OHIO

SENATE

JOURNAL

TUESDAY, JUNE 21, 2005

SIXTY-SEVENTH DAY
Senate Chamber, Columbus, Ohio
Tuesday, June 21, 2005, 1:30 p.m.

The Senate met pursuant to adjournment.

Prayer was offered by Pastor Brian Hanson, Linworth Baptist Church, Worthington, Ohio, followed by the Pledge of Allegiance to the Flag.

The journal of the last legislative day was read and approved.

REPORTS OF REFERENCE AND BILLS FOR SECOND CONSIDERATION

Senator Schuring reports for the Standing Committee on Reference, recommending that the following bills, standing in order for second consideration, be referred to committee as recommended:

Am. Sub. H. B. No. 79-Representatives Raga, Latta, Setzer, C. Evans, Hagan, DeWine, McGregor, Willamowski, Gilb, Flowers, Seaver, Reidelbach, Schlichter, Reinhard, Blasdel, Boccieri, Brown, Bubp, Calvert, Carmichael, Cassell, Coley, Collier, Combs, Core, Daniels, Dolan, Domenick, D. Evans, Faber, Gibbs, Harwood, Healy, Hughes, Koziura, Law, Martin, Otterman, T. Patton, Schaffer, Schneider, G. Smith, J. Stewart, Strahorn, Trakas, Ujvagi, Wagoner, Webster, Widener, Williams, Wolpert, Yates, Yuko.

To amend sections 3314.03, 3319.291, and 3319.311 and to enact sections 3319.313, 3319.314, 5126.253, 5126.254, and 5153.176 of the Revised Code to require that information about specified professional misconduct or child abuse or neglect committed by a person licensed by the State Board of Education be submitted to the Superintendent of Public Instruction, to require the State Board to request a criminal records check prior to renewing an educator license, and to require the State Board to request a criminal records check every five years for a person teaching under an eight-year professional teaching certificate or permanent teaching certificate issued under former law.

To the Committee on Education.

Sub. H. B. No. 96-Representatives Seitz, McGregor, C. Evans, Combs, Hartnett, Latta, Schaffer, Webster, Taylor, Gilb, Otterman, White, D. Evans, Willamowski, Uecker, Koziura, Hughes, Seaver, Barrett, Bubp, Buehrer, Carano, Cassell, Collier, Core, Daniels, Dolan, Domenick, Fessler, Gibbs, Hoops, T. Patton, Raga, Reidelbach, Schneider, Setzer, G. Smith, D. Stewart, Wagoner, Walcher.

To enact sections 2911.10 and 2911.23 of the Revised Code to create the offense of criminal trespass on a place of public amusement and to clarify the

element of "trespass" in the offenses of aggravated burglary, burglary, and breaking and entering.

To the Committee on Judiciary - Criminal Justice.

Sub. H. B. No. 105-Representatives Setzer, Kearns, C. Evans, Hartnett, Distel, Walcher, Seaver, Garrison, Seitz, Carano, Webster, Taylor, Collier, Reidelbach, Allen, Chandler, Aslanides, Barrett, Beatty, Boccieri, Book, Brown, Bubp, Calvert, Coley, Combs, DeBose, Domenick, Gilb, Hagan, Harwood, Healy, Hughes, Latta, Mason, McGregor, Mitchell, Otterman, T. Patton, Perry, Sayre, Schaffer, Schlichter, Schneider, S. Smith, Sykes, Wagoner, White, Williams, Woodard, Yuko.

To amend section 3313.60 and to enact section 3301.078 of the Revised Code to require each school district to provide instruction in physical education in each of grades kindergarten through eight and to require the Department of Education to provide each school district with access to research to facilitate the use of locally developed instructional objectives and to encourage students' regular participation in physical activity.

To the Committee on Education.

Am. H. B. No. 140-Representatives Carmichael, D. Stewart, Setzer, T. Patton, Barrett, Beatty, Blasdel, Brown, Buehrer, Carano, Cassell, Chandler, Coley, DeGeeter, Domenick, D. Evans, Faber, Harwood, Hughes, Key, McGregor, Otterman, Perry, Seaver, Seitz, Yuko, Trakas.

To enact section 4303.251 of the Revised Code to authorize entities involved in the manufacture or distribution of beer or intoxicating liquor to conduct consumer product instruction, or provide sample servings of their products, at a retail permit holder's premises without having to obtain a retail liquor permit.

To the Committee on Agriculture.

Sub. H. B. No. 203-Representatives Raga, Kearns, DeWine, Flowers, Wagoner, Calvert, T. Patton, Allen, Strahorn, Gilb, Chandler, Faber, White, S. Smith, Barrett, Beatty, DeBose, Fessler, G. Smith, Harwood, Hoops, Otterman, Reidelbach, Schneider, Webster, Carmichael, Cassell, C. Evans, D. Evans, Hagan, Hughes, Key, Law, Martin, Schlichter, Setzer, Taylor, S. Patton, Williams.

To amend sections 3707.26 and 4736.01 and to enact sections 117.102, 3313.473, 3314.12, and 3701.93 to 3701.98 of the Revised Code with respect to inspections of public and nonpublic school buildings by boards of health, to require the Director of Health to establish the School Health and Safety Network to coordinate school inspections, and to include Safety and Sanitary inspection rules within the practice of environmental health for registered sanitarians.

To the Committee on Health, Human Services and Aging.

YES - 5: J. KIRK SCHURING, MARK MALLORY, JEFF JACOBSON, BILL HARRIS, C. J. PRENTISS.

NO - 0.

The question being, "Shall the report of the committee be accepted?"

The report of the committee was accepted.

Said bills were considered a second time and referred to committee as recommended.

REPORTS OF STANDING AND SELECT COMMITTEES

Senator Coughlin submitted the following report:

The standing committee on State and Local Government and Veterans' Affairs, to which was referred **S. B. No. 148**-Senator Hottinger, having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsor: Grendell.

YES - 9: LARRY A. MUMPER, DANIEL R. BRADY, KIMBERLY A. ZURZ, TERESA FEDOR, TIMOTHY J. GRENDELL, TOM NIEHAUS, J. KIRK SCHURING, JEFFRY J. ARMBRUSTER, KEVIN J. COUGHLIN.

NO - 0.

The question being, "Shall the report of the committee be accepted?"

The report of the committee was accepted.

Senator Coughlin submitted the following report:

The standing committee on State and Local Government and Veterans' Affairs, to which was referred **Sub. H. B. No. 33**-Representative Wagner, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: Zurz, Fedor.

YES - 9: LARRY A. MUMPER, DANIEL R. BRADY, KIMBERLY A. ZURZ, KEVIN J. COUGHLIN, TOM NIEHAUS, J. KIRK SCHURING, JEFFRY J. ARMBRUSTER, TIMOTHY J. GRENDELL, TERESA FEDOR.

NO - 0.

The question being, "Shall the report of the committee be accepted?"

The report of the committee was accepted.

Senator Coughlin submitted the following report:

The standing committee on State and Local Government and Veterans' Affairs, to which was referred **Am. Sub. H. B. No. 76**-Representative Trakas, et al., having had the same under consideration, reports it back and recommends its passage.

Co-Sponsors: Zurz, Fedor.

YES - 9: LARRY A. MUMPER, DANIEL R. BRADY, KIMBERLY A. ZURZ, KEVIN J. COUGHLIN, TOM NIEHAUS, JEFFRY J. ARMBRUSTER, TERESA FEDOR, J. KIRK SCHURING, TIMOTHY J. GRENDELL.

NO - 0.

The question being, "Shall the report of the committee be accepted?"

The report of the committee was accepted.

Senator Hottinger submitted the following report:

The standing committee on Insurance, Commerce and Labor, to which was referred **S. B. No. 144**-Senator Schuler, et al., having had the same under consideration, reports it back with the following amendment and recommends its passage when so amended.

In line 184, delete "appraise property" and insert "perform an appraisal assignment"

In line 195 after "temporary" insert "recognition of"; reinsert "certification and licensure of"; reinsert "appraisers" and insert "from another state"; reinsert the period

In line 198, after "~~and~~" insert "The registration for temporary recognition of certified or licensed appraisers from another state"; reinsert "shall not authorize"; after "~~appraisal~~" insert "completion"; reinsert "of more than one"

In line 199, after "~~located~~" insert "appraisal assignment"; reinsert "in this state. The"

Co-Sponsors: Clancy, Spada.

YES - 8: JAY HOTTINGER, STEPHEN C. AUSTRIA, JEFFRY J. ARMBRUSTER, PATRICIA M. CLANCY, ROBERT F. SPADA, MARK MALLORY, RAY MILLER, LYNN R. WACHTMANN.

NO - 0.

The question being, "Shall the report of the committee be accepted?"

The report of the committee was accepted.

Senator Hottinger submitted the following report:

The standing committee on Insurance, Commerce and Labor, to which was referred **Sub. H. B. No. 193**-Representative Daniels, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsor: Hottinger.

YES - 8: JAY HOTTINGER, STEPHEN C. AUSTRIA, JEFFRY J. ARMBRUSTER, PATRICIA M. CLANCY, ROBERT F. SPADA, MARK MALLORY, RAY MILLER, STEVE STIVERS.

NO - 0.

The question being, "Shall the report of the committee be accepted?"

The report of the committee was accepted.

Senator Jordan submitted the following report:

The standing committee on Judiciary - Criminal Justice, to which was referred **Am. Sub. H. B. No. 15**-Representative Hoops, et al., having had the same under consideration, reports it back and recommends its passage.

Co-Sponsors: Dann, Zurz.

YES - 8: JIM JORDAN, PATRICIA M. CLANCY, MARC DANN, MARK MALLORY, STEPHEN C. AUSTRIA, KIMBERLY A. ZURZ, TIMOTHY J. GRENDELL, J. KIRK SCHURING.

NO - 0.

The question being, "Shall the report of the committee be accepted?"

The report of the committee was accepted.

Senator Jordan submitted the following report:

The standing committee on Judiciary - Criminal Justice, to which was referred **H. B. No. 185**-Representative Latta, et al., having had the same under consideration, reports it back and recommends its passage.

Co-Sponsors: Clancy, Dann, Zurz.

YES - 8: JIM JORDAN, PATRICIA M. CLANCY, MARC DANN, MARK MALLORY, STEPHEN C. AUSTRIA, KIMBERLY A. ZURZ, TIMOTHY J. GRENDELL, J. KIRK SCHURING.

NO - 0.

The question being, "Shall the report of the committee be accepted?"

The report of the committee was accepted.

Senator Schuring submitted the following report:

The standing committee on Rules to which were referred the appointments by the Governor of:

Edward R. Hills, Independent, from Orange Village, Geauga County, Ohio, as a Member of the State Dental Board for a new term beginning April 15, 2005 and ending at the close of business April 6, 2009.

Mark Landes, Republican, from Columbus, Franklin County, Ohio, as a Member of the State Dental Board for a new term beginning April 15, 2005 and ending at the close of business April 6, 2009.

Linda R. Lesher, Republican, from Lima, Allen County, Ohio, as a Member of the State Dental Board for a new term beginning April 15, 2005 and ending at the close of business April 6, 2009, replacing Lynda Sabat, whose term expired.

Howard W. Lowery, Republican, from Columbus, Franklin County, Ohio, as a Member of the Hearing Aid Dealers and Fitters Licensing Board for a new term beginning April 15, 2005 and ending at the close of business January 25, 2009.

Having had the same under consideration, reports back the recommendation that the Senate advise and consent to said appointments.

YES - 10: BILL HARRIS, JEFF JACOBSON, RANDY GARDNER, ROBERT F. SPADA, STEPHEN C. AUSTRIA, JAY HOTTINGER, J. KIRK SCHURING, ROBERT F. HAGAN, MARK MALLORY, C. J. PRENTISS.

NO - 0.

The question being, "Shall the Senate advise and consent to the appointments by the Governor?"

The yeas and nays were taken and resulted - yeas 32, nays 0, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Brady
Carey	Cates	Clancy	Coughlin
Dann	Fedor	Fingerhut	Gardner
Goodman	Grendell	Hagan	Hottinger
Jacobson	Jordan	Mallory	Miller
Mumper	Niehaus	Padgett	Prentiss
Roberts	Schuler	Schuring	Spada
Wachtmann	Wilson	Zurz	Harris-32.

So the Senate advised and consented to said appointments.

REPORTS OF CONFERENCE COMMITTEES

Senator Carey submitted the following report:

The Committee of Conference to which the matters of difference between the two houses were referred on Am. Sub. H.B. 66, Rep. Calvert - et al., having had the same under consideration, recommends to the respective houses as follows:

The bill as passed by the Senate with the following amendments:

Delete lines 55113 through 55131 and insert:

"**Sec. 5111.112.** The department of job and family services shall certify amounts due under the estate recovery program instituted under section 5111.11 of the Revised Code to the attorney general pursuant to section 131.02 of the Revised Code. The attorney general may enter into a contract with any person or government entity to collect the amounts due on behalf of the attorney general.

The attorney general, in entering into a contract under this section, shall comply with all of the requirements that must be met for the state to receive federal financial participation for the costs incurred in entering into the contract and carrying out actions under the contract. The contract may provide for the person or government entity with which the attorney general contracts to be compensated from the property recovered under the estate recovery program or may provide for another manner of compensation agreed to by the parties to the contract.

Regardless of whether the attorney general collects the amounts due under the estate recovery program or contracts with a person or government entity to collect the amounts due on behalf of the attorney general, the amounts due shall be collected in accordance with applicable requirements of federal statutes and regulations and state statutes and rules."

In line 290, after "340.16," insert "351.01, 351.021, 351.06, 351.141, 351.16,"

In line 375, delete "5739.09," and insert "5739.08,"

In line 12344, reinsert ", "convention"; delete the underlined colon

In line 12345, delete "(1) "Convention"

Delete lines 12350 and 12351

In line 12353, delete "or a community"

In line 12354, delete "improvement corporation"

In line 12355, delete "or corporation"

In line 12358, reinsert the comma; reinsert "such"; delete "the"

In line 12359, reinsert "thereof"; delete "of those revenues"

In line 12364, reinsert "therefrom"; delete "from the tax"

In line 12369, delete "convention and visitors'"; delete "or community"

In line 12370, delete "improvement corporation"

In line 12372, delete "under division (B) of this section"

In line 12377, delete "under division (B) of"

In line 12378, delete "this section"

In line 12379, delete "or corporation,"

In line 12380, delete "or corporation,"

In line 12386, reinsert "by a board of county commissioners"; delete "division (B)"

In line 12387, delete "of"

In line 12392, delete "division (B) of"

In line 12395, delete "under division (B) of this"

In line 12396, delete "section"

In line 12397, delete "and visitors'"; delete "or"

In line 12398, delete "community improvement corporation"

In line 12400, reinsert "such"; delete "the"; reinsert "as are"

In line 12405, delete "six"

In line 12406, before "hundred" insert "one million two"

Between lines 13719 and 13720, insert:

"**Sec. 351.01.** As used in this chapter:

(A) "Convention facilities authority" means a body corporate and politic created pursuant to section 351.02 of the Revised Code.

(B) "Governmental agency" means a department, division, or other unit of the state government or of a municipal corporation, county, township, or other political subdivision of the state; any state university or college, as defined in section 3345.12 of the Revised Code, community college, state community college, university branch, or technical college; any other public corporation or agency having the power to acquire, construct, or operate facilities; the United States or any agency thereof; and any agency, commission, or authority established pursuant to an interstate compact or agreement.

(C) "Person" means any individual, firm, partnership, association, or corporation, or any combination of them.

(D) "Facility" or "facilities" means any convention, entertainment, or sports facility, or combination of them, located within the territory of the convention facilities authority, together with all parking facilities, walkways, and other auxiliary facilities, real and personal property, property rights, easements and interests that may be appropriate for, or used in connection with, the operation of the facility.

(E) "Cost" means the cost of acquisition of all land, rights-of-way, property rights, easements, franchise rights, and interests required for such acquisition; the cost of demolishing or removing any buildings or structures on land so acquired, including the cost of acquiring any lands to which such

buildings or structures may be moved; the cost of acquiring or constructing and equipping a principal office of the convention facilities authority; the cost of diverting highways, interchange of highways, access roads to private property, including the cost of land or easements for such access roads; the cost of public utility and common carrier relocation or duplication; the cost of all machinery, furnishings, and equipment; financing charges; interest prior to and during construction and for no more than eighteen months after completion of construction; expenses of research and development with respect to facilities; legal expenses; expenses of obtaining plans, specifications, engineering surveys, studies, and estimates of cost and revenues; working capital; expenses necessary or incident to determining the feasibility or practicability of acquiring or constructing such facility; administrative expense; and such other expenses as may be necessary or incident to the acquisition or construction of the facility, the financing of such acquisition or construction, including the amount authorized in the resolution of the convention facilities authority providing for the issuance of convention facilities authority revenue bonds to be paid into any special funds from the proceeds of such bonds, the cost of issuing the bonds, and the financing of the placing of such facility in operation. Any obligation, cost, or expense incurred by any governmental agency or person for surveys, borings, preparation of plans and specifications, and other engineering services, or any other cost described above, in connection with the acquisition or construction of a facility may be regarded as part of the cost of such facility and may be reimbursed out of the proceeds of convention facilities authority revenue bonds as authorized by this chapter.

(F) "Owner" includes a person having any title or interest in any property, rights, easements, or interests authorized to be acquired by Chapter 351. of the Revised Code.

(G) "Revenues" means all rentals and other charges received by the convention facilities authority for the use or services of any facility, the sale of any merchandise, or the operation of any concessions; any gift or grant received with respect to any facility, any moneys received with respect to the lease, sublease, sale, including installment sale or conditional sale, or other disposition of a facility or part thereof; moneys received in repayment of and for interest on any loans made by the authority to a person or governmental agency, whether from the United States or any department, administration, or agency thereof, or otherwise; proceeds of convention facilities authority revenue bonds to the extent the use thereof for payment of principal or of premium, if any, or interest on the bonds is authorized by the authority; proceeds from any insurance, appropriation, or guaranty pertaining to a facility or property mortgaged to secure bonds or pertaining to the financing of the facility; income and profit from the investment of the proceeds of convention facilities authority revenue bonds or of any revenues; contributions of the proceeds of a tax levied pursuant to division (A)(3) of section 5739.09 of the Revised Code; and moneys transmitted to the authority pursuant to division (B) of section 5739.211 and division (B) of section 5741.031 of the Revised Code.

(H) "Public roads" includes all public highways, roads, and streets in the state, whether maintained by the state, county, city, township, or other political subdivision.

(I) "Construction," unless the context indicates a different meaning or intent, includes, but is not limited to, reconstruction, enlargement, improvement, or providing fixtures, furnishings, and equipment.

(J) "Convention facilities authority revenue bonds" or "revenue bonds," unless the context indicates a different meaning or intent, includes convention facilities authority revenue notes, convention facilities authority revenue renewal notes, and convention facilities authority revenue refunding bonds.

(K) "Convention facilities authority tax anticipation bonds" or "tax anticipation bonds," unless the context indicates a different meaning, includes convention facilities authority tax anticipation bonds, tax anticipation notes, tax anticipation renewal notes, and tax anticipation refunding bonds.

(L) "Bonds and notes" means convention facilities authority revenue bonds and convention facilities authority tax anticipation bonds.

(M) "Territory of the authority" means all of the area of the county creating the convention facilities authority.

(N) "Excise taxes" means ~~either or both~~any of the taxes levied pursuant to division (B) or (C) of section 351.021 of the Revised Code. "Excise taxes" does not include taxes levied pursuant to section 4301.424, 5743.026, or 5743.324 of the Revised Code.

