	501601	Sewer Treatment	\$	2,393,506	\$	2,420,848	8249
		Services					
4D40	501603	Prisoner Programs	\$	5,490,000	\$	500,000	8250
4L40	501604	Transitional Control	\$	700,000	\$	700,000	8251
4S50	501608	Education Services	\$	3,432,164	\$	3,490,471	8252
5AF0	501609	State and Non-Federal	\$	2,000,000	\$	2,000,000	8253
		Awards					
5H80	501617	Offender Financial	\$	2,000,000	\$	2,000,000	8254
		Responsibility					
TOTAL DPF	Dedicated Purpose Fund		\$	16,015,670	\$	11,111,319	8255
		Group					
		Internal Service Activity Fund Group					8256
1480	501602	Institutional	\$	3,139,577	\$	3,139,577	8257
		Services					
2000	501607	Ohio Penal Industries	\$	54,492,119	\$	54,925,441	8258
4830	501605	Leased Property	\$	467,844	\$	469,540	8259

		Maintenance & Operating					
5710	501606	Corrections Training	\$	500,000	\$	500,000	8260
		Maintenance & Operating					
5L60	501611	Information	\$	500,000	\$	500,000	8261
		Technology Services					
TOTAL ISA Internal Activity							8262
Fund Group			\$	59,099,540	\$	59,534,558	8263
Federal Fund Group							8264
3230	501619	Federal Grants	\$	4,200,000	\$	4,200,000	8265
3CW0	501622	Federal Equitable	\$	400,000	\$	400,000	8266
		Sharing					
TOTAL FED Federal							8267
Fund Group			\$	4,600,000	\$	4,600,000	8268
TOTAL ALL BUDGET FUND GROUPS			\$	1,666,729,709	\$	1,709,460,686	8269
						<u>1,727,469,658</u>	

ADULT CORRECTIONAL FACILITIES LEASE RENTAL BOND PAYMENTS 8270

The foregoing appropriation item 501406, Adult Correctional 8271
Facilities Lease Rental Bond Payments, shall be used to meet all 8272
payments during the period from July 1, 2015, through June 30, 8273
2017, by the Department of Rehabilitation and Correction under the 8274
primary leases and agreements for those buildings made under 8275
Chapters 152. and 154. of the Revised Code. These appropriations 8276
are the source of funds pledged for bond service charges on 8277
related obligations issued under Chapters 152. and 154. of the 8278
Revised Code. 8279

RESIDENTIAL GRANT PROGRAM 8280

The foregoing appropriation item 501503, Residential Grant 8281
Program, shall be used by the Department of Rehabilitation and 8282
Correction to conduct a one-year pilot program to award grants in 8283
support of community-based residential programs in several 8284

prisons. The Department shall establish guidelines, procedures, 8285
and forms by which applicants may apply for grants. These 8286
guidelines shall establish that grant eligibility is limited to 8287
faith-based character programs that have been in existence for 8288
five years or longer, that are not operated by the state of Ohio, 8289
and that have a demonstrated record of successful implementation 8290
of residential programs that have been shown to reduce violent 8291
behavior and disciplinary reports of inmate participants while in 8292
prison and significantly reduce recidivism among graduates once 8293
they reenter the outside community. 8294

In administering the one-year pilot program, the Department 8295
shall establish a partnership with an Ohio university or college 8296
which would provide all necessary and appropriate statistical 8297
information concerning the implementation of the program. The 8298
Department shall submit a quarterly report containing that 8299
information to the Speaker of the House of Representatives and the 8300
President of the Senate. 8301

OSU MEDICAL CHARGES 8302

Notwithstanding section 341.192 of the Revised Code, at the 8303
request of the Department of Rehabilitation and Correction, The 8304
Ohio State University Medical Center, including the Arthur G. 8305
James Cancer Hospital and Richard J. Solove Research Institute and 8306
the Richard M. Ross Heart Hospital, shall provide necessary care 8307
to persons who are confined in state adult correctional 8308
facilities. The provision of necessary inpatient care shall be 8309
billed to the Department or the Department of Medicaid at a rate 8310
not to exceed the authorized reimbursement rate for the same 8311
service established by the Department of Medicaid under the 8312
Medicaid Program. 8313

Section 601.22. That existing Sections 263.10 and 371.10 of 8314
Am. Sub. H.B. 64 of the 131st General Assembly, as subsequently 8315

amended by Sub. H.B. 340 of the 131st General Assembly, are hereby 8316
repealed. 8317

Section 601.31. That Sections 253.120, 273.10, 273.30, and 8318
287.10 of Am. Sub. S.B. 260 of the 131st General Assembly be 8319
amended to read as follows: 8320

Reappropriations

Sec. 253.120. JTC EASTERN GATEWAY COMMUNITY COLLEGE 8321
Higher Education Improvement Fund (Fund 7034) 8322
C38603 Campus Master Plan \$ 18,242 8323
C38607 Noncredit Job Training \$ 471,860 8324
~~C38616 Technology Belt Oil and Gas Learning~~ \$ ~~250,000~~ 8325
~~Center~~
C38617 Academic Building Renovation \$ 687,221 8326
TOTAL Higher Education Improvement Fund \$ ~~1,427,323~~ 8327
1,177,323
TOTAL ALL FUNDS \$ ~~1,427,323~~ 8328
1,177,323

ACADEMIC BUILDING RENOVATION 8329

The amount reappropriated for the foregoing appropriation 8330
item C38617, Academic Building Renovation, is the unencumbered and 8331
unallotted balance as of June 30, 2016, in appropriation item 8332
C38617, Academic Building Renovation, plus \$1,080. Prior to the 8333
expenditure of this appropriation, Eastern Gateway Community 8334
College shall certify to the Director of Budget and Management 8335
canceled encumbrances in the amount of at least \$1,080. 8336

Reappropriations

Sec. 273.10. DNR DEPARTMENT OF NATURAL RESOURCES 8337
Wildlife Fund (Fund 7015) 8338
C725B6 Upgrade Underground Fuel Tanks \$ 20,597 8339

C725K9	Wildlife Area Building Development/Renovation	\$	6,964,893	8340
C725L9	Dam Rehabilitation	\$	279,077	8341
TOTAL Wildlife Fund		\$	7,264,567	8342
Administrative Building Fund (Fund 7026)				8343
C725D5	Fountain Square Building and Telephone System Improvements	\$	1,748,583	8344
C725D7	Multi-Agency Radio Communications Equipment	\$	371,268	8345
C725E0	DNR Fairgrounds Areas Upgrading	\$	59,930	8346
C725N7	District Office Renovations	\$	263,088	8347
TOTAL Administrative Building Fund		\$	2,442,869	8348
Ohio Parks and Natural Resources Fund (Fund 7031)				8349
C72512	Land Acquisition	\$	265,309	8350
C72549	Facilities Development	\$	469,083	8351
C725B7	Upgrade Underground Fuel Tanks	\$	578,250	8352
C725C0	Cap Abandoned Water Wells	\$	110,932	8353
C725C2	Rehabilitate Canals, Hydraulic Works, and Support Facilities	\$	447,160	8354
C725C5	Grand Lake St. Marys State Park	\$	25,000	8355
C725E1	Local Parks Projects - Statewide	\$	3,953,070	8356
C725E5	Project Planning	\$	267,510	8357
C725J0	Natural Areas and Preserves Maintenance Facility Development - Springville Carbon Cod Removal	\$	616,967	8358
C725K0	State Park Renovations/Upgrading	\$	55,761	8359
C725M0	Dam Rehabilitation	\$	917,685	8360
C725N5	Wastewater/Water Systems Upgrades	\$	805,084	8361
C725N8	Operations Facilities Development	\$	854,000	8362
TOTAL Ohio Parks and Natural Resources Fund		\$	9,365,811	8363
Parks and Recreation Improvement Fund (Fund 7035)				8364
C72513	Land Acquisition	\$	5,434	8365
C725A0	State Parks Campgrounds/Lodges/Cabins	\$	10,786,308	8366

C725B2	State Park Maintenance Facility Development	\$	1,976,887	8367
C725B5	Buckeye Lake Dam Rehabilitation	\$	4,515,636	8368
C725D8	MARCS Equipment	\$	76,854	8369
C725E2	Local Parks Projects	\$	8,052,920 <u>7,952,920</u>	8370
C725E6	Project Planning	\$	152,504	8371
C725L8	Statewide Trails Program	\$	99,115	8372
C725R3	State Parks Renovations/Upgrades	\$	244,682	8373
C725R4	Dam Rehabilitation - Parks	\$	1,004,723	8374
C725R5	Lake White State Park - Dam Rehabilitation	\$	1,436,443	8375
TOTAL Parks and Recreation Improvement Fund		\$	28,351,506 <u>28,251,506</u>	8376
Clean Ohio Trail Fund (Fund 7061)				8377
C72514	Clean Ohio Trail Fund	\$	5,858,613	8378
TOTAL Clean Ohio Trail Fund		\$	5,858,613	8379
Waterways Safety Fund (Fund 7086)				8380
C725A7	Cooperative Funding for Boating Facilities	\$	3,885,359	8381
C725N9	Operations Facilities	\$	809,989	8382
C725Q6	Facilities Development	\$	697,514	8383
TOTAL Waterways Safety Fund		\$	5,392,862	8384
TOTAL ALL FUNDS		\$	58,676,228 <u>58,576,228</u>	8385
FEDERAL REIMBURSEMENT				8386
All reimbursements received from the federal government for				8387
any expenditures made pursuant to this section shall be deposited				8388
in the state treasury to the credit of the fund from which the				8389
expenditure originated.				8390
Sec. 273.30. LOCAL PARKS PROJECTS				8391

