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**131st General Assembly**

**Regular Session**

**2015-2016**

**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, Bacon, Balderson, Cafaro, Coley, Eklund, Faber, Hackett, Hite, Hughes, Jordan, LaRose, Lehner, Obhof, Oelslager, Patton, Seitz**

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**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 follows:

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

**Sec. 103.74.** The correctional institution inspection committee may employ ~~a director and any other nonlegal staff, who shall be in the unclassified service of the state, that are necessary for the committee to carry out its duties and may contract for the services of whatever nonlegal technical advisors are necessary for the committee to carry out its duties.~~ The

~~attorney general shall act as legal counsel to the committee.~~ 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 79  
service commission, shall fix the compensation of other staff of 80  
the committee in accordance with a salary schedule established by 81  
the director of the legislative service commission. Contracts for 82  
the services of necessary technical advisors shall be approved by 83  
the director of the legislative service commission professional, 84  
technical, and clerical employees as are necessary for the 85  
committee to be able to successfully and efficiently perform the 86  
committee's duties. All employees are in the unclassified service 87  
and serve at the committee's pleasure. 88~~

~~The committee may contract for the services of persons who 89  
are qualified by education and experience to advise, consult with, 90  
or otherwise assist the committee in the performance of the 91  
committee's duties. 92~~

~~The committee, subject to the oversight and direction of the 93  
legislative service commission, shall direct the work of the 94  
employees. Any decision related to the duties of employees or 95  
related to employment shall be made by a majority of the committee 96  
unless a majority of the committee is unable to decide a matter, 97  
in which case the chairperson shall decide the matter. 98~~

~~The general assembly shall biennially appropriate to the 99  
correctional institution inspection committee an amount sufficient 100  
to enable the committee to perform its duties. Salaries and 101  
expenses incurred by the committee shall be paid from that 102  
appropriation upon vouchers approved by the chairperson of the 103  
committee. 104~~

~~**Sec. 120.33.** (A) In lieu of using a county public defender or 105  
joint county public defender to represent indigent persons in the 106~~

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

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

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

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

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

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

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

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

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

section. 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 239  
public defender to represent indigent persons in the proceedings 240  
set forth in division (A) of section 120.16 of the Revised Code, 241  
and in lieu of adopting the resolution and following the procedure 242  
described in division (A) of this section, the board of county 243  
commissioners of any county may contract with the state public 244  
defender for the state public defender's legal representation of 245  
indigent persons. A contract entered into pursuant to this 246  
division may provide for payment for the services provided on a 247  
per case, hourly, or fixed contract basis. 248

(C) If a court appoints an attorney pursuant to this section 249  
to represent a petitioner in a postconviction relief proceeding 250  
under section 2953.21 of the Revised Code, the petitioner has 251  
received a sentence of death, and the proceeding relates to that 252  
sentence, the attorney who represents the petitioner in the 253  
proceeding pursuant to the appointment shall be certified under 254  
Rule 20 of the Rules of Superintendence for the Courts of Ohio to 255  
represent indigent defendants charged with or convicted of an 256  
offense for which the death penalty can be or has been imposed. 257

(D)(1) There is hereby created the capital case attorney fee 258  
council, appointed as described in division (D)(2) of this 259  
section. The ~~supreme court~~ council shall set an amount by case, or 260  
a rate on an hourly basis, to be paid under this section to 261  
counsel in a capital case. 262

(2) The capital case attorney fee council shall consist of 263  
five members, all of whom shall be active judges serving on one of 264  
the district courts of appeals in this state. Terms for council 265  
members shall be the lesser of three years or until the member 266  
ceases to be an active judge of a district court of appeals. The 267

initial terms shall commence ninety days after the effective date 268  
of this amendment. The chief justice of the supreme court shall 269  
appoint the members of the council, and shall make all of the 270  
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 326  
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alternative fuel, the delivery of alternative fuel to the motor, 329  
and the exhaust of gases from the combustion of alternative fuel. 330

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

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

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

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

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

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

(2) The taxpayer is economically sound and has the ability to

complete the proposed capital investment project. 484

(3) The taxpayer intends to and has the ability to maintain 485  
operations at the project site for at least the greater of (a) the 486  
term of the credit plus three years, or (b) seven years. 487

(4) Receiving the credit is a major factor in the taxpayer's 488  
decision to begin, continue with, or complete the project. 489

(E) An agreement under this section shall include all of the 490  
following: 491

(1) A detailed description of the project that is the subject 492  
of the agreement, including the amount of the investment, the 493  
period over which the investment has been or is being made, the 494  
number of full-time equivalent employees at the project site, and 495  
the anticipated Ohio employee payroll to be generated. 496

(2) The term of the credit, the percentage of the tax credit, 497  
the maximum annual value of tax credits that may be allowed each 498  
year, and the first year for which the credit may be claimed. 499

(3) A requirement that the taxpayer maintain operations at 500  
the project site for at least the greater of (a) the term of the 501  
credit plus three years, or (b) seven years. 502

(4) A requirement that the taxpayer retain at least five 503  
hundred full-time equivalent employees at the project site and 504  
within this state for the entire term of the credit, or a 505  
requirement that the taxpayer maintain an annual Ohio employee 506  
payroll of at least thirty-five million dollars for the entire 507  
term of the credit. 508

(5) A requirement that the taxpayer annually report to the 509  
director of development services full-time equivalent employees, 510  
Ohio employee payroll, capital investment, and other information 511  
the director needs to perform the director's duties under this 512  
section. 513

(6) A requirement that the director of development services 514  
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 579  
other such business entity may elect to pass the credit received 580  
under this section through to the persons to whom the income or 581  
profit of the partnership, S-corporation, or other entity is 582  
distributed. The election shall be made on the annual report 583  
required under division (E)(5) of this section. The election 584  
applies to and is irrevocable for the credit for which the report 585  
is submitted. If the election is made, the credit shall be 586  
apportioned among those persons in the same proportions as those 587  
in which the income or profit is distributed. 588

(J)(1) If the director of development services determines 589  
that a taxpayer that received a certificate under division (E)(6) 590  
of this section is not complying with the requirements of the 591  
agreement, the director shall notify the tax credit authority of 592  
the noncompliance. After receiving such a notice, and after giving 593  
the taxpayer an opportunity to explain the noncompliance, the 594  
authority may terminate the agreement and require the taxpayer, or 595  
any related member or members that claimed the tax credit under 596  
division (N) of this section, to refund to the state all or a 597  
portion of the credit claimed in previous years, as follows: 598

(a) If the taxpayer fails to comply with the requirement 599  
under division (E)(3) of this section, an amount determined in 600  
accordance with the following: 601

(i) If the taxpayer maintained operations at the project site 602  
for less than or equal to the term of the credit, an amount not to 603  
exceed one hundred per cent of the sum of any tax credits allowed 604  
and received under this section. 605

(ii) If the taxpayer maintained operations at the project 606  
site longer than the term of the credit, but less than the greater 607  
of seven years or the term of the credit plus three years, the 608  
amount required to be refunded shall not exceed seventy-five per 609

cent of the sum of any tax credits allowed and received under this section. 610  
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(b) If the taxpayer fails to substantially maintain both the number of full-time equivalent employees and the amount of Ohio employee payroll required under the agreement at any time during the term of the agreement or during the post-term reporting period, an amount determined at the discretion of the authority. 612  
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(2) If a taxpayer files for bankruptcy and fails as described in division (J)(1)(a) or (b) of this section, the director may immediately commence an action to recoup an amount not exceeding one hundred per cent of the sum of any credits received by the taxpayer under this section. 617  
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(3) In determining the portion of the credit to be refunded to this state, the authority shall consider the effect of market conditions on the taxpayer's project and whether the taxpayer continues to maintain other operations in this state. After making the determination, the authority shall certify the amount to be refunded to the tax commissioner or the superintendent of insurance. If the taxpayer, or any related member or members who claimed the tax credit under division (N) of this section, is not an insurance company, the commissioner shall make an assessment for that amount against the taxpayer under Chapter 5726., 5733., 5736., 5747., or 5751. of the Revised Code. If the taxpayer, or any related member or members that claimed the tax credit under division (N) of this section, is an insurance company, the superintendent of insurance shall make an assessment under section 5725.222 or 5729.102 of the Revised Code. The time limitations on assessments under those chapters and sections do not apply to an assessment under this division, but the commissioner or superintendent shall make the assessment within one year after the date the authority certifies to the commissioner or superintendent the amount to be refunded. 622  
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(K) The director of development services, after consultation with the tax commissioner and the superintendent of insurance and in accordance with Chapter 119. of the Revised Code, shall adopt rules necessary to implement this section. The rules may provide for recipients of tax credits under this section to be charged fees to cover administrative costs of the tax credit program. The fees collected shall be credited to the business assistance fund created in section 122.174 of the Revised Code. At the time the director gives public notice under division (A) of section 119.03 of the Revised Code of the adoption of the rules, the director shall submit copies of the proposed rules to the chairpersons of the standing committees on economic development in the senate and the house of representatives.