(O) "Transaction" means the charge by a hotel for each occupancy by transient guests of a room or suite of rooms used in a hotel as a single unit for any period of twenty-four hours or less.

(P) "Hotel" and "transient guests" have the same meanings as in section 5739.01 of the Revised Code.

(Q) "Sports facility" means a facility intended to house major league professional athletic teams.

(R) "Constructing" or "construction" includes providing fixtures, furnishings, and equipment.

Sec. 351.021. (A) The resolution of the county commissioners creating a convention facilities authority, or any amendment or supplement to that resolution, may authorize the authority to levy one or both of the excise taxes authorized by division (B) of this section to pay the cost of one or more facilities; to pay principal, interest, and premium on convention facilities authority tax anticipation bonds issued to pay those costs; to pay the operating costs of the authority; to pay operating and maintenance costs of those facilities; and to pay the costs of administering the excise tax.

(B) The board of directors of a convention facilities authority that has

been authorized pursuant to resolution adopted, amended, or supplemented by the board of county commissioners pursuant to division (A) of this section may levy, by resolution adopted on or before December 31, 1988, either or both of the following:

(1) Within the territory of the authority, an additional excise tax not to exceed four per cent on each transaction. The excise tax authorized by division (B)(1) of this section shall be in addition to any excise tax levied pursuant to section 5739.08 or 5739.09 of the Revised Code, or division (B)(2) of this section.

(2) Within that portion of any municipal corporation that is located within the territory of the authority or within the boundaries of any township that is located within the territory of the authority, which municipal corporation or township is levying any portion of the excise tax authorized by division (A) of section 5739.08 of the Revised Code, and with the approval, by ordinance or resolution, of the legislative authority of that municipal corporation or township, an additional excise tax not to exceed nine-tenths of one per cent on each transaction. The excise tax authorized by division (B)(2) of this section may be levied only if, on the effective date of the levy specified in the resolution making the levy, the amount being levied pursuant to division (A) of section 5739.08 of the Revised Code by each municipal corporation or township in which the tax authorized by division (B)(2) of this section will be levied, when added to the amount levied under division (B)(2) of this section, does not exceed three per cent on each transaction. The excise tax authorized by division (B)(2) of this section shall be in addition to any excise tax that is levied pursuant to section 5739.08 or 5739.09 of the Revised Code, or division (B)(1) of this section.

(C)(1) The board of directors of a convention facilities authority that is located in an eligible Appalachian county; that has been authorized pursuant to resolution adopted, amended, or supplemented by the board of county commissioners pursuant to division (A) of this section; and that is not levying a tax under division (B)(1) or (2) of this section may levy within the territory of the authority, by resolution adopted on or before December 31, 2005, an additional excise tax not to exceed three per cent on each transaction. The excise tax authorized under division (C) of this section shall be in addition to any excise tax levied pursuant to section 5739.08 or 5739.09 of the Revised Code.

(2) As used in division (C)(1) of this section, "eligible Appalachian county" means a county in this state designated as being in the "Appalachian region" under the "Appalachian Regional Development Act of 1965," 79 Stat. 4, 40 U.S.C. App. 403, and having a population less than eighty thousand according to the most recent federal decennial census.

(D) The authority shall provide for the administration and allocation of ~~the~~an excise ~~taxes~~tax levied pursuant to division (B) or (C) of this section. All receipts arising from those excise taxes shall be expended for the purposes provided in, and in accordance with this section and section 351.141 of the Revised Code. An excise tax levied under division (B) or (C) of this section shall

remain in effect at the rate at which it is levied for at least the duration of the period for which the receipts from the tax have been anticipated and pledged pursuant to section 351.141 of the Revised Code.

~~(D)~~(E) Except as provided in division (B)(2) of this section, the levy of an excise tax on each transaction pursuant to sections 5739.08 and 5739.09 of the Revised Code does not prevent a convention facilities authority from levying ~~the~~an excise ~~taxes~~tax pursuant to division (B) or (C) of this section.

Sec. 351.06. A facility to be constructed pursuant to this chapter is a public improvement and a convention facilities authority is a public authority for purposes of section 4115.03 of the Revised Code. All contractors and subcontractors working on such facilities are subject to and shall comply with sections 4115.03 to 4115.16 of the Revised Code. A convention facilities authority is a contracting authority for purposes of sections 307.86 to 307.91 of the Revised Code.

No convention facilities authority shall construct a facility under this chapter unless the plans for the facility provide for parking and transportation determined by the board of county commissioners as adequate to serve that facility.

A convention facilities authority may do all of the following:

(A) Adopt bylaws for the regulation of its affairs and the conduct of its business;

(B) Adopt an official seal;

(C) Maintain a principal office within its territory;

(D) Acquire, purchase, construct, reconstruct, enlarge, furnish, equip, maintain, repair, sell, exchange, lease or rent to, lease or rent from, operate, or contract for the operation by others of, facilities within its territory, and make charges for the use of the facilities;

(E) Make available the use or services of any facility to persons or governmental agencies on such terms and conditions as the authority shall determine;

(F) By resolution of its board of directors, issue convention facilities authority revenue bonds beyond the limit of bonded indebtedness provided by law, payable solely from revenues as provided in section 351.14 of the Revised Code, unless the bonds are refunded by refunding bonds, for the purpose of providing funds to pay the costs of any facility or facilities or parts of any facility or facilities, and, if moneys raised by taxation are not obligated or pledged for the payment of those revenue bonds, to pay the costs of any facility or facilities or parts of any facility or facilities pursuant to Section 13 of Article VIII, Ohio Constitution, and in order to create or preserve jobs and employment opportunities and improve the economic welfare of the people of the state;

(G) Maintain such funds as it determines necessary;

(H) Direct its agents or employees, when properly identified in writing and after at least five days' written notice, to enter upon lands within its territory in order to make surveys and examinations preliminary to location and construction of facilities, or other work for the purposes of the convention facilities authority, without liability of the authority or its agents or employees except for actual damage done;

(I) Promote, advertise, and publicize the authority and its facilities;

(J)(1) Adopt rules, not in conflict with general law, governing the use of its property, grounds, buildings, equipment, and facilities, and the conduct of its employees and the public, in order to promote the public safety and convenience in and about its facilities and grounds, and to maintain order. Any such rule shall be posted at a prominent place in each of the buildings or facilities to which it applies.

(2) No person shall violate any lawful rule adopted and posted as provided in this division.

(K) Acquire by gift or purchase, hold, lease, and dispose of real and personal property and interests in the property in the exercise of its powers and the performance of its duties under this chapter;

(L) Acquire, in the name of the authority, by purchase or otherwise, on such terms and in such manner as the authority finds proper, or by the exercise of the right of appropriation in the manner provided by section 351.22 of the Revised Code, such public or private lands, including public parks, playgrounds, or reservations, or parts thereof or rights therein, rights-of-way, rights, franchises, easements, and interests as it finds necessary or proper for carrying out this chapter, and compensation shall be paid for public or private lands so taken;

(M) Make and enter into all contracts and agreements and execute all instruments necessary or incidental to the performance of its duties and the execution of its powers under this chapter provided that no construction contract or contract for the purchase of goods or services shall be approved or entered into by the authority prior to the adoption and implementation of a policy on the set aside of contracts for bidding by or award to minority business enterprises, as defined in division (E)(1) of section 122.71 of the Revised Code;

(N) Employ managers, superintendents, and other employees and retain or contract with consulting engineers, financial consultants, accounting experts, architects, attorneys, and such other consultants and independent contractors as are necessary in its judgment to carry out this chapter, and fix their compensation. All expenses of doing so shall be payable solely from the proceeds of convention facilities authority bonds and notes issued under this chapter, or from excise taxes and revenues.

(O) Receive and accept from any governmental agency grants for or in aid of the purposes of the authority, and receive and accept aid or contributions

from any source of money, property, labor, or other things of value, to be held, used, and applied only for the purposes for which such grants and contributions are made;

(P) Engage in research and development with respect to facilities;

(Q) Purchase fire and extended coverage and liability insurance for any facility and for the offices of the authority, insurance protecting the authority and its officers and employees against liability for damage to property or injury to or death of persons arising from its operations, and any other insurance the authority may agree to provide under any resolution authorizing its convention facilities authority revenue bonds or in any trust agreement securing the same;

(R) Charge, alter, and collect rentals and other charges for the use or services of any facility as provided in section 351.09 of the Revised Code;

(S) If a tax proposed under section 5739.026 of the Revised Code is disapproved by the electors, request the board of county commissioners to dissolve the authority pursuant to section 351.03 of the Revised Code;

(T) By resolution of its board of directors, levy ~~one or both~~any of the excise taxes authorized by division (B) or (C) of section 351.021 of the Revised Code if authorized by the county commissioners, and issue convention facilities authority tax anticipation bonds beyond any limit of bonded indebtedness provided by law, payable solely from excise taxes levied pursuant to division (B) or (C) of section 351.021 of the Revised Code and revenues as provided in section 351.141 of the Revised Code.

(U) Do all acts necessary or proper to carry out the powers expressly granted in this chapter.

Sec. 351.141. A convention facilities authority that levies~~one or both~~any of the excise taxes authorized by division (B) or (C) of section 351.021 of the Revised Code or that receives contributions pursuant to division (A)(3) of section 5739.09 of the Revised Code, by resolution may anticipate the proceeds of the levy and issue convention facilities authority tax anticipation bonds, and notes anticipating the proceeds or the bonds, in the principal amount that, in the opinion of the authority, are necessary for the purpose of paying the cost of one or more facilities or parts of one or more facilities, and as able, with the interest on them, be paid over the term of the issue, or in the case of notes anticipating bonds over the term of the bonds, by the estimated amount of the excise taxes or contributions anticipated thereby. The excise taxes or contributions are determined by the general assembly to satisfy any applicable requirement of Section 11 of Article XII, Ohio Constitution. An authority, at any time, may issue renewal tax anticipation notes, issue tax anticipation bonds to pay such notes, and, whenever it considers refunding expedient, refund any tax anticipation bonds by the issuance of tax anticipation refunding bonds whether the bonds to be refunded have or have not matured, and issue tax anticipation bonds partly to refund bonds then outstanding and partly for any other authorized purpose. The refunding bonds shall be sold and the proceeds needed

for such purpose applied in the manner provided in the bond proceedings to the purchase, redemption, or payment of the bonds to be refunded.

Every issue of outstanding tax anticipation bonds shall be payable out of the proceeds of the excise taxes or contributions anticipated and other revenues of the authority that are pledged for such payment. The pledge shall be valid and binding from the time the pledge is made, and the anticipated excise taxes, contributions, and revenues so pledged and thereafter received by the authority immediately shall be subject to the lien of that pledge without any physical delivery of those excise taxes, contributions, and revenues or further act. The lien of any pledge is valid and binding as against all parties having claims of any kind in tort, contract, or otherwise against the authority, whether or not such parties have notice of the lien. Neither the resolution nor any trust agreement by which a pledge is created need be filed or recorded except in the authority's records.

Whether or not the bonds or notes are of such form and character as to be negotiable instruments under Title XIII of the Revised Code, the bonds or notes shall have all the qualities and incidents of negotiable instruments, subject only to their provisions for registration, if any.

The tax anticipation bonds shall bear such date or dates, and shall mature at such time or times, in the case of any such notes or any renewals of such notes not exceeding twenty years from the date of issue of such original notes and in the case of any such bonds or any refunding bonds not exceeding forty years from the date of the original issue of notes or bonds for the purpose, and shall be executed in the manner that the resolution authorizing the bonds may provide. The tax anticipation bonds shall bear interest at such rates, or at variable rate or rates changing from time to time, in accordance with provisions provided in the authorizing resolution, be in such denominations and form, either coupon or registered, carry such registration privileges, be payable in such medium of payment and at such place or places, and be subject to such terms of redemption, as the authority may authorize or provide. The tax anticipation bonds may be sold at public or private sale, and at, or at not less than the price or prices as the authority determines. If any officer whose signature or a facsimile of whose signature appears on any bonds or coupons ceases to be such officer before delivery of the bonds, the signature or facsimile shall nevertheless be sufficient for all purposes as if the officer had remained in office until delivery of the bonds, and in case the seal of the authority has been changed after a facsimile has been imprinted on the bonds, the facsimile seal will continue to be sufficient for all purposes.

Any resolution or resolutions authorizing any tax anticipation bonds or any issue of tax anticipation bonds may contain provisions, subject to any agreements with bondholders as may then exist, which provisions shall be a part of the contract with the holders of the bonds, as to the pledging of any or all of the authority's anticipated excise taxes, contributions, and revenues to secure the payment of the bonds or of any issue of the bonds; the use and disposition of revenues of the authority; the crediting of the proceeds of the sale of bonds to

and among the funds referred to or provided for in the resolution; limitations on the purpose to which the proceeds of sale of the bonds may be applied and the pledging of portions of such proceeds to secure the payment of the bonds or of any issue of the bonds; as to notes issued in anticipation of the issuance of bonds, the agreement of the authority to do all things necessary for the authorization, issuance, and sale of such bonds in such amounts as may be necessary for the timely retirement of such notes; limitations on the issuance of additional bonds; the terms upon which additional bonds may be issued and secured; the refunding of outstanding bonds; the procedure, if any, by which the terms of any contract with bondholders may be amended, the amount of bonds the holders of which must consent thereto, and the manner in which such consent may be given; securing any bonds by a trust agreement in accordance with section 351.16 of the Revised Code; any other matters, of like or different character, that in any way affect the security or protection of the bonds. The excise taxes anticipated by the bonds, including bonds anticipated by notes, shall not be subject to diminution by initiative or referendum or by law while the bonds or notes remain outstanding in accordance with their terms, unless provision is made by law or by the authority for an adequate substitute therefor reasonably satisfactory to the trustee, if a trust agreement secures the bonds.

Neither the members of the board of directors of the authority nor any person executing the bonds shall be liable personally on the bonds or be subject to any personal liability or accountability by reason of the issuance thereof.

Sec. 351.16. In the discretion of the convention facilities authority, any convention facilities authority bonds and notes issued under this chapter may be secured by a trust agreement between the authority and a corporate trustee, which trustee may be any trust company or bank having the powers of a trust company within or without the state.

Any such trust agreement for convention facility authority revenue bonds may pledge or assign revenues of the convention facilities authority to be received and may convey or mortgage any facility or any part of any facility. Any such trust agreement for convention facility authority tax anticipation bonds may pledge or assign ~~one or both~~any of the excise taxes authorized by division (B) or (C) of section 351.021 of the Revised Code and revenues of the convention facilities authority to be received and may convey or mortgage any facility or any part of any facility. Any such trust agreement or any resolution providing for the issuance of such bonds or notes may contain such provisions for protecting and enforcing the rights and remedies of the bondholders or noteholders as are reasonable and proper and not in violation of law, including covenants setting forth the duties of the authority in relation to the acquisition of property, the construction, improvement, maintenance, repair, operation, and insurance of the facility in connection with which such bonds or notes are authorized, the rentals or other charges to be imposed for the use or services of any facility, the custody, safeguarding, and application of all moneys, and provisions for the employment of consulting engineers in connection with the construction or operation of such facility. Any bank or trust company

incorporated under the laws of this state that may act as depository of the proceeds of bonds or notes or of revenues may furnish such indemnifying bonds or may pledge such securities as are required by the authority. Any such trust agreement may set forth the rights and remedies of the bondholders and noteholders and of the trustee, and may restrict the individual right of action by bondholders and noteholders as is customary in trust agreements or trust indentures securing similar bonds. Such trust agreement may contain such other provisions as the authority determines reasonable and proper for the security of the bondholders or noteholders. All expenses incurred in carrying out the provisions of any such trust agreement may be treated as a part of the cost of the operation of the facility. Any such trust agreement or resolution authorizing the issuance of convention facilities authority bonds or notes may provide the method whereby the general administrative expenses of the authority shall be allocated among facilities acquired or constructed by it as a factor of the operation expenses of such facility."

Delete lines 75019 through 75475 and insert:

"**Sec. 5739.08.** The levy of an excise tax on transactions by which lodging by a hotel is or is to be furnished to transient guests pursuant to section 5739.02 and division (B) of section 5739.01 of the Revised Code does not prevent any of the following:

(A) A municipal corporation or township from levying an excise tax for any lawful purpose not to exceed three per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests in addition to the tax levied by section 5739.02 of the Revised Code. If a municipal corporation or township repeals a tax imposed under division (A) of this section, and a county in which the municipal corporation or township has territory has a tax imposed under division (C) of section 5739.09 of the Revised Code in effect, the municipal corporation or township may not reimpose its tax as long as that county tax remains in effect. A municipal corporation or township in which a tax is levied under division (B)(2) of section 351.021 of the Revised Code may not increase the rate of its tax levied under division (A) of this section to any rate that would cause the total taxes levied under both of those divisions to exceed three per cent on any lodging transaction within the municipal corporation or township.

(B) A municipal corporation or a township from levying an additional excise tax not to exceed three per cent on such transactions pursuant to division (B) of section 5739.09 of the Revised Code. Such tax is in addition to any tax imposed under division (A) of this section.

(C) A county from levying an excise tax pursuant to division (A) of section 5739.09 of the Revised Code;

(D) A county from levying an excise tax not to exceed three per cent of such transactions pursuant to division (C) of section 5739.09 of the Revised Code. Such a tax is in addition to any tax imposed under division (C) of this section.

(E) A convention facilities authority, as defined in division (A) of section 351.01 of the Revised Code, from levying the excise taxes provided for in ~~division~~divisions (B) and (C) of section 351.021 of the Revised Code;

(F) A county from levying an excise tax not to exceed one and one-half per cent of such transactions pursuant to division (D) of section 5739.09 of the Revised Code. Such tax is in addition to any tax imposed under division (C) or (D) of this section.

(G) A county from levying an excise tax not to exceed one and one-half per cent of such transactions pursuant to division (E) of section 5739.09 of the Revised Code. Such a tax is in addition to any tax imposed under division (C), (D), or (F) of this section."

In line 81970, after "340.16," insert "351.01, 351.021, 351.06, 351.141, 351.16,"

In line 82055, delete "5739.09," and insert "5739.08,"

In line 98012, after "325.31," insert "351.01, 351.021, 351.06, 351.141, 351.16,"

In line 98022, after "5739.035," insert "5739.08,"

In line 22 of the title, after "340.16," insert "351.01, 351.021, 351.06, 351.141, 351.16,"

In line 140 of the title, delete "5739.09," and insert "5739.08,"

In line 48304, delete ", as provided in 49 C.F.R.."

In line 48305 delete "383.3"

In line 88238, after "Cincinnati," insert "and"; delete ", and" and insert "shall each receive an allocation of $50,000, and the Greater"

In line 88239, after "Dayton" insert "Area Hospital Association"; delete "each" and insert "also"; after "$50,000" insert "for poison control purposes"

In line 96248, delete "Section" and insert "Sections 3.01, 3.04, and"

Between lines 96249 and 96249a, insert:

		Reappropriations
"**Sec. 3.01.** DAS DEPARTMENT OF ADMINISTRATIVE SERVICES		
CAP-773	Governor's Residence Restoration	$ 4,705
CAP-786	Rural Areas Community Improvements	$ 365,000
CAP-804	Day Care Centers	$ 6,472
CAP-817	Urban Areas Community Improvements	$ 1,058,900
Total Department of Administrative Services		$ 1,435,077

RURAL AREAS COMMUNITY IMPROVEMENTS

From the foregoing appropriation item CAP-786, Rural Areas Community Improvements, grants shall be made for the following projects:

$20,000 for the Smith Field Memorial Foundation; $200,000 for the Champaign YMCA; $100,000 for the Mentor Fire & Police Headquarters Relocation; $20,000 for the Red Mill Creek Water Retention Basin; and $25,000 for the Lawrence County Water Projects.