The amount reappropriated for appropriation item C725E2, 8392
Local Parks Projects, is the unencumbered and unallotted balance 8393
on June 30, 2016, in appropriation item C725E2, Local Parks 8394
Projects, plus \$99,758. Prior to the expenditure of this 8395
appropriation, the Department of Natural Resources shall certify 8396
to the Director of Budget and Management canceled encumbrances in 8397
the amount of at least \$99,758. 8398

Of the foregoing appropriation item C725E2, Local Parks 8399
Projects, \$50,000 plus an amount equal to two per cent of the 8400
projects listed may be used by the Department of Natural Resources 8401
for the administration of local projects; \$3,500,000 shall be used 8402
for the Public Square Redevelopment Project in Cleveland; 8403
\$1,500,000 shall be used for the City of Cleveland - Lakefront 8404
Access Project; \$1,000,000 shall be used for the Middletown River 8405
Center; \$250,000 shall be used for the Muskingum River Lock and 8406
Dam; \$250,000 shall be used for the City of Toledo Promenade Park; 8407
\$250,000 shall be used for the Montgomery County Agricultural 8408
Facility Improvements; \$191,000 shall be used for Deerfield 8409
Township Simpson Creek Erosion Mitigation and Bank Control; 8410
\$100,000 shall be used for the Euclid Beach Pier; \$100,000 shall 8411
be used for the Liberty Park Expansion - Twinsburg; \$100,000 shall 8412
be used for the Mudbrook Trail and Greenway Project; \$100,000 8413
shall be used for the Ohio to Erie Trail; ~~\$100,000 shall be used~~ 8414
~~for the Midtown Cleveland Mountain Bike Park;~~ \$90,000 shall be 8415
used for Addyston Park Improvements; \$75,000 shall be used for 8416
Scippo Creek Conservation; \$60,000 shall be used for the Josiah 8417
Hedges Park Trail of Tiffin; \$45,000 shall be used for the Bruce 8418
L. Chapin Bridge - Northcoast Inland Trail; \$25,000 shall be used 8419
for the Newbury Veterans' Memorial Park; and \$10,000 shall be used 8420
for Village of Albany Bike Paths. 8421

Reappropriations

Sec. 287.10. FCC FACILITIES CONSTRUCTION COMMISSION 8422

Capital Donations Fund (Fund 5A10)			8423
C230E2	Capital Donations	\$ 1,004,929	8424
TOTAL	Capital Donations Fund	\$ 1,004,929	8425
Lottery Profits Education Fund (Fund 7017)			8426
C23014	Classroom Facilities Assistance Program	\$ 377,991	8427
	- Lottery Profits		
TOTAL	Lottery Profits Education Fund	\$ 377,991	8428
Public School Building Fund (Fund 7021)			8429
C23001	Public School Buildings	\$ 78,377,788	8430
C23004	Exceptional Needs	\$ 1,440,286	8431
C23008	Emergency School Building Assistance	\$ 9,685,579	8432
C230V9	School Security Grants	\$ 7,345,000	8433
C230W4	Community School Classroom Facilities	\$ 25,000,000	8434
	Assistance		
TOTAL	Public School Building Fund	\$ 121,848,653	8435
Administrative Building Fund (Fund 7026)			8436
C23016	Energy Conservation Project	\$ 2,462,389	8437
C230E3	Hazardous Substance Abatement	\$ 687,462	8438
C230E4	Americans with Disabilities Act	\$ 834,239	8439
C230E5	State Agency Planning/Assessment	\$ 500,000	8440
TOTAL	Administrative Building Fund	\$ 4,484,090	8441
Cultural and Sports Facilities Building Fund (Fund 7030)			8442
C23022	Woodward Opera House Renovation	\$ 1,300,000	8443
C23028	OHS - Basic Renovations and Emergency	\$ 242,214	8444
	Repairs		
C23029	OHS - Buffington Island State Memorial	\$ 33,475	8445
C23033	OHS - Stowe House State Memorial	\$ 270,000	8446
C23036	The Anchorage	\$ 50,000	8447
C23037	Galion Historic Big Four Depot	\$ 200,000	8448
	Restoration		
C23039	Malinta Historical Society Caboose	\$ 6,000	8449
	Exhibit		
C23040	Broad Street Historical Renovation	\$ 300,000	8450

C23041	Aurora Outdoor Amphitheatre	\$	50,000	8451
C23045	OHS - Lockington Locks Stabilization	\$	358,900	8452
C23048	First Lunar Flight Project	\$	25,000	8453
C23050	The Octagon House	\$	100,000	8454
C23051	Paul Brown Museum	\$	75,000	8455
C23052	Little Brown Jug Facility Improvements	\$	50,000	8456
C23053	Applecreek Historical Society	\$	50,000	8457
C23054	Bucyrus Historic Depot Renovations	\$	30,000	8458
C23055	Portland Civil War Museum and Historical Displays	\$	25,000	8459
C23059	Lake Erie Nature and Science Center	\$	300,000	8460
C23060	Hallsville Historical Society	\$	100,000	8461
C23061	Madeira Historical Society/Miller House	\$	60,000	8462
C23062	Village of Edinburg Veterans Memorial	\$	35,000	8463
C23063	Redbrick Center for the Arts	\$	200,000	8464
C23064	BalletTech	\$	200,000	8465
C23065	Rickenbacker Boyhood Home	\$	139,000	8466
C23066	Variety Theater	\$	85,000	8467
C23067	Belle's Opera House Improvements	\$	50,000	8468
C23068	Huntington Playhouse	\$	40,000	8469
C23069	Cambridge Performing Arts Center	\$	37,500	8470
C23070	Mohawk Veterans' Memorial	\$	15,000	8471
C23072	Madisonville Arts Center of Hamilton County	\$	36,000	8472
C23073	Marietta Citizens Armory Cultural Center	\$	200,000	8473
C23098	Twin City Opera House	\$	400,000	8474
C230C7	OHS - Statewide Site Exhibit Renovations	\$	50,000	8475
C230F2	Second Century Project	\$	200,000	8476
C230F4	The Gordon, Hauss, Folk Company Mill	\$	250,000	8477
C230F5	Thatcher Temple Art Building	\$	37,500	8478
C230F6	Fitton Center for Creative Arts	\$	100,000	8479
C230F8	Gammon House Improvements	\$	75,000	8480
C230F9	Clark State Community College Performing	\$	275,000	8481

	Arts Center			
C230G1	Murphy Theatre	\$	26,185	8482
C230G3	Public artPARK	\$	200,000	8483
C230G6	Rainey Institute - Safe Parking	\$	125,000	8484
C230G7	Ukrainian Museum - Archives	\$	125,000	8485
C230G8	Cleveland African-American Museum	\$	150,000	8486
	Restoration and Expansion			
C230G9	Great Lakes Science Center Omnimax Theatre	\$	500,000	8487
C230H2	Cozad Bates House	\$	365,131	8488
C230H3	Beck Center	\$	402,349	8489
C230J4	Cleveland Museum of Natural History	\$	2,500,000	8490
C230J5	Phillis Wheatley - Hunter's Cove House	\$	350,000	8491
C230J6	West Side Market Renovation	\$	500,000	8492
C230J7	Cardinal Center	\$	75,000	8493
C230K3	African-American Legacy Project	\$	75,000	8494
C230K4	Ohio Glass Museum Furnace System	\$	4,267	8495
C230K6	Victoria Opera House Restoration Phase 2	\$	30,000	8496
C230K8	Sherman House Museum	\$	35,000	8497
C230L3	Harmony Project	\$	300,000	8498
C230L4	CCAD Cinematic Arts and Motion Capture Studio and Auditorium	\$	750,000	8499
C230L7	Sauder Village - 1920 Homestead	\$	131,274	8500
C230L8	Fulton County Visitor and Heritage Center	\$	1,000,000	8501
C230M3	Chardon Lyric Theatre	\$	50,000	8502
C230M5	Incline Theater Project	\$	550,000	8503
C230M7	Hamilton County Memorial Hall	\$	2,000,000	8504
C230M8	Cincinnati Zoo	\$	2,000,000	8505
C230M9	Union Terminal Restoration	\$	5,000,000	8506
C230N1	Cincinnati Music Hall Revitalization	\$	5,000,000	8507
C230N2	Kan Du Community Arts Center	\$	520,000	8508
C230N4	Appalachian Forest Museum	\$	100,000	8509