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

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

(1) For 2010, thirteen million dollars;

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

(3) For 2024 and each year thereafter, one hundred

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

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

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

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

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

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

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

report by multiplying the withholding adjustment factor by the 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 767  
which a tax credit certificate is issued or a person to which the 768  
company has transferred under division (H) of this section the 769  
authority to claim all or a part of the tax credit authorized by 770  
that certificate. 771

(3) "Motion picture company" means an individual, 772  
corporation, partnership, limited liability company, or other form 773  
of business association producing a motion picture. 774

(4) "Eligible production expenditures" means expenditures 775  
made after June 30, 2009, for goods or services purchased and 776  
consumed in this state by a motion picture company directly for 777  
the production of a tax credit-eligible production. 778

"Eligible production expenditures" includes, but is not 779  
limited to, expenditures for ~~resident and nonresident~~ cast and 780  
crew wages, accommodations, costs of set construction and 781  
operations, editing and related services, photography, sound 782  
synchronization, lighting, wardrobe, makeup and accessories, film 783  
processing, transfer, sound mixing, special and visual effects, 784  
music, location fees, and the purchase or rental of facilities and 785  
equipment. 786

(5) "Motion picture" means entertainment content created in 787  
whole or in part within this state for distribution or exhibition 788  
to the general public, including, but not limited to, 789  
feature-length films; documentaries; long-form, specials, 790  
miniseries, series, and interstitial television programming; 791  
interactive web sites; sound recordings; videos; music videos; 792  
interactive television; interactive games; video games; 793  
commercials; any format of digital media; and any trailer, pilot, 794  
video teaser, or demo created primarily to stimulate the sale, 795  
marketing, promotion, or exploitation of future investment in 796

either a product or a motion picture by any means and media in any 797  
digital media format, film, or videotape, provided the motion 798  
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 830  
Ohio; 831

(8) The level of employment of cast and crew who reside in 832  
Ohio; 833

(9) A synopsis of the script; 834

(10) The shooting script; 835

(11) A creative elements list that includes the names of the 836  
principal cast and crew and the producer and director; 837

(12) Documentation of financial ability to undertake and 838  
complete the motion picture; 839

(13) Estimated value of the tax credit based upon total 840  
budgeted eligible production expenditures; 841

(14) Any other information considered necessary by the 842  
director. 843

Within ninety days after certification of a motion picture as 844  
a tax credit-eligible production, and any time thereafter upon the 845  
request of the director of development services, the motion 846  
picture company shall present to the director sufficient evidence 847  
of reviewable progress. If the motion picture company fails to 848  
present sufficient evidence, the director may rescind the 849  
certification. Upon rescission, the director shall notify the 850  
applicant that the certification has been rescinded. Nothing in 851  
this section prohibits an applicant whose tax credit-eligible 852  
production certification has been rescinded from submitting a 853  
subsequent application for certification. 854

(C)(1) A motion picture company whose motion picture has been 855  
certified as a tax credit-eligible production may apply to the 856  
director of development services on or after July 1, 2009, for a 857

refundable credit against the tax imposed by section 5726.02, 858  
5733.06, 5747.02, or 5751.02 of the Revised Code. The director in 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 985  
5726.55, 5733.59, 5747.66, or 5751.54 of the Revised Code unless 986  
and until the transferring motion picture company complies with 987  
division (H)(1) of this section. A transferee may claim the 988  
transferred amount of any credit or portion of a credit for the 989  
same taxable year or tax period for which the transferring motion 990  
picture company was authorized to claim the credit or portion of a 991  
credit pursuant to the certificate. A motion picture company shall 992  
make no transfer under division (H)(1) of this section after the 993  
last day of the tax period or taxable year for which the motion 994  
picture company is required to claim the credit pursuant to the 995  
certificate. 996

A motion picture company may make not more than one transfer 997  
under division (H)(1) of this section for each tax credit 998  
certificate, but pursuant to that transaction, may allocate the 999  
authority to claim a portion of the credit to more than one 1000  
transferee. A motion picture company may not authorize more than 1001  
one transferee to claim the same portion of a credit. 1002

(I) The director of development services shall establish a 1003  
program for the training of Ohio residents who are or wish to be 1004  
employed in the film or multimedia industry. Under the program, 1005  
the director shall: 1006

(1) Certify individuals as film and multimedia trainees. In 1007  
order to receive such a certification, an individual must be an 1008  
Ohio resident, have participated in relevant on-the-job training 1009  
or have completed a relevant training course approved by the 1010  
director, and have met any other requirements established by the 1011  
director. 1012

(2) Accept applications from motion picture companies that 1013

intend to hire and provide on-the-job training to one or more 1014  
certified film and multimedia trainees who will be employed in the 1015  
company's tax credit-eligible production. 1016

(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 performance in accordance with the criteria established by the employee's appointing authority before July 1, 2017, at the employee's base rate of pay as of the pay period immediately before the pay period that includes July 1, 2017, beginning on the first day of the pay period that includes July 1, 2017.

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

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

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

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

Schedule E-1



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

Schedule E-1

Pay Ranges and Step Values

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

Range

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	<del>34.50</del>	<u>34.50</u>	1206
								<u>32.95</u>		
	Annually	50357	53186	56056	59155	62442	65832	<del>71760</del>	<u>71760</u>	1207
								<u>68536</u>		
13	Hourly	26.69	28.16	29.70	31.28	33.05	34.84	<del>37.97</del>	<u>37.97</u>	1208
								<u>36.26</u>		
	Annually	55515	58573	61776	65062	68744	72467	<del>78978</del>	<u>78978</u>	1209
								<u>75421</u>		
14	Hourly	29.35	31.01	32.68	34.46	36.41	38.44	<del>41.90</del>	<u>41.90</u>	1210
								<u>40.01</u>		
	Annually	61048	64501	67974	71677	75733	79955	<del>87152</del>	<u>87152</u>	1211
								<u>83221</u>		
15	Hourly	32.24	34.05	35.98	37.95	40.06	42.26	<del>46.06</del>	<u>46.06</u>	1212
								<u>43.99</u>		
	Annually	67059	70824	74838	78936	83325	87901	<del>95805</del>	<u>95805</u>	1213
								<u>91499</u>		
16	Hourly	35.55	37.52	39.58	41.80	44.11	46.63	<del>50.82</del>	<u>50.82</u>	1214
								<u>48.53</u>		
	Annually	73944	78042	82326	86944	91749	96990	<del>105706</del>	<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		1221
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
8	Hourly	17.95	18.75	19.55	20.43	21.40				1263
	Annually	37336	39000	40664	42494	44512				1264
9	Hourly	19.15	20.14	21.13	22.19	23.31				1265
	Annually	39832	41891	43950	46155	48485				1266
10	Hourly	20.66	21.79	22.96	24.28	25.58				1267
	Annually	42973	45323	47757	50502	53206				1268
11	Hourly	22.50	23.81	25.18	26.61	28.12				1269
	Annually	46800	49525	52374	55349	58490				1270
12	Hourly	24.82	26.21	27.62	29.15	30.77	32.44	<del>35.36</del>	<u>35.36</u>	1271
								<u>33.77</u>		
	Annually	51626	54517	57450	60632	64002	67475	<del>73549</del>	<u>73549</u>	1272
								<u>70242</u>		
13	Hourly	27.36	28.86	30.44	32.06	33.88	35.71	<del>38.92</del>	<u>38.92</u>	1273
								<u>37.17</u>		
	Annually	56909	60029	63315	66685	70470	74277	<del>80954</del>	<u>80954</u>	1274
								<u>77314</u>		
14	Hourly	30.08	31.79	33.50	35.32	37.32	39.40	<del>42.95</del>	<u>42.95</u>	1275
								<u>41.02</u>		
	Annually	62566	66123	69680	73466	77626	81952	<del>89336</del>	<u>89336</u>	1276
								<u>85322</u>		
15	Hourly	33.05	34.90	36.88	38.90	41.06	43.32	<del>47.21</del>	<u>47.21</u>	1277
								<u>45.09</u>		
	Annually	68744	72592	76710	80912	85405	90106	<del>98197</del>	<u>98197</u>	1278
								<u>93787</u>		
16	Hourly	36.44	38.46	40.57	42.85	45.21	47.80	<del>52.09</del>	<u>52.09</u>	1279
								<u>49.75</u>		
	Annually	75795	79997	84386	89128	94037	99424	<del>108347</del>	<u>108347</u>	1280
								<u>103480</u>		
17	Hourly	40.15	42.36	44.73	47.20	49.84	52.61			1281

	Annually	83512	88109	93038	98176	103667	109429	1282
18	Hourly	44.24	46.69	49.32	52.03	54.91	57.98	1283
	Annually	92019	97115	102586	108222	114213	120598	1284

Schedule E-2 1285

Range		Minimum	Maximum	
41	Hourly	16.23	43.73	1287
	Annually	33758	90958	1288
42	Hourly	17.89	48.29	1289
	Annually	37211	100443	1290
43	Hourly	19.70	53.19	1291
	Annually	40976	110635	1292
44	Hourly	21.73	58.10	1293
	Annually	45198	120848	1294
45	Hourly	24.01	63.44	1295
	Annually	49941	131955	1296
46	Hourly	26.43	69.32	1297
	Annually	54974	144186	1298
47	Hourly	29.14	75.66	1299
	Annually	60611	157373	1300
48	Hourly	32.14	82.55	1301
	Annually	66851	171704	1302
49	Hourly	35.44	89.13	1303
	Annually	73715	185390	1304

(C)(1) Beginning on the first day of the pay period that 1305  
 includes July 1, 2015, each exempt employee who must be paid in 1306  
 accordance with salary schedule E-1 for step eight only shall be 1307  
 paid a salary or wage in accordance with the following schedule of 1308  
 rates: 1309

Schedule E-1 for Step Eight Only 1310

Pay Ranges and Step Values 1311

Range 1312

12 Hourly 32.60 1313

	Annually	67808	1314
13	Hourly	35.85	1315
	Annually	74568	1316
14	Hourly	39.53	1317
	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 includes July 1, 2017, each exempt employee who must be paid in accordance with schedule E-1 for step eight only shall be paid a salary or wage in accordance with the following schedule of rates:~~

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

~~Pay Ranges and Step Values~~

Range

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:~~

(1) "Exempt employee" means a permanent full-time or permanent part-time employee paid directly by warrant of the director of budget and management whose position is included in the job classification plan established under division (A) of section 124.14 of the Revised Code but who is not considered a public employee for the purposes of Chapter 4117. of the Revised Code. ~~As used in this section, "exempt~~ "Exempt employee" also includes a permanent full-time or permanent part-time employee of

the secretary of state, auditor of state, treasurer of state, or 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 1445  
hiring, shall receive any longevity adjustment for the period 1446  
prior to the director's approval of a prior service credit. Time 1447  
spent on authorized leave of absence shall be counted for this 1448  
purpose. 1449

