

AN ACT

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

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

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

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

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

(B) Two members, one of whom has experience in financial planning

and accounting and one of whom has experience in media and mass marketing, who shall be appointed by the governor;

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

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

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

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

(G) One member, who shall be appointed by the governor from a list of at least three individuals recommended by the Ohio state medical association;

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

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

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

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

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

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

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

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

Terms of office for the non-legislative members appointed by the governor, president, speaker, and minority leaders shall be for five years. The terms of legislative members shall be for the biennial session of the

general assembly in which they are appointed. Each member shall hold office from the date of appointment until the end of the term for which the member was appointed. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of that term. Any member shall continue in office subsequent to the expiration date of the member's term until the member's successor takes office, or until a period of sixty days has elapsed, whichever occurs first. A vacancy in an unexpired term shall be filled in the same manner as the original appointment. The governor may remove any non-legislative member for malfeasance, misfeasance, or nonfeasance after a hearing in accordance with Chapter 119. of the Revised Code.

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

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

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

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

(B) Enforcing section 2927.02 of the Revised Code;

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

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

section 5101.46 of the Revised Code.

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

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

Sec. 3313.717. (A) 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.

(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

GRF 200-100	Personal Services	\$	12,211,314	\$	12,211,314
GRF 200-320	Maintenance and Equipment	\$	5,066,249	\$	5,066,249
GRF 200-408	Public Preschool	\$	19,018,551	\$	19,018,551
GRF 200-410	Professional Development	\$	29,490,073	\$	29,765,073
GRF 200-411	Family and Children First	\$	3,324,750	\$	3,324,750
GRF 200-420	Technical Systems Development	\$	5,703,750	\$	5,703,750
GRF 200-421	Alternative Education Programs	\$	16,135,547	\$	16,135,547
GRF 200-422	School Management Assistance	\$	1,778,000	\$	1,778,000
GRF 200-424	Policy Analysis	\$	592,220	\$	592,220
GRF 200-425	Tech Prep Consortia Support	\$	2,133,213	\$	2,133,213
GRF 200-426	Ohio Educational Computer Network	\$	34,331,741	\$	34,331,741
GRF 200-427	Academic Standards	\$	9,000,592	\$	9,000,592
GRF 200-431	School Improvement Initiatives	\$	10,905,625	\$	10,905,625

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GRF 200-433	Reading/Writing/Math Improvement	\$	20,488,264	\$	20,488,264
GRF 200-437	Student Assessment	\$	41,353,391	\$	45,953,391
GRF 200-439	Accountability/Report Cards	\$	4,087,500	\$	4,087,500
GRF 200-441	American Sign Language	\$	207,717	\$	207,717
GRF 200-442	Child Care Licensing	\$	1,385,633	\$	1,385,633
GRF 200-445	OhioReads Admin/Volunteer Support	\$	4,500,000	\$	4,500,000
GRF 200-446	Education Management Information System	\$	16,928,969	\$	16,928,969
GRF 200-447	GED Testing/Adult High School	\$	1,829,106	\$	1,829,106
GRF 200-448	Educator Preparation	\$	24,375	\$	24,375
GRF 200-449	Head Start/Head Start Plus Start Up	\$	11,000,000	\$	5,000,000
GRF 200-452	Teaching Success Commission Initiatives	\$	1,650,000	\$	1,650,000
GRF 200-455	Community Schools	\$	4,231,842	\$	4,231,842
GRF 200-500	School Finance Equity	\$	14,039,495	\$	7,819,443
GRF 200-501	Base Cost Funding	\$	4,391,033,023	\$	4,409,958,425
			<u>4,471,033,023</u>		
GRF 200-502	Pupil Transportation	\$	394,950,126	\$	404,245,812
GRF 200-503	Bus Purchase Allowance	\$	17,199,960	\$	17,199,960
GRF 200-505	School Lunch Match	\$	8,998,025	\$	8,998,025
GRF 200-509	Adult Literacy Education	\$	8,774,250	\$	8,774,250
GRF 200-511	Auxiliary Services	\$	127,903,356	\$	127,903,356
GRF 200-513	Student Intervention Services	\$	38,890,815	\$	41,090,815
GRF 200-514	Postsecondary Adult Career-Technical Education	\$	19,919,464	\$	19,919,464
GRF 200-520	Disadvantaged Pupil Impact Aid	\$	371,766,738	\$	373,266,738
GRF 200-521	Gifted Pupil Program	\$	48,201,031	\$	48,201,031
GRF 200-525	Parity Aid	\$	320,677,373	\$	426,951,154
GRF 200-532	Nonpublic Administrative Cost Reimbursement	\$	55,803,103	\$	55,803,103
GRF 200-540	Special Education Enhancements	\$	137,214,484	\$	139,536,046
GRF 200-545	Career-Technical Education Enhancements	\$	14,572,907	\$	14,572,907
GRF 200-546	Charge-Off Supplement	\$	48,478,418	\$	48,478,418
GRF 200-558	Emergency Loan Interest Subsidy	\$	3,022,500	\$	2,300,000
GRF 200-566	OhioReads Grants	\$	12,874,777	\$	12,832,272
GRF 200-578	Safe and Supportive Schools	\$	3,576,348	\$	3,576,348
GRF 200-901	Property Tax Allocation - Education	\$	783,350,000	\$	822,360,000
GRF 200-906	Tangible Tax Exemption - Education	\$	70,710,000	\$	67,710,000
TOTAL GRF General Revenue Fund		\$	7,149,334,615	\$	7,317,750,989
			<u>7,229,334,615</u>		
General Services Fund Group					
138 200-606	Computer Services	\$	7,404,690	\$	7,635,949
4D1 200-602	Ohio Prevention/Education Resource Center	\$	347,000	\$	347,000

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4L2	200-681	Teacher Certification and Licensure	\$	5,038,017	\$	5,236,517
452	200-638	Miscellaneous Revenue	\$	500,000	\$	500,000
5B1	200-651	Child Nutrition Services	\$	800,000	\$	800,000
5H3	200-687	School District Solvency Assistance	\$	18,000,000	\$	18,000,000
596	200-656	Ohio Career Information System	\$	516,694	\$	529,761
TOTAL GSF General Services Fund Group			\$	32,606,401	\$	33,049,227
Federal Special Revenue Fund Group						
3C5	200-661	Early Childhood Education	\$	21,508,746	\$	21,508,746
3D1	200-664	Drug Free Schools	\$	13,169,757	\$	13,347,966
3D2	200-667	Honors Scholarship Program	\$	1,786,500	\$	1,786,500
3H9	200-605	Head Start Collaboration Project	\$	275,000	\$	275,000
3L6	200-617	Federal School Lunch	\$	185,948,186	\$	191,898,528
3L7	200-618	Federal School Breakfast	\$	48,227,431	\$	49,524,254
3L8	200-619	Child/Adult Food Programs	\$	63,577,244	\$	65,293,830
3L9	200-621	Career-Technical Education Basic Grant	\$	48,029,701	\$	48,029,701
3M0	200-623	ESEA Title 1A	\$	356,458,504	\$	384,975,184
3M1	200-678	Innovative Education	\$	15,041,997	\$	16,094,937
3M2	200-680	Ind W/Disab Education Act	\$	288,468,284	\$	331,392,575
3S2	200-641	Education Technology	\$	19,682,057	\$	20,469,339
3T4	200-613	Public Charter Schools	\$	23,287,500	\$	26,187,113
3Y2	200-688	21st Century Community Learning Centers	\$	17,138,239	\$	18,500,000
3Y4	200-632	Reading First	\$	29,881,256	\$	33,168,194
3Y6	200-635	Improving Teacher Quality	\$	103,686,420	\$	104,100,000
3Y7	200-689	English Language Acquisition	\$	4,872,334	\$	5,505,737
3Z2	200-690	State Assessments	\$	11,894,315	\$	12,489,031
309	200-601	Educationally Disadvantaged	\$	22,148,769	\$	22,899,001
366	200-604	Adult Basic Education	\$	21,369,906	\$	22,223,820
367	200-607	School Food Services	\$	10,767,759	\$	11,144,631
368	200-614	Veterans' Training	\$	626,630	\$	655,587
369	200-616	Career-Tech Education Federal Enhancement	\$	8,165,672	\$	8,165,672
370	200-624	Education of Exceptional Children	\$	1,933,910	\$	1,933,910
374	200-647	Troops to Teachers	\$	2,618,076	\$	2,622,370
TOTAL FED Federal Special Revenue Fund Group			\$	1,320,564,139	\$	1,414,191,626
State Special Revenue Fund Group						
4R7	200-695	Indirect Cost Recovery	\$	5,002,500	\$	5,250,400
4V7	200-633	Interagency Support	\$	800,000	\$	800,000
454	200-610	Guidance and Testing	\$	956,761	\$	956,761
455	200-608	Commodity Foods	\$	11,308,000	\$	11,624,624
5U2	200-685	National Education Statistics	\$	200,000	\$	200,000
5W2	200-663	Head Start Plus/Head Start	\$	57,170,000	\$	108,184,000
5X8	200-453	Jobs for Ohio Graduates Program	\$	3,500,000	\$	3,500,000
598	200-659	Auxiliary Services	\$	1,328,910	\$	1,328,910

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		Reimbursement			
620	200-615	Educational Grants	\$	1,000,000	\$ 1,000,000
TOTAL SSR State Special Revenue					
		Fund Group	\$	81,266,171	\$ 132,844,695
Lottery Profits Education Fund Group					
017	200-612	Base Cost Funding	\$	606,123,500	\$ 606,195,300
017	200-682	Lease Rental Payment	\$	31,776,500	\$ 31,704,700
		Reimbursement			
TOTAL LPE Lottery Profits					
		Education Fund Group	\$	637,900,000	\$ 637,900,000
Revenue Distribution Fund Group					
053	200-900	School District Property Tax	\$	115,911,593	\$ 115,911,593
		Replacement			
TOTAL RDF Revenue Distribution					
		Fund Group	\$	115,911,593	\$ 115,911,593
TOTAL ALL BUDGET FUND GROUPS			\$	9,337,582,973	\$ 9,651,648,130
				<u>9,417,582,973</u>	

Sec. 41.09. PUPIL TRANSPORTATION

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

BUS PURCHASE ALLOWANCE

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

SCHOOL LUNCH MATCH

The foregoing appropriation item 200-505, School Lunch Match, shall be used to provide matching funds to obtain federal funds for the school

lunch program.

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

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

Sec. 41.13. SPECIAL EDUCATION ENHANCEMENTS

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

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

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

~~Of~~ The remainder of the foregoing appropriation item 200-540, Special Education Enhancements, after all other set asides in this section, in fiscal year 2004 and \$78,384,498 in each fiscal year 2005 shall be distributed by the Department of Education to county boards of mental retardation and developmental disabilities, educational service centers, and school districts for preschool special education units and preschool supervisory units in accordance with section 3317.161 of the Revised Code. The Department may reimburse county boards of mental retardation and developmental disabilities, educational service centers, and school districts for related services as defined in rule 3301-51-11 of the Administrative Code, for preschool occupational and physical therapy services provided by a physical therapy assistant and certified occupational therapy assistant, and for an instructional assistant. To the greatest extent possible, the Department of Education shall allocate these units to school districts and educational

service centers. The Controlling Board may approve the transfer of unallocated funds from appropriation item 200-501, Base Cost Funding, to appropriation item 200-540, Special Education Enhancements, to fully fund existing units as necessary or to fully fund additional units. The Controlling Board may approve the transfer of unallocated funds from appropriation item 200-540, Special Education Enhancements, to appropriation item 200-501, Base Cost Funding, to fully fund the special education weight cost funding.

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

Of the foregoing appropriation item 200-540, Special Education Enhancements, \$315,000 in each fiscal year shall be expended to conduct a demonstration project involving language and literacy intervention teams supporting student acquisition of language and literacy skills. The demonstration project shall demonstrate improvement of language and literacy skills of at-risk learners under the instruction of certified speech pathologists and educators. Baseline data shall be collected and comparison data for fiscal year 2004 and fiscal year 2005 shall be collected and reported to the Governor, OhioReads Council, Department of Education, and the General Assembly.

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

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

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

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

**SECTION 8. ADA DEPARTMENT OF ALCOHOL AND DRUG
ADDICTION SERVICES**

Tobacco Master Settlement Agreement Fund Group			
L87 038-403	Urban Minority Alcoholism and Drug Abuse Outreach Programs	\$ 500,000	\$ 500,000
L87 038-405	Juvenile Offender Aftercare Program	\$ 3,000,000	\$ 3,000,000
TOTAL TSF Tobacco Master Settlement Agreement Fund Group		\$ 3,500,000	\$ 3,500,000
TOTAL ALL BUDGET FUND GROUPS		\$ 3,500,000	\$ 3,500,000

SECTION 9. AGO ATTORNEY GENERAL

Tobacco Master Settlement Agreement Fund Group			
J87 055-635	Law Enforcement Technology, Training, and Facility Enhancements	\$ 8,647,000	\$ 3,000,000
U87 055-402	Tobacco Settlement Oversight, Administration, and Enforcement	\$ 562,546	\$ 573,797
TOTAL TSF Tobacco Master Settlement Agreement Fund Group		\$ 9,209,546	\$ 3,573,797
TOTAL ALL BUDGET FUND GROUPS		\$ 9,209,546	\$ 3,573,797

SECTION 10. DEV DEPARTMENT OF DEVELOPMENT

Tobacco Master Settlement Agreement Fund Group			
M87 195-435	Biomedical Research and Technology Transfer	\$ 24,079,558	\$ 23,896,239
TOTAL TSF Tobacco Master Settlement Agreement Fund Group		\$ 24,079,558	\$ 23,896,239
TOTAL ALL BUDGET FUND GROUPS		\$ 24,079,558	\$ 23,896,239

SECTION 11. DOH DEPARTMENT OF HEALTH

Tobacco Master Settlement Agreement Fund Group			
L87 440-404	Minority Health Care Data Development	\$ 350,000	\$ 350,000
L87 440-409	Tuberculosis Prevention and Treatment	\$ 450,000	\$ 450,000
L87 440-410	Hepatitis C Prevention and Intervention	\$ 425,000	\$ 425,000
L87 440-411	Dental Care Programs for Minority and Low-Income Populations	\$ 420,000	\$ 420,000
L87 440-412	Emergency Medications and Oxygen for Low-Income	\$ 715,232	\$ 583,653

		Seniors			
L87	440-414	Uncompensated Care	\$	3,852,400	\$ 3,855,051
L87	440-421	Infant Mortality Reduction Initiative	\$	266,000	\$ 266,000
L87	440-428	Automated External Defibrillators	\$	2,500,000	\$ 0
TOTAL TSF Tobacco Master Settlement Agreement Fund Group					
			\$	8,978,632	\$ 6,349,704
TOTAL ALL BUDGET FUND GROUPS			\$	8,978,632	\$ 6,349,704

AUTOMATED EXTERNAL DEFIBRILLATORS

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

The Department of Health shall select one nonprofit organization through a request for proposal process to receive grants for the placement of automated external defibrillators in primary and secondary schools. The request for proposal process used shall be in accordance with rule 123:5-1-08 of the Administrative Code. The grant recipient shall not charge any school for the equipment costs associated with the initial placement of an automated external defibrillator. The purpose of the nonprofit organization selected shall include some type of public health advocacy or activities.

SECTION 12. MIH COMMISSION ON MINORITY HEALTH

Tobacco Master Settlement Agreement Fund Group					
L87	149-402	Minority Health and Academic Partnership Grants	\$	1,090,000	\$ 1,090,000
L87	149-403	Training and Capacity Building	\$	100,000	\$ 100,000
TOTAL TSF Tobacco Master Settlement Agreement Fund Group					
			\$	1,190,000	\$ 1,190,000
TOTAL ALL BUDGET FUND GROUPS			\$	1,190,000	\$ 1,190,000

SECTION 13. DHS DEPARTMENT OF PUBLIC SAFETY

Tobacco Master Settlement Agreement Fund Group					
L87	767-406	Under-Age Tobacco Use Enforcement	\$	636,000	\$ 636,000
TOTAL TSF Tobacco Master Settlement Agreement Fund					
			\$	636,000	\$ 636,000
TOTAL ALL BUDGET FUND GROUPS			\$	636,000	\$ 636,000

SECTION 14. NET SCHOOLNET COMMISSION

Tobacco Master Settlement Agreement Fund Group				
S87 228-602	Education Technology Trust	\$	9,277,865 \$	6,274,109
	Fund			
TOTAL TSF Tobacco Master Settlement Agreement Fund Group				
		\$	9,277,865 \$	6,274,109
TOTAL ALL BUDGET FUND GROUPS				
		\$	9,277,865 \$	6,274,109

SCHOOLNET PLUS

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

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

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

SECTION 15. SOA SOUTHERN OHIO AGRICULTURAL AND COMMUNITY DEVELOPMENT FOUNDATION

Tobacco Master Settlement Agreement Fund Group				
5M9 945-601	Operating Expenses	\$	421,725 \$	430,277
K87 945-602	Southern Ohio Agricultural and Community Development Foundation	\$	13,200,000 \$	12,600,000
TOTAL TSF Tobacco Master Settlement Agreement Fund Group				
		\$	13,621,725 \$	13,030,277
TOTAL ALL BUDGET FUND GROUPS				
		\$	13,621,725 \$	13,030,277

SECTION 16. TAX DEPARTMENT OF TAXATION

Tobacco Master Settlement Agreement Fund Group				
T87 110-402	Tobacco Settlement	\$	223,563 \$	228,034

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

SECTION 17. TUP TOBACCO USE PREVENTION AND CONTROL FOUNDATION

Tobacco Master Settlement Agreement Fund Group			
H87 940-601 Tobacco Use Prevention and Control Foundation	\$	0	\$ 107,500,000
5M8 940-601 Operating Expenses	\$	1,273,000	\$ 1,298,000
TOTAL TSF Tobacco Master Settlement Agreement Fund Group	\$	1,273,000	\$ 108,798,000
TOTAL ALL BUDGET FUND GROUPS	\$	1,273,000	\$ 108,798,000

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.

Appropriations

SFC SCHOOL FACILITIES COMMISSION

CAP-780 Classroom Facilities Assistance Program	\$	243,200,000
Total School Facilities Commission	\$	243,200,000
TOTAL Education Facilities Trust Fund	\$	243,200,000

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

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

SECTION 19. PERSONAL SERVICE EXPENSES

Unless otherwise prohibited by law, each appropriation in this act from which personal service expenses are paid shall bear the employer's share of public employees' retirement, workers' compensation, disabled workers'

relief, and all group insurance programs; the costs of centralized accounting, centralized payroll processing, and related personnel reports and services; the cost of the Office of Collective Bargaining; the cost of the Personnel Board of Review; the cost of the Employee Assistance Program; the cost of the Equal Opportunity Center; the costs of interagency information management infrastructure; and the cost of administering the state employee merit system as required by section 124.07 of the Revised Code. Such costs shall be determined in conformity with appropriate sections of law and paid in accordance with procedures specified by the Office of Budget and Management.

SECTION 20. REISSUANCE OF VOIDED WARRANTS

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

SECTION 21. REAPPROPRIATION OF UNEXPENDED ENCUMBERED BALANCES OF OPERATING APPROPRIATIONS

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

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

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

(C) For an encumbrance for reclamation of land or oil and gas wells, for a period ending when the encumbered appropriation is expended or for a period of two years, whichever is less;

(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.

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.

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.

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.

If the Controlling Board approved a purchase, that approval remains in effect as long as the appropriation used to make that purchase remains encumbered.

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

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

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

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

(a) The following counties that are scheduled, pursuant to the process

outlined in the version of the Ohio state plan that was published in the Federal Register on March 24, 2004, to acquire voting machines, marking devices, or automatic tabulating equipment for use in the August 2004 special election with funds made available pursuant to the Help America Vote Act of 2002: Adams, Auglaize, Brown, Carroll, Crawford, Delaware, Hardin, Harrison, Henry, Logan, Medina, Mercer, Portage, Putnam, and Trumbull;

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

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

(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.

(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.

(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.

(c) If the board of elections of a county originally scheduled to acquire voting machines during the 2004 calendar year votes to reaffirm a prior decision to 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 under division (B)(1)(a) of this section, that county shall proceed with the acquisition of the selected voting machines, marking devices, or automatic tabulating equipment with those funds according to the process outlined in the version of the Ohio state plan that was published in the Federal Register on March 24, 2004. The Secretary of State shall purchase the selected voting machines, marking devices, or automatic tabulating equipment for the county by acting as an agent on behalf of the board of county commissioners of that county.

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

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

(ii) The county has selected, through the process outlined in the version of the Ohio state plan that was published in the Federal Register on March 24, 2004, voting machines, marking devices, or automatic tabulating equipment other than direct recording electronic voting machines as the primary voting system to be used in the county. This division does not preclude the acquisition of direct recording electronic voting machines to the extent that the county is scheduled to acquire only one direct recording electronic voting machine for each polling place as required by the Help America Vote Act of 2002.

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

(C) It is the intent of the General Assembly that the state of Ohio pay, with funds made available pursuant to the Help America Vote Act of 2002 or through an appropriation of state capital funds, for any additional costs a

county incurs after the initial purchase of direct recording electronic voting machines, to upgrade, retrofit, or otherwise equip those voting machines with a voter verified paper audit trail if the county acquires the voting machines in any of the following manners:

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

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

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

(4) The county acquired direct recording electronic voting machines before January 1, 2000, and is not scheduled to acquire new voting machines, marking devices, or automatic tabulating equipment with funds made available under the Help America Vote Act of 2002 under the process outlined in the version of the Ohio 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 was approved for acquisition and use in this state under the process outlined in the version of the Ohio state plan that was published in the Federal Register on March 24, 2004.

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

(3) With each willing vendor that meets the requirements of division (E)(2) of this section, the Secretary of State shall negotiate for a final unified

price. The final unified price shall include both of the following:

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

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

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

(a) For each vendor, the final unified price shall be added to the total cost of all direct recording electronic voting machines acquired from that vendor under division (B)(1) or (2) of this section or through the process described in division (C)(1) or (4) of this section.

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

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

(a) Counties that have not yet purchased direct recording electronic voting machines with funds made available under the Help America Vote Act of 2002 and that previously selected that vendor's direct recording electronic voting machines to purchase direct recording electronic voting

machines with a voter verified paper audit trail from that vendor according to the process outlined in the version of the Ohio state plan that was published in the Federal Register on March 24, 2004;

(b) Counties that previously purchased direct recording electronic voting machines from that vendor under division (B)(1) or (2) of this section or through the process described in division (C)(1) or (4) of this section to upgrade, retrofit, or otherwise equip those direct recording electronic voting machines with a voter verified paper audit trail from that vendor.

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

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

(2) The Secretary of State shall develop a process by which vendors of a certified direct recording electronic voting machine with a voter verified paper audit trail may submit bids under division (F)(1) of this section, by which the Secretary of State shall approve for acquisition, and by which counties identified in division (F)(1) of this section may purchase voting machines, marking devices, or automatic tabulating equipment using funds made available pursuant to the Help America Vote Act of 2002. Any voting machines, marking devices, or automatic tabulating equipment so purchased shall 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. Any process the Secretary of State develops under this division shall be described in the Ohio state plan. The process shall permit the Secretary of State to purchase voting machines, marking devices, or automatic tabulating equipment on behalf of a board of county commissioners with the Secretary of State acting as an agent of the board.

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

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

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

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

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

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

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

GRF 050-321	Operating Expenses	\$	2,750,000	\$	2,750,000
GRF 050-403	Election Statistics	\$	110,570	\$	110,570
GRF 050-407	Pollworkers Training	\$	295,742	\$	295,742
GRF 050-409	Litigation Expenditures	\$	4,949	\$	4,949
TOTAL GRF	General Revenue Fund	\$	3,161,261	\$	3,161,261

General Services Fund Group

4S8 050-610	Board of Voting Machine Examiners	\$	7,200	\$	7,200
412 050-609	Notary Commission	\$	178,124	\$	185,249
413 050-601	Information Systems	\$	163,418	\$	169,955
414 050-602	Citizen Education Fund	\$	72,800	\$	75,712
TOTAL	General Services Fund Group	\$	421,542	\$	438,116

Federal Special Revenue Fund Group

3AT 050-614	Voter/Poll Worker Education	\$	0	\$	5,000,000
3AR 050-615	2004 HAVA Voting Machines	\$	0	\$	27,250,000
3AS 050-616	2005 HAVA Voting Machines	\$	0	\$	79,250,000
3X4 050-612	Ohio Cntr/Law Related Educ Grant	\$	41,000	\$	41,000
TOTAL FED Federal Special Revenue Fund Group		\$	41,000	\$	109,541,000

State Special Revenue Fund Group

5N9 050-607	Technology Improvements	\$	124,582	\$	129,565
599 050-603	Business Services Operating Expenses	\$	13,889,462	\$	14,241,966
TOTAL SSR State Special Revenue Fund Group		\$	14,014,044	\$	14,371,531

Holding Account Redistribution Fund Group

R01 050-605	Uniform Commercial Code Refunds	\$	65,000	\$	65,000
R02 050-606	Corporate/Business Filing Refunds	\$	100,000	\$	100,000
TOTAL 090 Holding Account Redistribution Fund Group		\$	165,000	\$	165,000
TOTAL ALL BUDGET FUND GROUPS		\$	17,802,847	\$	127,676,908

BOARD OF VOTING MACHINE EXAMINERS

The foregoing appropriation item 050-610, Board of Voting Machine Examiners, shall be used to pay for the services and expenses of the members of the Board of Voting Machine Examiners, and for other expenses that are authorized to be paid from the Board of Voting Machine Examiners Fund, which is created in section 3506.05 of the Revised Code. Moneys not used shall be returned to the person or entity submitting the equipment for examination. If it is determined that additional appropriations are necessary, such amounts are appropriated.

HOLDING ACCOUNT REDISTRIBUTION GROUP

The foregoing appropriation items 050-605 and 050-606, Holding Account Redistribution Fund Group, shall be used to hold revenues until they are directed to the appropriate accounts or until they are refunded. If it is determined that additional appropriations are necessary, such amounts are appropriated.

VOTER/POLL WORKER EDUCATION FUND

If, as of the effective date of this amendment, the Controlling Board has not taken action to allow for a statewide voter education and poll worker training program in the state, the Director of Budget and Management shall transfer \$5,000,000 from the Election Reform Fund (Fund 3AA) to the Voter Education/Poll Worker Education Fund (Fund 3AT). Of the foregoing appropriation item 050-614, Voter/Poll Worker Education, \$2,500,000 shall be allocated to the counties, subject to Controlling Board approval. Of this

amount, the Secretary of State shall distribute \$440,000 to the counties such that each county shall receive \$5,000. The remaining \$2,060,000 allocated shall be distributed to the counties based upon per capita population as determined by the most recent federal decennial census data. \$2,500,000 shall be used to conduct a statewide voter education and poll worker-training program, subject to Controlling Board approval.

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

After January 1, 2005, the Secretary of State may seek approval from the Controlling Board for the release of an additional \$2,500,000 from the Election Reform Fund (Fund 3AA), if the Secretary of State can demonstrate it is necessary for the implementation of additional voter education and poll worker training. Of this \$2,500,000, the Secretary of State must distribute \$1,250,000 to the counties on a per capita basis based upon population as determined by the most recent federal decennial census data. However, the \$1,250,000 shall not be released to the individual counties until those counties have submitted a voter education plan to, and had that plan approved by, the Secretary of State.

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

2004 HAVA VOTING MACHINES FUND

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

2005 HAVA VOTING MACHINES FUND

As of the effective date of this amendment, the Director of Budget and Management shall transfer an amount not to exceed \$79,250,000 from the Election Reform Fund (Fund 3AA) to the 2005 HAVA Voting Machines Fund (Fund 3AS). The amount is hereby appropriated. The Secretary of State shall certify to the Director of Budget and Management any amount

from the 2004 Voting Machines Fund (Fund 3AR) that was not required for voting machine replacement or upgrades. The Director of Budget and Management shall transfer this amount to the 2005 HAVA Voting Machines Fund (Fund 3AS) and abolish the 2004 HAVA Voting Machines Fund (Fund 3AR). All expenditures from the 2005 HAVA Voting Machine Fund for the purpose of purchasing direct recording electronic voting machines with a voter verified paper audit trail or upgrading, retrofitting, or otherwise equipping direct recording electronic voting machines with a voter verified paper audit trail are subject to Controlling Board approval.

SECTION 25. That existing 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, is hereby repealed.

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

SECTION 27. The amendment by this act of Section 3 of Sub. H.B. 262 of the 125th General Assembly and the amendment by this act of 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, are not subject to the referendum and, under Ohio Constitution, Article II, Section 1d and section 1.471 of the Revised Code, go into effect when this act becomes law.

SECTION 28. Sections 3 to 6 of this act, and the items of law of which such sections are composed, are not subject to the referendum. Therefore,

under Ohio Constitution, Article II, Section 1d and section 1.471 of the Revised Code, such sections, and the items of law of which such sections are composed, go into immediate effect when this act becomes law.

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

Speaker _____ *of the House of Representatives.*

President _____ *of the Senate.*

Passed _____, 20____

Approved _____, 20____

Governor.

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the
____ day of _____, A. D. 20____.

Secretary of State.

File No. _____ Effective Date _____