C230N5	Logan Theater	\$	25,000	8510
C230N6	Willard Train Viewing Platform	\$	50,000	8511
C230P3	Sterling Theater Revitalization Project	\$	200,000	8512
C230P6	Avon Isle Renovation Phase 2	\$	82,775	8513
C230P7	Oberlin Gasholder Building/Underground Railroad Center	\$	200,000	8514
C230Q1	Imagination Station Improvements	\$	695,000	8515
C230Q3	Columbus Zoo and Aquarium	\$	1,000,000	8516
C230Q4	Toledo Repertoire Theatre	\$	150,000	8517
C230Q8	Stambaugh Auditorium	\$	500,000	8518
C230R1	Bradford Rail Museum	\$	275,000	8519
C230R5	Wright Company Factory Project	\$	250,000	8520
C230R8	National Ceramic Museum and Heritage Center Renovation	\$	100,000	8521
C230S1	Tecumseh Theater - Opera House Restoration	\$	140,000	8522
C230S2	Perry County Historical and Cultural Arts Center	\$	341,600	8523
C230S5	Lucy Webb Hayes Heritage Center Exterior Replacement and Restoration	\$	100,000	8524
C230S6	Pumphouse Center for the Arts	\$	130,000	8525
C230S8	Pro Football Hall of Fame	\$	10,000,000	8526
C230S9	Park Theater Renovation	\$	159,078	8527
C230T1	Akron Civic Theater	\$	530,261	8528
C230T2	John Brown House and Grounds	\$	50,000	8529
C230T5	Mason Historical Society	\$	350,000	8530
C230T6	Cincinnati Zoo - Big Cat Facility	\$	1,000,000	8531
C230T9	Pemberville Opera House Elevator Project	\$	220,000	8532
C230U3	DeYor Performing Arts Center	\$	100,000	8533
TOTAL	Cultural and Sports Facilities Building Fund	\$	45,563,509 <u>45,363,509</u>	8534
	School Building Program Assistance Fund (Fund 7032)			8535
C23002	School Building Program Assistance	\$	249,369,425	8536

C23005	Exceptional Needs	\$	5,402,528	8537
C23010	Vocation Facilities Assistance Program	\$	2,660,326	8538
C23011	Corrective Action Program Grants	\$	21,082,454	8539
TOTAL	School Building Program Assistance Fund	\$	278,514,733	8540
TOTAL ALL FUNDS		\$	451,793,905	8541
			<u>451,593,905</u>	

SCHOOL BUILDING PROGRAM ASSISTANCE 8542

The amount reappropriated for the foregoing appropriation 8543
item C23002, School Building Program Assistance, is the 8544
unencumbered and unallotted balance as of June 30, 2016, in 8545
appropriation item C23002, School Building Program Assistance, 8546
plus the unencumbered and unallotted balance as of June 30, 2016, 8547
in appropriation item C23019, College Prep Boarding School 8548
Facility. 8549

CORRECTIVE ACTION PROGRAM GRANTS 8550

The foregoing appropriation item C23011, Corrective Action 8551
Program Grants, may be used to provide funding to bring facilities 8552
up to Ohio School Design Manual standards for a project funded 8553
pursuant to sections 3318.01 to 3318.20 or 3318.40 to 3318.45 of 8554
the Revised Code for the correction of work that is found after 8555
occupancy of the facility to be defective, or to have been 8556
omitted. Funding shall only be provided for work if the impacted 8557
school district notifies the Executive Director of the Ohio School 8558
Facilities Commission within five years after occupancy of the 8559
facility for which the district seeks the funding. The Commission 8560
may provide funding assistance necessary to take corrective 8561
measures after evaluating defective or omitted work. If the work 8562
to be corrected or remediated is part of a project not yet 8563
completed, the Commission may amend the project agreement to 8564
increase the project budget and use corrective action funding to 8565
provide the state portion of the amendment. If the work to be 8566
corrected or remediated was part of a completed project and funds 8567

were retained or transferred pursuant to division (C) of section 8568
3318.12 of the Revised Code, the Commission may enter into a new 8569
agreement to address the necessary corrective action. The 8570
Commission shall assess responsibility for the defective or 8571
omitted work and seek cost recovery from responsible parties, if 8572
applicable. Any funds recovered shall be applied first to the 8573
district portion of the cost of the corrective action. Any 8574
remaining funds shall be applied to the state portion and 8575
deposited into the School Building Program Assistance Fund (Fund 8576
7032). 8577

HAZARDOUS SUBSTANCE ABATEMENT IN STATE FACILITIES 8578

The foregoing appropriation item C230E3, Hazardous Substance 8579
Abatement, shall be used to fund the removal of asbestos, PCB, 8580
radon gas, and other contamination hazards from state facilities. 8581

Prior to the release of funds for asbestos abatement, the 8582
Ohio Facilities Construction Commission shall review proposals 8583
from state agencies to use these funds for asbestos abatement 8584
projects based on criteria developed by the Ohio Facilities 8585
Construction Commission. Upon a determination by the Ohio 8586
Facilities Construction Commission that the requesting agency 8587
cannot fund the asbestos abatement project or other toxic 8588
materials removal through existing capital and operating 8589
appropriations, the Commission may request the release of funds 8590
for such projects by the Controlling Board. State agencies 8591
intending to fund asbestos abatement or other toxic materials 8592
removal through existing capital and operating appropriations 8593
shall notify the Executive Director of the Ohio Facilities 8594
Construction Commission of the nature and scope prior to 8595
commencing the project. 8596

Only agencies that have received appropriations for capital 8597
projects from the Administrative Building Fund (Fund 7026) are 8598
eligible to receive funding from this item. Public school 8599

districts are not eligible. 8600

ENERGY CONSERVATION PROJECT 8601

The foregoing appropriation item C23016, Energy Conservation 8602
Project, shall be used to perform energy conservation renovations, 8603
including the United States Environmental Protection Agency's 8604
Energy Star Program, in state-owned facilities. Prior to the 8605
release of funds for renovation, state agencies shall have 8606
performed a comprehensive energy audit for each project. The Ohio 8607
Facilities Construction Commission shall review and approve 8608
proposals from state agencies to use these funds for energy 8609
conservation. Public school districts and state-supported and 8610
state-assisted institutions of higher education are not eligible 8611
for funding from this item. 8612

IMPLEMENTATION OF AMERICANS WITH DISABILITIES ACT 8613

The foregoing appropriation item C230E4, Americans with 8614
Disabilities Act, shall be used to renovate state-owned facilities 8615
to provide access for physically disabled persons in accordance 8616
with Title II of the Americans with Disabilities Act. 8617

Prior to the release of funds for renovation, state agencies 8618
shall perform self-evaluations of state-owned facilities 8619
identifying barriers to access to service. State agencies shall 8620
prioritize access barriers and develop a transition plan for the 8621
removal of these barriers. The Ohio Facilities Construction 8622
Commission shall review proposals from state agencies to use these 8623
funds for Americans with Disabilities Act renovations. 8624

Only agencies that have received appropriations for capital 8625
projects from the Administrative Building Fund (Fund 7026) are 8626
eligible to receive funding from this item. Public school 8627
districts are not eligible. 8628

Section 601.32. That existing Sections 253.120, 273.10, 8629

273.30, and 287.10 of Am. Sub. S.B. 260 of the 131st General Assembly are hereby repealed. 8630
8631

Section 601.41. That Sections 203.10, 207.10, 207.80, 207.90, 8632
207.100, 207.220, 207.240, 207.280, 207.290, 221.10, and 239.10 of 8633
S.B. 310 of the 131st General Assembly be amended to read as 8634
follows: 8635

Sec. 203.10. ADJ ADJUTANT GENERAL 8636

Army National Guard Service Contract Fund (Fund 3420) 8637

C74537 Renovation Projects - Federal Share \$ 7,100,000 8638

C74539 Renovations and Improvements - Federal \$ 15,000,000 8639

TOTAL Army National Guard Service Contract Fund \$ 22,100,000 8640

Administrative Building Fund (Fund 7026) 8641

C74528 Camp Perry Improvements \$ 2,250,000 8642

C74535 Renovations and Improvements \$ 5,100,000 8643

C74540 Aerial Port of Embarkation/Debarkation \$ 250,000 8644

TOTAL Administrative Building Fund \$ ~~7,350,000~~ 8645

7,600,000

TOTAL ALL FUNDS \$ ~~29,450,000~~ 8646

29,700,000

RENOVATIONS AND IMPROVEMENTS - FEDERAL 8647

The foregoing appropriation item C74539, Renovations and 8648
Improvements - Federal, shall be used to fund capital projects 8649
that are coded as receiving one hundred per cent federal support 8650
pursuant to the agreement support code identified in the 8651
Facilities Inventory and Support Plan between the Office of the 8652
Adjutant General and the Army National Guard. Notwithstanding 8653
section 131.35 of the Revised Code, if after the effective date of 8654
this section, additional federal funds are made available to the 8655
Adjutant General to carry out the Facilities Inventory Support 8656

Plan, the Adjutant General may request that the Director of Budget 8657
and Management authorize expenditures in excess of the amounts 8658
appropriated to appropriation item C74539, Renovations and 8659
Improvements - Federal. Upon approval of the Director of Budget 8660
and Management the additional amounts are hereby appropriated. 8661

AERIAL PORT OF EMBARKATION/DEBARKATION 8662

The foregoing appropriation item C74540, Aerial Port of 8663
Embarkation/Debarcation, shall be used to acquire a cargo 8664
facility, tarmac, and the surrounding property from the Western 8665
Reserve Port Authority. 8666

Sec. 207.10. DEPARTMENT OF HIGHER EDUCATION AND STATE 8667

INSTITUTIONS OF HIGHER EDUCATION 8668

BOR DEPARTMENT OF HIGHER EDUCATION 8669

Higher Education Improvement Fund (Fund 7034) 8670

C23501 Ohio Supercomputer Center \$ 6,000,000 8671

C23502 Research Facility Action and Investment \$ 1,000,000 8672

Funds

C23516 Ohio Library and Information Network \$ 13,415,000 8673

C23524 Supplemental Renovations - Library \$ 1,150,000 8674

Depositories

C23529 Workforce Based Training and Equipment \$ 8,000,000 8675

C23530 Technology Initiatives \$ 2,500,000 8676

C23532 OARnet \$ 9,100,000 8677

C23551 Research Portal \$ 1,650,000 8678

C23560 HEI Critical Maintenance and Upgrades \$ 7,200,000 8679

C23561 Capital Improvements - Central State \$ 1,979,700 8680

Campus Security and Lighting

C23562 Capital Improvements - Central State \$ ~~6,000,000~~ 8681

Hallie O. Brown Library Upgrades and 4,020,300

Repairs

TOTAL Higher Education Improvement Fund \$ 56,015,000 8682

TOTAL ALL FUNDS	\$ 56,015,000	8683
RESEARCH FACILITY ACTION AND INVESTMENT FUNDS		8684
The foregoing appropriation item C23502, Research Facility		8685
Action and Investment Funds, shall be used for a program of grants		8686
to be administered by the Department of Higher Education to		8687
provide timely availability of capital facilities for research		8688
programs and research-oriented instructional programs at or		8689
involving state-supported and state-assisted institutions of		8690
higher education.		8691
WORKFORCE BASED TRAINING AND EQUIPMENT		8692
(A) The foregoing appropriation item C23529, Workforce Based		8693
Training and Equipment, shall be used to support the Regionally		8694
Aligned Priorities in Developing Skills (RAPIDS) program in the		8695
Department of Higher Education. The purpose of the RAPIDS program		8696
is to support collaborative projects among higher education		8697
institutions to strengthen education and training opportunities		8698
that maximize workforce development efforts in defined areas of		8699
the state.		8700
(B) Capital funds appropriated for this purpose by the		8701
General Assembly shall be distributed by the Chancellor of Higher		8702
Education to Ohio regions or subsets of regions. Regions or		8703
subsets of regions may be defined by the state's economic		8704
development strategy.		8705
(C) The Chancellor shall award capital funds within the		8706
program using an application and review process, as developed by		8707
the Chancellor. In reviewing applications and making awards,		8708
priority shall be given to proposals that demonstrate:		8709
(1) Collaboration among and between state institutions of		8710
higher education, as defined in section 3345.011 of the Revised		8711
Code, Ohio Technical Centers, and other entities as determined to		8712
be appropriate by the Chancellor;		8713

(2) Evidence of meaningful business support and engagement;	8714
(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.	8715 8716 8717 8718 8719
(4) Sustainability beyond the grant period with the opportunity to provide continued value and impact to the region.	8720 8721
(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.	8722 8723 8724 8725 8726 8727 8728 8729 8730 8731 8732
Sec. 207.80. CLS CLEVELAND STATE UNIVERSITY	8733
Higher Education Improvement Fund (Fund 7034)	8734
C26069 Cleveland Institute of Art	\$ 200,000 8735
C26072 Fenn Hall Addition	\$ 14,600,000 8736
C26073 School of Film, Television, and Interactive Media	\$ 7,500,000 8737
C26074 CWRU Health Education Campus	\$ 1,000,000 8738
<u>C26076 Cleveland Sight Center</u>	<u>\$ 100,000</u> 8739
TOTAL Higher Education Improvement Fund	\$ 23,300,000 8740
	<u>22,400,000</u>
TOTAL ALL FUNDS	\$ 23,300,000 8741

22,400,000

Sec. 207.90. CTI COLUMBUS STATE COMMUNITY COLLEGE			8743
Higher Education Improvement Fund (Fund 7034)			8744
C38426	School of Hospitality Management and Culinary Arts	\$ 10,000,000	8745
C38427	Academic Success Center	\$ 3,600,000	8746
C38428	School of Business Technologies	\$ 1,000,000	8747
C38429	Delaware Economic Development and Entrepreneur Center	\$ 50,000	8748
C38430	YWCA Columbus Griswold Building Renovations Project	\$ 1,000,000	8749
C38431	Otterbein University STEAM Innovation Center	\$ 500,000	8750
C38432	Columbus College of Art and Design	\$ 750,000	8751
C38433	Westerville WARM Center	\$ 100,000	8752
C38434	<u>Boys and Girls Clubs of Columbus</u> /Sullivant Avenue Teen Tech Lounge and Career Laboratory	\$ 100,000	8753
TOTAL Higher Education Improvement Fund			\$ 17,100,000 8754
TOTAL ALL FUNDS			\$ 17,100,000 8755
 Sec. 207.100. CCC CUYAHOGA COMMUNITY COLLEGE			8757
Higher Education Improvement Fund (Fund 7034)			8758
C37800	Basic Renovations	\$ 2,500,000	8759
C37838	Structural Concrete Repairs	\$ 10,000,000	8760
C37842	Playhouse Square Parking District Improvement	\$ 1,000,000	8761
C37844	Rock and Roll Hall of Fame	\$ 1,000,000	8762
C37847	Public Safety Training Center - Phase 2	\$ 575,000	8763
C37848	Campus Center Renovations	\$ 2,500,000	8764
C37849	Medina Creative Transitions	\$ 100,000	8765

C37850	<u>Junior League Non-profit Incubator</u>	\$	<u>30,000</u>	8766
	<u>Project</u>			
TOTAL	Higher Education Improvement Fund	\$	17,675,000	8767
			<u>17,705,000</u>	
TOTAL ALL FUNDS		\$	17,675,000	8768
			<u>17,705,000</u>	

Sec. 207.220. NTC NORTHWEST STATE COMMUNITY COLLEGE 8770

	Higher Education Improvement Fund (Fund 7034)			8771
C38214	Welding Machine/Fabrication Shop	\$	2,010,000	8772
	Separation			
C38215	Safety/Security Improvements	\$	500,000	8773
<u>C38216</u>	<u>Napoleon Senior Center</u>	\$	<u>400,000</u>	8774
C38217	Napoleon Civic Center	\$	500,000	8775
			<u>100,000</u>	8776
TOTAL	Higher Education Improvement Fund	\$	3,010,000	8777
TOTAL ALL FUNDS		\$	3,010,000	8778

Sec. 207.240. OHU OHIO UNIVERSITY 8780

	Higher Education Improvement Fund (Fund 7034)			8781
C30075	Infrastructure Improvements	\$	200,000	8782
C30115	Bennett Hall Renovations - Chillicothe	\$	950,000	8783
C30118	Shannon Hall Renovations - Eastern	\$	450,000	8784
C30119	Brasee Hall Renovations - Lancaster	\$	150,000	8785
C30121	Building System Upgrades - Southern	\$	600,000	8786
C30125	Herrold Hall Renovations - Zanesville	\$	1,050,000	8787
C30136	Building Envelope Restorations	\$	1,709,000	8788
C30137	Parking Lot Repairs - Eastern	\$	300,000	8789
C30141	Safety and Security System Improvements -	\$	270,000	8790
	Southern			
C30145	Brasee Hall Roof and Building Envelope -	\$	700,000	8791
	Lancaster			

C30158	Academic Space Improvements	\$	20,353,950	8792
C30165	Muskingum Valley Health Center - Malta Facility	\$	150,000	8793
C30166	Somerset Learning Center and Technology Hub	\$	250,000	8794
C30167	Ohio University Piketon Facility	\$	250,000	8795
C30168	Holzer Health and Wellness Center	\$	100,000	8796
<u>C30169</u>	<u>CWRU Health Education Campus</u>	<u>\$</u>	<u>1,000,000</u>	8797
TOTAL Higher Education Improvement Fund		\$	27,482,950	8798
			<u>28,482,950</u>	
TOTAL ALL FUNDS		\$	27,482,950	8799
			<u>28,482,950</u>	

Sec. 207.280. SCC SINCLAIR COMMUNITY COLLEGE

8801

Higher Education Improvement Fund (Fund 7034)

8802

C37723	Library Roof/Plaza Membrane and Concrete Replacement	\$	2,850,000	8803
C37724	Electrical Grid Replacements	\$	2,900,000	8804
C37725	Air Handler and Temperature Control Devices	\$	2,100,000	8805
C37726	Generation 4 Integrated Student Services - Advising/Completion	\$	2,500,000	8806
C37727	Wilmington Air Park Aviation Infrastructure Improvements	\$	3,000,000	8807
C37728	Hopkins Commons Senior Center	\$	250,000	8808
TOTAL Higher Education Improvement Fund		\$	13,600,000	8809
			<u>10,600,000</u>	
TOTAL ALL FUNDS		\$	13,600,000	8810
			<u>10,600,000</u>	

~~WILMINGTON AIR PARK AVIATION INFRASTRUCTURE IMPROVEMENTS~~

8811

~~Of the foregoing appropriation item C37727, Wilmington Air~~

8812

~~Park Aviation Infrastructure Improvements, \$450,000 shall be used~~

8813

~~to replace antenna equipment, \$1,274,800 shall be used for crack~~ 8814
~~sealing, and \$1,275,200 shall be used for concrete repairs.~~ 8815

Sec. 207.290. SOC SOUTHERN STATE COMMUNITY COLLEGE 8816

Higher Education Improvement Fund (Fund 7034) 8817

C32206 Adams County Satellite Campus \$ 2,000,000 8818

C32208 Southern Gateway Economic Innovation \$ 1,000,000 8819
Development Center

C32212 Clarksville Fire Training Center \$ 850,000 8820

C32213 Wilmington College Center for the \$ 1,500,000 8821
Sciences and Agriculture

C32214 Hillsboro Hi-Tech Center \$ 25,000 8822

C32215 Hobart/Southern State Project \$ 35,000 8823

C32216 Wilmington Air Park Aviation \$ 3,000,000 8824

Infrastructure Improvements

TOTAL Higher Education Improvement Fund \$ ~~5,410,000~~ 8825
8,410,000

TOTAL ALL FUNDS \$ ~~5,410,000~~ 8826
8,410,000

WILMINGTON AIR PARK AVIATION INFRASTRUCTURE IMPROVEMENTS 8827

Of the foregoing appropriation item C32216, Wilmington Air 8828

Park Aviation Infrastructure Improvements, \$450,000 shall be used 8829

to replace antenna equipment, \$1,274,800 shall be used for crack 8830

sealing, and \$1,275,200 shall be used for concrete repairs. 8831

Sec. 221.10. MHA DEPARTMENT OF MENTAL HEALTH AND ADDICTION 8832

SERVICES 8833

Mental Health Facilities Improvement Fund (Fund 7033) 8834

C58001 Community Assistance Projects \$ 12,000,000 8835

C58007 Infrastructure Renovations \$ 21,310,000 8836

C58021 Providence House \$ 100,000 8837

C58024 Bellefaire Jewish Children's Home \$ 550,000 8838

C58026	Cocoon Emergency Shelter	\$	800,000	8839
C58028	Child Focus, Inc.	\$	415,000	8840
C58029	CHOICES for Victims of Domestic Violence Campaign	\$	500,000	8841
C58030	Family Services of Northwest Ohio Adult Crisis Stabilization Unit	\$	100,000	8842
C58031	Glenbeigh Hospital Multipurpose Building	\$	400,000	8843
C58032	OhioGuidestone Residential Treatment Building Renovation	\$	350,000	8844
C58033	Salvation Army of Greater Cleveland Harbor Light Complex	\$	350,000	8845
C58034	Greenville East Main Street Recovery Center	\$	25,000	8846
C58035	Columbus Briggsdale Apartments - Phase II	\$	250,000	8847
C58036	The Buckeye Ranch, Inc.	\$	100,000	8848
C58037	Expansion of Lettuce Work	\$	250,000	8849
C58038	Ravenwood Mental Health Facility Expansion	\$	500,000	8850
C58039	Cincinnati Center for Addiction Treatment Expansion	\$	2,000,000	8851
C58040	Painesville Mental Health Services Agency	\$	200,000	8852
C58041	Tri-County Board of Recovery and Mental Health Services	\$	500,000	8853
C58042	McKinley Hall Renovation	\$	75,000	8854
C58043	Glenway Outpatient Opiate Facility	\$	200,000	8855
C58044	Alvis Women Community Reentry Project	\$	50,000	8856
C58045	Daybreak Youth Shelter and Employment Center	\$	250,000	8857
	TOTAL Mental Health Facilities Improvement Fund	\$	41,175,000	8858
			<u>41,275,000</u>	
	TOTAL ALL FUNDS	\$	41,175,000	8859

41,275,000

COMMUNITY ASSISTANCE PROJECTS			8860
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.			8861 8862 8863 8864 8865 8866 8867 8868 8869
Sec. 239.10. FCC FACILITIES CONSTRUCTION COMMISSION			8870
Lottery Profits Education Fund (Fund 7017)			8871
C23014 Classroom Facilities Assistance Program	\$	50,000,000	8872
- Lottery Profits			
TOTAL Lottery Profits Education Fund	\$	50,000,000	8873
Public School Building Fund (Fund 7021)			8874
C23001 Public School Buildings	\$	100,000,000	8875
TOTAL Public School Building Fund	\$	100,000,000	8876
Administrative Building Fund (Fund 7026)			8877
C23016 Energy Conservation Projects	\$	2,000,000	8878
C230E5 State Agency Planning/Assessment	\$	1,500,000	8879
TOTAL Administrative Building Fund	\$	3,500,000	8880
Cultural and Sports Facilities Building Fund (Fund 7030)			8881
C23023 OHS - Ohio History Center Exhibit Replacement	\$	1,000,000	8882
C23024 OHS - Statewide Site Exhibit Renovation	\$	750,000	8883
C23025 OHS - Statewide Site Repairs	\$	1,050,410	8884
C23028 OHS - Basic Renovations and Emergency Repairs	\$	1,000,000	8885

C23030	OHS - Rankin House State Memorial	\$	393,250	8886
C23031	OHS - Harding Home State Memorial	\$	1,354,559	8887
C23032	OHS - Ohio Historical Center Rehabilitation	\$	1,007,370	8888
C23033	OHS - Stowe House State Memorial	\$	1,028,500	8889
C23045	OHS - Lockington Locks Stabilization	\$	513,521	8890
C23051	Tecumseh Theater Opera House Restoration	\$	50,000	8891
C23057	OHS - Online Portal to Ohio's Heritage	\$	850,000	8892
C23083	Stan Hywet Hall and Gardens Manor House	\$	250,000	8893
C23098	Twin City Opera House	\$	100,000	8894
C230AA	Cleveland Grays Armory Museum	\$	350,000	8895
C230AB	Cleveland Music Hall	\$	400,000	8896
C230AC	Cleveland Zoological Society	\$	200,000	8897
C230AD	Saint Luke's Pointe	\$	200,000	8898
C230AE	Variety Theatre	\$	250,000	8899
C230AF	Fairview Park Bain Park Cabin	\$	70,000	8900
C230AG	Darke County Historical Society Garst Museum Parking Lot	\$	150,000	8901
C230AH	Longtown Clemens Farmstead Museum	\$	90,000	8902
C230AJ	Auglaize Village Mansfield Museum and Train Depot	\$	125,000	8903
C230AK	Sandusky State Theatre	\$	750,000	8904
C230AL	Fairfield Decorative Arts Center	\$	60,000	8905
C230AM	General Sherman House Museum	\$	100,000	8906
C230AN	Village Villages of Millersport Corridor <u>Improvements and Buckeye Lake</u>	\$	250,000	8907
C230AP	Fayette County Museum	\$	25,000	8908
C230AQ	Aminah Robinson Cultural Arts and Community Center	\$	150,000	8909
C230AR	COSI Building Exhibit Expansion	\$	5,000,000	8910
C230AS	Renovations of the Lincoln Theatre	\$	300,000	8911
C230AT	Motts Military Museum and 9-11 Memorial	\$	50,000	8912
C230AU	Charleen and Charles Hinson Amphitheater	\$	1,000,000	8913

C230AV	Veterans Memorial for Senecaville	\$	15,000	8914
C230AW	Carnegie Center of Columbia - Tusculum Renovation	\$	131,000	8915
C230AX	Cincinnati Shakespeare Company	\$	750,000	8916
C230AY	Ensemble Theatre Cincinnati	\$	100,000	8917
C230AZ	Madcap Productions - New Madcap Puppet Theater	\$	200,000	8918
C230B1	Karamu House 2.0	\$	800,000	8919
C230BA	Riverbend and Taft Theater	\$	85,000	8920
C230BB	Golf Manor Volunteer Park Outdoor Amphitheater	\$	45,000	8921
C230BC	Native American Museum of Mariemont	\$	400,000	8922
C230BD	Hancock County Sports Hall of Fame	\$	15,000	8923
C230BE	Four Corners Heritage Center Historic Structure	\$	100,000	8924
C230BF	Malinta Ohio Historical Site Rehabilitation	\$	19,000	8925
C230BG	William Scott House	\$	110,000	8926
C230BH	Loudonville Opera House Renovations	\$	250,000	8927
C230BJ	Oak Hill Liberty Theatre	\$	100,000	8928
C230BK	Knox County Memorial Theatre	\$	150,000	8929
C230BL	Fairport Harbor Lighthouse Project	\$	200,000	8930
C230BM	Lake County History Center Rehab Project	\$	250,000	8931
C230BN	Ro-Na Theater Performing Arts Center	\$	200,000	8932
C230BP	Weathervane Playhouse Renovations	\$	50,000	8933
C230BQ	Logan County Veterans Memorial Hall Restoration	\$	300,000	8934
C230BR	Amherst Historical Water Tower Project	\$	40,000	8935
C230BS	Elyria Pioneer Plaza	\$	75,000	8936
C230BT	LaGrange Township Historic Fire Station	\$	32,000	8937
C230BU	Lorain Palace Theatre and Civic Center Rehabilitation	\$	150,000	8938
C230BV	Downtown Toledo Music Hall	\$	400,000	8939

C230BW	Toledo Museum of Art Polishing the Gem Project	\$	1,500,000	8940
C230BX	Plain City Restoration of Historic Clock Tower	\$	30,000	8941
C230BY	Homerville Community Center Expansion	\$	100,000	8942
C230BZ	Medina County Historical Society	\$	100,000	8943
C230CA	Fort Recovery Historical Society	\$	75,000	8944
C230CB	Boonshoft Museum of Discovery	\$	1,000,000	8945
C230CC	Dayton History Heritage Center of Regional Leadership	\$	1,500,000	8946
C230CD	Dayton Project M & M	\$	550,000	8947
C230CE	Trotwood Community Center	\$	250,000	8948
C230CF	Zanesville Community Theater	\$	75,000	8949
C230CG	John Paulding Historical Museum Expansion	\$	30,000	8950
C230CH	Mt. Perry Scenic Railroad Structure Renovations	\$	125,000	8951
C230CJ	Perry County Opera House / Community Center	\$	50,000	8952
C230CK	Circleville Memorial Hall	\$	150,000	8953
C230CL	Everts Community & Arts Center	\$	200,000	8954
C230CM	Waverly Old Children's Home Renovation	\$	20,000	8955
C230CN	Garrettsville Buckeye Block Community Theatre	\$	700,000	8956
C230CP	Historic Hiram Hayden Auditorium	\$	375,000	8957
C230CR	Kent Stage Theater Restoration Project	\$	450,000	8958
C230CS	Mantua Township Historic Bell Tower	\$	140,000	8959
C230CT	Windham Veterans Memorial Plaque	\$	12,000	8960
C230CU	North Central Ohio Industrial Museum	\$	100,000	8961
C230CV	Majestic Theatre Renovation Project Phase II	\$	750,000	8962
C230CW	Seneca County Museum	\$	50,000	8963
C230CX	Arts In Stark	\$	355,000	8964

C230CY	City of Canton Central Plaza Memorial Statues	\$	100,000	8965
C230CZ	McKinley Presidential Museum	\$	135,000	8966
C230DA	Jackson North Park Amphitheater	\$	1,000,000	8967
C230DB	Five Oaks Historic Home	\$	350,000	8968
C230DC	Massillon Museum	\$	1,500,000	8969
C230DD	1893 Genoa Schoolhouse Restoration	\$	57,000	8970
C230DE	Melscheimer Schoolhouse Restoration	\$	15,000	8971
C230DF	Bud and Susie Rogers Garden	\$	400,000	8972
C230DG	The Courtyard at East Woods	\$	90,000	8973
C230DH	W.D. Packard Music Hall Elevator	\$	200,000	8974
C230DJ	Tuscarawas County Cultural Arts Center	\$	500,000	8975
C230DK	Zoar Bicentennial Village	\$	12,000	8976
C230DL	Marysville Avalon Theatre Renovations	\$	300,000	8977
C230DM	Convoy Opera House	\$	60,000	8978
C230DN	Van Wert Historical Society Museum	\$	112,000	8979
C230DP	Wassenberg Art Center	\$	175,000	8980
C230DR	Warren County Historical Society Handicap Entrance Project	\$	190,000	8981
C230DS	Smithville Community Historical Society	\$	50,000	8982
C230DT	Wayne County Buckeye Agricultural Museum & Education Center	\$	400,000	8983
C230DU	Kister Water Mill and Education Center	\$	200,000	8984
C230DV	Wayne Center for the Arts	\$	150,000	8985
C230DW	West Liberty Town Hall Opera House	\$	150,000	8986
C230DX	Medina City Parking Deck	\$	1,000,000	8987
C230DY	Cincinnati Zoo Cheetah Run & Encounter	\$	250,000	8988
C230DZ	Columbus Zoo - Japanese Macaque Exhibit <u>Asia Quest</u>	\$	250,000	8989
C230EA	Cleveland Museum of Art	\$	1,100,000	8990
C230EB	Unionville Tavern Rehabilitation - Phase I Exterior	\$	160,000	8991
C230EC	Triumph of Flight	\$	250,000	8992

C230ED	OHS - Historical Center/Ohio Village Buildings	\$	300,000	8993
<u>C230EG</u>	<u>Parma Heights Cassidy Theatre Cultural Center</u>	\$	<u>50,000</u>	8994
<u>C230H2</u>	<u>Cozad Bates House</u>	\$	<u>70,000</u>	8995
C230J4	Cleveland Museum of Natural History	\$	3,300,000	8996
C230K1	Historic Strand Theatre Renovation	\$	175,000	8997
C230K9	Washington Court House Auditorium	\$	100,000	8998
C230L5	CAPA's Renovations of the Palace Theatre	\$	250,000	8999
C230L7	Sauder Village Experience	\$	500,000	9000
C230L9	Ariel Theatre	\$	200,000	9001
C230M3	Geauga Lyric Theater Guild	\$	200,000	9002
C230M6	Cincinnati Art Museum	\$	750,000	9003
C230M8	Cincinnati Zoo	\$	1,750,000	9004
C230N1	Cincinnati Music Hall	\$	500,000	9005
C230N8	Steubenville Grand Theatre Restoration Project	\$	75,000	9006
C230N9	South Leroy Meeting House Restoration	\$	50,000	9007
C230P1	Fine Arts Association Facility Expansion/Renovation	\$	650,000	9008
C230Q1	Imagination Station	\$	200,000	9009
C230Q3	Columbus Zoo - Entry Village Guest Services Improvements	\$	500,000	9010
C230Q7	Butler Institute of American Art	\$	500,000	9011
C230Q8	Henry H. Stambaugh Auditorium	\$	500,000	9012
C230Q9	Marion Palace Theatre	\$	100,000	9013
C230R1	Bradford Railway Museum	\$	75,000	9014
C230R7	Dayton Art Institute's Centennial - Preservation & Accessibility	\$	1,000,000	9015
C230T2	John Brown House and Grounds Restoration	\$	250,000	9016
C230T3	Hale Farm & Village Capital Improvement Project	\$	100,000	9017
C230U2	Folger Home of Avon Lake	\$	75,000	9018

C230U3	DeYor Performing Arts Center Heating and Cooling	\$	1,250,000	9019
C230W7	OHS - Lundy House Restoration	\$	409,370	9020
C230W8	OHS - Cedar Bog Improvements	\$	193,600	9021
C230W9	OHS - Hayes Center Improvements	\$	290,400	9022
C230X1	OHS - Site Energy Conservation	\$	239,580	9023
C230X2	OHS - Collections Storage Facility Object Evaluation	\$	400,000	9024
C230X5	OHS - State Archives Shelving	\$	3,000,000	9025
C230X6	OHS - Fort Ancient Earthworks	\$	219,440	9026
C230Y1	Meigs Township Veterans Monument	\$	5,000	9027
C230Y2	Serpent Mound	\$	50,000	9028
C230Y3	Allen County Museum	\$	100,000	9029
C230Y4	Schine's Theater Restoration	\$	300,000	9030
C230Y5	Hayesville Opera House	\$	20,000	9031
C230Y6	Ashtabula Maritime and Surface Transportation Museum	\$	100,000	9032
C230Y7	Ashtabula Covered Bridge Festival Entertainment Pavilion	\$	100,000	9033
C230Y8	Armstrong Air and Space Museum and STEM Education Center	\$	900,000	9034
C230Y9	Gaslight Theatre Building Renovation Project	\$	300,000	9035
C230Z1	Caroline Scott Harrison Statue	\$	75,000	9036
C230Z2	City of Trenton Amphitheatre Cover	\$	50,000	9037
C230Z3	Historic Batavia Armory	\$	300,000	9038
C230Z4	Columbiana County Bowstring Arch Bridge Rehabilitation	\$	200,000	9039
C230Z5	Coshocton Planetarium	\$	75,000	9040
C230Z6	Bedford Historical Society	\$	100,000	9041
C230Z7	Historical Society of Broadview Heights	\$	150,000	9042
C230Z8	Brooklyn John Frey Park	\$	140,000 <u>90,000</u>	9043
C230Z9	Chagrin Falls Center Community Arts	\$	600,000	9044

TOTAL Cultural and Sports Facilities Building Fund	\$	63,345,000	9045
		<u>63,415,000</u>	
School Building Program Assistance Fund (Fund 7032)			9046
C23002 School Building Program Assistance	\$	500,000,000	9047
TOTAL School Building Program Assistance Fund	\$	500,000,000	9048
TOTAL ALL FUNDS	\$	716,845,000	9049
		<u>716,915,000</u>	

STATE AGENCY PLANNING/ASSESSMENT 9050

The foregoing appropriation item C230E5, State Agency 9051
Planning/Assessment, shall be used by the Facilities Construction 9052
Commission to provide assistance to any state agency for 9053
assessment, capital planning, and maintenance management. 9054

SCHOOL BUILDING PROGRAM ASSISTANCE 9055

The foregoing appropriation item C23002, School Building 9056
Program Assistance, shall be used by the School Facilities 9057
Commission to provide funding to school districts that receive 9058
conditional approval from the Commission pursuant to Chapter 3318. 9059
of the Revised Code. 9060

Section 601.42. That existing Sections 203.10, 207.10, 9061
207.80, 207.90, 207.100, 207.220, 207.240, 207.280, 207.290, 9062
221.10, and 239.10 of S.B. 310 of the 131st General Assembly are 9063
hereby repealed. 9064

Section 701.10. Notwithstanding any provision of law to the 9065
contrary, beginning with the pay period that includes July 1, 9066
2016, each state appointing authority is authorized to make 9067
expenditures from current state operating appropriations contained 9068
in this act or any other act necessary to provide for the 9069
compensation changes pursuant to provisions of law, as amended by 9070
this act, for employees exempt from collective bargaining. 9071

Section 701.20. Notwithstanding sections 101.82 to 101.87 of 9072
the Revised Code, the Ohio Judicial Conference, as created in 9073
section 105.91 of the Revised Code, is exempt from review by the 9074
Sunset Review Committee convened to operate during the 131st 9075
General Assembly, and is renewed until the end of December 31, 9076
2020. 9077

Section 701.30. It is the intent of the General Assembly that 9078
capital appropriations and reappropriations made in S.B. 260 of 9079
the 131st General Assembly, S.B. 310 of the 131st General 9080
Assembly, and subsequent bills that make capital appropriations 9081
and reappropriations are for capital construction projects that 9082
are ready to begin construction or for projects that will be 9083
completed within the applicable two-year fiscal biennium. Further, 9084
it is the intent of the General Assembly for those projects that 9085
are neither started nor completed within the biennium to be 9086
allowed to lapse and not be reappropriated. Lastly, the General 9087
Assembly recognizes that there are times when extraordinary 9088
circumstances prevent construction projects from progressing as 9089
originally conceived, but reappropriations for these projects will 9090
be the exception, not the default. 9091

Section 715.10. For each application submitted under section 9092
1509.28 of the Revised Code that encompasses a unit area for which 9093
all or a portion of the mineral rights are owned by the Department 9094
of Transportation and for which the Chief of the Division of Oil 9095
and Gas Resources Management has held a hearing before the 9096
effective date of this section, the Chief, not later than 9097
forty-five days after the effective date of this section, shall 9098
either issue an order denying or providing for the unit operation 9099
of a pool or part of a pool. However, the applicant is not 9100
required to commence any unit operations within twenty-four months 9101

of the effective date of any order issued in accordance with this 9102
section. 9103

Section 741.10. (A) As used in this section: 9104

(1) "Contribution period" and "contributory employer" have 9105
the same meanings as in section 4141.01 of the Revised Code. 9106

(2) "Mutualized Account" means the Mutualized Account created 9107
in division (B) of section 4141.25 of the Revised Code. 9108

(3) "Unemployment Compensation Fund" means the Unemployment 9109
Compensation Fund created in section 4141.09 of the Revised Code. 9110

(B) Not later than September 15, 2016, the Director of Job 9111
and Family Services shall certify to the Director of Budget and 9112
Management the balance of amounts advanced to the state under 9113
section 1201 of the "Social Security Act," 42 U.S.C. 1321. 9114

(C) Notwithstanding division (A) of section 169.05 of the 9115
Revised Code, not later than September 20, 2016, the Director of 9116
Budget and Management shall request the Director of Commerce 9117
transfer cash from unclaimed funds that have been reported by the 9118
holders of unclaimed funds under section 169.05 of the Revised 9119
Code, regardless of the allocation of the unclaimed funds under 9120
that section, to the Unemployment Compensation Fund in the amount 9121
certified pursuant to division (B) of this section as a one-time 9122
loan for the purpose of paying unemployment compensation benefits 9123
under Chapter 4141. of the Revised Code. Upon receipt of the 9124
request, the Director of Commerce shall make the transfer. The 9125
amount transferred shall be credited to the Mutualized Account. 9126

The Director of Budget and Management, in consultation with 9127
the Director of Job and Family Services, shall establish a 9128
schedule for the repayment of the loan. The schedule for repayment 9129
shall require that the loan be repaid not later than February 28, 9130
2018. 9131

(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 9164
from amounts in the Loan Account within the Unemployment 9165
Compensation Fund. Any amounts remaining in the Loan Account after 9166
repayment of the loan shall be deposited with the Secretary of the 9167
Treasury of the United States to the credit of the account of this 9168
state in the Unemployment Trust Fund established and maintained 9169
pursuant to section 904 of the "Social Security Act," 42 U.S.C. 9170
1104. Amounts transferred from the Loan Account shall be charged 9171
to the Mutualized Account. 9172

Section 741.20. It is the intent of the General Assembly that 9173
the amendments made by this act to section 4141.25 of the Revised 9174
Code shall be repealed in future legislation adopting long-term 9175
reforms to the Unemployment Compensation System. 9176

Section 753.10. (A) The Governor may execute a deed in the 9177
name of the state conveying to the Columbus Downtown Development 9178
Corporation or to a Grantee or Grantees to be determined, their 9179
heirs, successors, and assigns, in the manner provided in division 9180
(C) of this section, all of the state's right, title, and interest 9181
in the following described real estate: 9182

Situated in the State of Ohio, County of Franklin, City of 9183
Columbus, Township 5 North, Range 22 West of the Refugee Lands, 9184
part of Lots 111, 112, 113, 114, and 115 of the Plat of the Town 9185
of Columbus as recorded in Deed Book "F", page 332, destroyed by 9186
fire, replatted in Plat Book 3, page 247, also represented in Plat 9187
Book 14, page 27, also part of Lots 792, 793, 798, 799, 800, and 9188
801 of the Wharf Lots as recorded in Deed Book 9, page 372, also 9189
represented in Plat Book 1, page 291, also part of Scioto Street 9190
and Sugar Street as vacated in Ordinance Number 331-31 and 9191
Ordinance Number 548-30 on file with the Clerk of Council, 9192
Columbus, Ohio as conveyed to the State of Ohio in the instruments 9193
filed as Deed Book 946, page 652, Deed Book 910, page 427, Deed 9194

Book 932, page 294, Deed Book 941, page 197, Deed Book 942, page 9195
122, Deed Book 942, page 344, Deed Book 941, page 377 and 9196
Instrument Number 201510300154443 in accordance with City of 9197
Columbus Ordinances 24-30 and 2539-2015 (all deed and plat 9198
references to the Franklin County Recorder's Office), being more 9199
particularly described as follows: 9200

BEGINNING on the east line of Inlot 113 of the said Plat of 9201
the Town of Columbus at an existing planter corner found on the 9202
westerly existing right-of-way line of Front Street (82.5 feet 9203
wide) and at the southeast corner of a 2.278 acre tract conveyed 9204
to Supreme Court of Ohio by the instrument filed as Instrument 9205
Number 200410060233085, said planter corner being referenced by a 9206
drill hole found being North 42 degrees 42 minutes 18 seconds East 9207
at a distance of 1.44 feet, said planter corner being the TRUE 9208
POINT OF BEGINNING of the parcel herein described; 9209

Thence along the said westerly existing right-of-way line of 9210
Front Street, South 08 degrees 08 minutes 58 seconds East for a 9211
distance of 162.32 feet to a drill hole set at the southeast 9212
corner of Inlot 111 of the said Plat of the Town of Columbus and 9213
on the northerly existing right-of-way line of Town Street (82.5 9214
feet wide), said drill hole being referenced by a Mag nail found 9215
being North 14 degrees 47 minutes 18 seconds West at a distance of 9216
5.38 feet, said drill hole also being referenced by another Mag 9217
nail found being North 41 degrees 20 minutes 01 seconds East at a 9218
distance of 3.27 feet; 9219

Thence along the said northerly existing right-of-way line of 9220
Town Street and the south line of said Inlot 111, South 81 degrees 9221
50 minutes 48 seconds West for a distance of 266.02 feet to a 9222
drill hole set on the south line of Lot 801 of said Wharf Lots and 9223
on the easterly existing right-of-way line of Civic Center Drive 9224
(80 feet wide), originally dedicated as Riverside Drive in 9225
Ordinance Number 314-30 (June 6, 1930), and the name changed in 9226

Ordinance Number 656-51 (July 10, 1951); 9227

Thence along the said easterly existing right-of-way line of 9228
Civic Center Drive with a curve to the left, having a radius of 9229
1262.44 feet, an arc length of 365.17 feet, a central angle of 16 9230
degrees 34 minutes 24 seconds, and a chord which bears North 10 9231
degrees 34 minutes 46 seconds East for a distance of 363.90 feet 9232
to a drill hole set at the southwest corner of the said Supreme 9233
Court of Ohio parcel and within Lot 792 of said Wharf Lots; 9234

Thence across said Lot 792, the vacated right-of-way of 9235
Scioto Street, and Inlots 113 and 114 of the said Plat of the Town 9236
of Columbus and along the southerly line of the said Supreme Court 9237
of Ohio parcel with the face of an existing retaining wall (within 9238
+/- one foot) the following six (6) courses: 9239

1) South 77 degrees 28 minutes 04 seconds East for a distance 9240
of 14.08 feet to a point; 9241

2) With a curve to the right, having a radius of 58.00 feet, 9242
an arc length of 70.29 feet, a central angle of 69 degrees 25 9243
minutes 59 seconds, and a chord which bears South 42 degrees 45 9244
minutes 05 seconds East for a distance of 66.06 feet to a point; 9245

3) South 08 degrees 02 minutes 05 seconds East for a distance 9246
of 49.81 feet to a point; 9247

4) With a curve to the left, having a radius of 14.00 feet, 9248
an arc length of 22.06 feet, a central angle of 90 degrees 17 9249
minutes 22 seconds, and a chord which bears South 53 degrees 10 9250
minutes 46 seconds East for a distance of 19.85 feet to a point; 9251

5) South 08 degrees 09 minutes 29 seconds East for a distance 9252
of 47.47 feet to a point; 9253

6) North 81 degrees 50 minutes 31 seconds East for a distance 9254
of 2.83 feet to a point on the face of an existing building; 9255

Thence along the said existing building face, South 08 9256

degrees 09 minutes 29 seconds East for a distance of 4.44 feet to 9257
a point; 9258

Thence continuing along the said existing building face, 9259
North 81 degrees 53 minutes 32 seconds East for a distance of 9260
24.65 feet to a point on the top step of an existing stairway; 9261

Thence along the said top step of an existing stairway, North 9262
05 degrees 22 minutes 04 seconds West for a distance of 0.53 feet 9263
to a point; 9264

Thence continuing along the said top step of an existing 9265
stairway, North 81 degrees 57 minutes 37 seconds East for a 9266
distance of 44.42 feet to a point on the said existing planter; 9267

Thence along the said existing planter, South 08 degrees 09 9268
minutes 29 seconds East for a distance of 7.62 feet to a point; 9269

Thence continuing along the said existing planter, North 81 9270
degrees 50 minutes 48 seconds East for a distance of 12.61 feet to 9271
the TRUE POINT OF BEGINNING, containing 1.171 acres, more or less, 9272
of which 0.000 acres are in the present road occupied. 9273

The above description contains 1.171 acres, more or less, all 9274
of which is out of Franklin County Auditor's Parcel Number 9275
010-002659. 9276

The bearings for this description are based on the Ohio State 9277
Plane Coordinate System, South Zone, and reference the North 9278
American Datum of 1983 and the 2007 adjustment (NAD 83(2007)) with 9279
ties to Franklin County monuments FRANK 43 and FRANK 143 having a 9280
relative bearing of South 87 degrees 56 minutes 15 seconds East. 9281

This description was prepared by Russell Koenig, Ohio 9282
Registered Professional Surveyor number 8358, and is based on an 9283
actual field survey conducted by DLZ Ohio, Inc. in 2015 under his 9284
direct supervision. 9285

The foregoing description may be adjusted by the Director of 9286

Administrative Services to accommodate any corrections necessary 9287
to facilitate recordation of the deed or correct any errors in the 9288
foregoing legal description. 9289

The real estate shall be sold as an entire tract and not in 9290
parcels. 9291

(B)(1) The conveyance shall include improvements and chattels 9292
situated on the real estate, and is subject to all leases, 9293
easements, covenants, conditions, and restrictions of record; all 9294
legal highways and public rights-of-way; zoning, building, and 9295
other laws, ordinances, restrictions, and regulations; and real 9296
estate taxes and assessments not yet due and payable. The real 9297
estate shall be conveyed in an "as-is, where-is, with all faults" 9298
condition. 9299

(2) The deed may contain restrictions, exceptions, 9300
reservations, reversionary interests, and other terms and 9301
conditions the Director of Administrative Services determines to 9302
be in the best interest of the state. 9303

(3) Subsequent to the conveyance, any restrictions, 9304
exceptions, reservations, reversionary interests, or other terms 9305
and conditions contained in the deed may be released by the state 9306
or the Department of Job and Family Services without the necessity 9307
of further legislation. 9308

(4) The deed may contain restrictions prohibiting the 9309
Purchaser or Purchasers from occupying, using, or developing, or 9310
from selling, the real estate such that the use or alienation will 9311
interfere with the quiet enjoyment of neighboring state-owned 9312
land. 9313

(C)(1) The Director of Administrative Services shall offer 9314
the real estate to the Columbus Downtown Development Corporation, 9315
or to a Grantee or Grantees to be determined, through a real 9316
estate purchase agreement prepared by the Department of 9317

Administrative Services. Consideration for the conveyance of the 9318
real estate shall be at a price acceptable to the Director of 9319
Administrative Services and the Director of Job and Family 9320
Services. The consideration shall be paid at closing. 9321

(2) If the Columbus Downtown Development Corporation, or the 9322
Grantee or Grantees to be determined, does not complete the 9323
purchase of the real estate within the time period provided in the 9324
real estate purchase agreement, the Director of Administrative 9325
Services may offer to sell the real estate to an alternate Grantee 9326
or Grantees, through a real estate purchase agreement prepared by 9327
the Department of Administrative Services. Consideration for the 9328
conveyance of the real estate to an alternate Grantee or Grantees 9329
shall be at a price acceptable to the Director of Administrative 9330
Services and the Director of Job and Family Services. The 9331
consideration shall be paid at closing. 9332

(D) The purchaser shall pay all costs associated with the 9333
purchase, closing, and conveyance of the subject real property, 9334
including surveys, title evidence, title insurance, transfer costs 9335
and fees, recording costs and fees, taxes, and any other fees, 9336
assessments, and costs that may be imposed. 9337

(E) The net proceeds of the sale shall be deposited into the 9338
state treasury to the credit of the Unemployment Compensation 9339
Special Administrative Fund, under section 4141.11 of the Revised 9340
Code. 9341

(F) Upon payment of the purchase price, the Auditor of State, 9342
with the assistance of the Attorney General, shall prepare a deed 9343
to the subject real estate. The deed shall state the consideration 9344
and shall be executed by the Governor in the name of the state, 9345
countersigned by the Secretary of State, sealed with the Great 9346
Seal of the State, presented in the Office of the Auditor of State 9347
for recording, and delivered to the grantee. The grantee shall 9348
present the deed for recording in the office of the Franklin 9349

County Recorder. 9350

(G) This section expires three years after its effective 9351
date. 9352

Section 757.10. As used in this section, "qualified property" 9353
means real property owned by a housing authority that satisfies 9354
the qualifications for tax exemption under sections 3735.34 and 9355
5709.10 of the Revised Code. 9356

Notwithstanding section 5713.081 of the Revised Code, when 9357
qualified property has not received tax exemption due to a failure 9358
to comply with Chapter 5713. or section 5715.27 of the Revised 9359
Code, the current owner of the property, at any time on or before 9360
twelve months after the effective date of this section, may file 9361
with the Tax Commissioner an application requesting that the 9362
property be placed on the tax-exempt list and that all unpaid 9363
taxes, penalties, and interest on the property be abated. 9364

The application shall be made on the form prescribed by the 9365
Commissioner under section 5715.27 of the Revised Code and shall 9366
list the name of the county in which the property is located; the 9367
property's parcel number or legal description; its assessed value; 9368
the amount in dollars of the unpaid taxes, penalties, and 9369
interest; and any other information required by the Commissioner. 9370
The county auditor shall supply the required information upon 9371
request of the applicant. 9372

After receiving and considering the application, the 9373
Commissioner shall determine if the applicant meets the 9374
qualifications set forth in this section. If so, the Commissioner 9375
shall issue an order directing that the property be placed on the 9376
tax-exempt list of the county and that all unpaid taxes, 9377
penalties, and interest be abated. If the Commissioner finds that 9378
the property is not now being used for an exempt purpose or is 9379
otherwise ineligible for abatement of taxes, penalties, and 9380

interest under this section, the Commissioner shall issue an order 9381
denying the application. 9382

If the Commissioner finds that the property is not entitled 9383
to tax exemption and to the abatement of unpaid taxes, penalties, 9384
and interest, the Commissioner shall order the county treasurer of 9385
the county in which the property is located to collect all taxes, 9386
penalties, and interest due on the property for those years in 9387
accordance with law. 9388

The Commissioner may apply this section to any qualified 9389
property that is the subject of an application for exemption 9390
pending before the Commissioner on the effective date of this 9391
section without requiring the property owner to file an additional 9392
application. 9393

Section 757.20. The amendment by this act of sections 5739.01 9394
and 5739.02 of the Revised Code is intended to be remedial in 9395
nature and shall apply to all sales made before, on, or after the 9396
effective date of this act. 9397

Section 803.10. The amendment by this act of section 122.85 9398
of the Revised Code applies to tax credit certificates issued 9399
under that section on or after July 1, 2016. 9400

Section 812.10. (A) Except as otherwise provided in division 9401
(B) of this section, the amendment, enactment, or repeal by this 9402
act of a section is subject to the referendum under Ohio 9403
Constitution, Article II, section 1c and therefore takes effect on 9404
the ninety-first day after this act is filed with the Secretary of 9405
State, or, if a later effective date is specified in this act, on 9406
that date. 9407

(B) The amendment, enactment, or repeal by this act of the 9408
sections listed in this division is exempt from the referendum 9409

under Ohio Constitution, Article II, section 1d and section 1.471 9410
of the Revised Code and therefore takes effect immediately when 9411
this act becomes law: 9412

Sections of this act prefixed with section numbers in the 9413
500s, 600s, and 700s, except for those sections making capital 9414
appropriations (capital appropriations are prefixed with the 9415
letter "C") and except for Section 753.10 of this act. 9416

Section 812.20. The amendments by this act to sections 9417
124.181, 124.382, and 126.32 of the Revised Code take effect on 9418
July 1, 2017. 9419