(2) An employee who has retired in accordance with the 1450  
provisions of any retirement system offered by the state and who 1451  
is employed by the state or any political subdivision of the state 1452  
on or after June 24, 1987, shall not have prior service with the 1453  
state or any political subdivision of the state counted for the 1454  
purpose of determining the amount of the salary adjustment 1455  
provided under this division. 1456

(3) There shall be a moratorium on employees' receipt under 1457  
this division of credit for service with the state government or 1458  
any of its political subdivisions during the period from July 1, 1459  
2003, through June 30, 2005. In calculating the number of years of 1460  
total service under this division, no credit shall be included for 1461  
service during the moratorium. The moratorium shall apply to the 1462  
employees of the secretary of state, the auditor of state, the 1463  
treasurer of state, and the attorney general, who are subject to 1464  
this section unless the secretary of state, the auditor of state, 1465  
the treasurer of state, or the attorney general decides to exempt 1466  
the office's employees from the moratorium and so notifies the 1467  
director of administrative services in writing on or before July 1468  
1, 2003. 1469

If an employee is exempt from the moratorium, receives credit 1470  
for a period of service during the moratorium, and takes a 1471  
position with another entity in the state government or any of its 1472

political subdivisions, either during or after the moratorium, and 1473  
if that entity's employees are or were subject to the moratorium, 1474  
the employee shall continue to retain the credit. However, if the 1475  
moratorium is in effect upon the taking of the new position, the 1476  
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 employee's classification salary base may be applied when the employee is performing as a special education teacher.

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

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

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

(N) Notwithstanding sections 117.28, 117.30, 117.33, 117.36, 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 Revised Code, and if that appointment requires a permanent change of residence, the appropriate state agency may reimburse the person for the person's actual and necessary expenses, including the cost of in-transit storage of household goods and personal effects, of moving the person and members of the person's immediate family residing in the person's household, and of moving their household goods and personal effects, to the person's new location.

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

The director of development services may reimburse a person appointed to a position under section 122.05 of the Revised Code for the person's actual and necessary expenses of moving the person and members of the person's immediate family residing in the person's household back to the United States and may reimburse a person appointed to such a position for the cost of storage of household goods and personal effects of the person and the

person's immediate family while the person is serving outside the 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  
except as provided in division (D) of this section, a board of  
county commissioners may adopt a resolution authorizing the  
acceptance of payments by financial transaction devices for county  
expenses. The resolution shall include the following:

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

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

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

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

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

The board's resolution shall also designate the county  
treasurer as an administrative agent to solicit proposals, within  
guidelines established by the board in the resolution and in  
compliance with the procedures provided in division (C) of this  
section, from financial institutions, issuers of financial  
transaction devices, and processors of financial transaction  
devices, to make recommendations about those proposals to the  
board, and to assist county offices in implementing the county's

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

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

(E) A board of county commissioners may establish a surcharge or convenience fee that may be imposed upon a person making

payment by a financial transaction device. The surcharge or 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 amount necessary to reimburse the county for banking charges, legal fees, or other expenses incurred by the county in collecting the returned or dishonored payment. The remedies and procedures provided in this section are in addition to any other available civil or criminal remedies provided by law.

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

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

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

section. 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 2138  
majority of those voting upon it. However, a rule shall take 2139  
effect and remain in effect unless and until a majority of the 2140  
electors voting on the question of repeal approve the repeal. 2141  
Sections 305.31 to 305.41 of the Revised Code do not prevent a 2142  
county, after the passage of any resolution or adoption of any 2143  
rule, from proceeding at once to give any notice or make any 2144  
publication required by the resolution or rule. 2145

The board of county commissioners shall make available to any 2146  
person, upon request, a certified copy of any resolution or rule 2147  
subject to the procedure for submitting a referendum under 2148  
sections 305.31 to 305.42 of the Revised Code beginning on the 2149  
date the resolution or rule is adopted by the board. The board may 2150  
charge a fee for the cost of copying the resolution or rule. 2151

As used in this section, "certified copy" means a copy 2152  
containing a written statement attesting that it is a true and 2153  
exact reproduction of the original resolution or rule. 2154

**Sec. 305.42.** Sections 305.32 to 305.41 and 305.99 of the 2155  
Revised Code apply to petitions authorized by sections 307.791, 2156  
322.021, ~~324.021~~, 4504.021, and 5739.022 of the Revised Code. 2157

**Sec. 323.47.** (A) If land held by tenants in common is sold 2158  
upon proceedings in partition, or taken by the election of any of 2159  
the parties to such proceedings, or real estate is sold by 2160  
administrators, executors, guardians, or trustees, the court shall 2161  
order that the taxes, penalties, and assessments then due and 2162  
payable, and interest on those taxes, penalties, and assessments, 2163

that are or will be a lien on such land or real estate ~~at the time~~ 2164  
~~the deed is transferred following~~ as of the date of the sale or 2165  
election, be discharged out of the proceeds of such sale or 2166  
election, but only to the extent of those proceeds. For purposes 2167  
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 2201  
utility property tax duplicate opposite the property; this amount 2202  
shall be payable at the next succeeding date prescribed for 2203  
payment of taxes in section 323.12 of the Revised Code. 2204

Taxes, assessments, interest, and penalties that are not paid 2205  
on the date of that sale or election, including any amount that 2206  
becomes due and payable after the date of the sale or election or 2207  
that remains unpaid because proceeds of a sale or election are 2208  
insufficient to pay those amounts, continue to be a lien on the 2209  
property as provided under section 323.11 of the Revised Code. 2210

(B)(1) Except as provided in division (B)(3) of this section, 2211  
if real estate is sold at judicial sale, the court shall order 2212  
that the total of the following amounts shall be discharged out of 2213  
the proceeds of the sale but only to the extent of such proceeds: 2214

(a) ~~Taxes and, assessments, interest, and penalties, the lien~~ 2215  
~~for which attaches before the confirmation date of sale but that~~ 2216  
~~are not yet determined, assessed, and levied for the year in which~~ 2217  
~~confirmation occurs that includes the date of sale, apportioned~~ 2218  
~~pro rata to the part of that year that precedes confirmation, and~~ 2219  
~~any penalties and interest on those taxes and assessments the date~~ 2220  
of sale; 2221

(b) All other taxes, assessments, penalties, and interest the 2222  
lien for which attached for a prior tax year but that have not 2223  
been paid on or before the date of ~~confirmation sale~~. 2224

(2) ~~Upon the request of the officer who conducted the sale,~~ 2225  
~~the~~ The county treasurer shall may estimate the amount in division 2226  
(B)(1)(a) of this section before the confirmation of sale or an 2227

amended entry confirming the sale is filed. If the county 2228  
treasurer's estimate exceeds ~~that~~ the amount in division (B)(1)(a) 2229  
of this section, the ~~officer who conducted the sale shall~~ 2230  
plaintiff may request that the county treasurer refund that excess 2231  
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 that person;	2389 2390
(3) A sole proprietorship owned by that person or a member of that person's immediate family;	2391 2392
(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.	2393 2394 2395 2396
(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.	2397 2398 2399 2400 2401 2402 2403 2404
(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,	2405 2406 2407 2408 2409 2410 2411 2412 2413 2414 2415 2416 2417 2418

community development organization, school district, municipal 2419  
corporation, county, or township following the conveyance, and 2420  
liens subordinate to liens for taxes, shall be deemed satisfied 2421  
and discharged. 2422

**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

<u>(a) Gas, electric, sewer, or water utility services to the property have been disconnected.</u>	2511 2512
<u>(b) Windows or entrances to the property are boarded up or closed off, or multiple window panes are broken and unrepaired.</u>	2513 2514
<u>(c) Doors on the property are smashed through, broken off, unhinged, or continuously unlocked.</u>	2515 2516
<u>(d) Junk, litter, trash, debris, or hazardous, noxious, or unhealthy substances or materials have accumulated on the property.</u>	2517 2518 2519
<u>(e) Furnishings, window treatments, or personal items are absent from the structure on the land.</u>	2520 2521
<u>(f) The property is the object of vandalism, loitering, or criminal conduct, or there has been physical destruction or deterioration of the property.</u>	2522 2523 2524
<u>(g) A mortgagor has made a written statement expressing the intention of all mortgagors to abandon the property.</u>	2525 2526
<u>(h) Neither an owner nor a tenant appears to be residing in the property at the time of an inspection of the property by the appropriate official of a county, municipal corporation, or township in which the property is located or by the mortgagee.</u>	2527 2528 2529 2530
<u>(i) The appropriate official of a county, municipal corporation, or township in which the property is located provides a written statement or statements indicating that the structure on the land is vacant and abandoned.</u>	2531 2532 2533 2534
<u>(j) The property is sealed because, immediately prior to being sealed, it was considered by the appropriate official of a county, municipal corporation, or township in which the property is located to be open, vacant, or vandalized.</u>	2535 2536 2537 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

objection setting forth a defense or objection that, if proven, 2541  
would preclude the entry of a final judgment and decree of 2542  
foreclosure. 2543

(5) No mortgagor or other defendant has filed a written 2544  
statement with the court indicating that the property is not 2545  
vacant and abandoned. 2546

(6)(a) If a government official has not verified the real 2547  
property is vacant and abandoned pursuant to division (C)(3)(h), 2548  
(i), or (j) of this section, but the court makes a preliminary 2549  
finding that the residential real property is vacant and abandoned 2550  
pursuant to division (C) of this section, then within seven days 2551  
of the preliminary finding, the court shall order the appropriate 2552  
official of a county, municipal corporation, or township in which 2553  
the property is located to verify the property is vacant and 2554  
abandoned. 2555

(b) Any court costs assessed in connection with the 2556  
inspection conducted pursuant to division (C)(6)(a) of this 2557  
section shall not be more than fifty dollars. 2558

(D) If the court decides after an oral hearing that the 2559  
property is vacant and abandoned and that the mortgagee who filed 2560  
the motion to proceed in an expedited manner is entitled to 2561  
judgment, the court shall enter a final judgment and decree of 2562  
foreclosure and order the property to be sold in accordance with 2563  
division (E) of this section. If the court does not decide that 2564  
the property is vacant and abandoned, the seventy-five-day 2565  
deadline established in division (E) of this section shall not 2566  
apply to the sale of the property. 2567

(E) If the court decides that the property is vacant and 2568  
abandoned and enters a final judgment and decree of foreclosure 2569  
under division (D) of this section, the property shall be offered 2570  
for sale not later than seventy-five days after the issuance of 2571

the order of sale. The sale of the property shall be conducted in 2572  
accordance with the requirements in Chapter 2329. of the Revised 2573  
Code, including possible postponement of the sale pursuant to 2574  
division (C) of section 2329.152 of the Revised Code. 2575

(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 2606  
officer" has the same meaning as in section 2329.01 of the Revised 2607  
Code. 2608

(B)(1) An execution is a process of a court, issued by its 2609  
clerk, the court itself, or the county board of revision with 2610  
jurisdiction pursuant to section 323.66 of the Revised Code, and 2611  
directed to the sheriff of the county. ~~Executions~~ 2612

(2) An execution includes a process of a court, issued by its 2613  
clerk or the court itself, and directed to a private selling 2614  
officer authorized in accordance with section 2329.151, 2329.152, 2615  
or 5721.39 of the Revised Code. 2616

(3) Executions may be issued to the sheriffs of different 2617  
counties or different private selling officers at the same time. 2618

**Sec. 2327.02.** (A) Executions are of three kinds: 2619

(1) Against the property of the judgment debtor, including 2620  
orders of sale or orders to transfer property pursuant to sections 2621  
323.28, 323.65 to 323.78, and 5721.19 of the Revised Code; 2622

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

(3) For the delivery of the possession of real property, 2624  
including real property sold under orders of sale or transferred 2625  
under orders to transfer property pursuant to sections 323.28, 2626  
323.65 to 323.78, and 5721.19 of the Revised Code. 2627

(B) The writ shall contain a specific description of the 2628  
property, and a command to the sheriff or private selling officer 2629

to deliver it to the person entitled to the property. It also may 2630  
require the sheriff to make the damages recovered for withholding 2631  
the possession and costs, or costs alone, out of the property of 2632  
the person who so withholds it. 2633

(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 2665  
interests therein, permanent leasehold estates renewable forever, 2666  
and goods and chattels, not exempt by law, shall be subject to the 2667  
payment of debts, and liable to be taken on execution and sold as 2668  
provided in sections 2329.02 to 2329.61, inclusive, of the Revised 2669  
Code. 2670

(B) As used in sections 2329.02 to 2329.61 of the Revised 2671  
Code: 2672

(1) "Commercial property" means any property that is not 2673  
residential property. 2674

(2) "Private selling officer" means a resident of this state 2675  
licensed as both an auctioneer under Chapter 4707. of the Revised 2676  
Code and as a real estate broker or real estate salesperson under 2677  
Chapter 4735. of the Revised Code. 2678

(3) "Residential mortgage loan" and "residential property" 2679  
have the same meanings as in section 2308.01 of the Revised Code. 2680

**Sec. 2329.071.** (A) If a decree of foreclosure has been 2681  
entered with respect to residential real property but the property 2682  
has not been sold or a sale of the property is not underway, then, 2683  
beginning twelve months after the entry of the decree of 2684  
foreclosure, either of the following may occur: 2685

(1) The local political subdivision may request, by motion or 2686  
resolution, or by other means, that the county prosecuting 2687  
attorney file a motion with the court for the sale of the 2688  
property. 2689

(2) Upon receiving such a request, or upon the prosecuting 2690

attorney's own motion, the prosecuting attorney of the county in 2691  
which the action was filed may file a motion with the court for 2692  
authorization to sell the property in the same manner as if the 2693  
prosecuting attorney were the attorney for the party in whose 2694  
favor the decree of foreclosure and order of sale was entered. 2695

(B)(1) The prosecuting attorney, pursuant to division (A) of 2696  
this section, shall serve a copy of the motion on all parties who 2697  
entered an appearance in the foreclosure action in accordance with 2698  
the Rules of Civil Procedure. 2699

(2) The court shall decide the motion described in division 2700  
(A) of this section not sooner than thirty days after the date of 2701  
the filing of the motion. Unless the court finds good cause as to 2702  
why the property should not be sold, the court shall grant the 2703  
motion and order the prosecuting attorney to issue a praecipe for 2704  
order of sale and sell the property at the next available public 2705  
auction with no set minimum bid and in accordance with the terms 2706  
of the order of sale and applicable provisions of the Revised 2707  
Code. 2708

(C) The judgment creditor in the foreclosure action has the 2709  
right to redeem the property within fourteen days after the sale 2710  
by paying the purchase price. The judgment creditor shall pay the 2711  
purchase price to the clerk of the court in which the judgment was 2712  
rendered or the order of sale was made. Upon timely payment, the 2713  
court shall proceed as described in section 2329.31 of the Revised 2714  
Code, with the judgment creditor considered the successful 2715  
purchaser at sale. 2716

**Sec. 2329.151.** All Except as provided in sections 2329.152 to 2717  
2329.154 of the Revised Code, all public auctions of goods, 2718  
chattels, or lands levied upon by execution shall be conducted 2719  
personally by ~~an~~ one of the following: 2720

(A) An officer of the court ~~or by an auctioneer licensed~~ 2721

under Chapter 4707. of the Revised Code; 2722

(B) For the public auction of goods and chattels, a resident 2723  
of this state licensed as an auctioneer under Chapter 4707. of the 2724  
Revised Code; 2725

(C) For the public auction of lands, a private selling 2726  
officer. 2727

**Sec. 2329.152.** (A) In every action demanding the judicial or 2728  
execution sale of real estate, the county sheriff shall sell the 2729  
real estate at a public auction, unless the judgment creditor 2730  
files a motion with the court for an order authorizing a specified 2731  
private selling officer to sell the real estate at a public 2732  
auction. If the court authorizes a private selling officer to sell 2733  
the real estate, the judgment creditor may seek to have the 2734  
property sold by the private selling officer authorized by the 2735  
court or by the county sheriff. If the judgment creditor elects to 2736  
have the property sold by the private selling officer authorized 2737  
by the court, the judgment creditor shall file with the clerk of 2738  
the court a praecipe requesting the issuance of an order of 2739  
appraisal to the sheriff and an order of sale to the private 2740  
selling officer authorized by the court. Upon the filing of that 2741  
praecipe, the clerk of the court shall immediately issue both of 2742  
the following: 2743

(1) An order of appraisal to the sheriff, who shall obtain an 2744  
appraisal of the real estate in conformity with sections 2329.17 2745  
and 2329.18 of the Revised Code; 2746

(2) An order of sale to the private selling officer, who, 2747  
after the return or determination of the appraisal, shall 2748  
advertise and sell the real estate in conformity with applicable 2749  
provisions of sections 2329.01 to 2329.61 of the Revised Code. 2750

(B)(1) As used in this division: 2751

(a) "Business day" means a calendar day that is not a 2752  
Saturday or Sunday or a legal holiday as defined in section 1.14 2753  
of the Revised Code. 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 2820  
of the Revised Code shall be taxed as costs in the case. 2821

(c) The fee charged by the private selling officer and all 2822  
costs incurred by the private selling officer other than the costs 2823  
described in divisions (D)(1)(a) and (b) of this section shall be 2824  
taxed as costs in the case up to an amount equal to one and 2825  
one-half per cent of the sale price of the real estate. To the 2826  
extent the fees and costs described in division (D)(1)(c) of this 2827  
section exceed one and one-half per cent of the sale price of the 2828  
real estate, they shall not be included in the amount necessary to 2829  
redeem real estate under section 2329.33 of the Revised Code or in 2830  
the calculation of any deficiency judgment under section 2329.08 2831  
of the Revised Code but rather shall be paid by the judgment 2832  
creditor or from the judgment creditor's portion of the proceeds 2833  
of the sale. 2834

(2) The private selling officer shall file with the court 2835  
that issued the order of sale an itemized report of all appraisal, 2836  
publication, marketing, and other expenses of a sale conducted 2837  
under this section and all fees charged by the private selling 2838  
officer for marketing the real estate or conducting the sale of 2839  
the real estate, including the fee charged by the title agent or 2840  
title insurance company for administrative services, if 2841  
applicable, and title, escrow, and closing services. 2842

(E)(1) The private selling officer who conducts a sale under 2843  
this section may do any of the following: 2844

(a) Market the real estate and conduct the public auction of 2845  
the real estate online or at any physical location in the county 2846

in which the real estate is situated. If the auction occurs 2847  
online, the auction shall be open for bidding for a minimum of 2848  
seven days. 2849

(b) Hire a title insurance agent licensed under Chapter 3953. 2850  
of the Revised Code or title insurance company authorized to do 2851  
business under that chapter to assist the private selling officer 2852  
in performing administrative services; 2853

(c) Execute to the purchaser, or to the purchaser's legal 2854  
representatives, a deed of conveyance of the real estate sold; 2855

(d) Record on behalf of the purchaser the deed conveying 2856  
title to the real estate sold, notwithstanding that the deed may 2857  
not actually have been delivered to the purchaser prior to its 2858  
recording. 2859

(2) By placing a bid at a sale conducted pursuant to this 2860  
section, a purchaser appoints the private selling officer who 2861  
conducts the sale as agent of the purchaser for the sole purpose 2862  
of accepting delivery of the deed. 2863

(3) The private selling officer who conducts the sale shall 2864  
hire a title insurance agent licensed under Chapter 3953. of the 2865  
Revised Code or title insurance company authorized to do business 2866  
under that chapter to perform title, escrow, and closing services 2867  
related to the sale of the real estate. 2868

(F) The fee charged by the title agent or title insurance 2869  
company for services provided under divisions (E)(1)(b) and (3) of 2870  
this section shall be taxed as costs in the case provided they are 2871  
reasonable. Fees less than or equal to five hundred dollars are 2872  
presumed to be reasonable. Fees exceeding five hundred dollars 2873  
shall be paid only if authorized by a court order. 2874

Sec. 2329.153. (A) Not later than ninety days after the 2875  
effective date of this section, the department of administrative 2876

services shall solicit competitive sealed proposals for the 2877  
creation, operation, and maintenance of the official public 2878  
sheriff sale web site and an integrated auction management system. 2879  
The official public sheriff sale web site and integrated auction 2880  
management system shall be a single statewide system for use by 2881  
all county sheriffs in accordance with the requirements of this 2882  
section. 2883

(B) The official public sheriff sale web site shall meet the 2884  
following minimum requirements: 2885

(1) The web site shall have a domain name relevant to the 2886  
judicial sale of real property. 2887

(2) The web site shall be limited to the judicial sale of 2888  
real property located in this state. 2889

(3) The web site shall not charge a fee for members of the 2890  
public to view properties for sale. 2891

(4) The web site shall allow each county sheriff to add text, 2892  
images, or graphics to the web site for the purpose of identifying 2893  
the county or sheriff conducting the sale. 2894

(5) The web site shall include industry-standard features and 2895  
functionality, including user guides, online financial transaction 2896  
device payments, anti-snipe functionality, watch lists, electronic 2897  
mail notifications, maximum bid limits, automatic incremental 2898  
bidding, and search and map features that allow users to search by 2899  
county, zip code, address, parcel number, appraised value, party 2900  
name, case number, and other variables relevant to the judicial 2901  
sale of real property. As used in this section, "financial 2902  
transaction device" has the same meaning as in section 301.28 of 2903  
the Revised Code. 2904

(6) The web site shall include features that allow for the 2905  
cancellation of sales as required by law or court order and the 2906

postponement of sales in accordance with divisions (E)(2) and (3) 2907  
of this section. 2908

(7) The web site shall provide a secure payment processing 2909  
system that accepts online payments for property sold via the web 2910  
site and, in an efficient and cost effective manner, transfers 2911  
those payments to the appropriate county official or account. 2912

(8) The web site shall include the ability for an attorney or 2913  
law firm to enter a bid in a representative capacity. 2914

(9) The web site shall be integrated with the auction 2915  
management system described in division (C) of this section. 2916

(C) The auction management system shall meet the following 2917  
minimum requirements: 2918

(1) The auction management system shall have a role-based 2919  
workflow engine to assist in conducting sales on the web site, 2920  
capturing data, complying with all relevant laws, and managing 2921  
administrative processes related to the judicial sale of real 2922  
property in a timely, secure, and accurate manner. 2923

(2) The auction management system shall record the data 2924  
necessary to meet the reporting requirements of section 2329.312 2925  
of the Revised Code. 2926

(3) The auction management system shall be able to generate 2927  
documents required by the court ordering the sale or related to 2928  
the judicial sale of real property. 2929

(4) The auction management system shall be able to record 2930  
fees, costs, deposits, and other money items with the objective of 2931  
ensuring an accurate accounting of moneys received and disbursed 2932  
in each judicial sale of real property. 2933

(5) The auction management system shall be integrated with 2934  
the web site described in division (B) of this section. 2935

(D) The license fee for the creation, operation, and 2936

maintenance of the official public sheriff sale web site and 2937  
integrated auction management system shall be determined using a 2938  
per-transaction license fee model or a per-use license fee model. 2939  
The addition of a property to the official public sheriff sale web 2940  
site or the auction management system shall each be deemed a 2941  
transaction for purposes of determining the license fee. The 2942  
license fee applicable to each judicial sale of real property 2943  
shall be taxed as costs in the case. No additional license fees 2944  
shall be assessed to the county sheriff. 2945

(E)(1) Not later than one year after the effective date of 2946  
this section, in all cases in which the sheriff is ordered to 2947  
conduct a judicial sale of real property, the following shall 2948  
occur: 2949

(a) For residential property, the sale may be conducted on 2950  
the official public sheriff sale web site for a five-year period 2951  
beginning on the date the online system is fully operational. 2952  
After this five-year period sales shall be conducted on the 2953  
official public sheriff sale web site. 2954

(b) For commercial property, the sale may be conducted on the 2955  
official public sheriff sale web site. 2956

All sales conducted on the official public sheriff sale web 2957  
site shall be open for bidding for at least seven days. 2958

(2) If the sale of the real property is to be conducted on 2959  
the official public sheriff sale web site, the judgment creditor 2960  
may instruct the sheriff to postpone the sale of the real property 2961  
one time for up to one hundred eighty days after the initial sale 2962  
date. Upon receiving such instruction for postponement, the 2963  
sheriff shall postpone the sale of the property by announcing on 2964  
the official public sheriff sale web site that the sale is 2965  
postponed and giving notice of the rescheduled sale date. This 2966  
announcement shall be deemed to meet the notice requirement of 2967

section 2329.26 of the Revised Code. 2968

(3) If the judgment creditor does not wish to postpone the sale of the real property, the judgment creditor may instruct the sheriff to cancel the sale of the property. Upon receiving this instruction, the sheriff shall cancel the sale of the property by announcing on the official public sheriff sale web site that the sale is canceled. This announcement shall remain posted on the official public sheriff sale web site until at least the end of the seven-day bidding period described in division (E)(1) of this section. 2969  
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(4) If the sale of the real property is postponed or canceled according to divisions (E)(2) and (3) of this section, all bids made on the real property prior to the postponement or cancellation of the sale shall be void. 2978  
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(F) Pursuant to their authority in section 9.482 of the Revised Code, counties may elect to enter into a shared services agreement relating to the judicial sale of real property on the official public sheriff sale web site. The shared services agreement may seek to improve efficiency and reduce costs in the judicial sale of real property by consolidating administrative functions and processes. 2982  
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**Sec. 2329.154.** (A) If property is sold online, the sheriff or private selling officer shall require persons seeking to bid to register online with the web site as a condition of being authorized to bid. The registration form shall include information relevant to the objective of enabling the sheriff or private selling officer to identify the bidder, contact the bidder, and complete the sale of the property. 2989  
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(B) If an attorney or a law firm that represents the plaintiff or a party to the action bids on property in a representative capacity, the attorney or law firm shall register 2996  
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as the representative of the plaintiff or party, either as an individual or entity. 2999  
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(C)(1) If the person registering to bid is an individual, the information required by division (A) of this section shall include the individual's name, mailing address, which shall not be a post office box address, electronic mail address, telephone number, and, if applicable, financial transaction device information. 3001  
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(2) If the person registering to bid is an entity, the information required by division (A) of this section shall include the entity's legal name, trade name if different from its legal name, state and date of formation, active status with the office of the secretary of state, mailing address, telephone number, financial transaction device information if applicable, the name of an individual contact person for the entity, and the contact person's title, mailing address, which shall not be a post office box address, electronic mail address, and telephone number. 3006  
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(D) The registration form on the web site shall require the person registering to bid to state, to the best of the person's knowledge and belief, that the information provided by the person is true, correct, and complete under penalties of perjury. 3015  
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(E) The electronic mail address, telephone number, and, if applicable, financial transaction device information required in division (C) of this section are confidential and not public records for purposes of section 149.43 of the Revised Code. 3019  
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(F) As used in this section, "financial transaction device" has the same meaning as in section 301.28 of the Revised Code. 3023  
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**Sec. 2329.17.** (A) When execution is levied upon lands and tenements, the ~~officer who makes the levy~~ sheriff shall call an inquest of three disinterested freeholders, who are residents of, and real property owners in, the county where the lands taken in 3025  
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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. 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 3125  
execution sale of residential property, if the judgment creditor 3126  
is the purchaser at the sale, the purchaser shall not be required 3127  
to make a sale deposit. All other purchasers shall make a sale 3128  
deposit as follows: 3129

(1) If the appraised value of the residential property is 3130  
less than or equal to ten thousand dollars, the deposit shall be 3131  
two thousand dollars. 3132

(2) If the appraised value of the residential property is 3133  
greater than ten thousand dollars but less than or equal to two 3134  
hundred thousand dollars, the deposit shall be five thousand 3135  
dollars. 3136

(3) If the appraised value of the residential property is 3137  
greater than two hundred thousand dollars, the deposit shall be 3138  
ten thousand dollars. 3139

The timing of the deposit and other payment requirements 3140  
shall be established by the court or the person conducting the 3141  
sale and included in the advertisement of the sale. If the 3142  
purchaser fails to meet the timing or other requirements of the 3143  
deposit, the sale shall be invalid. 3144

(B) In every action demanding the judicial or execution sale 3145  
of commercial property, the purchaser at the sale shall make a 3146  
deposit pursuant to the requirements, if any, established for the 3147  
sale. 3148

**Sec. 2329.26.** (A) Lands and tenements taken in execution 3149  
shall not be sold until all of the following occur: 3150

(1)(a) Except as otherwise provided in division (A)(1)(b) of 3151  
this section, the judgment creditor who seeks the sale of the 3152  
lands and tenements or the judgment creditor's attorney does both 3153  
of the following: 3154

(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

The notice shall include all the following information: 3186

(i) The date, time, and place of the sale if the sale is to 3187  
be held at a physical location; 3188

(ii) The start date, the minimum duration, and web site 3189  
address of the sale if the sale is to be held online; 3190

(iii) The deposit required by section 2329.211 of the Revised 3191  
Code; 3192

(iv) That the purchaser shall be responsible for those costs, 3193  
allowances, and taxes that the proceeds of the sale are 3194  
insufficient to cover; 3195

(v) The provisional second sale date described in division 3196  
(B) of section 2329.52 of the Revised Code, if applicable; 3197  
provided, however, that no sale shall be invalid, nor shall the 3198  
court vacate any sale, if the notice described in division 3199  
(A)(1)(a)(i) of this section or the public notice described in 3200  
division (A)(2) of this section fails to include the provisional 3201  
date for a second sale of the property and the property is sold on 3202  
the initial sale date. 3203

(b) If a private selling officer has been ordered to sell the 3204  
lands and tenements, the private selling officer shall give the 3205  
public notice described in division (A)(2)(a) of this section in 3206  
the newspaper designated by the court. If the court has not 3207  
designated a newspaper, the private selling officer shall give 3208  
this public notice in the newspaper customarily used or designated 3209  
by the county sheriff. No sale that otherwise complies with 3210  
division (A)(2) of this section shall be invalid. 3211

~~(3)~~(B) The officer taking the lands and tenements shall 3212  
collect the purchaser's information required by section 2329.271 3213  
of the Revised Code. 3214

~~(B)~~(C) A sale of lands and tenements taken in execution may 3215  
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 3248  
limited partnership; 3249
- (iv) A member, manager, or officer, in the case of a limited 3250  
liability company; 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 3254  
business entity. 3255

~~(e)~~(d) A statement indicating whether the purchaser will 3256  
occupy the lands and tenements. 3257

(2) If the lands and tenements taken in execution are not 3258  
residential rental property and the purchaser of those lands and 3259  
tenements is a corporation, partnership, association, estate, 3260  
trust, or other business organization the only place of business 3261  
of which is in the county in which the real property is located, 3262  
the information required by divisions (A)(1)(a) and ~~(e)~~(d) of this 3263  
section shall be the contact information for the office of an 3264  
employee of the purchasing entity that is located in that county 3265  
and that the purchasing entity has designated to receive notices 3266  
or inquiries about the property. If the purchasing entity has a 3267  
place of business outside the county in which the real property is 3268  
located and the purchasing entity's principal place of business is 3269  
located in this state, the information required by divisions 3270  
(A)(1)(a) and ~~(e)~~(d) of this section shall be the contact 3271

information for the office of an employee of the purchasing entity 3272  
that is located in this state and that the purchasing entity has 3273  
designated to receive notices or inquiries about the property. If 3274  
the purchasing entity's principal place of business is not located 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 <del>the</del> <u>either of</u>	3486
<u>the following:</u>	3487
<u>(a) The property of another;</u>	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 3680  
state's initiative, may conduct a performance audit of a school 3681  
district that is under a fiscal caution under section 3316.031 of 3682  
the Revised Code, in a state of fiscal watch, or in a state of 3683  
fiscal emergency, in which the auditor of state reviews any 3684  
programs or areas of operation in which the auditor of state 3685  
believes that greater operational efficiencies or enhanced program 3686  
results can be achieved. 3687

The auditor of state, in consultation with the department of 3688  
education and the office of budget and management, shall determine 3689  
for which school districts to conduct a performance audit of a 3690  
school district that is under a fiscal caution, in a state of 3691  
fiscal watch, or in a state of fiscal emergency if requested by 3692  
the state superintendent of public instruction audits under this 3693  
section. Priority shall be given to districts in fiscal distress, 3694  
including districts employing fiscal practices or experiencing 3695  
budgetary conditions that could produce a state of fiscal watch or 3696  
fiscal emergency, as determined by the auditor of state, in 3697  
consultation with the department and the office of budget and 3698  
management. 3699

The cost of a performance audit conducted under this section 3700  
shall be paid by the ~~department of education~~ auditor of state. 3701

A performance audit under this section shall not include 3702  
review or evaluation of school district academic performance. 3703

**Sec. 3375.404.** (A) As used in this chapter: 3704

(1) "Anticipation notes" means notes issued in anticipation	3705
of the <del>library fund</del> library facilities notes authorized by this	3706
section.	3707
(2) "Authorizing proceedings" means the resolution,	3708
legislation, trust agreement, certification and other agreements,	3709
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 <del>library fund</del> 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 <del>the</del>	3729
<del>effective date of this section</del> <u>March 4, 1996</u> , 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 board of health. 3894  
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(4) "Tax-exempt hospital" means a nonprofit hospital or government-owned hospital that is exempt from income tax under section 501(c)(3) of the Internal Revenue Code of 1986, 26 U.S.C. 1, as amended, and that under federal law is a hospital organization required to meet community health needs assessment requirements set forth in 26 C.F.R. 1.501(r)-3. 3896  
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(B)(1) Not later than July 1, 2017, each board of health and tax-exempt hospital shall submit to the department of health any existing plans and assessments for the most recent assessment and planning period. 3902  
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(2) Beginning January 1, 2020, each board of health and tax-exempt hospital shall complete assessments and plans in alignment on a three-year interval established by the department. Not later than October 1, 2020, each board of health and tax-exempt hospital shall submit to the department plans and related assessments covering years 2020 through 2022. Beginning October 1, 2023, and every three years thereafter, each board of health and tax-exempt hospital shall submit subsequent plans and related assessments to the department. The department shall provide guidance regarding submitting plans and assessments and shall provide an online repository for the plans and assessments. 3906  
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(C)(1) Not later than July 1, 2017, and annually thereafter, each tax-exempt hospital shall submit information to the department as follows: 3917  
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(a) If the hospital is not a government-owned hospital, the hospital shall submit a copy of the hospital's schedule H (form 990) submitted to the internal revenue service for the preceding fiscal year, including corresponding attachments and reporting on financial assistance and means-tested government programs and 3920  
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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 3964  
imminent threat to public health or safety and are in violation of 3965  
federal, state, or local fire, building, or safety statutes, 3966  
ordinances, rules, or regulations; 3967

(5) Acquisition of an existing long-term care facility that 3968  
does not involve a change in the number of the beds; 3969

(6) Mergers, consolidations, or other corporate 3970  
reorganizations of long-term care facilities that do not involve a 3971  
change in the number of beds; 3972

(7) Construction, repair, or renovation of bathroom 3973  
facilities; 3974

(8) Construction of laundry facilities, waste disposal 3975  
facilities, dietary department projects, heating and air 3976  
conditioning projects, administrative offices, and portions of 3977  
medical office buildings used exclusively for physician services; 3978

(9) Removal of asbestos from a health care facility. 3979

Only that portion of a project that is described in this 3980  
division is not reviewable. 3981

**Sec. 4141.25.** (A) The director of job and family services 3982

shall determine as of each computation date the contribution rate 3983  
of each contributing employer subject to this chapter for the next 3984  
succeeding contribution period. The director shall determine a 3985  
standard rate of contribution or an experience rate for each 3986  
contributing employer. Once a rate of contribution has been 3987  
established under this section for a contribution period, except 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	4.8%	4065
1.0%		
(b) A 0.0% or a positive		4066
balance of less than 1.0%	4.7%	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 "Social Security Act," to the account of this state in the federal unemployment trust fund.

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

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

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

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

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

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

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

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

(3) Annually, as of the computation date, the director shall determine the total credits and charges made to the mutualized account during the preceding twelve months and the overall condition of the account. The director shall issue an annual statement containing this information and such other information as the director deems pertinent, including a report that the sum

of the balances in the mutualized account, employers' accounts, 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 mutualized account during the entire period subsequent to the computation date, July 1, 1966, made in accordance with division (B)(1) of this section, exceed the credits to such account including mutualized contributions during such period, made in accordance with division (B)(2) of this section, the amount of such excess charges shall be recovered during the next contribution period. To recover such amount, the director shall compute the percentage ratio of such excess charges to the average annual payroll of all employers eligible for an experience rate under division (A) of this section. The percentage so determined shall be computed to the nearest tenth of one per cent and shall be an additional contribution rate to be applied to the wages paid by each employer whose rate is computed under the provisions of division (A) of this section in the contribution period next following such computation date, but such percentage shall not exceed five-tenths of one per cent; however, when there are any excess charges in the mutualized account, as computed in this division, then the mutualized contribution rate shall not be less than one-tenth of one per cent.

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

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

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

(c) If the fund is more than fifteen per cent but less than

thirty per cent below minimum safe level, the contribution rates 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 of the board's meetings. The board shall meet at least once every quarter, and otherwise shall meet at the call of the chairperson or the director of the department of rehabilitation and correction. Sixty per cent of the members shall constitute a quorum. No transaction of the board's business shall be taken without the concurrence of a quorum of the members. The board may have committees with persons who are not members of the board but whose experience and expertise is relevant and useful to the work of the committee.

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

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

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

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

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

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

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

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

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

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

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

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

(8) Aid in the employment program development process by playing a leadership role in professional associations by discussing employment program issues.

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

**Sec. 5302.01.** The forms set forth in sections 5302.05, 5302.07, 5302.09, 5302.11, 5302.12, 5302.14, ~~and~~ 5302.17, and 5302.31 of the Revised Code may be used and shall be sufficient for their respective purposes. They shall be known as "Statutory Forms" and may be referred to as such. They may be altered as circumstances require, and the authorization of those forms shall not prevent the use of other forms. Wherever the phrases defined

in sections 5302.06, 5302.08, 5302.10, and 5302.13 of the Revised Code are to be incorporated in instruments by reference, the method of incorporation as indicated in the statutory forms shall be sufficient, but shall not preclude other methods.

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

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

Case No. ....

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

<u>....., and all pleadings therein incorporated</u>	4572
<u>herein by reference in and to the following Lands and Tenements</u>	4573
<u>situated in the County of ..... and State of Ohio,</u>	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
<b>Sec. 5537.02.</b> (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 president of the senate or the speaker of the house of representatives shall not participate in any vote of the commission. Serving as an appointed member of the commission under divisions (B)(1)(c), (1)(d), or (2) of this section does not constitute grounds for resignation from the senate or the house of representatives under section 101.26 of the Revised Code.

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

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

(D) Each member of the commission appointed by the governor shall give a surety bond to the commission in the penal sum of twenty-five thousand dollars and the secretary-treasurer shall give such a bond in at least the penal sum of fifty thousand dollars. The commission may require any of its officers or employees to file surety bonds including a blanket bond as provided in section 3.06 of the Revised Code. Each such bond shall be in favor of the commission and shall be conditioned upon the faithful performance of the duties of the office, executed by a surety company authorized to transact business in this state, approved by the governor, and filed in the office of the secretary of state. The costs of the surety bonds shall be paid or reimbursed by the commission from revenues. Each member of the commission appointed by the governor shall receive an annual

salary of five thousand dollars, payable in monthly installments. 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 shall be presumed to be reasonable. 4726  
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 4752  
4753  
4754

the certificate holder under division (B) of section 5721.37 of 4755  
the Revised Code; 4756

(3) The amount paid under division (B)(2) of section 5721.37 4757  
of the Revised Code, plus interest at the rate of eighteen per 4758  
cent per year for the period beginning on the day the certificate 4759  
holder filed a request for foreclosure or a notice of intent to 4760  
foreclose under division (A) of that section; 4761

(4) Any delinquent taxes on the parcel that are not covered 4762  
by a payment under division (B)(2) of section 5721.37 of the 4763  
Revised Code; 4764

(5) Fees and costs incurred in the foreclosure proceeding 4765  
instituted against the parcel, including, without limitation, the 4766  
fees and costs of the prosecuting attorney represented by the fee 4767  
paid under division (B)(3) of section 5721.37 of the Revised Code, 4768  
plus interest as provided in division (D)(2)(d) of this section, 4769  
or the fees and costs of the private attorney representing the 4770  
certificate holder, and charges paid or incurred in procuring 4771  
title searches and abstracting services relative to the subject 4772  
premises. 4773

(B) The court or board of revision may order the certificate 4774  
parcel to be sold or otherwise transferred according to law, 4775  
without appraisal and as set forth in the prayer of the complaint, 4776  
for not less than the amount of its finding, or, in the event that 4777  
the true value of the certificate parcel as determined by the 4778  
county auditor is less than the certificate redemption price, the 4779  
court or board of revision may, as prayed for in the complaint, 4780  
issue a decree transferring fee simple title free and clear of all 4781  
subordinate liens to the certificate holder or as otherwise 4782  
provided in sections 323.65 to 323.79 of the Revised Code. A 4783  
decree of the court or board of revision transferring fee simple 4784  
title to the certificate holder is forever a bar to all rights of 4785  
redemption with respect to the certificate parcel. 4786

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

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

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

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

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

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

recording. 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 5131  
whom the transfer effected or license given by a sale is or is to 5132  
be made or given and, for sales described in division (B)(3)(i) of 5133  
this section, the telecommunications service vendor that provides 5134  
the nine hundred telephone service; if two or more persons are 5135  
engaged in business at the same place of business under a single 5136  
trade name in which all collections on account of sales by each 5137  
are made, such persons shall constitute a single vendor. 5138

Physicians, dentists, hospitals, and veterinarians who are 5139  
engaged in selling tangible personal property as received from 5140  
others, such as eyeglasses, mouthwashes, dentifrices, or similar 5141  
articles, are vendors. Veterinarians who are engaged in 5142  
transferring to others for a consideration drugs, the dispensing 5143  
of which does not require an order of a licensed veterinarian or 5144  
physician under federal law, are vendors. 5145

(D)(1) "Consumer" means the person for whom the service is 5146  
provided, to whom the transfer effected or license given by a sale 5147  
is or is to be made or given, to whom the service described in 5148  
division (B)(3)(f) or (i) of this section is charged, or to whom 5149  
the admission is granted. 5150

(2) Physicians, dentists, hospitals, and blood banks operated 5151  
by nonprofit institutions and persons licensed to practice 5152  
veterinary medicine, surgery, and dentistry are consumers of all 5153  
tangible personal property and services purchased by them in 5154  
connection with the practice of medicine, dentistry, the rendition 5155  
of hospital or blood bank service, or the practice of veterinary 5156  
medicine, surgery, and dentistry. In addition to being consumers 5157  
of drugs administered by them or by their assistants according to 5158  
their direction, veterinarians also are consumers of drugs that 5159  
under federal law may be dispensed only by or upon the order of a 5160

licensed veterinarian or physician, when transferred by them to 5161  
others for a consideration to provide treatment to animals as 5162  
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, 5255  
certificate, or document is presented; 5256

(ii) The consumer identifies the consumer's self to the 5257  
seller as a member of a group or organization entitled to a price 5258  
reduction or discount. A preferred customer card that is available 5259  
to any patron does not constitute membership in such a group or 5260  
organization. 5261

(iii) The price reduction or discount is identified as a 5262  
third party price reduction or discount on the invoice received by 5263  
the consumer, or on a coupon, certificate, or other document 5264  
presented by the consumer. 5265

(c) "Price" does not include any of the following: 5266

(i) Discounts, including cash, term, or coupons that are not 5267  
reimbursed by a third party that are allowed by a vendor and taken 5268  
by a consumer on a sale; 5269

(ii) Interest, financing, and carrying charges from credit 5270  
extended on the sale of tangible personal property or services, if 5271  
the amount is separately stated on the invoice, bill of sale, or 5272  
similar document given to the purchaser; 5273

(iii) Any taxes legally imposed directly on the consumer that 5274  
are separately stated on the invoice, bill of sale, or similar 5275  
document given to the consumer. For the purpose of this division, 5276  
the tax imposed under Chapter 5751. of the Revised Code is not a 5277  
tax directly on the consumer, even if the tax or a portion thereof 5278  
is separately stated. 5279

(iv) Notwithstanding divisions (H)(1)(b)(i) to (iii) of this 5280  
section, any discount allowed by an automobile manufacturer to its 5281  
employee, or to the employee of a supplier, on the purchase of a 5282  
new motor vehicle from a new motor vehicle dealer in this state. 5283

(v) The dollar value of a gift card that is not sold by a vendor or purchased by a consumer and that is redeemed by the consumer in purchasing tangible personal property or services if the vendor is not reimbursed and does not receive compensation from a third party to cover all or part of the gift card value. For the purposes of this division, a gift card is not sold by a vendor or purchased by a consumer if it is distributed pursuant to an awards, loyalty, or promotional program. Past and present purchases of tangible personal property or services by the consumer shall not be treated as consideration exchanged for a gift card.

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

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

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

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

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

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

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

(M) "Hotel" means every establishment kept, used, maintained, advertised, or held out to the public to be a place where sleeping accommodations are offered to guests, in which five or more rooms are used for the accommodation of such guests, whether the rooms are in one or several structures, except as otherwise provided in

division (G) of section 5739.09 of the Revised Code. 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 area included within the territorial boundaries of a transit authority as they from time to time exist. Such territorial boundaries must at all times include all the area of a single county or all the area of the most populous county that is a part of such transit authority. County population shall be measured by the most recent census taken by the United States census bureau.

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

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

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

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

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

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

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

(LLL) of this section. 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 5660  
include sanitation services necessary for an establishment 5661  
described in 21 U.S.C. 608 to comply with rules and regulations 5662  
adopted pursuant to that section. 5663

(JJ) "Employment service" means providing or supplying 5664  
personnel, on a temporary or long-term basis, to perform work or 5665  
labor under the supervision or control of another, when the 5666  
personnel so provided or supplied receive their wages, salary, or 5667  
other compensation from the provider or supplier of the employment 5668  
service or from a third party that provided or supplied the 5669  
personnel to the provider or supplier. "Employment service" does 5670  
not include: 5671

(1) Acting as a contractor or subcontractor, where the 5672  
personnel performing the work are not under the direct control of 5673  
the purchaser. 5674

(2) Medical and health care services. 5675

(3) Supplying personnel to a purchaser pursuant to a contract 5676  
of at least one year between the service provider and the 5677  
purchaser that specifies that each employee covered under the 5678  
contract is assigned to the purchaser on a permanent basis. 5679

(4) Transactions between members of an affiliated group, as 5680  
defined in division (B)(3)(e) of this section. 5681

(5) Transactions where the personnel so provided or supplied 5682  
by a provider or supplier to a purchaser of an employment service 5683  
are then provided or supplied by that purchaser to a third party 5684  
as an employment service, except "employment service" does include 5685  
the transaction between that purchaser and the third party. 5686

(KK) "Employment placement service" means locating or finding 5687  
employment for a person or finding or locating an employee to fill 5688  
an available position. 5689

(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

June 26, 2003. 5784

(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  
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(vi) A concentrate, metabolite, constituent, extract, or combination of any ingredient described in divisions (EEE)(2)(b)(i) to (v) of this section. 5879  
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(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  
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(d) "Tobacco" means cigarettes, cigars, chewing or pipe tobacco, or any other item that contains tobacco. 5887  
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(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  
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(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  
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(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  
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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 keyboards, modems, and other peripheral computer equipment to an individual who is licensed or certified to teach in an elementary or a secondary school in this state for use by that individual in preparation for teaching elementary or secondary school students;	6409 6410 6411 6412 6413
(38) Sales to a professional racing team of any of the following:	6414 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 motor racing vehicles, including engines, chassis, and all other components of the vehicles, and all spare, replacement, and rebuilt parts or components of the vehicles; except not including tires, consumable fluids, paint, and accessories consisting of instrumentation sensors and related items added to the vehicle to collect and transmit data by means of telemetry and other forms of communication.	6418 6419 6420 6421 6422 6423 6424 6425
(39) Sales of used manufactured homes and used mobile homes, as defined in section 5739.0210 of the Revised Code, made on or after January 1, 2000;	6426 6427 6428
(40) Sales of tangible personal property and services to a provider of electricity used or consumed directly and primarily in generating, transmitting, or distributing electricity for use by others, including property that is or is to be incorporated into and will become a part of the consumer's production, transmission, or distribution system and that retains its classification as tangible personal property after incorporation; fuel or power used in the production, transmission, or distribution of electricity; energy conversion equipment as defined in section 5727.01 of the Revised Code; and tangible personal property and services used in	6429 6430 6431 6432 6433 6434 6435 6436 6437 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	\$	<del>29,551,872</del>	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	\$	<del>76,859,384</del>	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
 <b>Sec. 229.10. CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD</b>						7060
 General Revenue Fund						7061
GRF 874100	Personal Services	\$	2,417,467	\$	2,417,467	7062
GRF 874320	Maintenance and	\$	1,161,098	\$	<del>1,161,098</del>	7063
	Equipment				<u>1,411,098</u>	
TOTAL GRF General Revenue Fund		\$	3,578,565	\$	<del>3,578,565</del>	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	\$	<del>7,781,305</del>	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
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GRF 015403	Public Records	\$	0	\$	500,000	7172
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Adjudication

TOTAL GRF General Revenue Fund	\$	2,562,959	\$	<del>2,536,419</del>	7173
				<u>3,036,419</u>	

Dedicated Purpose Fund Group 7174

5K20 015603	CLA Victims of Crime	\$	427,184	\$	434,019	7175
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TOTAL DPF Dedicated Purpose 7176

Fund Group	\$	427,184	\$	434,019	7177
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TOTAL ALL BUDGET FUND GROUPS	\$	2,990,143	\$	<del>2,970,438</del>	7178
				<u>3,470,438</u>	

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

	<b>Sec. 257.10.</b>	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	\$ <del>14,577,641</del> <u>14,827,641</u>	\$ <del>14,577,641</del> <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		\$	<del>136,004,369</del>	\$	<del>147,974,169</del> 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			\$	<del>1,242,820,475</del>	\$	<del>1,249,140,275</del>
				<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; <del>and</del> 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 used to distribute a grant to The Wilds, a nonprofit conservation center in Muskingum County, for the development of a public water connection.	7388 7389 7390 7391
SAINT LUKE'S MANOR	7392
The foregoing appropriation item 195547, Saint Luke's Manor, shall be allocated to Cleveland Neighborhood Progress to support the completion of the Saint Luke's Manor project.	7393 7394 7395
PATHWAY PILOT PROJECT	7396
The foregoing appropriation item 195549, Pathway Pilot Project, shall be allocated to Pathway, a Community Action Agency in Lucas County, for a pilot program to connect individuals with sustainable employment opportunities.	7397 7398 7399 7400
COAL RESEARCH AND DEVELOPMENT GENERAL OBLIGATION BOND DEBT SERVICE	7401 7402
The foregoing appropriation line item 195901, Coal Research and Development General Obligation Bond Debt Service, shall be used to pay all debt service and related financing costs during the period July 1, 2015, through June 30, 2017, on obligations issued under sections 151.01 and 151.07 of the Revised Code.	7403 7404 7405 7406 7407
THIRD FRONTIER RESEARCH & DEVELOPMENT GENERAL OBLIGATION BOND DEBT SERVICE	7408 7409
The foregoing appropriation item 195905, Third Frontier Research & Development General Obligation Bond Debt Service, shall be used to pay all debt service and related financing costs during the period from July 1, 2015, through June 30, 2017, on obligations issued under sections 151.01 and 151.10 of the Revised Code.	7410 7411 7412 7413 7414 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 XXXVIII 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 XXXVIII 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 XXXVIII in this act are effective. Upon the effective date 7619  
of changes made to Title XXXVIII 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

<b>Sec. 305.10. JFS DEPARTMENT OF JOB AND FAMILY SERVICES</b>				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	\$	<del>774,249,568</del>
					774,899,568
	Federal	\$	38,202,557	\$	38,202,557
					7810
	GRF Total	\$	811,027,766	\$	<del>812,452,125</del>
					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	\$ <del>3,480,800,750</del> <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	\$	<del>389,250</del>	8084
				<u>684,250</u>	

TOTAL GRF General Revenue Fund	\$	749,250	\$	<del>389,250</del>	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	\$	<del>515,625</del>	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	\$	<del>8,100,000</del>	8114
				<u>9,499,542</u>	

TOTAL GRF General Revenue Fund	\$	8,100,000	\$	<del>8,100,000</del>	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	\$	<del>11,824,625</del>	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	<del>3,000,000</del> <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	\$	<del>7,925,958,867</del> 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	<del>\$11,114,250,910</del> <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	<del>\$ 975,215,085</del> <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	\$	<del>249,000,000</del>	8245
		Services				<u>254,211,763</u>	
GRF	506321	Institution Education	\$	24,586,681	\$	<del>30,454,204</del>	8246
		Services				<u>30,666,114</u>	
TOTAL GRF	General Revenue Fund		\$	1,587,014,499	\$	<del>1,634,214,809</del>	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	\$	<del>1,709,460,686</del> 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	\$	<del>8,052,920</del> <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		\$	<del>28,351,506</del> <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		\$	<del>58,676,228</del> <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
<b>Sec. 273.30. LOCAL PARKS PROJECTS</b>				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
<del>C23063</del>	<del>Redbrick Center for the Arts</del>	<del>\$</del>	<del>200,000</del>	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	\$	<del>45,563,509</del> <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		\$	<del>451,793,905</del>	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/Debarkation, 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 Action and Investment Funds, shall be used for a program of grants to be administered by the Department of Higher Education to provide timely availability of capital facilities for research programs and research-oriented instructional programs at or involving state-supported and state-assisted institutions of higher education.		8685 8686 8687 8688 8689 8690 8691
WORKFORCE BASED TRAINING AND EQUIPMENT		8692
(A) The foregoing appropriation item C23529, Workforce Based Training and Equipment, shall be used to support the Regionally Aligned Priorities in Developing Skills (RAPIDS) program in the Department of Higher Education. The purpose of the RAPIDS program is to support collaborative projects among higher education institutions to strengthen education and training opportunities that maximize workforce development efforts in defined areas of the state.		8693 8694 8695 8696 8697 8698 8699 8700
(B) Capital funds appropriated for this purpose by the General Assembly shall be distributed by the Chancellor of Higher Education to Ohio regions or subsets of regions. Regions or subsets of regions may be defined by the state's economic development strategy.		8701 8702 8703 8704 8705
(C) The Chancellor shall award capital funds within the program using an application and review process, as developed by the Chancellor. In reviewing applications and making awards, priority shall be given to proposals that demonstrate:		8706 8707 8708 8709
(1) Collaboration among and between state institutions of higher education, as defined in section 3345.011 of the Revised Code, Ohio Technical Centers, and other entities as determined to be appropriate by the Chancellor;		8710 8711 8712 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
<b>Sec. 207.80. CLS CLEVELAND STATE UNIVERSITY</b>	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
<del>C26074 CWRU Health Education Campus</del>	<del>\$ 1,000,000 8738</del>
<u>C26076 Cleveland Sight Center</u>	<u>\$ 100,000 8739</u>
TOTAL Higher Education Improvement Fund	\$ <del>23,300,000</del> 8740
	<u>22,400,000</u>
TOTAL ALL FUNDS	\$ 23,300,000 8741

22,400,000

<b>Sec. 207.90. CTI COLUMBUS STATE COMMUNITY COLLEGE</b>			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/Sullivant Avenue Teen Tech Lounge and Career Laboratory</u>	\$ 100,000	8753
TOTAL Higher Education Improvement Fund			\$ 17,100,000 8754
TOTAL ALL FUNDS			\$ 17,100,000 8755
 <b>Sec. 207.100. CCC CUYAHOGA COMMUNITY COLLEGE</b>			 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

<u>C37850</u>	<u>Junior League Non-profit Incubator</u>	\$	<u>30,000</u>	8766
	<u>Project</u>			
TOTAL Higher Education Improvement Fund		\$	<del>17,675,000</del>	8767
			<u>17,705,000</u>	
TOTAL ALL FUNDS		\$	<del>17,675,000</del>	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	\$	<del>500,000</del>	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		\$	<del>27,482,950</del>	8798
			<u>28,482,950</u>	
TOTAL ALL FUNDS		\$	<del>27,482,950</del>	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
<del>C37727</del>	<del>Wilmington Air Park Aviation Infrastructure Improvements</del>	<del>\$</del>	<del>3,000,000</del>	8807
C37728	Hopkins Commons Senior Center	\$	250,000	8808
TOTAL Higher Education Improvement Fund		\$	<del>13,600,000</del>	8809
			<u>10,600,000</u>	
TOTAL ALL FUNDS		\$	<del>13,600,000</del>	8810
			<u>10,600,000</u>	

~~WILMINGTON AIR PARK AVIATION INFRASTRUCTURE IMPROVEMENTS~~

				8811
	<del>Of the foregoing appropriation item C37727, Wilmington Air</del>			8812
	<del>Park Aviation Infrastructure Improvements, \$450,000 shall be used</del>			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	\$	<del>41,175,000</del>	8858
			<u>41,275,000</u>	
	TOTAL ALL FUNDS	\$	<del>41,175,000</del>	8859

41,275,000

COMMUNITY ASSISTANCE PROJECTS 8860

The foregoing appropriation for the Department of Mental 8861  
Health and Addiction Services, C58001, Community Assistance 8862  
Projects, may be used for facilities constructed or to be 8863  
constructed pursuant to Chapter 340., 5119., 5123., or 5126. of 8864  
the Revised Code or the authority granted by section 154.20 of the 8865  
Revised Code and the rules issued pursuant to those chapters and 8866  
that section and shall be distributed by the Department of Mental 8867  
Health and Addiction Services subject to Controlling Board 8868  
approval. 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 \$ 1,000,000 8882  
Replacement

C23024 OHS - Statewide Site Exhibit Renovation \$ 750,000 8883

C23025 OHS - Statewide Site Repairs \$ 1,050,410 8884

C23028 OHS - Basic Renovations and Emergency \$ 1,000,000 8885  
Repairs

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	<del>Village Villages</del> of Millersport <del>Corridor</del> <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 - <del>Japanese Macaque Exhibit</del> <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	\$	<del>140,000</del> <u>90,000</u>	9043
C230Z9	Chagrin Falls Center Community Arts	\$	600,000	9044

TOTAL Cultural and Sports Facilities Building Fund	\$	<del>63,345,000</del>	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	\$	<del>716,845,000</del>	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