The amount reappropriated for the foregoing appropriation item CAP-786, Rural Areas Community Improvements, is the unencumbered and unallotted balance as of June 30, 2004, in appropriation item CAP-786, Rural Areas Community Improvements, minus $75,000.

URBAN AREAS COMMUNITY IMPROVEMENTS

From the foregoing appropriation item CAP-817, Urban Areas Community Improvements, grants shall be made for the following projects: $100,000 for the Maumee Youth Center; $25,000 for the Columbus Civic Arena Development Planning; $50,000 for the Brown Senior Center Renovations; $100,000 for Project AHEAD Facility Improvements; $75,000 for the J. Frank-Troy Senior Citizens Center; $15,000 for the Victorian Village Society; $50,000 for the Beech Acres Family Center; $23,900 for the Canton Jewish Women's Center; $450,000 for the Gateway Social Services Building; $50,000 for the Loew Field Improvements; $20,000 for the Harvard Community Services Center Renovation & Expansion; $20,000 for the Collinwood Community Service Center Repair & Renovation; and $80,000 for Bowman Park - City of Toledo.

Sec. 3.04. DNR DEPARTMENT OF NATURAL RESOURCES

		Reappropriations
CAP-245	Millcreek Valley Conservancy District	$ 230,503
CAP-702	Upgrade Underground Fuel Tanks	$ 296,963
CAP-703	Cap Abandoned Water Wells	$ 357,481
CAP-823	Cost Sharing-Pollution Abatement	$ 33,614
CAP-847	Assistance to Local Governments for Conservation Works of Improvement	$ 25,000
CAP-848	Hazardous Dam Repair	$ 91,521
CAP-875	Ohio River Access	$ 100,000
CAP-929	Hazardous Waste/Asbestos Abatement	$ 286,154
CAP-931	Wastewater/Water Systems Upgrades	$ 32,205
CAP-932	Wetlands/Waterfront Development and Acquisition	$ 32,460
CAP-942	Local Parks Projects	$ 80,225
CAP-969	Frost-Parker Wetlands Preserve	$ 4,760
CAP-999	Geographic Information Management System	$ 1,085
Total Department of Natural Resources		$ 1,571,971
TOTAL GRF General Revenue Fund		$ 3,462,769

LOCAL PARKS PROJECTS

From the foregoing appropriation item CAP-942, Local Parks Projects, $75,000 shall be granted for the Liberty Township Playground. The amount

reappropriated for the foregoing appropriation item CAP-942, Local Parks Projects, is the unencumbered and unallotted balance as of June 30, 2004, in appropriation item CAP-942, Local Parks Projects, plus $75,000."

In line 96269, delete "Section" and insert "Sections 3.01, 3.04, and"

In line 256 of the title, after "Sections" insert "3.01, 3.04,"; after "26.01" insert a comma

In line 89599, delete "$1,820,000" and insert "$1,500,000"

In line 52830, after "caregiver" delete the balance of the line

Delete line 52831

In line 52832, delete "and family services"

In line 89690, after the comma insert "up to"; delete "allocated" and insert "reimbursed"

In line 89692, after "individuals" insert "pursuant to section 5101.801 of the Revised Code"

In line 89713, after "use" insert "up to"

In line 89715, after "Clubs" insert "pursuant to section 5101.801 of the Revised Code"

In line 89723, delete "As"

Delete lines 89724 through 89726

Delete lines 89730 through 89736

Delete lines 89738 and 89739 and insert "In each fiscal year, the Department of Job and Family Services shall grant $50,000 from appropriation item 600-528, Adoption Services, and $150,000 from appropriation item 600-606, Child Welfare (Fund 327), to the"

In line 89744, delete everything after "year"

Delete line 89745

In line 89746, delete everything before the period

In line 89749, after the comma insert "up to"; delete "allocated" and insert "reimbursed"

In line 89750, after "Cincinnati" insert "pursuant to section 5101.801 of the Revised Code"

In line 89757, after the comma insert "up to"; delete "distributed" and insert "reimbursed"

In line 89758, delete "directly"; after "House" insert "pursuant to section 5101.801 of the Revised Code"

In line 89762, after the comma insert "up to"; delete "allocated" and

insert "reimbursed"

In line 89763, after "Alliance" insert "pursuant to section 5101.801 of the Revised Code"

In line 89767, delete "used in" and insert "reimbursed for"

In line 89768, after "activities" insert "pursuant to section 5101.801 of the Revised Code"

Between lines 91130 and 91131, insert:

"NONFEDERAL MATCH FOR ACTIVE TREATMENT SERVICES

Pursuant to an agreement between the county board and the Director of Mental Retardation and Developmental Disabilities, a county may pledge funds from its state allocation from GRF appropriation item 322-501, County Boards Subsidies, to cover the cost of providing the nonfederal match for active treatment services that the county provides to residents of the Department's developmental centers. The Director of Mental Retardation and Developmental Disabilities is authorized to transfer, through intrastate transfer vouchers, cash from these pledges from GRF appropriation item 322-501, County Boards Subsidies, to Fund 489, Mental Retardation Operating. Any other county funds received by the Department from county boards for active treatment shall be deposited in Fund 489, Mental Retardation Operating."

Delete lines 94213 through 94225 and insert the following:

"On July 1, 2005, or as soon as possible thereafter, the Secretary of State shall certify to the Director of Budget and Management the cash balance in Fund 3AR, appropriation item 050-615, 2004 HAVA Voting Machines. The Director of Budget and Management shall transfer the certified amount of cash to Fund 3AS, 050-616, 2005 HAVA Voting Machines, for use in fiscal year 2006. The transferred amount is hereby appropriated.

On July 1, 2006, or as soon as possible thereafter, the Director of Budget and Management shall transfer any remaining unexpended, unencumbered appropriations in Fund 3AS, appropriation item 050-616, 2005 HAVA Voting Machines, at the end of fiscal year 2006 to fiscal year 2007 for use under the same appropriation item."

In line 87440, after "operation" insert a comma; after "and" insert "Ohio EPA's costs for"; after "oversight" insert a comma

Between lines 91943 and 91944, insert:

"5BP 870-623 Wireless 911 Administration $650,000 $375,000"

In line 91950, delete "$4,041,245 $4,041,245" and insert "$4,691,245 $4,416,245"

In line 91954, delete "$54,367,608 $54,367,608" and insert "$55,017,608 $54,742,608"

Between lines 91964 and 91965, insert:

"ENHANCED AND WIRELESS ENHANCED 9-1-1

The foregoing appropriation item 870-623, Wireless 911 Administration, shall be used pursuant to section 4931.63 of the Revised Code."

Between lines 88374 and 88375, insert:

"3AV 820-604 Federal Grant - Special Project $55,000 $0"

In line 88376, delete the first "$1,080,000" and insert "$1,135,000"

In line 88383, delete "$31,938,567" and insert "$31,993,567"

In line 84153, delete the second "the" and insert "any"

In line 84154, after "issuance" insert "that is available"; after "transferred" insert "after all issuance costs have been paid"

Between lines 88486a and 88487, insert:

"5AX 600-697 Public Assistance Reconciliation $60,000,000 $0"

In line 88501, delete "$1,438,194,267" and insert "$1,498,194,267"

In line 88511, delete "$17,078,547,447" and insert "$17,138,547,447"

Between lines 90929a and 90930, insert:

"4V1 322-611 Family and Children First $40,000 $0"

In line 90932, delete "$950,000" and insert "$990,000"

In line 90949, delete "$828,638,645" and insert "$828,678,645"

In line 91251, delete "$2,162,177" and insert "$2,202,177"

In line 91258, delete "$1,122,071,225" and insert "$1,122,111,225"

In line 94570, delete "annually" and insert "quarterly"

In line 94571, after the first "of" insert "each quarter of"

In line 94572, after the period insert "The Treasurer of State shall certify such amounts quarterly to the Director of Budget and Management."

In line 301, after "2923.25," insert "2923.35, 2923.46, 2925.44, 2933.43, 2933.74,"

Between lines 21315 and 21316, insert:

"**Sec. 2923.35.** (A)(1) With respect to property ordered forfeited under section 2923.32 of the Revised Code, with respect to any fine or civil penalty imposed in any criminal or civil proceeding under section 2923.32 or 2923.34 of the Revised Code, and with respect to any fine imposed for a violation of section 2923.01 of the Revised Code for conspiracy to violate section 2923.32 of the Revised Code, the court, upon petition of the prosecuting attorney, may do any

of the following:

(a) Authorize the prosecuting attorney to settle claims;

(b) Award compensation to persons who provide information that results in a forfeiture, fine, or civil penalty under section 2923.32 or 2923.34 of the Revised Code;

(c) Grant petitions for mitigation or remission of forfeiture, fines, or civil penalties, or restore forfeited property, imposed fines, or imposed civil penalties to persons injured by the violation;

(d) Take any other action to protect the rights of innocent persons that is in the interest of justice and that is consistent with the purposes of sections 2923.31 to 2923.36 of the Revised Code.

(2) The court shall maintain an accurate record of the actions it takes under division (A)(1) of this section with respect to the property ordered forfeited or the fine or civil penalty. The record is a public record open for inspection under section 149.43 of the Revised Code.

(B)(1) After the application of division (A) of this section, any person who prevails in a civil action pursuant to section 2923.34 of the Revised Code has a right to any property, or the proceeds of any property, criminally forfeited to the state pursuant to section 2923.32 of the Revised Code or against which any fine under that section or civil penalty under division (I) of section 2923.34 of the Revised Code may be imposed.

The right of any person who prevails in a civil action pursuant to section 2923.34 of the Revised Code, other than a prosecuting attorney performing official duties under that section, to forfeited property, property against which fines and civil penalties may be imposed, and the proceeds of that property is superior to any right of the state, a municipal corporation, or a county to the property or the proceeds of the property, if the civil action is brought within one hundred eighty days after the entry of a sentence of forfeiture or a fine pursuant to section 2923.32 of the Revised Code or the entry of a civil penalty pursuant to division (I) of section 2923.34 of the Revised Code.

The right is limited to the total value of the treble damages, civil penalties, attorney's fees, and costs awarded to the prevailing party in an action pursuant to section 2923.34 of the Revised Code, less any restitution received by the person.

(2) If the aggregate amount of claims of persons who have prevailed in a civil action pursuant to section 2923.34 of the Revised Code against any one defendant is greater than the total value of the treble fines, civil penalties, and forfeited property paid by the person against whom the actions were brought, all of the persons who brought their actions within one hundred eighty days after the entry of a sentence or disposition of forfeiture or a fine pursuant to section 2923.32 of the Revised Code or the entry of a civil penalty pursuant to division (I) of section 2923.34 of the Revised Code, first shall receive a pro rata share of

the total amount of the fines, civil penalties, and forfeited property. After the persons who brought their actions within the specified one-hundred-eighty-day period have satisfied their claims out of the fines, civil penalties, and forfeited property, all other persons who prevailed in civil actions pursuant to section 2923.34 of the Revised Code shall receive a pro rata share of the total amount of the fines, civil penalties, and forfeited property that remains in the custody of the law enforcement agency or in the corrupt activity investigation and prosecution fund.

(C)(1) Subject to divisions (A) and (B) of this section and notwithstanding any contrary provision of section 2933.41 of the Revised Code, the prosecuting attorney shall order the disposal of property ordered forfeited in any proceeding under sections 2923.32 and 2923.34 of the Revised Code as soon as feasible, making due provisions for the rights of innocent persons, by any of the following methods:

(a) Transfer to any person who prevails in a civil action pursuant to section 2923.34 of the Revised Code, subject to the limit set forth in division (B)(1) of this section;

(b) Public sale;

(c) Transfer to a state governmental agency for official use;

(d) Sale or transfer to an innocent person;

(e) If the property is contraband and is not needed for evidence in any pending criminal or civil proceeding, pursuant to section 2933.41 or any other applicable section of the Revised Code.

(2) Any interest in personal or real property not disposed of pursuant to this division and not exercisable by, or transferable for value to, the state shall expire and shall not revert to the person found guilty of or adjudicated a delinquent child for a violation of section 2923.32 of the Revised Code. No person found guilty of or adjudicated a delinquent child for a violation of that section and no person acting in concert with a person found guilty of or adjudicated a delinquent child for a violation of that section is eligible to purchase forfeited property from the state.

(3) Upon application of a person, other than the defendant, the adjudicated delinquent child, or a person acting in concert with or on behalf of either the defendant or the adjudicated delinquent child, the court may restrain or stay the disposal of the property pursuant to this division pending the conclusion of any appeal of the criminal case or delinquency case giving rise to the forfeiture or pending the determination of the validity of a claim to or interest in the property pursuant to division (E) of section 2923.32 of the Revised Code, if the applicant demonstrates that proceeding with the disposal of the property will result in irreparable injury, harm, or loss to the applicant.

(4) The prosecuting attorney shall maintain an accurate record of each item of property disposed of pursuant to this division, which record shall include

the date on which each item came into the prosecuting attorney's custody, the manner and date of disposition, and, if applicable, the name of the person who received the item. The record shall not identify or enable the identification of the individual officer who seized the property, and the record is a public record open for inspection under section 149.43 of the Revised Code.

Each prosecuting attorney who disposes in any calendar year of any item of property pursuant to this division shall prepare a report covering the calendar year that cumulates all of the information contained in all of the records kept by the prosecuting attorney pursuant to this division for that calendar year and shall send the cumulative report, no later than the first day of March in the calendar year following the calendar year covered by the report, to the attorney general. Each report received by the attorney general is a public record open for inspection under section 149.43 of the Revised Code. Not later than the fifteenth day of April in the calendar year following the calendar year covered by the reports, the attorney general shall send to the president of the senate and the speaker of the house of representatives a written notification that does all of the following:

(a) Indicates that the attorney general has received from prosecuting attorneys reports of the type described in this division that cover the previous calendar year and indicates that the reports were received under this division;

(b) Indicates that the reports are open for inspection under section 149.43 of the Revised Code;

(c) Indicates that the attorney general will provide a copy of any or all of the reports to the president of the senate or the speaker of the house of representatives upon request.

(D)(1)(a) Ten per cent of the proceeds of all property ordered forfeited by a juvenile court pursuant to section 2923.32 of the Revised Code shall be applied to one or more alcohol and drug addiction treatment programs that are certified by the department of alcohol and drug addiction services under section 3793.06 of the Revised Code and that are specified in the order of forfeiture. A juvenile court shall not specify an alcohol or drug addiction treatment program in the order of forfeiture unless the program is a certified alcohol and drug addiction treatment program and, except as provided in division (D)(1)(a) of this section, unless the program is located in the county in which the court that orders the forfeiture is located or in a contiguous county. If no certified alcohol and drug addiction treatment program is located in any of those counties, the juvenile court may specify in the order a certified alcohol and drug addiction treatment program located anywhere within this state. The remaining ninety per cent of the proceeds shall be disposed of as provided in divisions (D)(1)(b) and (D)(2) of this section.

All of the proceeds of all property ordered forfeited by a court other than a juvenile court pursuant to section 2923.32 of the Revised Code shall be disposed of as provided in divisions (D)(1)(b) and (D)(2) of this section.

(b) The remaining proceeds of all property ordered forfeited pursuant to section 2923.32 of the Revised Code, after compliance with division (D)(1)(a) of this section when that division is applicable, and all fines and civil penalties imposed pursuant to sections 2923.32 and 2923.34 of the Revised Code shall be deposited into the state treasury and credited to the corrupt activity investigation and prosecution fund, which is hereby created.

(2) The proceeds, fines, and penalties credited to the corrupt activity investigation and prosecution fund pursuant to division (D)(1) of this section shall be disposed of in the following order:

(a) To a civil plaintiff in an action brought within the one-hundred-eighty-day time period specified in division (B)(1) of this section, subject to the limit set forth in that division;

(b) To the payment of the fees and costs of the forfeiture and sale, including expenses of seizure, maintenance, and custody of the property pending its disposition, advertising, and court costs;

(c) Except as otherwise provided in division (D)(2)(c) of this section, the remainder shall be paid to the law enforcement trust fund of the prosecuting attorney that is established pursuant to division (D)(1)(c) of section 2933.43 of the Revised Code and to the law enforcement trust fund of the county sheriff that is established pursuant to that division if the county sheriff substantially conducted the investigation, to the law enforcement trust fund of a municipal corporation that is established pursuant to that division if its police department substantially conducted the investigation, to the law enforcement trust fund of a township that is established pursuant to that division if the investigation was substantially conducted by a township police department, township police district police force, or office of a township constable, or to the law enforcement trust fund of a park district created pursuant to section 511.18 or 1545.01 of the Revised Code that is established pursuant to that division if the investigation was substantially conducted by its park district police force or law enforcement department. The prosecuting attorney may decline to accept any of the remaining proceeds, fines, and penalties, and, if the prosecuting attorney so declines, they shall be applied to the fund described in division (D)(2)(c) of this section that relates to the appropriate law enforcement agency that substantially conducted the investigation.

If the state highway patrol substantially conducted the investigation, the director of budget and management shall transfer the remaining proceeds, fines, and penalties to the state highway patrol for deposit into the ~~state~~ highway patrol state contraband, forfeiture, and other fund that is created by division (D)(1)(c) of section 2933.43 of the Revised Code. If the department of taxation substantially conducted the investigation, the director~~,~~ shall transfer the remaining proceeds, fines, and penalties to the department for deposit into the department of taxation enforcement fund. If the state board of pharmacy substantially conducted the investigation, the director shall transfer the remaining proceeds, fines, and penalties to the board for deposit into the board of

pharmacy drug law enforcement fund that is created by division (B)(1) of section 4729.65 of the Revised Code. If a state law enforcement agency, other than the state highway patrol, the department of taxation, or the state board of pharmacy, substantially conducted the investigation, the director shall transfer the remaining proceeds, fines, and penalties to the treasurer of state for deposit into the peace officer training commission fund.

The remaining proceeds, fines, and penalties that are paid to a law enforcement trust fund or that are deposited into the ~~state~~highway patrol state contraband, forfeiture, and other fund, the department of taxation enforcement fund, the board of pharmacy drug law enforcement fund, or the peace officer training commission fund pursuant to division (D)(2)(c) of this section shall be allocated, used, and expended only in accordance with division (D)(1)(c) of section 2933.43 of the Revised Code, only in accordance with a written internal control policy adopted under division (D)(3) of that section, and, if applicable, only in accordance with division (B) of section 4729.65 of the Revised Code. The annual reports that pertain to the funds and that are required by divisions (D)(1)(c) and (3)(b) of section 2933.43 of the Revised Code also shall address the remaining proceeds, fines, and penalties that are paid or deposited into the funds pursuant to division (D)(2)(c) of this section.

(3) If more than one law enforcement agency substantially conducted the investigation, the court ordering the forfeiture shall equitably divide the remaining proceeds, fines, and penalties among the law enforcement agencies that substantially conducted the investigation, in the manner described in division (D)(2) of section 2933.43 of the Revised Code for the equitable division of contraband proceeds and forfeited moneys. The equitable shares of the proceeds, fines, and penalties so determined by the court shall be paid or deposited into the appropriate funds specified in division (D)(2)(c) of this section.

(E) As used in this section, "law enforcement agency" includes, but is not limited to, the state board of pharmacy and the department of taxation.

Sec. 2923.46. (A) If property is seized pursuant to section 2923.44 or 2923.45 of the Revised Code, it is considered to be in the custody of the head of the law enforcement agency that seized it, and the head of that agency may do any of the following with respect to that property prior to its disposition in accordance with division (A)(4) or (B) of this section:

(1) Place the property under seal;

(2) Remove the property to a place that the head of that agency designates;

(3) Request the issuance of a court order that requires any other appropriate municipal corporation, county, township, park district created pursuant to section 511.18 or 1545.01 of the Revised Code, or state law enforcement officer or other officer to take custody of the property and, if practicable, remove it to an appropriate location for eventual disposition in

accordance with division (B) of this section;

(4)(a) Seek forfeiture of the property pursuant to federal law. If the head of that agency seeks its forfeiture pursuant to federal law, the law enforcement agency shall deposit, use, and account for proceeds from a sale of the property upon its forfeiture, proceeds from another disposition of the property upon its forfeiture, or forfeited moneys it receives, in accordance with the applicable federal law and otherwise shall comply with that law.

(b) If the state highway patrol seized the property and if the superintendent of the state highway patrol seeks its forfeiture pursuant to federal law, the appropriate governmental officials shall deposit into the ~~state~~ highway patrol federalcontraband, forfeiture, and other fund all interest or other earnings derived from the investment of the proceeds from a sale of the property upon its forfeiture, the proceeds from another disposition of the property upon its forfeiture, or the forfeited moneys. The state highway patrol shall use and account for that interest or other earnings in accordance with the applicable federal law.

(c) Division (B) of this section and divisions (D)(1) to (3) of section 2933.43 of the Revised Code do not apply to proceeds or forfeited moneys received pursuant to federal law or to the interest or other earnings that are derived from the investment of proceeds or forfeited moneys received pursuant to federal law and that are described in division (A)(4)(b) of this section.

(B) In addition to complying with any requirements imposed by a court pursuant to section 2923.44 or 2923.45 of the Revised Code, and the requirements imposed by those sections, in relation to the disposition of property forfeited to the state under either of those sections, the prosecuting attorney who is responsible for its disposition shall dispose of the property as follows:

(1) Any vehicle that was used in a violation of section 2923.42 of the Revised Code or in an act of a juvenile that is a violation of section 2923.42 of the Revised Code shall be given to the law enforcement agency of the municipal corporation or county in which the offense or act occurred if that agency desires to have the vehicle, except that, if the offense or act occurred in a township or in a park district created pursuant to section 511.18 or 1545.01 of the Revised Code and a law enforcement officer employed by the township or the park district was involved in the seizure of the vehicle, the vehicle may be given to the law enforcement agency of that township or park district if that agency desires to have the vehicle, and except that, if the state highway patrol made the seizure of the vehicle, the vehicle may be given to the state highway patrol if it desires to have the vehicle.

(2) Drugs shall be disposed of pursuant to section 3719.11 of the Revised Code or placed in the custody of the secretary of the treasury of the United States for disposal or use for medical or scientific purposes under applicable federal law.

(3) Firearms and dangerous ordnance suitable for police work may be

given to a law enforcement agency for that purpose. Firearms suitable for sporting use, or as museum pieces or collectors' items, may be disposed of by sale pursuant to division (B)(7) of this section. Other firearms and dangerous ordnance shall be destroyed by a law enforcement agency or shall be sent to the bureau of criminal identification and investigation for destruction by it.

(4) Computers, computer networks, computer systems, and computer software suitable for police work may be given to a law enforcement agency for that purpose. Other computers, computer networks, computer systems, and computer software shall be disposed of by sale pursuant to division (B)(7) of this section or disposed of in another manner that the court that issued the order of forfeiture considers proper under the circumstances.

(5) Obscene materials shall be destroyed.

(6) Beer, intoxicating liquor, and alcohol shall be disposed of in accordance with division (D)(4) of section 2933.41 of the Revised Code.

(7) In the case of property not described in divisions (B)(1) to (6) of this section and of property described in those divisions but not disposed of pursuant to them, the property shall be sold in accordance with division (B)(7) of this section or, in the case of forfeited moneys, disposed of in accordance with division (B)(7) of this section. If the property is to be sold, the prosecuting attorney shall cause a notice of the proposed sale of the property to be given in accordance with law, and the property shall be sold, without appraisal, at a public auction to the highest bidder for cash. The proceeds of a sale and forfeited moneys shall be applied in the following order:

(a) First, to the payment of the costs incurred in connection with the seizure of, storage of, maintenance of, and provision of security for the property, the forfeiture proceeding or civil action, and, if any, the sale;

(b) Second, the remaining proceeds or forfeited moneys after compliance with division (B)(7)(a) of this section, to the payment of the value of any legal right, title, or interest in the property that is possessed by a person who, pursuant to division (F) of section 2923.44 of the Revised Code or division (E) of section 2923.45 of the Revised Code, established the validity of and consequently preserved that legal right, title, or interest, including, but not limited to, any mortgage, perfected or other security interest, or other lien in the property. The value of these rights, titles, or interests shall be paid according to their record or other order of priority.

(c) Third, the remaining proceeds or forfeited moneys after compliance with divisions (B)(7)(a) and (b) of this section, as follows:

(i) If the forfeiture was ordered in a juvenile court, ten per cent to one or more alcohol and drug addiction treatment programs that are certified by the department of alcohol and drug addiction services under section 3793.06 of the Revised Code and that are specified in the order of forfeiture. A juvenile court shall not specify an alcohol or drug addiction treatment program in the order of

forfeiture unless the program is a certified alcohol and drug addiction treatment program and, except as provided in division (B)(7)(c)(i) of this section, unless the program is located in the county in which the court that orders the forfeiture is located or in a contiguous county. If no certified alcohol and drug addiction treatment program is located in any of those counties, the juvenile court may specify in the order a certified alcohol and drug addiction treatment program located anywhere within this state.

(ii) If the forfeiture was ordered in a juvenile court, ninety per cent, and if the forfeiture was ordered in a court other than a juvenile court, one hundred per cent to appropriate funds in accordance with divisions (D)(1)(c) and (2) of section 2933.43 of the Revised Code. The remaining proceeds or forfeited moneys so deposited shall be used only for the purposes authorized by those divisions and division (D)(3)(a)(ii) of that section.

(C)(1) Sections 2923.44 to 2923.47 of the Revised Code do not preclude a financial institution that possessed a valid mortgage, security interest, or lien that is not satisfied prior to a sale under division (B)(7) of this section or following a sale by application of division (B)(7)(b) of this section, from commencing a civil action in any appropriate court in this or another state to obtain a deficiency judgment against the debtor if the financial institution otherwise would have been entitled to do so in this or another state.

(2) Any law enforcement agency that obtains any vehicle pursuant to division (B)(1) of this section shall take the vehicle subject to the outstanding amount of any security interest or lien that attaches to the vehicle.

(3) Nothing in this section impairs a mortgage, security interest, lien, or other interest of a financial institution in property that was the subject of a forfeiture order under section 2923.44 or 2923.45 of the Revised Code and that was sold or otherwise disposed of in a manner that does not conform to the requirements of division (B) of this section, or any right of a financial institution of that nature to commence a civil action in any appropriate court in this or another state to obtain a deficiency judgment against the debtor.

(4) Following the sale under division (B)(7) of this section of any property that is required to be titled or registered under the law of this state, the prosecuting attorney responsible for the disposition of the property shall cause the state to issue an appropriate certificate of title or registration to the purchaser of the property. If, in a disposition of property pursuant to division (B) of this section, the state or a political subdivision is given any property that is required to be titled or registered under the law of this state, the prosecuting attorney responsible for the disposition of the property shall cause the state to issue an appropriate certificate of title or registration to itself or to the political subdivision.

(D) Property that has been forfeited to the state pursuant to an order of criminal forfeiture under section 2923.44 of the Revised Code or an order of civil forfeiture under section 2923.45 of the Revised Code shall not be available

for use to pay any fine imposed upon a person who is convicted of or pleads guilty to a violation of section 2923.42 of the Revised Code or upon a juvenile who is found by a juvenile court to be a delinquent child for an act that is a violation of section 2923.42 of the Revised Code.

(E) Sections 2923.44 to 2923.47 of the Revised Code do not prohibit a law enforcement officer from seeking the forfeiture of contraband associated with a violation of section 2923.42 of the Revised Code pursuant to section 2933.43 of the Revised Code.

Sec. 2925.44. (A) If property is seized pursuant to section 2925.42 or 2925.43 of the Revised Code, it is deemed to be in the custody of the head of the law enforcement agency that seized it, and the head of that agency may do any of the following with respect to that property prior to its disposition in accordance with division (A)(4) or (B) of this section:

(1) Place the property under seal;

(2) Remove the property to a place that the head of that agency designates;

(3) Request the issuance of a court order that requires any other appropriate municipal corporation, county, township, park district created pursuant to section 511.18 or 1545.01 of the Revised Code, or state law enforcement officer or other officer to take custody of the property and, if practicable, remove it to an appropriate location for eventual disposition in accordance with division (B) of this section;

(4)(a) Seek forfeiture of the property pursuant to federal law. If the head of that agency seeks its forfeiture pursuant to federal law, the law enforcement agency shall deposit, use, and account for proceeds from a sale of the property upon its forfeiture, proceeds from another disposition of the property upon its forfeiture, or forfeited moneys it receives, in accordance with the applicable federal law and otherwise shall comply with that law.

(b) If the state highway patrol seized the property and if the superintendent of the state highway patrol seeks its forfeiture pursuant to federal law, the appropriate governmental officials shall deposit into the ~~state~~ highway patrol federalcontraband, forfeiture, and other fund all interest or other earnings derived from the investment of the proceeds from a sale of the property upon its forfeiture, the proceeds from another disposition of the property upon its forfeiture, or the forfeited moneys. The state highway patrol shall use and account for that interest or other earnings in accordance with the applicable federal law.

(c) If the investigative unit of the department of public safety seized the property and if the director of public safety seeks its forfeiture pursuant to federal law, the appropriate governmental officials shall deposit into the department of public safety investigative unit ~~contraband, forfeiture, and other~~federal equitable share account fund all interest or other earnings derived

from the investment of the proceeds from a sale of the property upon its forfeiture, the proceeds from another disposition of the property upon its forfeiture, or the forfeited moneys. The department shall use and account for that interest or other earnings in accordance with the applicable federal law.

(d) If the enforcement division of the department of taxation seized the property and if the tax commissioner seeks its forfeiture pursuant to federal law, the appropriate governmental officials shall, deposit into the department of taxation enforcement fund all interest or other earnings derived from the investment of the proceeds from a sale of the property upon its forfeiture, the proceeds from another disposition of the property upon its forfeiture, or the forfeited moneys. The department shall use and account for that interest or other earnings in accordance with the applicable federal law.

(e) Division (B) of this section and divisions (D)(1) to (3) of section 2933.43 of the Revised Code do not apply to proceeds or forfeited moneys received pursuant to federal law or to the interest or other earnings that are derived from the investment of proceeds or forfeited moneys received pursuant to federal law and that are described in division (A)(4)(b) or (d) of this section.

(B) In addition to complying with any requirements imposed by a court pursuant to section 2925.42 or 2925.43 of the Revised Code, and the requirements imposed by those sections, in relation to the disposition of property forfeited to the state under either of those sections, the prosecuting attorney who is responsible for its disposition shall dispose of the property as follows:

(1) Any vehicle, as defined in section 4501.01 of the Revised Code, that was used in a felony drug abuse offense or in an act that, if committed by an adult, would be a felony drug abuse offense shall be given to the law enforcement agency of the municipal corporation or county in which the offense occurred if that agency desires to have the vehicle, except that, if the offense occurred in a township or in a park district created pursuant to section 511.18 or 1545.01 of the Revised Code and a law enforcement officer employed by the township or the park district was involved in the seizure of the vehicle, the vehicle may be given to the law enforcement agency of that township or park district if that agency desires to have the vehicle, and except that, if the state highway patrol made the seizure of the vehicle, the vehicle may be given to the state highway patrol if it desires to have the vehicle.

(2) Any drug paraphernalia that was used, possessed, sold, or manufactured in a violation of section 2925.14 of the Revised Code that would be a felony drug abuse offense or in a violation of that section committed by a juvenile that, if committed by an adult, would be a felony drug abuse offense, may be given to the law enforcement agency of the municipal corporation or county in which the offense occurred if that agency desires to have and can use the drug paraphernalia, except that, if the offense occurred in a township or in a park district created pursuant to section 511.18 or 1545.01 of the Revised Code and a law enforcement officer employed by the township or the park district was involved in the seizure of the drug paraphernalia, the drug paraphernalia may be

given to the law enforcement agency of that township or park district if that agency desires to have and can use the drug paraphernalia. If the drug paraphernalia is not so given, it shall be disposed of by sale pursuant to division (B)(8) of this section or disposed of in another manner that the court that issued the order of forfeiture considers proper under the circumstances.

(3) Drugs shall be disposed of pursuant to section 3719.11 of the Revised Code or placed in the custody of the secretary of the treasury of the United States for disposal or use for medical or scientific purposes under applicable federal law.

(4) Firearms and dangerous ordnance suitable for police work may be given to a law enforcement agency for that purpose. Firearms suitable for sporting use, or as museum pieces or collectors' items, may be disposed of by sale pursuant to division (B)(8) of this section. Other firearms and dangerous ordnance shall be destroyed by a law enforcement agency or shall be sent to the bureau of criminal identification and investigation for destruction by it. As used in this division, "firearms" and "dangerous ordnance" have the same meanings as in section 2923.11 of the Revised Code.

(5) Computers, computer networks, computer systems, and computer software suitable for police work may be given to a law enforcement agency for that purpose. Other computers, computer networks, computer systems, and computer software shall be disposed of by sale pursuant to division (B)(8) of this section or disposed of in another manner that the court that issued the order of forfeiture considers proper under the circumstances. As used in this division, "computers," "computer networks," "computer systems," and "computer software" have the same meanings as in section 2913.01 of the Revised Code.

(6) Obscene materials shall be destroyed.

(7) Beer, intoxicating liquor, and alcohol shall be disposed of in accordance with division (D)(4) of section 2933.41 of the Revised Code.

(8) In the case of property not described in divisions (B)(1) to (7) of this section and of property described in those divisions but not disposed of pursuant to them, the property shall be sold in accordance with division (B)(8) of this section or, in the case of forfeited moneys, disposed of in accordance with division (B)(8) of this section. If the property is to be sold, the prosecuting attorney shall cause a notice of the proposed sale of the property to be given in accordance with law, and the property shall be sold, without appraisal, at a public auction to the highest bidder for cash. The proceeds of a sale and forfeited moneys shall be applied in the following order:

(a) First, to the payment of the costs incurred in connection with the seizure of, storage of, maintenance of, and provision of security for the property, the forfeiture proceeding or civil action, and, if any, the sale;

(b) Second, the remaining proceeds or forfeited moneys after compliance with division (B)(8)(a) of this section, to the payment of the value of any legal

right, title, or interest in the property that is possessed by a person who, pursuant to division (F) of section 2925.42 of the Revised Code or division (E) of section 2925.43 of the Revised Code, established the validity of and consequently preserved that legal right, title, or interest, including, but not limited to, any mortgage, perfected or other security interest, or other lien in the property. The value of these rights, titles, or interests shall be paid according to their record or other order of priority.

(c) Third, the remaining proceeds or forfeited moneys after compliance with divisions (B)(8)(a) and (b) of this section, as follows:

(i) If the forfeiture was ordered in a juvenile court, ten per cent to one or more alcohol and drug addiction treatment programs that are certified by the department of alcohol and drug addiction services under section 3793.06 of the Revised Code and that are specified in the order of forfeiture. A juvenile court shall not specify an alcohol or drug addiction treatment program in the order of forfeiture unless the program is a certified alcohol and drug addiction treatment program and, except as provided in division (B)(8)(c)(i) of this section, unless the program is located in the county in which the court that orders the forfeiture is located or in a contiguous county. If no certified alcohol and drug addiction treatment program is located in any of those counties, the juvenile court may specify in the order a certified alcohol and drug addiction treatment program located anywhere within this state.

(ii) If the forfeiture was ordered in a juvenile court, ninety per cent, and if the forfeiture was ordered in a court other than a juvenile court, one hundred per cent to appropriate funds in accordance with divisions (D)(1)(c) and (2) of section 2933.43 of the Revised Code. The remaining proceeds or forfeited moneys so deposited shall be used only for the purposes authorized by those divisions and division (D)(3)(a)(ii) of that section.

(C)(1) Sections 2925.41 to 2925.45 of the Revised Code do not preclude a financial institution that possessed a valid mortgage, security interest, or lien that is not satisfied prior to a sale under division (B)(8) of this section or following a sale by application of division (B)(8)(b) of this section, from commencing a civil action in any appropriate court in this or another state to obtain a deficiency judgment against the debtor if the financial institution otherwise would have been entitled to do so in this or another state.

(2) Any law enforcement agency that obtains any vehicle pursuant to division (B)(1) of this section shall take the vehicle subject to the outstanding amount of any security interest or lien that attaches to the vehicle.

(3) Nothing in this section impairs a mortgage, security interest, lien, or other interest of a financial institution in property that was the subject of a forfeiture order under section 2925.42 or 2925.43 of the Revised Code and that was sold or otherwise disposed of in a manner that does not conform to the requirements of division (B) of this section, or any right of a financial institution of that nature to commence a civil action in any appropriate court in this or

another state to obtain a deficiency judgment against the debtor.

(4) Following the sale under division (B)(8) of this section of any property that is required to be titled or registered under the law of this state, the prosecuting attorney responsible for the disposition of the property shall cause the state to issue an appropriate certificate of title or registration to the purchaser of the property. Additionally, if, in a disposition of property pursuant to division (B) of this section, the state or a political subdivision is given any property that is required to be titled or registered under the law of this state, the prosecuting attorney responsible for the disposition of the property shall cause the state to issue an appropriate certificate of title or registration to itself or to the political subdivision.

(D) Property that has been forfeited to the state pursuant to an order of criminal forfeiture under section 2925.42 of the Revised Code or an order of civil forfeiture under section 2925.43 of the Revised Code shall not be available for use to pay any fine imposed upon a person who is convicted of or pleads guilty to a felony drug abuse offense or upon any juvenile who is found by a juvenile court to be a delinquent child for an act that, if committed by an adult, would be a felony drug abuse offense.

(E) Sections 2925.41 to 2925.45 of the Revised Code do not prohibit a law enforcement officer from seeking the forfeiture of contraband associated with a felony drug abuse offense pursuant to section 2933.43 of the Revised Code."

Between lines 21355 and 21356, insert:

"**Sec. 2933.43.** (A)(1) Except as provided in this division or in section 2913.34 or sections 2923.44 to 2923.47 or 2925.41 to 2925.45 of the Revised Code, a law enforcement officer shall seize any contraband that has been, is being, or is intended to be used in violation of division (A) of section 2933.42 of the Revised Code. A law enforcement officer shall seize contraband that is a watercraft, motor vehicle, or aircraft and that has been, is being, or is intended to be used in violation of division (A) of section 2933.42 of the Revised Code only if the watercraft, motor vehicle, or aircraft is contraband because of its relationship to an underlying criminal offense that is a felony.

Additionally, a law enforcement officer shall seize any watercraft, motor vehicle, aircraft, or other personal property that is classified as contraband under division (B) of section 2933.42 of the Revised Code if the underlying offense involved in the violation of division (A) of that section that resulted in the watercraft, motor vehicle, aircraft, or personal property being classified as contraband, is a felony.

(2) If a law enforcement officer seizes property that is titled or registered under law, including a motor vehicle, pursuant to division (A)(1) of this section, the officer or the officer's employing law enforcement agency shall notify the owner of the seizure. The notification shall be given to the owner at the owner's last known address within seventy-two hours after the seizure, and may be given

orally by any means, including telephone, or by certified mail, return receipt requested.

If the officer or the officer's agency is unable to provide the notice required by this division despite reasonable, good faith efforts to do so, the exercise of the reasonable, good faith efforts constitutes fulfillment of the notice requirement imposed by this division.

(B)(1) A motor vehicle seized pursuant to division (A)(1) of this section and the contents of the vehicle may be retained for a reasonable period of time, not to exceed seventy-two hours, for the purpose of inspection, investigation, and the gathering of evidence of any offense or illegal use.

At any time prior to the expiration of the seventy-two-hour period, the law enforcement agency that seized the motor vehicle may petition the court of common pleas of the county that has jurisdiction over the underlying criminal case or administrative proceeding involved in the forfeiture for an extension of the seventy-two-hour period if the motor vehicle or its contents are needed as evidence or if additional time is needed for the inspection, investigation, or gathering of evidence. Upon the filing of such a petition, the court immediately shall schedule a hearing to be held at a time as soon as possible after the filing, but in no event at a time later than the end of the next business day subsequent to the day on which the petition was filed, and upon scheduling the hearing, immediately shall notify the owner of the vehicle, at the address at which notification of the seizure was provided under division (A) of this section, of the date, time, and place of the hearing. If the court, at the hearing, determines that the vehicle or its contents, or both, are needed as evidence or that additional time is needed for the inspection, investigation, or gathering of evidence, the court may grant the petition and issue an order authorizing the retention of the vehicle or its contents, or both, for an extended period as specified by the court in its order. An order extending a period of retention issued under this division may be renewed.

If no petition for the extension of the initial seventy-two-hour period has been filed, prior to the expiration of that period, under this division, if the vehicle was not in the custody and control of the owner at the time of its seizure, and if, at the end of that seventy-two-hour period, the owner of the vehicle has not been charged with an offense or administrative violation that includes the use of the vehicle as an element and has not been charged with any other offense or administrative violation in the actual commission of which the motor vehicle was used, the vehicle and its contents shall be released to its owner or the owner's agent, provided that the law enforcement agency that seized the vehicle may require proof of ownership of the vehicle, proof of ownership or legal possession of the contents, and an affidavit of the owner that the owner neither knew of nor expressly or impliedly consented to the use of the vehicle that resulted in its forfeiture as conditions precedent to release. If a petition for the extension of the initial seventy-two-hour period has been filed, prior to the expiration of that period, under this division but the court does not grant the

petition, if the vehicle was not in the custody and control of the owner at the time of its seizure, and if, at the end of that seventy-two-hour period, the owner of the vehicle has not been charged with an offense or administrative violation that includes the use of the vehicle as an element and has not been charged with any other offense or administrative violation in the actual commission of which the motor vehicle was used, the vehicle and its contents shall be released to its owner or the owner's agent, provided that the court may require the proof and affidavit described in the preceding sentence as conditions precedent to release. If the initial seventy-two-hour period has been extended under this division, the vehicle and its contents to which the extension applies may be retained in accordance with the extension order. If, at the end of that extended period, the owner of the vehicle has not been charged with an offense or administrative violation that includes the use of the vehicle as an element and has not been charged with any other offense or administrative violation in the actual commission of which the motor vehicle was used, and if the vehicle was not in the custody and control of the owner at the time of its seizure, the vehicle and its contents shall be released to its owner or the owner's agent, provided that the court may require the proof and affidavit described in the third preceding sentence as conditions precedent to release. In cases in which the court may require proof and affidavits as conditions precedent to release, the court also may require the posting of a bond, with sufficient sureties approved by the court, in an amount equal to the value of the property to be released, as determined by the court, and conditioned upon the return of the property to the court if it is forfeited under this section, as a further condition to release. If, at the end of the initial seventy-two-hour period or at the end of any extended period granted under this section, the owner has been charged with an offense or administrative violation that includes the use of the vehicle as an element or has been charged with another offense or administrative violation in the actual commission of which the motor vehicle was used, or if the vehicle was in the custody and control of the owner at the time of its seizure, the vehicle and its contents shall be retained pending disposition of the charge, provided that upon the filing of a motion for release by the owner, if the court determines that the motor vehicle or its contents, or both, are not needed as evidence in the underlying criminal case or administrative proceeding, the court may permit the release of the property that is not needed as evidence to the owner; as a condition precedent to a release of that nature, the court may require the owner to execute a bond with the court. Any bond so required shall be in an amount equal to the value of the property to be released, as determined by the court, shall have sufficient sureties approved by the court, and shall be conditioned upon the return of the property to the court to which it is forfeited under this section.

The final disposition of a motor vehicle seized pursuant to division (A)(1) of this section shall be determined in accordance with division (C) of this section.

(2) Pending a hearing pursuant to division (C) of this section, and subject to divisions (B)(1) and (C) of this section, any property lawfully seized pursuant

to division (A) of this section because it was contraband of a type described in division (A)(13)(b), (d), (e), (f), (g), (h), (i), or (j) of section 2901.01 of the Revised Code shall not be subject to replevin or other action in any court and shall not be subject to release upon request of the owner, and no judgment shall be enforced against the property. Pending the hearing, and subject to divisions (B)(1) and (C) of this section, the property shall be kept in the custody of the law enforcement agency responsible for its seizure.

Pending a hearing pursuant to division (C) of this section, and notwithstanding any provisions of division (B)(1) or (C) of this section to the contrary, any property lawfully seized pursuant to division (A) of this section because it was contraband of a type described in division (A)(13)(a) or (c) of section 2901.01 of the Revised Code shall not be subject to replevin or other action in any court and shall not be subject to release upon request of the owner, and no judgment shall be enforced against the property. Pending the hearing, and notwithstanding any provisions of division (B)(1) or (C) of this section to the contrary, the property shall be kept in the custody of the law enforcement agency responsible for its seizure.

A law enforcement agency that seizes property under division (A) of this section because it was contraband of any type described in division (A)(13) of section 2901.01 or division (B) of section 2933.42 of the Revised Code shall maintain an accurate record of each item of property so seized, which record shall include the date on which each item was seized, the manner and date of its disposition, and if applicable, the name of the person who received the item; however, the record shall not identify or enable the identification of the individual officer who seized the item. The record of property of that nature that no longer is needed as evidence shall be open to public inspection during the agency's regular business hours. Each law enforcement agency that, during any calendar year, seizes property under division (A) of this section because it was contraband shall prepare a report covering the calendar year that cumulates all of the information contained in all of the records kept by the agency pursuant to this division for that calendar year, and shall send a copy of the cumulative report, no later than the first day of March in the calendar year following the calendar year covered by the report, to the attorney general. Each report received by the attorney general is a public record open for inspection under section 149.43 of the Revised Code. Not later than the fifteenth day of April in the calendar year in which the reports are received, the attorney general shall send to the president of the senate and the speaker of the house of representatives a written notification that does all of the following:

(a) Indicates that the attorney general has received from law enforcement agencies reports of the type described in this division that cover the previous calendar year and indicates that the reports were received under this division;

(b) Indicates that the reports are open for inspection under section 149.43 of the Revised Code;

(c) Indicates that the attorney general will provide a copy of any or all of

the reports to the president of the senate or the speaker of the house of representatives upon request.

(C) The prosecuting attorney, village solicitor, city director of law, or similar chief legal officer who has responsibility for the prosecution of the underlying criminal case or administrative proceeding, or the attorney general if the attorney general has that responsibility, shall file a petition for the forfeiture, to the seizing law enforcement agency of the contraband seized pursuant to division (A) of this section. The petition shall be filed in the court that has jurisdiction over the underlying criminal case or administrative proceeding involved in the forfeiture. If the property was seized on the basis of both a criminal violation and an administrative regulation violation, the petition shall be filed by the officer and in the court that is appropriate in relation to the criminal case.

The petitioner shall conduct or cause to be conducted a search of the appropriate public records that relate to the seized property for the purpose of determining, and shall make or cause to be made reasonably diligent inquiries for the purpose of determining, any person having an ownership or security interest in the property. The petitioner then shall give notice of the forfeiture proceedings by personal service or by certified mail, return receipt requested, to any persons known, because of the conduct of the search, the making of the inquiries, or otherwise, to have an ownership or security interest in the property, and shall publish notice of the proceedings once each week for two consecutive weeks in a newspaper of general circulation in the county in which the seizure occurred. The notices shall be personally served, mailed, and first published at least four weeks before the hearing. They shall describe the property seized; state the date and place of seizure; name the law enforcement agency that seized the property and, if applicable, that is holding the property; list the time, date, and place of the hearing; and state that any person having an ownership or security interest in the property may contest the forfeiture.

If the property seized was determined by the seizing law enforcement officer to be contraband because of its relationship to an underlying criminal offense or administrative violation, no forfeiture hearing shall be held under this section unless the person pleads guilty to or is convicted of the commission of, or an attempt or conspiracy to commit, the offense or a different offense arising out of the same facts and circumstances or unless the person admits or is adjudicated to have committed the administrative violation or a different violation arising out of the same facts and circumstances; a forfeiture hearing shall be held in a case of that nature no later than forty-five days after the conviction or the admission or adjudication of the violation, unless the time for the hearing is extended by the court for good cause shown. The owner of any property seized because of its relationship to an underlying criminal offense or administrative violation may request the court to release the property to the owner. Upon receipt of a request of that nature, if the court determines that the property is not needed as evidence in the underlying criminal case or administrative proceeding, the court may permit the release of the property to the

owner. As a condition precedent to a release of that nature, the court may require the owner to execute a bond with the court. Any bond so required shall have sufficient sureties approved by the court, shall be in a sum equal to the value of the property, as determined by the court, and shall be conditioned upon the return of the property to the court if the property is forfeited under this section. Any property seized because of its relationship to an underlying criminal offense or administrative violation shall be returned to its owner if charges are not filed in relation to that underlying offense or violation within thirty days after the seizure, if charges of that nature are filed and subsequently are dismissed, or if charges of that nature are filed and the person charged does not plead guilty to and is not convicted of the offense or does not admit and is not found to have committed the violation.

If the property seized was determined by the seizing law enforcement officer to be contraband other than because of a relationship to an underlying criminal offense or administrative violation, the forfeiture hearing under this section shall be held no later than forty-five days after the seizure, unless the time for the hearing is extended by the court for good cause shown.

Where possible, a court holding a forfeiture hearing under this section shall follow the Rules of Civil Procedure. When a hearing is conducted under this section, property shall be forfeited upon a showing, by a preponderance of the evidence, by the petitioner that the person from which the property was seized was in violation of division (A) of section 2933.42 of the Revised Code. If that showing is made, the court shall issue an order of forfeiture. If an order of forfeiture is issued in relation to contraband that was released to the owner or the owner's agent pursuant to this division or division (B)(1) of this section, the order shall require the owner to deliver the property, by a specified date, to the law enforcement agency that employed the law enforcement officer who made the seizure of the property, and the court shall deliver a copy of the order to the owner or send a copy of it by certified mail, return receipt requested, to the owner at the address to which notice of the seizure was given under division (A)(2) of this section. Except as otherwise provided in this division, all rights, interest, and title to the forfeited contraband vests in the state, effective from the date of seizure.

No property shall be forfeited pursuant to this division if the owner of the property establishes, by a preponderance of the evidence, that the owner neither knew, nor should have known after a reasonable inquiry, that the property was used, or was likely to be used, in a crime or administrative violation. No bona fide security interest shall be forfeited pursuant to this division if the holder of the interest establishes, by a preponderance of the evidence, that the holder of the interest neither knew, nor should have known after a reasonable inquiry, that the property was used, or likely to be used, in a crime or administrative violation, that the holder of the interest did not expressly or impliedly consent to the use of the property in a crime or administrative violation, and that the security interest was perfected pursuant to law prior to the seizure. If the holder of the interest satisfies the court that these requirements are met, the interest shall be preserved

by the court. In a case of that nature, the court shall either order that the agency to which the property is forfeited reimburse the holder of the interest to the extent of the preserved interest or order that the holder be paid for the interest from the proceeds of any sale pursuant to division (D) of this section.

(D)(1) Contraband ordered forfeited pursuant to this section shall be disposed of pursuant to divisions (D)(1) to (7) of section 2933.41 of the Revised Code or, if the contraband is not described in those divisions, may be used, with the approval of the court, by the law enforcement agency that has custody of the contraband pursuant to division (D)(8) of that section. In the case of contraband not described in any of those divisions and of contraband not disposed of pursuant to any of those divisions, the contraband shall be sold in accordance with this division or, in the case of forfeited moneys, disposed of in accordance with this division. If the contraband is to be sold, the prosecuting attorney shall cause a notice of the proposed sale of the contraband to be given in accordance with law, and the property shall be sold, without appraisal, at a public auction to the highest bidder for cash. The proceeds of a sale and forfeited moneys shall be applied in the following order:

(a) First, to the payment of the costs incurred in connection with the seizure of, storage of, maintenance of, and provision of security for the contraband, the forfeiture proceeding, and, if any, the sale;

(b) Second, the remaining proceeds or forfeited moneys after compliance with division (D)(1)(a) of this section, to the payment of the balance due on any security interest preserved pursuant to division (C) of this section;

(c) Third, the remaining proceeds or forfeited moneys after compliance with divisions (D)(1)(a) and (b) of this section, as follows:

(i) If the forfeiture was ordered in a juvenile court, ten per cent to one or more alcohol and drug addiction treatment programs that are certified by the department of alcohol and drug addiction services under section 3793.06 of the Revised Code and that are specified in the order of forfeiture. A juvenile court shall not certify an alcohol or drug addiction treatment program in the order of forfeiture unless the program is a certified alcohol and drug addiction treatment program and, except as provided in division (D)(1)(c)(i) of this section, unless the program is located in the county in which the court that orders the forfeiture is located or in a contiguous county. If no certified alcohol and drug addiction treatment program is located in any of those counties, the juvenile court may specify in the order a certified alcohol and drug addiction treatment program located anywhere within this state.

(ii) If the forfeiture was ordered in a juvenile court, ninety per cent, and if the forfeiture was ordered in a court other than a juvenile court, one hundred per cent to the law enforcement trust fund of the prosecuting attorney and to the law enforcement trust fund of the county sheriff if the county sheriff made the seizure, to the law enforcement trust fund of a municipal corporation if its police department made the seizure, to the law enforcement trust fund of a township if

the seizure was made by a township police department, township police district police force, or office of a township constable, to the law enforcement trust fund of a park district created pursuant to section 511.18 or 1545.01 of the Revised Code if the seizure was made by the park district police force or law enforcement department, to the ~~state~~ highway patrol state contraband, forfeiture, and other fund if the state highway patrol made the seizure, to the department of public safety investigative unit contraband, forfeiture, and other fund if the investigative unit of the department of public safety made the seizure, to the department of taxation enforcement fund if the department of taxation made the seizure, to the board of pharmacy drug law enforcement fund created by division (B)(1) of section 4729.65 of the Revised Code if the board made the seizure, or to the treasurer of state for deposit into the peace officer training commission fund if a state law enforcement agency, other than the state highway patrol, the investigative unit of the department of public safety, the enforcement division of the department of taxation, or the state board of pharmacy, made the seizure. The prosecuting attorney may decline to accept any of the remaining proceeds or forfeited moneys, and, if the prosecuting attorney so declines, the remaining proceeds or forfeited moneys shall be applied to the fund described in this division that relates to the law enforcement agency that made the seizure.

A law enforcement trust fund shall be established by the prosecuting attorney of each county who intends to receive any remaining proceeds or forfeited moneys pursuant to this division, by the sheriff of each county, by the legislative authority of each municipal corporation, by the board of township trustees of each township that has a township police department, township police district police force, or office of the constable, and by the board of park commissioners of each park district created pursuant to section 511.18 or 1545.01 of the Revised Code that has a park district police force or law enforcement department, for the purposes of this division. There is hereby created in the state treasury the ~~state~~ highway patrol state contraband, forfeiture, and other fund, the department of public safety investigative unit contraband, forfeiture, and other fund, the department of taxation enforcement fund, and the peace officer training commission fund, for the purposes described in this division.

Proceeds or forfeited moneys distributed to any municipal corporation, township, or park district law enforcement trust fund shall be allocated from the fund by the legislative authority only to the police department of the municipal corporation, by the board of township trustees only to the township police department, township police district police force, or office of the constable, and by the board of park commissioners only to the park district police force or law enforcement department.

Additionally, no proceeds or forfeited moneys shall be allocated to or used by the state highway patrol, the department of public safety, the department of taxation, the state board of pharmacy, or a county sheriff, prosecuting attorney, municipal corporation police department, township police department, township police district police force, office of the constable, or park district

police force or law enforcement department unless the state highway patrol, department of public safety, department of taxation, state board of pharmacy, sheriff, prosecuting attorney, municipal corporation police department, township police department, township police district police force, office of the constable, or park district police force or law enforcement department has adopted a written internal control policy under division (D)(3) of this section that addresses the use of moneys received from the ~~state~~ highway patrol state contraband, forfeiture, and other fund, the department of public safety investigative unit contraband, forfeiture, and other fund, the department of taxation enforcement fund, the board of pharmacy drug law enforcement fund, or the appropriate law enforcement trust fund.

The ~~state~~ highway patrol state contraband, forfeiture, and other fund, the department of public safety investigative unit contraband, forfeiture, and other fund, the department of taxation enforcement fund, and a law enforcement trust fund shall be expended only in accordance with the written internal control policy so adopted by the recipient, and, subject to the requirements specified in division (D)(3)(a)(ii) of this section, only to pay the costs of protracted or complex investigations or prosecutions, to provide reasonable technical training or expertise, to provide matching funds to obtain federal grants to aid law enforcement, in the support of DARE programs or other programs designed to educate adults or children with respect to the dangers associated with the use of drugs of abuse, to pay the costs of emergency action taken under section 3745.13 of the Revised Code relative to the operation of an illegal methamphetamine laboratory if the forfeited property or money involved was that of a person responsible for the operation of the laboratory, or for other law enforcement purposes that the superintendent of the state highway patrol, department of public safety, department of taxation, prosecuting attorney, county sheriff, legislative authority, board of township trustees, or board of park commissioners determines to be appropriate. The board of pharmacy drug law enforcement fund shall be expended only in accordance with the written internal control policy so adopted by the board and only in accordance with section 4729.65 of the Revised Code, except that it also may be expended to pay the costs of emergency action taken under section 3745.13 of the Revised Code relative to the operation of an illegal methamphetamine laboratory if the forfeited property or money involved was that of a person responsible for the operation of the laboratory. The ~~state~~ highway patrol state contraband, forfeiture, and other fund, the department of public safety investigative unit contraband, forfeiture, and other fund, the department of taxation enforcement fund, the board of pharmacy drug law enforcement fund, and a law enforcement trust fund shall not be used to meet the operating costs of the state highway patrol, of the investigative unit of the department of public safety, of the department of taxation enforcement division, of the state board of pharmacy, of any political subdivision, or of any office of a prosecuting attorney or county sheriff that are unrelated to law enforcement.

Proceeds and forfeited moneys that are paid into the state treasury to be deposited into the peace officer training commission fund shall be used by the

commission only to pay the costs of peace officer training.

Any sheriff or prosecuting attorney who receives proceeds or forfeited moneys pursuant to this division during any calendar year shall file a report with the county auditor, no later than the thirty-first day of January of the next calendar year, verifying that the proceeds and forfeited moneys were expended only for the purposes authorized by this division and division (D)(3)(a)(ii) of this section and specifying the amounts expended for each authorized purpose. Any municipal corporation police department that is allocated proceeds or forfeited moneys from a municipal corporation law enforcement trust fund pursuant to this division during any calendar year shall file a report with the legislative authority of the municipal corporation, no later than the thirty-first day of January of the next calendar year, verifying that the proceeds and forfeited moneys were expended only for the purposes authorized by this division and division (D)(3)(a)(ii) of this section and specifying the amounts expended for each authorized purpose. Any township police department, township police district police force, or office of the constable that is allocated proceeds or forfeited moneys from a township law enforcement trust fund pursuant to this division during any calendar year shall file a report with the board of township trustees of the township, no later than the thirty-first day of January of the next calendar year, verifying that the proceeds and forfeited moneys were expended only for the purposes authorized by this division and division (D)(3)(a)(ii) of this section and specifying the amounts expended for each authorized purpose. Any park district police force or law enforcement department that is allocated proceeds or forfeited moneys from a park district law enforcement trust fund pursuant to this division during any calendar year shall file a report with the board of park commissioners of the park district, no later than the thirty-first day of January of the next calendar year, verifying that the proceeds and forfeited moneys were expended only for the purposes authorized by this division and division (D)(3)(a)(ii) of this section and specifying the amounts expended for each authorized purpose. The superintendent of the state highway patrol shall file a report with the attorney general, no later than the thirty-first day of January of each calendar year, verifying that proceeds and forfeited moneys paid into the ~~state~~ highway patrol state contraband, forfeiture, and other fund pursuant to this division during the prior calendar year were used by the state highway patrol during the prior calendar year only for the purposes authorized by this division and specifying the amounts expended for each authorized purpose. The executive director of the state board of pharmacy shall file a report with the attorney general, no later than the thirty-first day of January of each calendar year, verifying that proceeds and forfeited moneys paid into the board of pharmacy drug law enforcement fund during the prior calendar year were used only in accordance with section 4729.65 of the Revised Code and specifying the amounts expended for each authorized purpose. The peace officer training commission shall file a report with the attorney general, no later than the thirty-first day of January of each calendar year, verifying that proceeds and forfeited moneys paid into the peace officer training commission fund pursuant to this division during the prior calendar year were used by the commission

during the prior calendar year only to pay the costs of peace officer training and specifying the amount used for that purpose.

The tax commissioner shall file a report with the attorney general, not later than the thirty-first day of January of each calendar year, verifying that proceeds and forfeited moneys paid into the department of taxation enforcement fund pursuant to this division during the prior calendar year were used by the enforcement division during the prior calendar year to pay only the costs of enforcing the tax laws and specifying the amount used for that purpose.

(2) If more than one law enforcement agency is substantially involved in the seizure of contraband that is forfeited pursuant to this section, the court ordering the forfeiture shall equitably divide the proceeds or forfeited moneys, after calculating any distribution to the law enforcement trust fund of the prosecuting attorney pursuant to division (D)(1)(c) of this section, among any county sheriff whose office is determined by the court to be substantially involved in the seizure, any legislative authority of a municipal corporation whose police department is determined by the court to be substantially involved in the seizure, any board of township trustees whose law enforcement agency is determined by the court to be substantially involved in the seizure, any board of park commissioners of a park district whose police force or law enforcement department is determined by the court to be substantially involved in the seizure, the state board of pharmacy if it is determined by the court to be substantially involved in the seizure, the investigative unit of the department of public safety if it is determined by the court to be substantially involved in the seizure, the enforcement division of the department of taxation if it is determined by the court to be substantially involved in the seizure and the state highway patrol if it is determined by the court to be substantially involved in the seizure. The proceeds or forfeited moneys shall be deposited in the respective law enforcement trust funds of the county sheriff, municipal corporation, township, and park district, the board of pharmacy drug law enforcement fund, the department of public safety investigative unit contraband, forfeiture, and other fund, the department of taxation enforcement fund, or the ~~state~~highway patrol state contraband, forfeiture, and other fund, in accordance with division (D)(1)(c) of this section. If a state law enforcement agency, other than the state highway patrol, the investigative unit of the department of public safety, the department of taxation, or the state board of pharmacy, is determined by the court to be substantially involved in the seizure, the state agency's equitable share of the proceeds and forfeited moneys shall be paid to the treasurer of state for deposit into the peace officer training commission fund.

(3)(a)(i) Prior to being allocated or using any proceeds or forfeited moneys out of the ~~state~~ highway patrol state contraband, forfeiture, and other fund, the department of public safety investigative unit contraband, forfeiture, and other fund, the department of taxation enforcement fund, the board of pharmacy drug law enforcement fund, or a law enforcement trust fund under division (D)(1)(c) of this section, the state highway patrol, the department of public safety, the department of taxation, the state board of pharmacy, and a

county sheriff, prosecuting attorney, municipal corporation police department, township police department, township police district police force, office of the constable, or park district police force or law enforcement department shall adopt a written internal control policy that addresses the state highway patrol's, department of public safety's, department of taxation's, state board of pharmacy's, sheriff's, prosecuting attorney's, police department's, police force's, office of the constable's, or law enforcement department's use and disposition of all the proceeds and forfeited moneys received and that provides for the keeping of detailed financial records of the receipts of the proceeds and forfeited moneys, the general types of expenditures made out of the proceeds and forfeited moneys, the specific amount of each general type of expenditure, and the amounts, portions, and programs described in division (D)(3)(a)(ii) of this section. The policy shall not provide for or permit the identification of any specific expenditure that is made in an ongoing investigation.

All financial records of the receipts of the proceeds and forfeited moneys, the general types of expenditures made out of the proceeds and forfeited moneys, the specific amount of each general type of expenditure by the state highway patrol, by the department of public safety, by the department of taxation, by the state board of pharmacy, and by a sheriff, prosecuting attorney, municipal corporation police department, township police department, township police district police force, office of the constable, or park district police force or law enforcement department, and the amounts, portions, and programs described in division (D)(3)(a)(ii) of this section are public records open for inspection under section 149.43 of the Revised Code. Additionally, a written internal control policy adopted under this division is a public record of that nature, and the state highway patrol, the department of public safety, the department of taxation, the state board of pharmacy, or the sheriff, prosecuting attorney, municipal corporation police department, township police department, township police district police force, office of the constable, or park district police force or law enforcement department that adopted it shall comply with it.

(ii) The written internal control policy of a county sheriff, prosecuting attorney, municipal corporation police department, township police department, township police district police force, office of the constable, or park district police force or law enforcement department shall provide that at least ten per cent of the first one hundred thousand dollars of proceeds and forfeited moneys deposited during each calendar year in the sheriff's, prosecuting attorney's, municipal corporation's, township's, or park district's law enforcement trust fund pursuant to division (B)(7)(c)(ii) of section 2923.46 or division (B)(8)(c)(ii) of section 2925.44 of the Revised Code, and at least twenty per cent of the proceeds and forfeited moneys exceeding one hundred thousand dollars that are so deposited, shall be used in connection with community preventive education programs. The manner in which the described percentages are so used shall be determined by the sheriff, prosecuting attorney, department, police force, or office of the constable after the receipt and consideration of advice on appropriate community preventive education programs from the county's board of alcohol, drug addiction, and mental health services, from the county's alcohol

and drug addiction services board, or through appropriate community dialogue. The financial records described in division (D)(3)(a)(i) of this section shall specify the amount of the proceeds and forfeited moneys deposited during each calendar year in the sheriff's, prosecuting attorney's, municipal corporation's, township's, or park district's law enforcement trust fund pursuant to division (B)(7)(c)(ii) of section 2923.46 or division (B)(8)(c)(ii) of section 2925.44 of the Revised Code, the portion of that amount that was used pursuant to the requirements of this division, and the community preventive education programs in connection with which the portion of that amount was so used.

As used in this division, "community preventive education programs" includes, but is not limited to, DARE programs and other programs designed to educate adults or children with respect to the dangers associated with the use of drugs of abuse.

(b) Each sheriff, prosecuting attorney, municipal corporation police department, township police department, township police district police force, office of the constable, or park district police force or law enforcement department that receives in any calendar year any proceeds or forfeited moneys out of a law enforcement trust fund under division (D)(1)(c) of this section or uses any proceeds or forfeited moneys in its law enforcement trust fund in any calendar year shall prepare a report covering the calendar year that cumulates all of the information contained in all of the public financial records kept by the sheriff, prosecuting attorney, municipal corporation police department, township police department, township police district police force, office of the constable, or park district police force or law enforcement department pursuant to division (D)(3)(a) of this section for that calendar year, and shall send a copy of the cumulative report, no later than the first day of March in the calendar year following the calendar year covered by the report, to the attorney general.

The superintendent of the state highway patrol shall prepare a report covering each calendar year in which the state highway patrol uses any proceeds or forfeited moneys in the ~~state~~ highway patrol state contraband, forfeiture, and other fund under division (D)(1)(c) of this section, that cumulates all of the information contained in all of the public financial records kept by the state highway patrol pursuant to division (D)(3)(a) of this section for that calendar year, and shall send a copy of the cumulative report, no later than the first day of March in the calendar year following the calendar year covered by the report, to the attorney general.

The department of public safety shall prepare a report covering each fiscal year in which the department uses any proceeds or forfeited moneys in the department of public safety investigative unit contraband, forfeiture, and other fund under division (D)(1)(c) of this section that cumulates all of the information contained in all of the public financial records kept by the department pursuant to division (D)(3)(a) of this section for that fiscal year. The department shall send a copy of the cumulative report to the attorney general no later than the first day of August in the fiscal year following the fiscal year covered by the report.

The director of public safety shall include in the report a verification that proceeds and forfeited moneys paid into the department of public safety investigative unit contraband, forfeiture, and other fund under division (D)(1)(c) of this section during the preceding fiscal year were used by the department during that fiscal year only for the purposes authorized by that division and shall specify the amount used for each authorized purpose.

The tax commissioner shall prepare a report covering each calendar year in which the department of taxation enforcement division uses any proceeds or forfeited moneys in the department of taxation enforcement fund under division (D)(1)(c) of this section, that cumulates all of the information contained in all of the public financial records kept by the department of taxation enforcement division pursuant to division (D)(3)(a) of this section for that calendar year, and shall send a copy of the cumulative report, not later than the first day of March in the calendar year following the calendar year covered by the report, to the attorney general.

The executive director of the state board of pharmacy shall prepare a report covering each calendar year in which the board uses any proceeds or forfeited moneys in the board of pharmacy drug law enforcement fund under division (D)(1)(c) of this section, that cumulates all of the information contained in all of the public financial records kept by the board pursuant to division (D)(3)(a) of this section for that calendar year, and shall send a copy of the cumulative report, no later than the first day of March in the calendar year following the calendar year covered by the report, to the attorney general. Each report received by the attorney general is a public record open for inspection under section 149.43 of the Revised Code. Not later than the fifteenth day of April in the calendar year in which the reports are received, the attorney general shall send to the president of the senate and the speaker of the house of representatives a written notification that does all of the following:

(i) Indicates that the attorney general has received from entities or persons specified in this division reports of the type described in this division that cover the previous calendar year and indicates that the reports were received under this division;

(ii) Indicates that the reports are open for inspection under section 149.43 of the Revised Code;

(iii) Indicates that the attorney general will provide a copy of any or all of the reports to the president of the senate or the speaker of the house of representatives upon request.

(4)(a) A law enforcement agency that receives pursuant to federal law proceeds from a sale of forfeited contraband, proceeds from another disposition of forfeited contraband, or forfeited contraband moneys shall deposit, use, and account for the proceeds or forfeited moneys in accordance with, and otherwise comply with, the applicable federal law.

(b) If the state highway patrol receives pursuant to federal law proceeds

from a sale of forfeited contraband, proceeds from another disposition of forfeited contraband, or forfeited contraband moneys, the appropriate governmental officials shall deposit the proceeds into the ~~state~~ highway patrol federalcontraband, forfeiture, and other fund ~~all~~, which is hereby created in the state treasury. All interest or other earnings derived from the investment of the proceeds or forfeited moneys shall be credited to the fund. The state highway patrol shall use and account for that interest or other earnings in accordance with the applicable federal law.

(c) If the investigative unit of the department of public safety receives pursuant to federal law proceeds from a sale of forfeited contraband, proceeds from another disposition of forfeited contraband, or forfeited contraband moneys, the appropriate governmental officials shall deposit the proceeds into the department of public safety investigative unit ~~contraband, forfeiture, and other~~federal equitable share account fund ~~all~~, which is hereby created in the state treasury. All interest or other earnings derived from the investment of the proceeds or forfeited moneys shall be credited to the fund. The department shall use and account for that interest or other earnings in accordance with the applicable federal law.

(d) If the tax commissioner receives pursuant to federal law proceeds from a sale of forfeited contraband, proceeds from another disposition of forfeited contraband, or forfeited contraband moneys, the appropriate governmental officials~~,~~ shall deposit into the department of taxation enforcement fund all interest or other earnings derived from the investment of the proceeds or forfeited moneys. The department shall use and account for that interest or other earnings in accordance with the applicable federal law.

(e) Divisions (D)(1) to (3) of this section do not apply to proceeds or forfeited moneys received pursuant to federal law or to the interest or other earnings that are derived from the investment of proceeds or forfeited moneys received pursuant to federal law and that are described in division (D)(4)(b) of this section.

(E) Upon the sale pursuant to this section of any property that is required to be titled or registered under law, the state shall issue an appropriate certificate of title or registration to the purchaser. If the state is vested with title pursuant to division (C) of this section and elects to retain property that is required to be titled or registered under law, the state shall issue an appropriate certificate of title or registration.

(F) Notwithstanding any provisions of this section to the contrary, any property that is lawfully seized in relation to a violation of section 2923.32 of the Revised Code shall be subject to forfeiture and disposition in accordance with sections 2923.32 to 2923.36 of the Revised Code; any property that is forfeited pursuant to section 2923.44 or 2923.45 of the Revised Code in relation to a violation of section 2923.42 of the Revised Code or in relation to an act of a juvenile that is a violation of section 2923.42 of the Revised Code may be subject to forfeiture and disposition in accordance with sections 2923.44 to

2923.47 of the Revised Code; and any property that is forfeited pursuant to section 2925.42 or 2925.43 of the Revised Code in relation to a felony drug abuse offense, as defined in section 2925.01 of the Revised Code, or in relation to an act that, if committed by an adult, would be a felony drug abuse offense of that nature, may be subject to forfeiture and disposition in accordance with sections 2925.41 to 2925.45 of the Revised Code or this section.

(G) Any failure of a law enforcement officer or agency, a prosecuting attorney, village solicitor, city director of law, or similar chief legal officer, a court, or the attorney general to comply with any duty imposed by this section in relation to any property seized or with any other provision of this section in relation to any property seized does not affect the validity of the seizure of the property, provided the seizure itself was made in accordance with law, and is not and shall not be considered to be the basis for the suppression of any evidence resulting from the seizure of the property, provided the seizure itself was made in accordance with law.

(H) Contraband that has been forfeited pursuant to division (C) of this section shall not be available for use to pay any fine imposed upon a person who is convicted of or pleads guilty to an underlying criminal offense or a different offense arising out of the same facts and circumstances.

Sec. 2933.74. (A)(1) With respect to forfeitable property ordered forfeited under section 2933.73 of the Revised Code, the court that issued the order, upon petition of the prosecuting attorney or attorney general who prosecuted the case, may do any of the following:

(a) Authorize the prosecuting attorney or the attorney general to settle claims;

(b) Award compensation to persons who provide information that results in a forfeiture under section 2933.73 of the Revised Code;

(c) Take any other action to protect the rights of innocent persons that is in the interest of justice and that is consistent with the purposes of sections 2933.71 to 2933.75 of the Revised Code. ~~(2)~~

(2) The court shall maintain an accurate record of the actions it takes under division (A)(1) of this section with respect to the forfeitable property ordered forfeited. The record is a public record open for inspection under section 149.43 of the Revised Code.

(B)(1) Subject to division (A) of this section and notwithstanding any contrary provision of section 2933.41 of the Revised Code, the prosecuting attorney or attorney general who prosecuted the case shall order the disposal of forfeitable property ordered forfeited in any proceeding under section 2933.73 of the Revised Code as soon as feasible, making due provisions for the rights of innocent persons, by any of the following methods:

(a) Public sale;

(b) Transfer to a state governmental agency for official use;

(c) Sale or transfer to an innocent person;

(d) If the property is contraband and is not needed for evidence in any pending criminal or civil proceeding, pursuant to section 2933.41 or any other applicable section of the Revised Code.

(2) Any interest in personal or real property not disposed of pursuant to division (B) of this section and not exercisable by, or transferable for value to, the state shall expire and shall not revert to the person who was convicted of or pleaded guilty to the medicaid fraud offense. No person who was convicted of or pleaded guilty to the medicaid fraud offense and no person acting in concert with a person who was convicted of or pleaded guilty to the medicaid fraud offense is eligible to purchase forfeited property from the state.

(3) Upon application of a person, other than the person who was convicted of or pleaded guilty to the medicaid fraud offense or a person acting in concert with or on behalf of the person who was convicted of or pleaded guilty to the medicaid fraud offense, the court may restrain or stay the disposal of the forfeitable property pursuant to this division pending the conclusion of any appeal of the criminal case giving rise to the forfeiture or pending the determination of the validity of a claim to or interest in the property pursuant to division (F) of section 2933.73 of the Revised Code, if the applicant demonstrates that proceeding with the disposal of the property will result in irreparable injury, harm, or loss to the applicant.

(4) The prosecuting attorney or attorney general who prosecuted the case shall maintain an accurate record of each item of property disposed of pursuant to division (B) of this section, which record shall include the date on which each item came into the prosecuting attorney's or attorney general's custody, the manner and date of disposition, and, if applicable, the name of the person who received the item. The record shall not identify or enable the identification of the individual officer who seized the property, and the record is a public record open for inspection under section 149.43 of the Revised Code.

Each prosecuting attorney who disposes in any calendar year of any item of property pursuant to division (B) of this section shall prepare a report covering the calendar year that cumulates all of the information contained in all of the records the prosecuting attorney kept pursuant to this division for that calendar year and shall send the cumulative report, no later than the first day of March in the calendar year following the calendar year covered by the report, to the attorney general. No later than the first day of March in the calendar year following the calendar year covered by the report, the attorney general shall prepare a report covering the calendar year that cumulates all of the records the attorney general kept pursuant to this division for that calendar year. Each report received or prepared by the attorney general is a public record open for inspection under section 149.43 of the Revised Code. Not later than the fifteenth day of April in the calendar year following the calendar year covered by the

reports, the attorney general shall send to the president of the senate and the speaker of the house of representatives a written notification that does all of the following:

(a) Indicates that the attorney general has received from prosecuting attorneys reports of the type described in this division that cover the previous calendar year and indicates that the reports were received under this division;

(b) Lists the attorney general's own cumulative report covering the previous calendar year;

(c) Indicates that the reports are open for inspection under section 149.43 of the Revised Code;

(d) Indicates that the attorney general will provide a copy of any or all of the reports to the president of the senate or the speaker of the house of representatives upon request.

(C)(1) The proceeds of the sale of all forfeitable property ordered forfeited pursuant to section 2933.73 of the Revised Code shall be deposited into the state treasury and credited to the medicaid fraud investigation and prosecution fund, which is hereby created.

(2) The proceeds credited to the medicaid fraud investigation and prosecution fund pursuant to division (C)(1) of this section shall be disposed of in the following order:

(a) To the payment of the fees and costs of the forfeiture and sale, including expenses of seizure, maintenance, and custody of the property pending its disposition, advertising, and court costs;

(b) Except as otherwise provided in division (C)(2)(b) of this section, the remainder shall be paid to the law enforcement trust fund of the prosecuting attorney that is established pursuant to division (D)(1)(c) of section 2933.43 of the Revised Code or to the attorney general, and to the law enforcement trust fund of the county sheriff that is established pursuant to that division if the county sheriff substantially conducted the investigation, to the law enforcement trust fund of a municipal corporation that is established pursuant to that division if its police department substantially conducted the investigation, to the law enforcement trust fund of a township that is established pursuant to that division if the investigation was substantially conducted by a township police department, township police district police force, or office of a township constable, or to the law enforcement trust fund of a park district created pursuant to section 511.18 or 1545.01 of the Revised Code that is established pursuant to that division if the investigation was substantially conducted by its park district police force or law enforcement department. The prosecuting attorney or attorney general may decline to accept any of the remaining proceeds, and, if the prosecuting attorney or attorney general so declines, they shall be applied to the fund described in division (C)(2)(b) of this section that relates to the appropriate law enforcement agency that substantially conducted the investigation.

If the state highway patrol substantially conducted the investigation, the director of budget and management shall transfer the remaining proceeds to the state highway patrol for deposit into the ~~state~~ highway patrol state contraband, forfeiture, and other fund that is created by division (D)(1)(c) of section 2933.43 of the Revised Code. If the state board of pharmacy substantially conducted the investigation, the director shall transfer the remaining proceeds to the board for deposit into the board of pharmacy drug law enforcement fund that is created by division (B)(1) of section 4729.65 of the Revised Code. If a state law enforcement agency, other than the state highway patrol, the board, or the attorney general, substantially conducted the investigation, the director shall transfer the remaining proceeds to the treasurer of state for deposit into the peace officer training commission fund that is created by division (D)(1)(c) of section 2933.43 of the Revised Code.

The remaining proceeds that are paid to the attorney general shall be used and expended only in relation to the investigation and prosecution of medicaid fraud offenses or the activities identified in section 109.85 of the Revised Code, and those that are paid to a law enforcement trust fund or that are deposited into the ~~state~~ highway patrol state contraband, forfeiture, and other fund, the board of pharmacy drug law enforcement fund, or the peace officer training commission fund pursuant to division (C)(2)(b) of this section shall be allocated, used, and expended only in accordance with division (D)(1)(c) of section 2933.43 of the Revised Code, only in accordance with a written internal control policy adopted under division (D)(3) of that section, and, if applicable, only in accordance with division (B)(1) of section 4729.65 of the Revised Code. The annual reports that pertain to the funds and that are required by divisions (D)(1)(c) and (3)(b) of section 2933.43 of the Revised Code also shall address the remaining proceeds that are paid or deposited into the funds pursuant to division (C)(2)(b) of this section.

(3) If more than one law enforcement agency substantially conducted the investigation, the court ordering the forfeiture shall equitably divide the remaining proceeds among the law enforcement agencies that substantially conducted the investigation, in the manner described in division (D)(2) of section 2933.43 of the Revised Code for the equitable division of contraband proceeds and forfeited moneys. The equitable shares of the proceeds so determined by the court shall be paid or deposited into the appropriate funds specified in division (C)(2)(b) of this section.

(D) As used in this section, "law enforcement agency" includes, but is not limited to, the state board of pharmacy."

In line 81982, after "2923.25," insert "2923.35, 2923.46, 2925.44, 2933.43, 2933.74,"

In line 95895, delete "and" and insert "203.06.06, 203.06.12,"

In line 95896, after "203.06.15" insert ", and 203.06.24"

Between lines 95944 and 95945, insert:

"**Sec. 203.06.06.** ENFORCEMENT

State Highway Safety Fund Group				
036	764-033	Minor Capital Projects	$ 1,250,000	$ 1,250,000
036	764-321	Operating Expense - Highway Patrol	$ 229,293,561	$ 237,364,988
036	764-605	Motor Carrier Enforcement Expenses	$ 2,643,022	$ 2,670,911
5AY	764-688	Traffic Safety Operating	$ 3,082,962	$ 1,999,437
83C	764-630	Contraband, Forfeiture, Other	$ 622,894	$ 622,894
83F	764-657	Law Enforcement Automated Data System	$ 7,324,524	$ 7,544,260
83G	764-633	OMVI Fines	$ 820,927	$ 820,927
831	764-610	Patrol - Federal	$ 2,430,950	$ 2,455,484
831	764-659	Transportation Enforcement - Federal	$ 4,880,671	$ 5,027,091
837	764-602	Turnpike Policing	$ 9,942,621	$ 10,240,900
838	764-606	Patrol Reimbursement	$ 222,108	$ 222,108
840	764-607	State Fair Security	$ 1,496,283	$ 1,496,283
840	764-617	Security and Investigations	$ 8,145,192	$ 8,145,192
840	764-626	State Fairgrounds Police Force	$ 788,375	$ 788,375
841	764-603	Salvage and Exchange - Highway Patrol	$ 1,305,954	$ 1,339,399
TOTAL HSF State Highway Safety Fund Group			$ 274,250,044	$ 281,988,249
General Services Fund Group				
4S2	764-660	MARCS Maintenance	$ 252,432	$ 262,186
TOTAL GSF General Services Fund Group			$ 252,432	$ 262,186
Federal Special Revenue Fund Group				
3BF	764-692	Federal Contraband, Forfeiture, and Other	$ 1,942,040	$ 1,942,040
TOTAL FED Federal Special Revenue Fund Group			$ 1,942,040	$ 1,942,040
TOTAL ALL BUDGET FUND GROUPS - Enforcement			$ ~~274,502,476~~ $ 276,444,516	$ ~~282,250,435~~ $ 284,192,475

CASH TRANSFER TO HIGHWAY PATROL FEDERAL CONTRABAND, FORFEITURE, AND OTHER FUND (FUND 3BF)

On July 1, 2005, or as soon thereafter as possible, notwithstanding any other provision of law to the contrary, the Director of Budget and Management shall transfer $1,942,040 in cash from the Highway Patrol State Contraband, Forfeiture, and Other Fund (Fund 83C) in the State Highway Safety Fund Group to the Highway Patrol Federal Contraband, Forfeiture, and Other Fund (Fund 3BF) in the Federal Special Revenue Fund Group.

COLLECTIVE BARGAINING INCREASES

Notwithstanding division (D) of section 127.14 and division (B) of section 131.35 of the Revised Code, except for the General Revenue Fund, the Controlling Board may, upon the request of either the Director of Budget and Management, or the Department of Public Safety with the approval of the Director of Budget and Management, increase appropriations for any fund, as necessary for the Department of Public Safety, to assist in paying the costs of increases in employee compensation that have occurred pursuant to collective bargaining agreements under Chapter 4117. of the Revised Code and, for exempt employees, under section 124.152 of the Revised Code.

Sec. 203.06.12. INVESTIGATIVE UNIT

State Highway Safety Fund Group				
831	767-610	Liquor Enforcement - Federal	$ 514,184	$ 514,184
831	769-610	Food Stamp Trafficking Enforcement - Federal	$ 992,920	$ 1,032,135
TOTAL HSF State Highway Safety Fund Group			$ 1,507,104	$ 1,546,319
Liquor Control Fund Group				
043	767-321	Liquor Enforcement - Operations	$ 10,120,365	$ 10,423,976
TOTAL LCF Liquor Control Fund Group			$ 10,120,365	$ 10,423,976
State Special Revenue Fund Group				
5CM	767-691	Equitable Share Account	$ 642,175	$ 642,175
622	767-615	Investigative Contraband and Forfeiture	$ 404,111	$ 404,111
850	767-628	Investigative Unit Salvage	$ 120,000	$ 120,000
TOTAL SSR State Special Revenue Fund Group			$ ~~524,111~~	$ ~~524,111~~
			$ 1,166,286	$ 1,166,286
TOTAL ALL BUDGET FUND GROUPS - Special Enforcement			$ ~~12,151,580~~	$ ~~12,494,406~~
			$ 12,793,755	$ 13,136,581

CASH TRANSFER TO INVESTIGATIVE UNIT FEDERAL EQUITABLE SHARE ACCOUNT FUND (FUND 5CM)

On July 1, 2005, or as soon thereafter as possible, notwithstanding any other provision of law to the contrary, the Director of Budget and Management shall transfer $642,175 in cash from the Investigative, Contraband, and Forfeiture Fund (Fund 622) in the State Special Revenue Fund Group to the Investigative Unit Federal Equitable Share Account Fund (Fund 5CM) in the State Special Revenue Fund Group.

LEASE RENTAL PAYMENTS FOR CAP-076, INVESTIGATIVE

UNIT MARCS EQUIPMENT

The Director of Public Safety, using intrastate transfer vouchers, shall make cash transfers to the State Highway Safety Fund (Fund 036) from other funds to reimburse the State Highway Safety Fund for the share of lease rental payments to the Ohio Building Authority that are associated with appropriation item CAP-076, Investigative Unit MARCS Equipment."

Between lines 95993 and 95994, insert:

"**Sec. 203.06.24.** REVENUE DISTRIBUTION

Holding Account Redistribution Fund Group				
R24	762-619	Unidentified Public Safety Receipts	$ 1,885,000	$ 1,885,000
R52	762-623	Security Deposits	$ 250,000	$ 250,000
TOTAL 090 Holding Account Redistribution Fund Group			$ 2,135,000	$ 2,135,000
TOTAL ALL BUDGET FUND GROUPS - Revenue Distribution			$ 2,135,000	$ 2,135,000

TRANSFER OF CASH BALANCE FROM FUND R27, HIGHWAY PATROL FEE REFUND FUND

On July 1, 2005, or as soon as possible thereafter, the Director of Budget and Management shall transfer the cash balance in the Highway Patrol Fee Refund Fund (Fund R27) created in former section 4501.12 of the Revised Code to the Unidentified Public Safety Receipts Fund (Fund R24).

TOTAL Department of Public Safety

TOTAL HSF State Highway Safety Fund Group	$ 459,009,425	$ 464,841,856
TOTAL SSR State Special Revenue Fund Group	$ ~~2,991,969~~	$ ~~2,991,969~~
	$ 3,634,144	$ 3,634,144
TOTAL LCF Liquor Control Fund Group	$ 10,120,365	$ 10,423,976
TOTAL GSF General Services Fund Group	$ 752,432	$ 762,186
TOTAL FED Federal Special Revenue ~~Special~~ Fund Group	$ ~~157,469,644~~	$ ~~157,480,504~~
	$ 159,411,684	$ 159,422,544
TOTAL AGY Agency Fund Group	$ 100,000	$ 100,000
TOTAL 090 Holding Account Redistribution Fund Group	$ 2,135,000	$ 2,135,000
TOTAL ALL BUDGET FUND GROUPS	$ ~~632,578,835~~	$~~638,735,491~~"
	$ 635,163,050	$641,319,706"

In line 95995, delete "and" and insert "203.06.06, 203.06.12,"; after "203.06.15" insert ", and 203.06.24"

In line 38 of the title, after "2923.25," insert "2923.35, 2923.46, 2925.44, 2933.43, 2933.74,"

In line 247 of the title, delete "and" and insert "203.06.06, 203.06.12,"; after "203.06.15" insert ", and 203.06.24"

In line 62604, delete "(B)" and strike through "Certified as a supported living provider under section"

In line 62605, strike through "5126.431 of the Revised Code" and delete the balance of the line

In line 62606, delete "of the Revised Code" and strike through the semicolon

In line 62607, delete "(C)" and insert "(B)"

In line 62820, after "entities" insert "as described in division (A) of section 5123.045 of the Revised Code"

In line 62868, delete "compliant" and insert "complaint"

In line 62954, delete "supported living" and insert "home and community-based services"

In line 62957, delete "supported living" and insert "home and community-based services"; delete "the amendment of"

Delete lines 91310 through 91315 and insert:

"(A) A person or government entity described in division (A) of section 5123.045 of the Revised Code shall not receive payment for home and community-based services unless both of the following are the case:

(1) The individuals who receive the services reside with not more than three other individuals with mental retardation or an other developmental disability unless the individuals are related by blood or marriage.

(2) Except as provided in division (B) of this section, the person or government entity does not provide to the individuals who receive the services a residence and home and community-based services.

(B) A person described in division (A) of section 5123.045 of the Revised Code may receive payment for home and community-based services and provide a residence to the individuals who receive the services if one of the following is the case:

(1) The person lives in the residence and provides the services to not more than three individuals who reside in the residence at any one time.

(2) The person is an association of family members related to two or more of the individuals who reside in the residence and provides the services to not more than four individuals who reside in the residence at any one time."

In line 46976, delete "a D-5" and insert "any D"

In line 46977, delete "section 3717.43" and insert "Chapter 3717."

In line 46978, delete "as defined in"

In line 46979, delete everything before "to"

Between lines 46982 and 46983, insert:

"As used in this division, "ski area" means a ski area as defined in section 4169.01 of the Revised Code, provided that the passenger tramway operator at that area is registered under section 4169.03 of the Revised Code."

In line 9567, delete "in" and insert "housed within"

In line 9580, delete "multiple"

In line 9581, delete "relatedly"

In line 9598, after "(D)" insert "The office of information technology shall have the same authority given to the department of administrative services under sections 125.01, 125.02, 125.023, 125.04, 125.05, 125.06, 125.07, 125.071, 125.072, 125.081, 125.09, 125.10, 125.11, and 125.25 of the Revised Code for the purchase of information technology supplies and services for state agencies.

(E)"

In line 9599, after "technology" insert "supplies and"

In line 9601, delete "(E)" and insert "(F)"

In line 9606, delete "(F)" and insert "(G)"

In line 81186, after "governor" insert ", but does not include a member performing full-time Ohio national guard duty or performing special work active duty under the "Act of October 3, 1964," 78 Stat. 999, 32 U.S.C. 502(f)"

In line 81202, after "governor" insert ", but does not include a member performing full-time Ohio national guard duty or performing special work active duty under the "Act of October 3, 1964," 78 Stat. 999, 32 U.S.C. 502(f)"

In line 48641, after "pay" insert "for"

Delete line 48642

In line 48643, delete "such devices" and insert "an electronic continuous alcohol monitoring device"

In line 48817, delete "to pay the cost"

Delete line 48818

In line 48819, delete "by the offender or juvenile traffic offender, or"

In line 48820, delete "such a" and insert "an electronic continuous alcohol monitoring"

In line 48823, after "program" insert "and when the court determines that the offender or juvenile traffic offender is unable to pay all or part of the daily monitoring of the device"

In line 48849, delete "or all or part of the cost" and insert "to be used in conjunction with division (H)(3) of this section."

Delete lines 48850 through 48857

In line 90039, after the period delete the balance of the line

Delete lines 90040 and 90041

In line 11416, after "(2)" insert "(c) to (g)"

In line 18535, after "state" insert "and to support the office of the state public defender"

In line 18539, after "state" insert "and to support the office of the state public defender"

In line 19119, after "state" insert "and to support the office of the state public defender"

In line 19124, after "state" insert "and to support the office of the state public defender"

In line 19809, after "state" insert "and to support the office of the state public defender"

In line 3433, after "adult" insert "and if the involved child failed to pay the fee in the juvenile court"

In line 60362, delete "or county or district home"

In line 60375, delete "either of"

Delete line 60376

In line 60377, delete "(1) A" and insert "a"; delete "a" and insert "both of the following:

(1) A"

In line 60382, after "home" insert "licensed as a residential care facility"

In line 60386, delete "or county or"

In line 60387, delete "district home"

In line 3520, reinsert the comma

In line 3521, reinsert "including the"; after "~~program~~" insert "programs"; reinsert "established under sections" and insert "1901.26, 1907.24, 2303.201,"; reinsert "4705.09" and insert an underlined comma; reinsert "and"

Reinsert lines 3522 and 3523

In line 3524, reinsert "association"

In line 44671, after "claims" insert "of contracted providers"; after "a" insert "medicaid"

In line 44672, delete "by the corporation's contracted providers" and insert "for covered health care services provided to medicaid recipients"

Between lines 44716 and 44717, insert:

"(J) As used in sections 3903.42 and 3903.421 of the Revised Code, "contracted provider" and "medicaid recipient" have the same meanings as in section 3903.14 of the Revised Code."

Delete lines 44752 through 44758

In line 89397, delete "450-525" and insert "600-525"

In line 89566, after "(state share)" insert "in each fiscal year"

In line 6427, after "projects" insert "that do not require the issuance of a building permit or the issuance of a certificate of occupancy and"

Delete lines 52048 through 52062 and insert:

"**Sec. 5101.244.** If a county family services agency submits an expenditure report to the department of job and family services and the department subsequently determines that an allocation, advance, or reimbursement the department makes to the agency, or a cash draw the agency makes, for an expenditure exceeds the allowable amount for the expenditure, the department may adjust, offset, withhold, or reduce an allocation, cash draw, advance, reimbursement, or other financial assistance to the agency as necessary to recover the amount of the excess allocation, advance, reimbursement, or cash draw. The department is not required to make the adjustment, offset, withholding, or reduction in accordance with section 5101.24 of the Revised Code.

The director of job and family services may adopt rules under section 111.15 of the Revised Code as necessary to implement this section. The director shall adopt the rules as if they were internal management rules."

In line 82442, delete "125.29" and insert "125.18"

In line 82445, delete "125.29" and insert "125.18"

In line 88146, after "who" insert "each"; after "a" insert "different"

In line 84185, delete "$10,000,000 $10,000,000" and insert "$11,750,000 $11,750,000"

In line 84200, delete "$95,992,446 $99,577,446" and insert "$97,742,446 $101,327,446"

In line 84258, delete "$859,374,578 $872,049,264" and insert "$861,124,578 $873,799,264"

In line 95895, delete "and"

In line 95896, after "203.06.15" insert ", and 203.06.24"

In line 95948, strike through "$303,504 $303,504" and insert "$8,937,624$8,937,624"

In line 95952, strike through "$157,469,644 $157,480,504" and insert "$166,103,764$166,114,624"

In line 95960, strike through "$159,697,600 $159,708,460" and insert "$168,331,720$168,342,580"

Between lines 95993 and 95994, insert:

"**Sec. 203.06.24.** REVENUE DISTRIBUTION

Holding Account Redistribution Fund Group				
R24	762-619	Unidentified Public Safety Receipts	$ 1,885,000	$ 1,885,000
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TOTAL GSF General Services Fund Group	$ 752,432	$ 762,186
TOTAL FED Federal Revenue Special Fund Group	$ ~~157,469,644~~ 166,103,764	$ ~~157,480,504~~ 166,114,624
TOTAL AGY Agency Fund Group	$ 100,000	$ 100,000
TOTAL 090 Holding Account Redistribution Fund Group	$ 2,135,000	$ 2,135,000
TOTAL ALL BUDGET FUND GROUPS	$ ~~632,578,835~~ 641,212,955	$ ~~638,735,491~~ 647,369,611"

In line 95995, delete "and"; after "203.06.15" insert ", and 203.06.24"

In line 247 of the title, delete "and"; after "203.06.15" insert ", and 203.06.24"

In line 82188, delete "$3,899,590 $3,899,590" and insert "$3,949,590 $3,949,590"

In line 82191, delete "$11,443,735 $11,443,735" and insert "$11,493,735 $11,493,735"

In line 82207, delete "$36,820,306 $36,824,628" and insert "$36,870,306 $36,874,628"

Between lines 82217 and 82218, insert:

"STATE ACTIVE DUTY COSTS

Of the foregoing appropriation item 745-409, Central Administration, $50,000 in each fiscal year shall be used for the purpose of paying expenses related to state active duty of members of the Ohio organized militia, in accordance with a proclamation of the Governor. Expenses include, but are not limited to, the cost of equipment, supplies, and services, as determined by the Adjutant General's Department."

Delete lines 96271 through 96280

In line 256 of the title, delete "Sections" and insert "Section"; delete "and 74"

In line 39755, after "The" insert "director of environmental protection may issue an order exempting from the"; delete "do not apply to"

In line 39769, after the underlined period insert "An order issued by the director of environmental protection under division (D)(8) of this section shall include a determination that the amount of the fees not received by a solid waste management district as a result of the order will not adversely impact the implementation and financing of the district's approved solid waste management plan and any approved amendments to the plan. Such an order is a final action of the director of environmental protection."

In line 40099, after "The" insert "director of environmental protection may issue an order exempting from the"; delete "do not apply to"

In line 40113, after the underlined period insert "An order issued by the director of environmental protection under this division shall include a determination that the amount of fees not received by a solid waste management district as a result of the order will not adversely impact the implementation and financing of the district's approved solid waste management plan and any approved amendments to the plan. Such an order is a final action of the director of environmental protection."

In line 529, after "(2)" insert "and (B)"

Delete lines 574 through 577

In line 578, delete "(e)" and insert "(d)"

In line 582, delete "transferred" and insert "disbursed"

In line 596, delete everything after "services" and insert ", including administrative and management services, provided pursuant to a contract or medicaid provider agreement that meets the requirements of the medicaid program established under Chapter 5111. of the Revised Code."

Delete lines 597 through 608

In line 667 delete "the financial review or audit" and insert "any financial compliance"

In line 700, after "(a)" delete the balance of the line

Delete line 701

In line 702, delete "program;" and insert "(i) Subject to division (A)(3)(a)(ii) of this section,"

In line 708, delete the underlined semicolon and insert an underlined period

Between lines 708 and 709, insert:

"(ii) With respect to any contract described in division (A)(3) of section 9.231 of the Revised Code, an audit report or financial review if the performance of a financial audit or review is a compliance requirement established for purposes of that contract."

In line 711, after "(B)" delete the balance of the line

Delete line 712

In line 746, delete "audit contract" and insert "engagement letter"

In line 757, after "(2)" insert "A financial audit meeting the requirements of division (B)(3) of this section satisfies the financial review requirements of divisions (B)(1) and (2) of this section.

(3)"

In line 89419, delete "submit" and insert "do both of the following:

(1) Submit"

In line 89422, after "section" insert ";

(2) By not later than December 31, 2006, submit to the General Assembly a report regarding the number of individuals placed in the PASSPORT program pursuant to this section and the costs incurred and savings achieved as a result of the individuals being placed in the PASSPORT program"

In line 423, delete "4912.01," and insert "4905.261, 4911.021,"

Between lines 51123 and 51124, insert:

"**Sec. 4905.261.** The public utilities commission shall operate a telephone call center for consumer complaints, to receive complaints by any person, firm, or corporation against any public utility. The commission shall expeditiously provide the consumers' counsel with all information concerning residential consumer complaints received by the commission in the operation of the telephone call center and with any materials produced in the operation of the telephone call center by the commission concerning residential consumer complaints. If technology is reasonably available, the commission shall provide the consumers' counsel with real-time access to the commission's residential consumer complaint information."

Between lines 51204 and 51205, insert:

"**Sec. 4911.021.** The consumers' counsel shall not operate a telephone call center for consumer complaints. Any calls received by the consumers' counsel concerning consumer complaints shall be forwarded to the public utilities commission's call center."

Delete lines 51323 through 51340

In line 200 of the title, delete "4912.01," and insert "4905.261, 4911.021,"

In line 34729, delete "five hundred" and insert "one million two hundred"

In line 425, delete "5111.028,"

Delete lines 54648 through 54664

In line 202 of the title, delete "5111.028,"

In line 54376, after the second underlined comma insert "nonemergency emergency department services,"

In line 325, delete "3709.29, 3709.34,"

Delete lines 36871 through 37018

In line 82006, delete "3709.29, 3709.34,"

In line 97937, delete "3709.29, 3709.34,"

In line 71 of the title, delete "3709.29, 3709.34,"

In line 82801, after the comma insert "up to $200,000 in fiscal year 2006 and"; delete "per" and insert "in"; after "year" insert "2007"

In line 82810, delete everything after "(3)"

Delete line 82811

In line 82812, delete "(4)"

In line 82813, delete "Agency" and insert "Association"

In line 82814, delete "(5)" and insert "(4)"

In line 82816, delete "(6)" and insert "(5)"

In line 82818, delete "(7)" and insert "(6)"

In line 82820, delete "(8)" and insert "(7)"

Delete lines 82823 through 82830

In line 82831, delete "(13)" and insert "(8)"

Delete lines 82833 through 82836 and insert:

"(9) A representative of Scripps Gerontology Center at Miami University, appointed by the Center."

In line 60514, strike through "The"

In line 60515, strike through "department" and insert:

"The director shall permit any recipient of medicaid-funded nursing facility services to apply for participation in the program, but"; after the period, insert "If an application is received before the applicant has been a recipient of medicaid-funded nursing facility services for six months, the director shall ensure that an assessment is conducted as soon as practicable to determine whether the applicant is eligible for participation in the program. To the maximum extent possible, the assessment and eligibility determination shall be completed not later than the date that occurs six months after the applicant became a recipient of medicaid-funded nursing facility services."

In line 60516, before "To" insert "(C)"

In line 60520, strike through everything after "(2)"

In line 60521, strike through "less than"; delete "six"; strike through the balance of the line

Strike through line 60522

In line 60523, strike through "(3)"

In line 60524, strike through "(4)" and insert "(5)"

In line 60528, strike through "(5)" and insert "(4)"

In line 60531, strike through "(C)" and insert "(D)"

In line 60541, strike through "(D)" and insert "(E)"

In line 60544, strike through "(E)" and insert "(F)"

Delete lines 60552 through 60597 and insert:

"**Sec. 5111.971.** (A) As used in this section, "long-term medicaid waiver component" means any of the following:

(1) The PASSPORT program created under section 173.40 of the

Revised Code;

(2) The medicaid waiver component called the choices program that the department of aging administers;

(3) A medicaid waiver component that the department of job and family services administers.

(B) The director of job and family services shall submit a request to the United States secretary of health and human services for a waiver of federal medicaid requirements that would be otherwise violated in the creation of a pilot program under which not more than two hundred individuals who meet the pilot program's eligibility requirements specified in division (D) of this section receive a spending authorization to pay for the cost of medically necessary health care services that the pilot program covers. The spending authorization shall be in an amount not exceeding seventy per cent of the average cost under the medicaid program for providing nursing facility services to an individual. An individual participating in the pilot program shall also receive necessary support services, including fiscal intermediary and other case management services, that the pilot program covers.

(C) If the United States secretary of health and human services approves the waiver submitted under division (B) of this section, the department of job and family services shall enter into a contract with the department of aging under section 5111.91 of the Revised Code that provides for the department of aging to administer the pilot program that the waiver authorizes.

(D) To be eligible to participate in the pilot program created under division (B) of this section, an individual must meet all of the following requirements:

(1) Need an intermediate level of care as determined under rule 5101:3-3-06 of the Administrative Code;

(2) At the time the individual applies to participate in the pilot program, be one of the following:

(a) A nursing facility resident who is seeking to move to a residential care facility or county or district home and who would remain in a nursing facility if not for the pilot program;

(b) A participant of any long-term medicaid waiver component who would move to a nursing facility if not for the pilot program.

(3) Meet all other eligibility requirements for the pilot program established in rules adopted under section 5111.85 of the Revised Code.

(E) The director of job and family services may adopt rules under section 5111.85 of the Revised Code as the director considers necessary to implement the pilot program created under division (B) of this section. The director of aging may adopt rules under Chapter 119. of the Revised Code as the director considers necessary for the pilot program's implementation. The rules may

establish a list of medicaid-covered services not covered by the pilot program that an individual participating in the pilot program may not receive if the individual also receives medicaid-covered services outside of the pilot program."

Delete lines 89050 through 89073 and insert:

"**Section 206.66.38.** MEDICAID PILOT PROGRAM

Each quarter, the Department of Aging shall certify to the Director of Budget and Management the estimated costs of the Medicaid pilot program created under section 5111.971 of the Revised Code.

On a quarterly basis, on receipt of the certified costs, the Director of Budget and Management shall do all of the following:

(1) Transfer the state share of the amount of the estimated costs from the GRF appropriation item 600-525, Health Care/Medicaid, to GRF appropriation item 490-403, PASSPORT, for the remainder of the biennium;

(2) Increase the appropriation in Department of Aging Fund 3C4, appropriation item 490-607, PASSPORT, by the federal share of the amount of the estimated costs;

(3) Reduce the federal share of GRF appropriation item 600-525, Health Care/Medicaid, by the federal share of the amount of the estimated costs;

(4) Increase the appropriation in Department of Job and Family Services Fund 3G5, appropriation item 600-655, Interagency Reimbursement, by the federal share of the amount of the estimated costs.

The funds that the Director of Budget and Management transfers and increases under this section are hereby appropriated."

In line 347, delete "5104.30,"; delete "5104.38,"

Delete lines 53316 through 53443

Delete lines 53548 through 53610

In line 82028, delete "5104.30,"; delete "5104.38,"

In line 90018, delete "REIMBURSEMENT CEILINGS FOR" and insert "**Section _____**"

In line 90019, delete "PROVIDERS"

In line 90020, before "The" insert "(A) The Department of Job and Family Services shall increase, for fiscal years 2006 and 2007, the reimbursement ceilings for providers of publicly funded child care to sixty-five per cent of the market's usual and customary cost to the public based on the most recently conducted market rate survey required by 45 C.F.R. 98.16.

(B)"; delete "of Job and Family Services"

In line 90025, delete "estimated"; after "average" insert "of children

expected to enroll"; delete "actual"

In line 90026, after "average" insert "of children actually enrolled"; after "thousand" insert "children"

In line 90028, delete "less" and insert "more"; delete "sixty-five" and insert "seventy"

In line 90030, delete "48" and insert "45"

Delete line 90032

In line 90033, before "The" insert "(C)"

In line 97898, delete "5104.38,"

In line 101 of the title, delete "5104.30,"

In line 102 of the title, delete "5104.38,"

In line 326, after "3721.07," insert "3721.121,"

In line 342, after "4723.32," insert "4723.33, 4723.34, 4723.341,"

In line 422, after "4723.65," insert "4723.651, 4723.652,"

Between lines 37795 and 37796, insert:

"**Sec. 3721.121.** (A) As used in this section:

(1) "Adult day-care program" means a program operated pursuant to rules adopted by the public health council under section 3721.04 of the Revised Code and provided by and on the same site as homes licensed under this chapter.

(2) "Applicant" means a person who is under final consideration for employment with a home or adult day-care program in a full-time, part-time, or temporary position that involves providing direct care to an older adult. "Applicant" does not include a person who provides direct care as a volunteer without receiving or expecting to receive any form of remuneration other than reimbursement for actual expenses.

(3) "Criminal records check" and "older adult" have the same meanings as in section 109.572 of the Revised Code.

(4) "Home" means a home as defined in section 3721.10 of the Revised Code.

(B)(1) Except as provided in division (I) of this section, the chief administrator of a home or adult day-care program shall request that the superintendent of the bureau of criminal identification and investigation conduct a criminal records check with respect to each applicant. If an applicant for whom a criminal records check request is required under this division does not present proof of having been a resident of this state for the five-year period immediately prior to the date the criminal records check is requested or provide evidence that within that five-year period the superintendent has requested information about

the applicant from the federal bureau of investigation in a criminal records check, the chief administrator shall request that the superintendent obtain information from the federal bureau of investigation as part of the criminal records check of the applicant. Even if an applicant for whom a criminal records check request is required under this division presents proof of having been a resident of this state for the five-year period, the chief administrator may request that the superintendent include information from the federal bureau of investigation in the criminal records check.

(2) A person required by division (B)(1) of this section to request a criminal records check shall do both of the following:

(a) Provide to each applicant for whom a criminal records check request is required under that division a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and a standard fingerprint impression sheet prescribed pursuant to division (C)(2) of that section, and obtain the completed form and impression sheet from the applicant;

(b) Forward the completed form and impression sheet to the superintendent of the bureau of criminal identification and investigation.

(3) An applicant provided the form and fingerprint impression sheet under division (B)(2)(a) of this section who fails to complete the form or provide fingerprint impressions shall not be employed in any position for which a criminal records check is required by this section.

(C)(1) Except as provided in rules adopted by the director of health in accordance with division (F) of this section and subject to division (C)(2) of this section, no home or adult day-care program shall employ a person in a position that involves providing direct care to an older adult if the person has been convicted of or pleaded guilty to any of the following:

(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code.

(b) A violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in division (C)(1)(a) of this section.

(2)(a) A home or an adult day-care program may employ conditionally an applicant for whom a criminal records check request is required under division (B) of this section prior to obtaining the results of a criminal records check regarding the individual, provided that the home or program shall request a criminal records check regarding the individual in accordance with division

(B)(1) of this section not later than five business days after the individual begins conditional employment. In the circumstances described in division (I)(2) of this section, a home or adult day-care program may employ conditionally an applicant who has been referred to the home or adult day-care program by an employment service that supplies full-time, part-time, or temporary staff for positions involving the direct care of older adults and for whom, pursuant to that division, a criminal records check is not required under division (B) of this section.

(b) A home or adult day-care program that employs an individual conditionally under authority of division (C)(2)(a) of this section shall terminate the individual's employment if the results of the criminal records check requested under division (B) of this section or described in division (I)(2) of this section, other than the results of any request for information from the federal bureau of investigation, are not obtained within the period ending thirty days after the date the request is made. Regardless of when the results of the criminal records check are obtained, if the results indicate that the individual has been convicted of or pleaded guilty to any of the offenses listed or described in division (C)(1) of this section, the home or program shall terminate the individual's employment unless the home or program chooses to employ the individual pursuant to division (F) of this section. Termination of employment under this division shall be considered just cause for discharge for purposes of division (D)(2) of section 4141.29 of the Revised Code if the individual makes any attempt to deceive the home or program about the individual's criminal record.

(D)(1) Each home or adult day-care program shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for each criminal records check conducted pursuant to a request made under division (B) of this section.

(2) A home or adult day-care program may charge an applicant a fee not exceeding the amount the home or program pays under division (D)(1) of this section. A home or program may collect a fee only if both of the following apply:

(a) The home or program notifies the person at the time of initial application for employment of the amount of the fee and that, unless the fee is paid, the person will not be considered for employment;

(b) The medical assistance program established under Chapter 5111. of the Revised Code does not reimburse the home or program the fee it pays under division (D)(1) of this section.

(E) The report of any criminal records check conducted pursuant to a request made under this section is not a public record for the purposes of section 149.43 of the Revised Code and shall not be made available to any person other than the following:

(1) The individual who is the subject of the criminal records check or the individual's representative;

(2) The chief administrator of the home or program requesting the criminal records check or the administrator's representative;

(3) The administrator of any other facility, agency, or program that provides direct care to older adults that is owned or operated by the same entity that owns or operates the home or program;

(4) A court, hearing officer, or other necessary individual involved in a case dealing with a denial of employment of the applicant or dealing with employment or unemployment benefits of the applicant;

(5) Any person to whom the report is provided pursuant to, and in accordance with, division (I)(1) or (2) of this section;

(6) The board of nursing for purposes of accepting and processing an application for a medication aide certificate issued under Chapter 4723. of the Revised Code.

(F) In accordance with section 3721.11 of the Revised Code, the director of health shall adopt rules to implement this section. The rules shall specify circumstances under which a home or adult day-care program may employ a person who has been convicted of or pleaded guilty to an offense listed or described in division (C)(1) of this section but meets personal character standards set by the director.

(G) The chief administrator of a home or adult day-care program shall inform each individual, at the time of initial application for a position that involves providing direct care to an older adult, that the individual is required to provide a set of fingerprint impressions and that a criminal records check is required to be conducted if the individual comes under final consideration for employment.

(H) In a tort or other civil action for damages that is brought as the result of an injury, death, or loss to person or property caused by an individual who a home or adult day-care program employs in a position that involves providing direct care to older adults, all of the following shall apply:

(1) If the home or program employed the individual in good faith and reasonable reliance on the report of a criminal records check requested under this section, the home or program shall not be found negligent solely because of its reliance on the report, even if the information in the report is determined later to have been incomplete or inaccurate;

(2) If the home or program employed the individual in good faith on a conditional basis pursuant to division (C)(2) of this section, the home or program shall not be found negligent solely because it employed the individual prior to receiving the report of a criminal records check requested under this section;

(3) If the home or program in good faith employed the individual according to the personal character standards established in rules adopted under division (F) of this section, the home or program shall not be found negligent

solely because the individual prior to being employed had been convicted of or pleaded guilty to an offense listed or described in division (C)(1) of this section.

(I)(1) The chief administrator of a home or adult day-care program is not required to request that the superintendent of the bureau of criminal identification and investigation conduct a criminal records check of an applicant if the applicant has been referred to the home or program by an employment service that supplies full-time, part-time, or temporary staff for positions involving the direct care of older adults and both of the following apply:

(a) The chief administrator receives from the employment service or the applicant a report of the results of a criminal records check regarding the applicant that has been conducted by the superintendent within the one-year period immediately preceding the applicant's referral;

(b) The report of the criminal records check demonstrates that the person has not been convicted of or pleaded guilty to an offense listed or described in division (C)(1) of this section, or the report demonstrates that the person has been convicted of or pleaded guilty to one or more of those offenses, but the home or adult day-care program chooses to employ the individual pursuant to division (F) of this section.

(2) The chief administrator of a home or adult day-care program is not required to request that the superintendent of the bureau of criminal identification and investigation conduct a criminal records check of an applicant and may employ the applicant conditionally as described in this division, if the applicant has been referred to the home or program by an employment service that supplies full-time, part-time, or temporary staff for positions involving the direct care of older adults and if the chief administrator receives from the employment service or the applicant a letter from the employment service that is on the letterhead of the employment service, dated, and signed by a supervisor or another designated official of the employment service and that states that the employment service has requested the superintendent to conduct a criminal records check regarding the applicant, that the requested criminal records check will include a determination of whether the applicant has been convicted of or pleaded guilty to any offense listed or described in division (C)(1) of this section, that, as of the date set forth on the letter, the employment service had not received the results of the criminal records check, and that, when the employment service receives the results of the criminal records check, it promptly will send a copy of the results to the home or ~~adult-care~~adult day-care program. If a home or adult day-care program employs an applicant conditionally in accordance with this division, the employment service, upon its receipt of the results of the criminal records check, promptly shall send a copy of the results to the home or adult day-care program, and division (C)(2)(b) of this section applies regarding the conditional employment."

Between lines 49867 and 49868, insert:

"**Sec. 4723.33.** A registered nurse, licensed practical nurse,~~or~~ dialysis

technician, community health worker, or medication aide who in good faith makes a report under this chapter or any other provision of the Revised Code regarding a violation of this chapter or any other provision of the Revised Code, or participates in any investigation, administrative proceeding, or judicial proceeding resulting from the report, has the full protection against retaliatory action provided by sections 4113.51 to 4113.53 of the Revised Code.

Sec. 4723.34. (A) Reports to the board of nursing shall be made as follows:

(1) