

**As Reported by the Senate Finance and Financial Institutions
Committee**

**125th General Assembly
Regular Session
2003-2004**

Sub. H. B. No. 434

**Representatives Calvert, Allen, Barrett, Beatty, D. Evans, Flowers, Hartnett,
Hughes, Miller, T. Patton, Schneider, J. Stewart, Strahorn, Aslanides,
Chandler, Collier, C. Evans, Otterman, Peterson, Schlichter, Setzer
Senators Harris, Miller**

A B I L L

To amend sections 183.04 and 183.18 and to enact 1
sections 3313.717 and 3314.16 of the Revised Code 2
and to amend Section 3 of Sub. H.B. 262 of the 3
125th General Assembly, to amend Sections 41 and 4
41.09 of Am. Sub. H.B. 95 of the 125th General 5
Assembly, to amend Section 41.13 of Am. Sub. H.B. 6
95 of the 125th General Assembly, as subsequently 7
amended, and to amend Section 99 of Am. Sub. H.B. 8
95 of the 125th General Assembly, as amended by 9
Sub. H.B. 262 of the 125th General Assembly, to 10
provide for the distribution of money received by 11
the state pursuant to the Tobacco Master 12
Settlement Agreement by making operating and 13
capital appropriations for the biennium beginning 14
July 1, 2004, and ending June 30, 2006, and to 15
provide authorization and conditions for the 16
operation of state programs. 17

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

Section 1. That sections 183.04 and 183.18 be amended and 18
sections 3313.717 and 3314.16 of the Revised Code be enacted to 19
read as follows: 20

Sec. 183.04. There is hereby created the tobacco use 21
prevention and control foundation, the general management of which 22
is vested in a board of trustees of twenty-four members as 23
follows: 24

(A) Eight members who are health professionals, health 25
researchers, or representatives of health organizations. Two of 26
these members shall be appointed by the governor, two by the 27
speaker of the house of representatives, one by the minority 28
leader of the house of representatives, two by the president of 29
the senate, and one by the minority leader of the senate. 30

(B) Two members, one of whom has experience in financial 31
planning and accounting and one of whom has experience in media 32
and mass marketing, who shall be appointed by the governor; 33

(C) One member, who shall be appointed by the governor from a 34
list of at least three individuals recommended by the American 35
cancer society; 36

(D) One member, who shall be appointed by the governor from a 37
list of at least three individuals recommended by the American 38
heart association; 39

(E) One member, who shall be appointed by the governor from a 40
list of at least three individuals recommended by the American 41
lung association; 42

(F) One member, who shall be appointed by the governor from a 43
list of at least three individuals recommended by the association 44
of hospitals and health systems; 45

(G) One member, who shall be appointed by the governor from a 46

list of at least three individuals recommended by the Ohio state 47
medical association; 48

(H) One member, who shall be appointed by the governor from a 49
list of at least three individuals recommended by the association 50
of Ohio health commissioners; 51

(I) One member, who shall be appointed by the governor from a 52
list of at least three individuals recommended by the Ohio dental 53
association; 54

(J) One nonvoting member, who shall be a member of the house 55
of representatives of the political party of which the speaker of 56
the house of representatives is a member and who shall be 57
appointed by the speaker; 58

(K) One nonvoting member, who shall be a member of the house 59
of representatives of the major political party of which the 60
speaker of the house of representatives is not a member and who 61
shall be appointed by the speaker; 62

(L) One nonvoting member, who shall be a member of the senate 63
of the political party of which the president of the senate is a 64
member and who shall be appointed by the president; 65

(M) One nonvoting member, who shall be a member of the senate 66
of the major political party of which the president of the senate 67
is not a member and who shall be appointed by the president; 68

(N) The director of health, the executive director of the 69
commission on minority health, or the executive director's 70
designee, and the attorney general, who shall serve as ex officio 71
members. 72

The appointments of the governor shall be with the advice and 73
consent of the senate. 74

Terms of office for the non-legislative members appointed by 75
the governor, president, speaker, and minority leaders shall be 76

for five years. The terms of legislative members shall be for the 77
biennial session of the general assembly in which they are 78
appointed. Each member shall hold office from the date of 79
appointment until the end of the term for which the member was 80
appointed. Any member appointed to fill a vacancy occurring prior 81
to the expiration of the term for which the member's predecessor 82
was appointed shall hold office for the remainder of that term. 83
Any member shall continue in office subsequent to the expiration 84
date of the member's term until the member's successor takes 85
office, or until a period of sixty days has elapsed, whichever 86
occurs first. A vacancy in an unexpired term shall be filled in 87
the same manner as the original appointment. The governor may 88
remove any non-legislative member for malfeasance, misfeasance, or 89
nonfeasance after a hearing in accordance with Chapter 119. of the 90
Revised Code. 91

The members of the board shall serve without compensation but 92
shall receive their reasonable and necessary expenses incurred in 93
the conduct of foundation business. 94

Sections 101.82 to 101.87 of the Revised Code do not apply to 95
the foundation. 96

Sec. 183.18. Ohio's public health priorities trust fund is 97
hereby created in the state treasury. Money credited to the fund 98
shall be used for the following purposes: 99

(A) Minority health programs, on which not less than 100
twenty-five per cent of the annual appropriations from the trust 101
fund shall be expended; 102

(B) Enforcing section 2927.02 of the Revised Code; 103

(C) Alcohol and drug abuse treatment and prevention programs, 104
including programs for adult and juvenile offenders in state 105
institutions and aftercare programs; 106

(D) A non-entitlement program funded through the department 107
of health to provide emergency assistance consisting of 108
medication, oxygen, or both to seniors whose health has been 109
adversely affected by tobacco use and whose income does not exceed 110
one hundred per cent of the federal poverty guidelines, on which 111
five per cent of the annual appropriations from the trust fund 112
shall be expended. However, if federal funding becomes available 113
for this purpose, the department shall utilize the federal funding 114
and the appropriations from the trust fund shall be used for the 115
other purposes authorized by this section. If the federal program 116
requires seniors described by this division to pay a premium or 117
copayment to obtain medication or oxygen, the director of health 118
shall recommend to the general assembly whether this division's 119
set-aside of five per cent of the appropriations from the trust 120
fund should be used to pay such premiums or copayments. As used in 121
this division, "federal poverty guidelines" has the same meaning 122
as in section 5101.46 of the Revised Code. 123

(E) Partial reimbursement, on a county basis, of hospitals, 124
free medical clinics, and similar organizations or programs that 125
provide free, uncompensated care to the general public, and of 126
counties that pay private entities to provide such care using 127
revenue from a property tax levied at least in part for that 128
purpose. 129

All investment earnings of the fund shall be credited to the 130
fund. 131

Sec. 3313.717. (A) As used in this section, "automated 132
external defibrillator" means a specialized defibrillator that is 133
approved for use as a medical device by the United States food and 134
drug administration for performing automated external 135
defibrillation, as defined in section 2305.235 of the Revised 136
Code. 137

(B) The board of education of each school district and the administrative authority of each chartered nonpublic school may require the placement of an automated external defibrillator in each school under the control of the board or authority. If a board or authority requires the placement of an automated external defibrillator as provided in this section, the board or authority also shall require that a sufficient number of the staff persons assigned to each school under the control of the board or authority successfully complete an appropriate training course in the use of an automated external defibrillator as described in section 3701.85 of the Revised Code.

(C) In regard to the use of an automated external defibrillator that is placed in a school as specified in this section, and except in the case of willful or wanton misconduct or when there is no good faith attempt to activate an emergency medical services system in accordance with section 3701.85 of the Revised Code, no person shall be held liable in civil damages for injury, death, or loss to person or property, or held criminally liable, for performing automated external defibrillation in good faith, regardless of whether the person has obtained appropriate training on how to perform automated external defibrillation or successfully completed a course in cardiopulmonary resuscitation.

Sec. 3314.16. (A)(1) As used in this section, "automated external defibrillator" means a specialized defibrillator that is approved for use as a medical device by the United States food and drug administration for performing automated external defibrillation, as defined in section 2305.235 of the Revised Code.

(2) This section does not apply to an internet- or computer-based community school.

(B) The governing board of a community school established

under this chapter may require the placement of an automated external defibrillator in each school under the control of the governing authority. If a governing authority requires the placement of an automated external defibrillator as provided in this section, the governing authority also shall require that a sufficient number of the staff persons assigned to each school under the control of the governing authority successfully complete an appropriate training course in the use of an automated external defibrillator as described in section 3701.85 of the Revised Code.

(C) In regard to the use of an automated external defibrillator that is placed in a community school as specified in this section, and except in the case of willful or wanton misconduct or when there is no good faith attempt to activate an emergency medical services system in accordance with section 3701.85 of the Revised Code, no person shall be held liable in civil damages for injury, death, or loss to person or property, or held criminally liable, for performing automated external defibrillation in good faith, regardless of whether the person has obtained appropriate training on how to perform automated external defibrillation or successfully completed a course in cardiopulmonary resuscitation.

Section 2. That existing sections 183.04 and 183.18 of the Revised Code are hereby repealed.

Section 3. That Sections 41 and 41.09 of Am. Sub. H.B. 95 of the 125th General Assembly be amended to read as follows:

Sec. 41. EDU DEPARTMENT OF EDUCATION

General Revenue Fund				195	
GRF 200-100 Personal Services	\$	12,211,314	\$	12,211,314	196
GRF 200-320 Maintenance and	\$	5,066,249	\$	5,066,249	197

		Equipment				
GRF	200-408	Public Preschool	\$	19,018,551	\$	19,018,551 198
GRF	200-410	Professional	\$	29,490,073	\$	29,765,073 199
		Development				
GRF	200-411	Family and Children	\$	3,324,750	\$	3,324,750 200
		First				
GRF	200-420	Technical Systems	\$	5,703,750	\$	5,703,750 201
		Development				
GRF	200-421	Alternative Education	\$	16,135,547	\$	16,135,547 202
		Programs				
GRF	200-422	School Management	\$	1,778,000	\$	1,778,000 203
		Assistance				
GRF	200-424	Policy Analysis	\$	592,220	\$	592,220 204
GRF	200-425	Tech Prep Consortia	\$	2,133,213	\$	2,133,213 205
		Support				
GRF	200-426	Ohio Educational	\$	34,331,741	\$	34,331,741 206
		Computer Network				
GRF	200-427	Academic Standards	\$	9,000,592	\$	9,000,592 207
GRF	200-431	School Improvement	\$	10,905,625	\$	10,905,625 208
		Initiatives				
GRF	200-433	Reading/Writing/Math	\$	20,488,264	\$	20,488,264 209
		Improvement				
GRF	200-437	Student Assessment	\$	41,353,391	\$	45,953,391 210
GRF	200-439	Accountability/Report	\$	4,087,500	\$	4,087,500 211
		Cards				
GRF	200-441	American Sign Language	\$	207,717	\$	207,717 212
GRF	200-442	Child Care Licensing	\$	1,385,633	\$	1,385,633 213
GRF	200-445	OhioReads	\$	4,500,000	\$	4,500,000 214
		Admin/Volunteer				
		Support				
GRF	200-446	Education Management	\$	16,928,969	\$	16,928,969 215
		Information System				
GRF	200-447	GED Testing/Adult High	\$	1,829,106	\$	1,829,106 216

		School				
GRF	200-448	Educator Preparation	\$	24,375	\$	24,375 217
GRF	200-449	Head Start/Head Start	\$	11,000,000	\$	5,000,000 218
		Plus Start Up				
GRF	200-452	Teaching Success	\$	1,650,000	\$	1,650,000 219
		Commission Initiatives				
GRF	200-455	Community Schools	\$	4,231,842	\$	4,231,842 220
GRF	200-500	School Finance Equity	\$	14,039,495	\$	7,819,443 221
GRF	200-501	Base Cost Funding	\$	4,391,033,023	\$	4,409,958,425 222
				<u>4,471,033,023</u>		
GRF	200-502	Pupil Transportation	\$	394,950,126	\$	404,245,812 223
GRF	200-503	Bus Purchase Allowance	\$	17,199,960	\$	17,199,960 224
GRF	200-505	School Lunch Match	\$	8,998,025	\$	8,998,025 225
GRF	200-509	Adult Literacy	\$	8,774,250	\$	8,774,250 226
		Education				
GRF	200-511	Auxiliary Services	\$	127,903,356	\$	127,903,356 227
GRF	200-513	Student Intervention	\$	38,890,815	\$	41,090,815 228
		Services				
GRF	200-514	Postsecondary Adult	\$	19,919,464	\$	19,919,464 229
		Career-Technical				
		Education				
GRF	200-520	Disadvantaged Pupil	\$	371,766,738	\$	373,266,738 230
		Impact Aid				
GRF	200-521	Gifted Pupil Program	\$	48,201,031	\$	48,201,031 231
GRF	200-525	Parity Aid	\$	320,677,373	\$	426,951,154 232
GRF	200-532	Nonpublic	\$	55,803,103	\$	55,803,103 233
		Administrative Cost				
		Reimbursement				
GRF	200-540	Special Education	\$	137,214,484	\$	139,536,046 234
		Enhancements				
GRF	200-545	Career-Technical	\$	14,572,907	\$	14,572,907 235
		Education Enhancements				
GRF	200-546	Charge-Off Supplement	\$	48,478,418	\$	48,478,418 236

GRF 200-558	Emergency Loan	\$	3,022,500	\$	2,300,000	237
	Interest Subsidy					
GRF 200-566	OhioReads Grants	\$	12,874,777	\$	12,832,272	238
GRF 200-578	Safe and Supportive	\$	3,576,348	\$	3,576,348	239
	Schools					
GRF 200-901	Property Tax	\$	783,350,000	\$	822,360,000	240
	Allocation - Education					
GRF 200-906	Tangible Tax Exemption	\$	70,710,000	\$	67,710,000	241
	- Education					
TOTAL GRF	General Revenue Fund	\$	7,149,334,615	\$	7,317,750,989	242
			<u>7,229,334,615</u>			
	General Services Fund Group					243
138 200-606	Computer Services	\$	7,404,690	\$	7,635,949	244
4D1 200-602	Ohio	\$	347,000	\$	347,000	245
	Prevention/Education					
	Resource Center					
4L2 200-681	Teacher Certification	\$	5,038,017	\$	5,236,517	246
	and Licensure					
452 200-638	Miscellaneous Revenue	\$	500,000	\$	500,000	247
5B1 200-651	Child Nutrition	\$	800,000	\$	800,000	248
	Services					
5H3 200-687	School District	\$	18,000,000	\$	18,000,000	249
	Solvency Assistance					
596 200-656	Ohio Career	\$	516,694	\$	529,761	250
	Information System					
TOTAL GSF	General Services					251
Fund Group		\$	32,606,401	\$	33,049,227	252
	Federal Special Revenue Fund Group					253
3C5 200-661	Early Childhood	\$	21,508,746	\$	21,508,746	254
	Education					
3D1 200-664	Drug Free Schools	\$	13,169,757	\$	13,347,966	255
3D2 200-667	Honors Scholarship	\$	1,786,500	\$	1,786,500	256

		Program				
3H9	200-605	Head Start	\$	275,000	\$	275,000 257
		Collaboration Project				
3L6	200-617	Federal School Lunch	\$	185,948,186	\$	191,898,528 258
3L7	200-618	Federal School	\$	48,227,431	\$	49,524,254 259
		Breakfast				
3L8	200-619	Child/Adult Food	\$	63,577,244	\$	65,293,830 260
		Programs				
3L9	200-621	Career-Technical	\$	48,029,701	\$	48,029,701 261
		Education Basic Grant				
3M0	200-623	ESEA Title 1A	\$	356,458,504	\$	384,975,184 262
3M1	200-678	Innovative Education	\$	15,041,997	\$	16,094,937 263
3M2	200-680	Ind W/Disab Education	\$	288,468,284	\$	331,392,575 264
		Act				
3S2	200-641	Education Technology	\$	19,682,057	\$	20,469,339 265
3T4	200-613	Public Charter Schools	\$	23,287,500	\$	26,187,113 266
3Y2	200-688	21st Century Community	\$	17,138,239	\$	18,500,000 267
		Learning Centers				
3Y4	200-632	Reading First	\$	29,881,256	\$	33,168,194 268
3Y6	200-635	Improving Teacher	\$	103,686,420	\$	104,100,000 269
		Quality				
3Y7	200-689	English Language	\$	4,872,334	\$	5,505,737 270
		Acquisition				
3Z2	200-690	State Assessments	\$	11,894,315	\$	12,489,031 271
309	200-601	Educationally	\$	22,148,769	\$	22,899,001 272
		Disadvantaged				
366	200-604	Adult Basic Education	\$	21,369,906	\$	22,223,820 273
367	200-607	School Food Services	\$	10,767,759	\$	11,144,631 274
368	200-614	Veterans' Training	\$	626,630	\$	655,587 275
369	200-616	Career-Tech Education	\$	8,165,672	\$	8,165,672 276
		Federal Enhancement				
370	200-624	Education of	\$	1,933,910	\$	1,933,910 277
		Exceptional Children				

374	200-647	Troops to Teachers	\$	2,618,076	\$	2,622,370	278
TOTAL FED Federal Special							279
Revenue Fund Group			\$	1,320,564,139	\$	1,414,191,626	280
State Special Revenue Fund Group							281
4R7	200-695	Indirect Cost Recovery	\$	5,002,500	\$	5,250,400	282
4V7	200-633	Interagency Support	\$	800,000	\$	800,000	283
454	200-610	Guidance and Testing	\$	956,761	\$	956,761	284
455	200-608	Commodity Foods	\$	11,308,000	\$	11,624,624	285
5U2	200-685	National Education	\$	200,000	\$	200,000	286
Statistics							
5W2	200-663	Head Start Plus/Head	\$	57,170,000	\$	108,184,000	287
Start							
5X8	200-453	Jobs for Ohio	\$	3,500,000	\$	3,500,000	288
Graduates Program							
598	200-659	Auxiliary Services	\$	1,328,910	\$	1,328,910	289
Reimbursement							
620	200-615	Educational Grants	\$	1,000,000	\$	1,000,000	290
TOTAL SSR State Special Revenue							291
Fund Group			\$	81,266,171	\$	132,844,695	292
Lottery Profits Education Fund Group							293
017	200-612	Base Cost Funding	\$	606,123,500	\$	606,195,300	294
017	200-682	Lease Rental Payment	\$	31,776,500	\$	31,704,700	295
Reimbursement							
TOTAL LPE Lottery Profits							296
Education Fund Group			\$	637,900,000	\$	637,900,000	297
Revenue Distribution Fund Group							298
053	200-900	School District	\$	115,911,593	\$	115,911,593	299
Property Tax							
Replacement							
TOTAL RDF Revenue Distribution							300
Fund Group			\$	115,911,593	\$	115,911,593	301
TOTAL ALL BUDGET FUND GROUPS			\$	9,337,582,973	\$	9,651,648,130	302

9,417,582,973

Sec. 41.09. PUPIL TRANSPORTATION 304

Of the foregoing appropriation item 200-502, Pupil 305
Transportation, up to \$822,400 in each fiscal year may be used by 306
the Department of Education for training prospective and 307
experienced school bus drivers in accordance with training 308
programs prescribed by the Department. Up to \$65,232,683 in fiscal 309
year 2004 and up to \$56,975,910 in each fiscal year 2005 may be 310
used by the Department of Education for special education 311
transportation reimbursements to school districts and county MR/DD 312
boards for transportation operating costs as provided in division 313
(M) of section 3317.024 of the Revised Code. The remainder of 314
appropriation item 200-502, Pupil Transportation, shall be used 315
for the state reimbursement of public school districts' costs in 316
transporting pupils to and from the school they attend in 317
accordance with the district's policy, State Board of Education 318
standards, and the Revised Code. 319

BUS PURCHASE ALLOWANCE 320

The foregoing appropriation item 200-503, Bus Purchase 321
Allowance, shall be distributed to school districts, educational 322
service centers, and county MR/DD boards pursuant to rules adopted 323
under section 3317.07 of the Revised Code. Up to 28 per cent of 324
the amount appropriated may be used to reimburse school districts 325
and educational service centers for the purchase of buses to 326
transport handicapped and nonpublic school students and to county 327
MR/DD boards, the Ohio School for the Deaf, and the Ohio School 328
for the Blind for the purchase of buses to transport handicapped 329
students. 330

SCHOOL LUNCH MATCH 331

The foregoing appropriation item 200-505, School Lunch Match, 332

shall be used to provide matching funds to obtain federal funds 333
for the school lunch program. 334

Section 4. That existing Sections 41 and 41.09 of Am. Sub. 335
H.B. 95 of the 125th General Assembly are hereby repealed. 336

Section 5. That Section 41.13 of Am. Sub. H.B. 95 of the 337
125th General Assembly, as amended by Am. Sub. S.B. 189 of the 338
125th General Assembly, be amended to read as follows: 339

Sec. 41.13. SPECIAL EDUCATION ENHANCEMENTS 340

Of the foregoing appropriation item 200-540, Special 341
Education Enhancements, up to \$44,204,000 in fiscal year 2004 and 342
up to \$45,441,712 in fiscal year 2005 shall be used to fund 343
special education and related services at county boards of mental 344
retardation and developmental disabilities for eligible students 345
under section 3317.20 of the Revised Code. Up to \$2,452,125 shall 346
be used in each fiscal year to fund special education classroom 347
and related services units at institutions. 348

Of the foregoing appropriation item 200-540, Special 349
Education Enhancements, up to \$2,906,875 in each fiscal year shall 350
be used for home instruction for children with disabilities; up to 351
\$1,462,500 in each fiscal year shall be used for parent mentoring 352
programs; and up to \$2,783,396 in each fiscal year may be used for 353
school psychology interns. 354

Of the foregoing appropriation item 200-540, Special 355
Education Enhancements, \$3,406,090 in each fiscal year shall be 356
used by the Department of Education to assist school districts in 357
funding aides pursuant to paragraph (A)(3)(c)(i)(b) of rule 358
3301-51-04 of the Administrative Code. 359

~~Of~~ The remainder of the foregoing appropriation item 200-540, 360
Special Education Enhancements, after all other set asides in this 361

section, in fiscal year 2004 and \$78,384,498 in ~~each~~ fiscal year 362
2005 shall be distributed by the Department of Education to county 363
boards of mental retardation and developmental disabilities, 364
educational service centers, and school districts for preschool 365
special education units and preschool supervisory units in 366
accordance with section 3317.161 of the Revised Code. The 367
Department may reimburse county boards of mental retardation and 368
developmental disabilities, educational service centers, and 369
school districts for related services as defined in rule 370
3301-51-11 of the Administrative Code, for preschool occupational 371
and physical therapy services provided by a physical therapy 372
assistant and certified occupational therapy assistant, and for an 373
instructional assistant. To the greatest extent possible, the 374
Department of Education shall allocate these units to school 375
districts and educational service centers. The Controlling Board 376
may approve the transfer of unallocated funds from appropriation 377
item 200-501, Base Cost Funding, to appropriation item 200-540, 378
Special Education Enhancements, to fully fund existing units as 379
necessary or to fully fund additional units. The Controlling Board 380
may approve the transfer of unallocated funds from appropriation 381
item 200-540, Special Education Enhancements, to appropriation 382
item 200-501, Base Cost Funding, to fully fund the special 383
education weight cost funding. 384

The Department of Education shall require school districts, 385
educational service centers, and county MR/DD boards serving 386
preschool children with disabilities to document child progress 387
using research-based indicators prescribed by the Department and 388
report results annually. The reporting dates and methodology shall 389
be determined by the Department. 390

Of the foregoing appropriation item 200-540, Special 391
Education Enhancements, \$315,000 in each fiscal year shall be 392
expended to conduct a demonstration project involving language and 393

literacy intervention teams supporting student acquisition of 394
language and literacy skills. The demonstration project shall 395
demonstrate improvement of language and literacy skills of at-risk 396
learners under the instruction of certified speech pathologists 397
and educators. Baseline data shall be collected and comparison 398
data for fiscal year 2004 and fiscal year 2005 shall be collected 399
and reported to the Governor, OhioReads Council, Department of 400
Education, and the General Assembly. 401

Of the foregoing appropriation item 200-540, Special 402
Education Enhancements, up to \$500,000 in each fiscal year shall 403
be used for the Research-Based Reading Mentoring Program. 404

Of the foregoing appropriation item 200-540, Special 405
Education Enhancements, \$600,000 in each fiscal year shall be used 406
to support the Bellefaire Jewish Children's Bureau. 407

Section 6. That existing Section 41.13 of Am. Sub. H.B. 95 of 408
the 125th General Assembly, as amended by Am. Sub. S.B. 189 of the 409
125th General Assembly, is hereby repealed. 410

Section 7. All items in Sections 8 to 17 of this act are 411
hereby appropriated as designated out of any moneys in the state 412
treasury to the credit of the designated fund that are not 413
otherwise appropriated. For all appropriations made in this 414
section, those in the first column are for fiscal year 2005 and 415
those in the second column are for fiscal year 2006. 416

Section 8. ADA DEPARTMENT OF ALCOHOL AND DRUG ADDICTION 417
SERVICES 418
Tobacco Master Settlement Agreement Fund Group 419
L87 038-403 Urban Minority \$ 500,000 \$ 500,000 420
Alcoholism and Drug
Abuse Outreach

Programs			
L87 038-405	Juvenile Offender	\$ 3,000,000	\$ 3,000,000 421
Aftercare Program			
TOTAL TSF Tobacco Master Settlement Agreement Fund Group		\$ 3,500,000	\$ 3,500,000 422
TOTAL ALL BUDGET FUND GROUPS		\$ 3,500,000	\$ 3,500,000 423
Section 9. AGO ATTORNEY GENERAL			425
Tobacco Master Settlement Agreement Fund Group			426
J87 055-635	Law Enforcement	\$ 8,647,000	\$ 3,000,000 427
Technology, Training, and Facility Enhancements			
U87 055-402	Tobacco Settlement	\$ 562,546	\$ 573,797 428
Oversight, Administration, and Enforcement			
TOTAL TSF Tobacco Master Settlement Agreement Fund Group		\$ 9,209,546	\$ 3,573,797 429
TOTAL ALL BUDGET FUND GROUPS		\$ 9,209,546	\$ 3,573,797 430
Section 10. DEV DEPARTMENT OF DEVELOPMENT			432
Tobacco Master Settlement Agreement Fund Group			433
M87 195-435	Biomedical Research	\$ 24,079,558	\$ 23,896,239 434
and Technology Transfer			
TOTAL TSF Tobacco Master Settlement Agreement Fund Group		\$ 24,079,558	\$ 23,896,239 435
TOTAL ALL BUDGET FUND GROUPS		\$ 24,079,558	\$ 23,896,239 436
Section 11. DOH DEPARTMENT OF HEALTH			438
Tobacco Master Settlement Agreement Fund Group			439

L87 440-404	Minority Health Care	\$	350,000	\$	350,000	440
	Data Development					
L87 440-409	Tuberculosis	\$	450,000	\$	450,000	441
	Prevention and					
	Treatment					
L87 440-410	Hepatitis C Prevention	\$	425,000	\$	425,000	442
	and Intervention					
L87 440-411	Dental Care Programs	\$	420,000	\$	420,000	443
	for Minority and					
	Low-Income Populations					
L87 440-412	Emergency Medications	\$	715,232	\$	583,653	444
	and Oxygen for					
	Low-Income Seniors					
L87 440-414	Uncompensated Care	\$	3,852,400	\$	3,855,051	445
L87 440-421	Infant Mortality	\$	266,000	\$	266,000	446
	Reduction Initiative					
L87 440-428	Automated External	\$	2,500,000	\$	0	447
	Defibrillators					
TOTAL TSF Tobacco Master						448
Settlement Agreement Fund						449
Group		\$	8,978,632	\$	6,349,704	450
TOTAL ALL BUDGET FUND GROUPS		\$	8,978,632	\$	6,349,704	451

AUTOMATED EXTERNAL DEFIBRILLATORS 452

The foregoing appropriation item 440-428, Automated External 453
Defibrillators, shall be used by the Department of Health for the 454
acquisition and placement of automated external defibrillators in 455
Ohio primary and secondary schools. 456

The Department of Health shall select one nonprofit 457
organization through a request for proposal process to receive 458
grants for the placement of automated external defibrillators in 459
primary and secondary schools. The request for proposal process 460
used shall be in accordance with rule 123:5-1-08 of the 461

Administrative Code. The grant recipient shall not charge any 462
 school for the equipment costs associated with the initial 463
 placement of an automated external defibrillator. The purpose of 464
 the nonprofit organization selected shall include some type of 465
 public health advocacy or activities. 466

Section 12. MIH COMMISSION ON MINORITY HEALTH 467

Tobacco Master Settlement Agreement Fund Group 468

L87 149-402 Minority Health and \$ 1,090,000 \$ 1,090,000 469
 Academic Partnership
 Grants

L87 149-403 Training and Capacity \$ 100,000 \$ 100,000 470
 Building

TOTAL TSF Tobacco Master Settlement \$ 1,190,000 \$ 1,190,000 471
 Agreement Fund Group

TOTAL ALL BUDGET FUND GROUPS \$ 1,190,000 \$ 1,190,000 472

Section 13. DHS DEPARTMENT OF PUBLIC SAFETY 474

Tobacco Master Settlement Agreement Fund Group 475

L87 767-406 Under-Age Tobacco Use \$ 636,000 \$ 636,000 476
 Enforcement

TOTAL TSF Tobacco Master Settlement \$ 636,000 \$ 636,000 477
 Agreement Fund

TOTAL ALL BUDGET FUND GROUPS \$ 636,000 \$ 636,000 478

Section 14. NET SCHOOLNET COMMISSION 480

Tobacco Master Settlement Agreement Fund Group 481

S87 228-602 Education Technology \$ 9,277,865 \$ 6,274,109 482
 Trust Fund

TOTAL TSF Tobacco Master 483

Settlement Agreement Fund 484

Group \$ 9,277,865 \$ 6,274,109 485

TOTAL ALL BUDGET FUND GROUPS \$ 9,277,865 \$ 6,274,109 486

SCHOOLNET PLUS 487

The Ohio SchoolNet Commission shall distribute SchoolNet Plus 488
Grants to qualifying school districts in fiscal year 2005 to 489
establish and equip at least one interactive computer workstation 490
for each five students enrolled in the seventh grade as reported 491
by school districts pursuant to division (A) of section 3317.03 of 492
the Revised Code. 493

Upon completion of the SchoolNet Plus Grant Program for the 494
seventh grade, the Ohio SchoolNet Commission shall distribute 495
SchoolNet Plus Grants to qualifying school districts in fiscal 496
year 2006 to establish and equip at least one interactive computer 497
workstation for each five children enrolled in the eighth grade as 498
reported by school districts pursuant to division (A) of section 499
3317.03 of the Revised Code. 500

Districts in the first two quartiles of wealth shall receive 501
up to \$275 per pupil for students in the targeted grade to 502
purchase classroom computers. Districts in the third and fourth 503
quartiles shall receive up to \$105 per pupil in the targeted 504
grade. If a district has met the state's goal of one computer to 505
every five students in the targeted grade, the district may use 506
the funds provided through SchoolNet Plus to purchase computers 507
for successive grades or to fulfill educational technology needs 508
in other grades as specified in the district's technology plan. 509

Section 15. SOA SOUTHERN OHIO AGRICULTURAL AND COMMUNITY 510
DEVELOPMENT FOUNDATION 511

Tobacco Master Settlement Agreement Fund Group 512

5M9 945-601 Operating Expenses \$ 421,725 \$ 430,277 513

K87 945-602 Southern Ohio \$ 13,200,000 \$ 12,600,000 514

Agricultural and
Community Development

Foundation			
TOTAL TSF Tobacco Master Settlement Agreement Fund Group			515
			516
	\$ 13,621,725	\$ 13,030,277	517
TOTAL ALL BUDGET FUND GROUPS	\$ 13,621,725	\$ 13,030,277	518

Section 16. TAX DEPARTMENT OF TAXATION			520
Tobacco Master Settlement Agreement Fund Group			521
T87 110-402 Tobacco Settlement	\$ 223,563	\$ 228,034	522

Enforcement			
TOTAL TSF Tobacco Master Settlement Agreement Fund Group	\$ 223,563	\$ 228,034	523
TOTAL ALL BUDGET FUND GROUPS	\$ 223,563	\$ 228,034	524

Section 17. TUP TOBACCO USE PREVENTION AND CONTROL FOUNDATION			526
Tobacco Master Settlement Agreement Fund Group			527
H87 940-601 Tobacco Use Prevention	\$ 0	\$ 107,500,000	528

and Control Foundation			
5M8 940-601 Operating Expenses	\$ 1,273,000	\$ 1,298,000	529
TOTAL TSF Tobacco Master Settlement Agreement Fund Group	\$ 1,273,000	\$ 108,798,000	530
TOTAL ALL BUDGET FUND GROUPS	\$ 1,273,000	\$ 108,798,000	531

Section 18. All items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the Education Facilities Trust Fund (Fund N87) that are not otherwise appropriated.

			533
			534
			535
			536
Appropriations			
SFC SCHOOL FACILITIES COMMISSION			
CAP-780 Classroom Facilities Assistance Program	\$ 243,200,000		537
Total School Facilities Commission	\$ 243,200,000		538
TOTAL Education Facilities Trust Fund	\$ 243,200,000		539
			540

Section 18.01. Section 18 of this act shall remain in full 542
force and effect commencing on July 1, 2004, and terminating on 543
June 30, 2006, for the purpose of drawing money from the state 544
treasury in payment of liabilities lawfully incurred thereunder, 545
and on June 30, 2006, and not before, the moneys appropriated 546
thereby shall lapse into the funds from which they are severally 547
appropriated. 548

The appropriations made in Section 18 of this act are subject 549
to all provisions of the capital appropriations act governing the 550
2004-2006 biennium that are generally applicable to such 551
appropriations. Expenditures from appropriations contained in 552
Section 18 shall be accounted for as though made in the capital 553
appropriations act governing the 2004-2006 biennium. 554

Section 19. PERSONAL SERVICE EXPENSES 555

Unless otherwise prohibited by law, each appropriation in 556
this act from which personal service expenses are paid shall bear 557
the employer's share of public employees' retirement, workers' 558
compensation, disabled workers' relief, and all group insurance 559
programs; the costs of centralized accounting, centralized payroll 560
processing, and related personnel reports and services; the cost 561
of the Office of Collective Bargaining; the cost of the Personnel 562
Board of Review; the cost of the Employee Assistance Program; the 563
cost of the Equal Opportunity Center; the costs of interagency 564
information management infrastructure; and the cost of 565
administering the state employee merit system as required by 566
section 124.07 of the Revised Code. Such costs shall be determined 567
in conformity with appropriate sections of law and paid in 568
accordance with procedures specified by the Office of Budget and 569
Management. 570

Section 20. REISSUANCE OF VOIDED WARRANTS 571

In order to provide funds for the reissuance of voided 572
warrants pursuant to section 117.47 of the Revised Code, there is 573
appropriated, out of moneys in the state treasury from the fund 574
credited as provided in section 117.47 of the Revised Code, that 575
amount sufficient to pay such warrants when approved by the Office 576
of Budget and Management. 577

Section 21. REAPPROPRIATION OF UNEXPENDED ENCUMBERED BALANCES 578
OF OPERATING APPROPRIATIONS 579

An unexpended balance of an operating appropriation or 580
reappropriation that a state agency lawfully encumbered prior to 581
the close of a fiscal year is reappropriated on the first day of 582
July of the following fiscal year from the fund from which it was 583
originally appropriated or reappropriated for the following period 584
and shall remain available only for the purpose of discharging the 585
encumbrance. 586

(A) For an encumbrance for personal services, maintenance, 587
equipment, or items for resale, other than an encumbrance for an 588
item of special order manufacture not available on term contract 589
or in the open market or for reclamation of land or oil and gas 590
wells, for a period of not more than five months from the end of 591
the fiscal year; 592

(B) For an encumbrance for an item of special order 593
manufacture not available on term contract or in the open market, 594
for a period of not more than five months from the end of the 595
fiscal year or, with the written approval of the Director of 596
Budget and Management, for a period of not more than twelve months 597
from the end of the fiscal year; 598

(C) For an encumbrance for reclamation of land or oil and gas 599
wells, for a period ending when the encumbered appropriation is 600

expended or for a period of two years, whichever is less;

601

(D) For an encumbrance for any other expense, for such period as the Director of Budget and Management approves, provided such period does not exceed two years.

602

603

604

Any operating appropriations for which unexpended balances are reappropriated beyond a five-month period from the end of the fiscal year pursuant to division (B) of this section shall be reported to the Controlling Board by the Director of Budget and Management by the thirty-first day of December of each year. The report on each such item shall include the item, the cost of the item, and the name of the vendor. This report to the Controlling Board shall be updated on a quarterly basis for encumbrances remaining open.

605

606

607

608

609

610

611

612

613

Upon the expiration of the reappropriation period set out in division (A), (B), (C), or (D) of this section, a reappropriation made pursuant to this section lapses, and the Director of Budget and Management shall cancel the encumbrance of the unexpended reappropriation not later than the end of the weekend following the expiration of the reappropriation period.

614

615

616

617

618

619

Notwithstanding the preceding paragraph, with the approval of the Director of Budget and Management, an unexpended balance of an encumbrance that was reappropriated on the first day of July pursuant to this section for a period specified in division (C) or (D) of this section and that remains encumbered at the close of the fiscal biennium is hereby reappropriated pursuant to this section on the first day of July of the following fiscal biennium from the fund from which it was originally appropriated or reappropriated for the applicable period specified in division (C) or (D) of this section and shall remain available only for the purpose of discharging the encumbrance.

620

621

622

623

624

625

626

627

628

629

630

If the Controlling Board approved a purchase, that approval

631

remains in effect as long as the appropriation used to make that 632
purchase remains encumbered. 633

Section 22. That Section 3 of Sub. H.B. 262 of the 125th 634
General Assembly be amended to read as follows: 635

Sec. 3. (A) As used in this section: 636

(1) "Automatic tabulating equipment, "ballot," "direct 637
recording electronic voting machine," "marking device," "voter 638
verified paper audit trail," and "voting machines" have the same 639
meanings as in section 3506.01 of the Revised Code. 640

(2) "County originally scheduled to acquire voting machines 641
during the 2004 calendar year" means: 642

(a) The following counties that are scheduled, pursuant to 643
the process outlined in the version of the Ohio state plan that 644
was published in the Federal Register on March 24, 2004, to 645
acquire voting machines, marking devices, or automatic tabulating 646
equipment for use in the August 2004 special election with funds 647
made available pursuant to the Help America Vote Act of 2002: 648
Adams, Auglaize, Brown, Carroll, Crawford, Delaware, Hardin, 649
Harrison, Henry, Logan, Medina, Mercer, Portage, Putnam, and 650
Trumbull; 651

(b) The following counties that are scheduled, pursuant to 652
the process outlined in the version of the Ohio state plan that 653
was published in the Federal Register on March 24, 2004, to 654
acquire voting machines, marking devices, or automatic tabulating 655
equipment for use in the November 2004 general election with funds 656
made available pursuant to the Help America Vote Act of 2002: 657
Butler, Columbiana, Darke, Fairfield, Gallia, Huron, Jackson, 658
Lorain, Lucas, Madison, Morgan, Paulding, Richland, Tuscarawas, 659
Washington, and Williams. 660

(3) "Help America Vote Act of 2002" means the "Help America
Vote Act of 2002," Public Law 107-252, 116 Stat. 1666. 661
662

(4) "Ohio state plan" means the state plan prepared by the
Secretary of State and the state plan committee for the state of
Ohio pursuant to the Help America Vote Act of 2002. 663
664
665

(B)(1)(a) If the board of elections of a county originally
scheduled to acquire voting machines during the 2004 calendar year
wishes to acquire voting machines, marking devices, or automatic
tabulating equipment for use during the 2004 calendar year
according to the schedule proposed pursuant to the process
outlined in the version of the Ohio state plan that was published
in the Federal Register on March 24, 2004, with funds made
available pursuant to the Help America Vote Act of 2002, the board
may vote to reaffirm any prior decision made under that process to
so acquire and use voting machines, marking devices, or automatic
tabulating equipment at a meeting held within thirty days after
the effective date of this section. 666
667
668
669
670
671
672
673
674
675
676
677

(b) If the board of elections of a county originally
scheduled to acquire voting machines during the 2004 calendar year
fails to vote on a decision under division (B)(1)(a) of this
section within thirty days after the effective date of this
section, the county shall not acquire voting machines, marking
devices, or automatic tabulating equipment for use during the 2004
calendar year with funds made available pursuant to the Help
America Vote Act of 2002. The Secretary of State shall not compel
the board of elections of a county originally scheduled to acquire
voting machines during the 2004 calendar year to vote to acquire
voting machines, marking devices, or automatic tabulating
equipment under division (B)(1)(a) of this section. 678
679
680
681
682
683
684
685
686
687
688
689

(c) If the board of elections of a county originally
scheduled to acquire voting machines during the 2004 calendar year 690
691

votes to reaffirm a prior decision to acquire voting machines, 692
marking devices, or automatic tabulating equipment for use during 693
the 2004 calendar year with funds made available pursuant to the 694
Help America Vote Act of 2002 under division (B)(1)(a) of this 695
section, that county shall proceed with the acquisition of the 696
selected voting machines, marking devices, or automatic tabulating 697
equipment with those funds according to the process outlined in 698
the version of the Ohio state plan that was published in the 699
Federal Register on March 24, 2004. The Secretary of State shall 700
purchase the selected voting machines, marking devices, or 701
automatic tabulating equipment for the county by acting as an 702
agent on behalf of the board of county commissioners of that 703
county. 704

(2)(a) A county may acquire voting machines, marking devices, 705
or automatic tabulating equipment for use during the 2005 calendar 706
year pursuant to the process outlined in the version of the Ohio 707
state plan that was published in the Federal Register on March 24, 708
2004, prior to the certification of direct recording electronic 709
voting machines with a voter verified paper audit trail in 710
accordance with division (E)(1) of this section if both of the 711
following apply: 712

(i) The county did not acquire voting machines, marking 713
devices, or automatic tabulating equipment under division (B)(1) 714
of this section for use during the 2004 calendar year. 715

(ii) The county has selected, through the process outlined in 716
the version of the Ohio state plan that was published in the 717
Federal Register on March 24, 2004, voting machines, marking 718
devices, or automatic tabulating equipment other than direct 719
recording electronic voting machines as the primary voting system 720
to be used in the county. This division does not preclude the 721
acquisition of direct recording electronic voting machines to the 722
extent that the county is scheduled to acquire only one direct 723

recording electronic voting machine for each polling place as 724
required by the Help America Vote Act of 2002. 725

(b) If a county chooses to acquire voting machines, marking 726
devices, or automatic tabulating equipment under division 727
(B)(2)(a) of this section, the Secretary of State shall purchase 728
the selected voting machines, marking devices, or automatic 729
tabulating equipment for the county by acting as an agent on 730
behalf of the board of county commissioners of that county. 731

(C) It is the intent of the General Assembly that the state 732
of Ohio pay, with funds made available pursuant to the Help 733
America Vote Act of 2002 or through an appropriation of state 734
capital funds, for any additional costs a county incurs after the 735
initial purchase of direct recording electronic voting machines, 736
to upgrade, retrofit, or otherwise equip those voting machines 737
with a voter verified paper audit trail if the county acquires the 738
voting machines in any of the following manners: 739

(1) The county purchases the direct recording electronic 740
voting machines before the effective date of this section using 741
county funds and is entitled to reimbursement for that purchase 742
under the Help America Vote Act of 2002. 743

(2) The county acquires the direct recording electronic 744
voting machines for use during the 2004 calendar year under 745
division (B)(1) of this section. 746

(3) The county acquires voting machines, marking devices, or 747
automatic tabulating equipment, including direct recording 748
electronic voting machines, under division (B)(2) of this section. 749

(4) The county acquired direct recording electronic voting 750
machines before January 1, 2000, and is not scheduled to acquire 751
new voting machines, marking devices, or automatic tabulating 752
equipment with funds made available under the Help America Vote 753
Act of 2002 under the process outlined in the version of the Ohio 754

state plan that was published in the Federal Register on March 24,
2004.

(D)(1) If a county does not acquire voting machines, marking
devices, or automatic tabulating equipment under division (B)(1)
or (2) of this section or does not acquire voting machines,
marking devices, or automatic tabulating equipment through the
process described in division (C)(1) or (4) of this section, the
process for counties to acquire voting machines, marking devices,
or automatic tabulating equipment with funds made available
pursuant to the Help America Vote Act of 2002 that is outlined in
the version of the Ohio state plan that was published in the
Federal Register on March 24, 2004, shall be subject to divisions
(E) and (F) of this section with respect to any direct recording
electronic voting machine a county selects for acquisition.

(2) Nothing in division (E) or (F) of this section shall
affect the acquisition of voting machines, marking devices, or
automatic tabulating equipment, other than direct recording
electronic voting machines, under the process outlined in the
version of the Ohio state plan that was published in the Federal
Register on March 24, 2004.

(E)(1)(a) The Secretary of State shall adopt a schedule
pursuant to which the Secretary of State shall certify for use in
this state direct recording electronic voting machines with a
voter verified paper audit trail. That schedule shall provide for
the certification, acquisition, and implementation of direct
recording electronic voting machines with a voter verified paper
audit trail not later than the first federal election that occurs
after January 1, 2006, unless required sooner by the Help America
Vote Act of 2002.

(b) Before certifying any direct recording electronic voting
machines with a voter verified paper audit trail, the Secretary of

State shall establish standards for the certification of those machines as required by division (H)(3) of section 3506.05 of the Revised Code. In addition to the requirements of that section, the standards for certification shall require a direct recording electronic voting machine with a voter verified paper audit trail to meet the requirements of the Help America Vote Act of 2002, Chapter 3506. of the Revised Code, this act, and any other applicable laws and standards.

(c) Any vendor of a direct recording electronic voting machine with a voter verified paper audit trail may seek certification of that machine for use in this state under the certification standards the Secretary of State is required to adopt under division (H)(3) of section 3506.05 of the Revised Code and division (E)(1)(b) of this section according to the certification schedule the Secretary of State is required to adopt under division (E)(1)(a) of this section.

(d) No vendor, type, or model of direct recording electronic voting machine that was approved in this state according to the process outlined in the version of the Ohio state plan that was published in the Federal Register on March 24, 2004, shall remain on the approved list of vendors, types, or models for acquisition with funds made available pursuant to the Help America Vote Act of 2002 unless it is subject to the certification standards for direct recording electronic voting machines with a voter verified paper audit trail the Secretary of State is required to adopt under division (H)(3) of section 3506.05 of the Revised Code and division (E)(1)(b) of this section.

(2) After the Secretary of State certifies direct recording electronic voting machines with a voter verified paper audit trail under division (E)(1) of this section, the Secretary of State shall commence price negotiations with any willing vendor that meets both of the following requirements:

(a) The vendor's direct recording electronic voting machine 818
was approved for acquisition and use in this state under the 819
process outlined in the version of the Ohio state plan that was 820
published in the Federal Register on March 24, 2004. 821

(b) The vendor's direct recording electronic voting machine 822
with a voter verified paper audit trail is certified in accordance 823
with division (E)(1) of this section. 824

(3) With each willing vendor that meets the requirements of 825
division (E)(2) of this section, the Secretary of State shall 826
negotiate for a final unified price. The final unified price shall 827
include both of the following: 828

(a) The cost of upgrading, retrofitting, or otherwise 829
equipping all direct recording electronic voting machines produced 830
by that vendor and acquired under division (B)(1) or (2) of this 831
section or through the process described in division (C)(1) or (4) 832
of this section with a voter verified paper audit trail; 833

(b) The purchase price for that vendor for all direct 834
recording electronic voting machines that were previously selected 835
by a county for acquisition during the 2005 calendar year under 836
the process outlined in the version of the Ohio state plan that 837
was published in the Federal Register on March 24, 2004, and that 838
have not already been acquired under division (B)(2) of this 839
section. The purchase price under this division shall include the 840
price for equipping each direct recording electronic voting 841
machine with a voter verified paper audit trail. 842

(4) After the Secretary of State negotiates a final unified 843
price with each eligible vendor under division (E)(3) of this 844
section, the Secretary of State shall perform the following 845
calculation with respect to each vendor: 846

(a) For each vendor, the final unified price shall be added 847
to the total cost of all direct recording electronic voting 848

machines acquired from that vendor under division (B)(1) or (2) of 849
this section or through the process described in division (C)(1) 850
or (4) of this section. 851

(b) To determine the percentage change between acquiring 852
direct recording electronic voting machines under the contract 853
negotiated under the process outlined in the version of the Ohio 854
state plan that was published in the Federal Register on March 24, 855
2004, and acquiring direct recording electronic voting machines 856
with a voter verified paper audit trail, the sum under division 857
(E)(4)(a) of this section shall be divided by the total cost of 858
acquiring direct recording electronic voting machines from that 859
vendor if all counties that previously selected those machines 860
from that vendor under the process outlined in the version of the 861
Ohio state plan that was published in the Federal Register on 862
March 24, 2004, had acquired the machines under that contract. 863

(5) If the calculation performed under division (E)(4) of 864
this section results in a percentage cost of one hundred twenty 865
per cent or less, the Secretary of State may accept this cost, 866
subject to Controlling Board approval. If approved by the 867
Controlling Board, the Secretary of State may permit both of the 868
following: 869

(a) Counties that have not yet purchased direct recording 870
electronic voting machines with funds made available under the 871
Help America Vote Act of 2002 and that previously selected that 872
vendor's direct recording electronic voting machines to purchase 873
direct recording electronic voting machines with a voter verified 874
paper audit trail from that vendor according to the process 875
outlined in the version of the Ohio state plan that was published 876
in the Federal Register on March 24, 2004; 877

(b) Counties that previously purchased direct recording 878
electronic voting machines from that vendor under division (B)(1) 879

or (2) of this section or through the process described in 880
division (C)(1) or (4) of this section to upgrade, retrofit, or 881
otherwise equip those direct recording electronic voting machines 882
with a voter verified paper audit trail from that vendor. 883

(6) If the calculation performed under division (E)(4) of 884
this section results in a percentage cost of more than one hundred 885
twenty per cent, the Secretary of State shall not accept the cost, 886
and any contract negotiated with that vendor shall be deemed null 887
and void with respect to any direct recording electronic voting 888
machines not yet purchased. 889

(F)(1) If a vendor of a direct recording electronic voting 890
machine that was approved for acquisition and use in this state 891
under the process outlined in the version of the Ohio state plan 892
that was published in the Federal Register on March 24, 2004, 893
chooses not to seek or fails to gain certification for a direct 894
recording electronic voting machine with a voter verified paper 895
audit trail, or if the vendor's contract is declared null and void 896
under division (E)(6) of this section, any vendor of a direct 897
recording electronic voting machine with a voter verified paper 898
audit trail that is certified for use in this state may submit a 899
bid to provide voting machines, marking devices, or automatic 900
tabulating equipment for those counties whose original direct 901
recording electronic voting machine selection is no longer 902
available under this section. 903

(2) The Secretary of State shall develop a process by which 904
vendors of a certified direct recording electronic voting machine 905
with a voter verified paper audit trail may submit bids under 906
division (F)(1) of this section, by which the Secretary of State 907
shall approve for acquisition, and by which counties identified in 908
division (F)(1) of this section may purchase voting machines, 909
marking devices, or automatic tabulating equipment using funds 910
made available pursuant to the Help America Vote Act of 2002. Any 911

voting machines, marking devices, or automatic tabulating 912
equipment so purchased shall meet the requirements of the Help 913
America Vote Act of 2002, Chapter 3506. of the Revised Code, this 914
act, and any other applicable laws and standards. Any process the 915
Secretary of State develops under this division shall be described 916
in the Ohio state plan. The process shall permit the Secretary of 917
State to purchase voting machines, marking devices, or automatic 918
tabulating equipment on behalf of a board of county commissioners 919
with the Secretary of State acting as an agent of the board. 920

The process shall not authorize the Secretary of State to do 921
either of the following: 922

(a) Purchase voting machines, marking devices, or automatic 923
tabulating equipment except when acting as an agent on behalf of 924
the board of county commissioners of a county; 925

(b) Require a county board of elections to select or use any 926
direct recording electronic voting machine except as otherwise 927
required by federal law. 928

(3) Any purchase of voting machines, marking devices, or 929
automatic tabulating equipment under division (F) of this section 930
shall be subject to Controlling Board approval. 931

(G) The acquisition of voting machines, marking devices, or 932
automatic tabulating equipment under this section with funds made 933
available pursuant to the Help America Vote Act of 2002 shall be 934
completed before the first federal election that occurs after 935
January 1, 2006, unless required sooner by that Act. 936

(H) It is the intent of the General Assembly that the state 937
of Ohio pay, with funds made available pursuant to the Help 938
America Vote Act of 2002 or through an appropriation of state 939
capital funds, the full cost of acquiring all voting machines, 940
marking devices, or automatic tabulating equipment under this 941
section. 942

Section 23. That existing Section 3 of Sub. H.B. 262 of the 125th General Assembly is hereby repealed.

Section 24. That Section 99 of Am. Sub. H.B. 95 of the 125th General Assembly, as amended by Sub. H.B. 262 of the 125th General Assembly, be amended to read as follows:

Sec. 99. SOS SECRETARY OF STATE

General Revenue Fund				949
GRF 050-321 Operating Expenses	\$	2,750,000	\$ 2,750,000	950
GRF 050-403 Election Statistics	\$	110,570	\$ 110,570	951
GRF 050-407 Pollworkers Training	\$	295,742	\$ 295,742	952
GRF 050-409 Litigation	\$	4,949	\$ 4,949	953
Expenditures				
TOTAL GRF General Revenue Fund	\$	3,161,261	\$ 3,161,261	954
General Services Fund Group				955
4S8 050-610 Board of Voting	\$	7,200	\$ 7,200	956
Machine Examiners				
412 050-609 Notary Commission	\$	178,124	\$ 185,249	957
413 050-601 Information Systems	\$	163,418	\$ 169,955	958
414 050-602 Citizen Education Fund	\$	72,800	\$ 75,712	959
TOTAL General Services Fund Group	\$	421,542	\$ 438,116	960
Federal Special Revenue Fund Group				961
3AT 050-614 Voter/Poll Worker	\$	0	\$ 5,000,000	962
Education				
3AR 050-615 2004 HAVA Voting	\$	0	\$ 27,250,000	963
Machines				
3AS 050-616 2005 HAVA Voting	\$	0	\$ 79,250,000	964
Machines				
3X4 050-612 Ohio Cntr/Law Related	\$	41,000	\$ 41,000	965
Educ Grant				

TOTAL FED Federal Special Revenue				966
Fund Group	\$	41,000	\$ 109,541,000	967
State Special Revenue Fund Group				968
5N9 050-607 Technology	\$	124,582	\$ 129,565	969
Improvements				
599 050-603 Business Services	\$	13,889,462	\$ 14,241,966	970
Operating Expenses				
TOTAL SSR State Special Revenue				971
Fund Group	\$	14,014,044	\$ 14,371,531	972
Holding Account Redistribution Fund Group				973
R01 050-605 Uniform Commercial	\$	65,000	\$ 65,000	974
Code Refunds				
R02 050-606 Corporate/Business	\$	100,000	\$ 100,000	975
Filing Refunds				
TOTAL 090 Holding Account				976
Redistribution Fund Group	\$	165,000	\$ 165,000	977
TOTAL ALL BUDGET FUND GROUPS	\$	17,802,847	\$ 127,676,908	978
BOARD OF VOTING MACHINE EXAMINERS				979
The foregoing appropriation item 050-610, Board of Voting				980
Machine Examiners, shall be used to pay for the services and				981
expenses of the members of the Board of Voting Machine Examiners,				982
and for other expenses that are authorized to be paid from the				983
Board of Voting Machine Examiners Fund, which is created in				984
section 3506.05 of the Revised Code. Moneys not used shall be				985
returned to the person or entity submitting the equipment for				986
examination. If it is determined that additional appropriations				987
are necessary, such amounts are appropriated.				988
HOLDING ACCOUNT REDISTRIBUTION GROUP				989
The foregoing appropriation items 050-605 and 050-606,				990
Holding Account Redistribution Fund Group, shall be used to hold				991
revenues until they are directed to the appropriate accounts or				992

until they are refunded. If it is determined that additional 993
appropriations are necessary, such amounts are appropriated. 994

VOTER/POLL WORKER EDUCATION FUND 995

If, as of the effective date of this amendment, the 996
Controlling Board has not taken action to allow for a statewide 997
voter education and poll worker training program in the state, the 998
Director of Budget and Management shall transfer \$5,000,000 from 999
the Election Reform Fund (Fund 3AA) to the Voter Education/Poll 1000
Worker Education Fund (Fund 3AT). Of the foregoing appropriation 1001
item 050-614, Voter/Poll Worker Education, \$2,500,000 shall be 1002
allocated to the counties, subject to Controlling Board approval. 1003
Of this amount, the Secretary of State shall distribute \$440,000 1004
to the counties such that each county shall receive \$5,000. The 1005
remaining \$2,060,000 allocated shall be distributed to the 1006
counties based upon per capita population as determined by the 1007
most recent federal decennial census data. \$2,500,000 shall be 1008
used to conduct a statewide voter education and poll 1009
worker-training program, subject to Controlling Board approval. 1010

Of the \$2,500,000 appropriated to counties, no county shall 1011
receive its allotted funding until it has submitted a voter 1012
education plan to, and had that plan approved by, the Secretary of 1013
State. Of the \$2,500,000 appropriated to the Secretary of State 1014
for the purpose of conducting a voter education and poll worker 1015
training program, the Secretary of State may use up to \$1,000,000 1016
for the development, implementation, and certification for 1017
standards of Voter Verified Paper Audit Trail (VVPAT) systems. 1018

After January 1, 2005, the Secretary of State may seek 1019
approval from the Controlling Board for the release of an 1020
additional \$2,500,000 from the Election Reform Fund (Fund 3AA), if 1021
the Secretary of State can demonstrate it is necessary for the 1022
implementation of additional voter education and poll worker 1023
training. Of this \$2,500,000, the Secretary of State must 1024

distribute \$1,250,000 to the counties on a per capita basis based 1025
upon population as determined by the most recent federal decennial 1026
census data. However, the \$1,250,000 shall not be released to the 1027
individual counties until those counties have submitted a voter 1028
education plan to, and had that plan approved by, the Secretary of 1029
State. 1030

Upon the effective date of this amendment, the Secretary of 1031
State may request that the Director of Budget and Management 1032
transfer an amount from the Election Reform Fund (Fund 3AA) to a 1033
GRF appropriation item within the Secretary of State's Budget for 1034
the compensation of the ADA coordinator under section 3501.05 of 1035
the Revised Code. 1036

2004 HAVA VOTING MACHINES FUND 1037

If, as of the effective date of this amendment, the 1038
Controlling Board has not taken action to approve the funds for 1039
deployment of HAVA certified voting systems in 2004, the Director 1040
of Budget and Management shall transfer an amount not to exceed 1041
\$27,250,000 from the Election Reform Fund (Fund 3AA) to the 2004 1042
HAVA Voting Machines Fund (Fund 3AR). 1043

2005 HAVA VOTING MACHINES FUND 1044

As of the effective date of this amendment, the Director of 1045
Budget and Management shall transfer an amount not to exceed 1046
\$79,250,000 from the Election Reform Fund (Fund 3AA) to the 2005 1047
HAVA Voting Machines Fund (Fund 3AS). The amount is hereby 1048
appropriated. The Secretary of State shall certify to the Director 1049
of Budget and Management any amount from the 2004 Voting Machines 1050
Fund (Fund 3AR) that was not required for voting machine 1051
replacement or upgrades. The Director of Budget and Management 1052
shall transfer this amount to the 2005 HAVA Voting Machines Fund 1053
(Fund 3AS) and abolish the 2004 HAVA Voting Machines Fund (Fund 1054
3AR). All expenditures from the 2005 HAVA Voting Machine Fund for 1055

the purpose of purchasing direct recording electronic voting 1056
machines with a voter verified paper audit trail or upgrading, 1057
retrofitting, or otherwise equipping direct recording electronic 1058
voting machines with a voter verified paper audit trail are 1059
subject to Controlling Board approval. 1060

Section 25. That existing Section 99 of Am. Sub. H.B. 95 of 1061
the 125th General Assembly, as amended by Sub. H.B. 262 of the 1062
125th General Assembly, is hereby repealed. 1063

Section 26. Except as otherwise specifically provided in this 1064
act, the codified and uncodified sections of law contained in this 1065
act, and the items of law of which the codified and uncodified 1066
sections of law contained in this act are composed, are subject to 1067
the referendum. Therefore, under Ohio Constitution, Article II, 1068
Section 1c and section 1.471 of the Revised Code, the codified and 1069
uncodified sections of law contained in this act, and the items of 1070
law of which the codified and uncodified sections of law contained 1071
in this act are composed, take effect on the ninety-first day 1072
after this act is filed with the Secretary of State. If, however, 1073
a referendum petition is filed against any such codified or 1074
uncodified section of law contained in this act, or against any 1075
item of law of which any such codified or uncodified section of 1076
law contained in this act is composed, the codified or uncodified 1077
section of law, or item of law, unless rejected at the referendum, 1078
takes effect at the earliest time permitted by law. 1079

Section 27. The amendment by this act of Section 3 of Sub. 1081
H.B. 262 of the 125th General Assembly and the amendment by this 1082
act of Section 99 of Am. Sub. H.B. 95 of the 125th General 1083
Assembly, as amended by Sub. H.B. 262 of the 125th General 1084
Assembly, are not subject to the referendum and, under Ohio 1085

Constitution, Article II, Section 1d and section 1.471 of the 1086
Revised Code, go into effect when this act becomes law. 1087

Section 28. Sections 3 to 6 of this act, and the items of law 1088
of which such sections are composed, are not subject to the 1089
referendum. Therefore, under Ohio Constitution, Article II, 1090
Section 1d and section 1.471 of the Revised Code, such sections, 1091
and the items of law of which such sections are composed, go into 1092
immediate effect when this act becomes law. 1093

Section 29. If any item of law that constitutes the whole or 1094
part of a codified or uncodified section of law contained in this 1095
act, or if any application of any item of law that constitutes the 1096
whole or part of a codified or uncodified section of law contained 1097
in this act, is held invalid, the invalidity does not affect other 1098
items of law or applications of items of law that can be given 1099
effect without the invalid item of law or application. To this 1100
end, the items of law of which the codified and uncodified 1101
sections of law contained in this act are composed, and their 1102
applications, are independent and severable. 1103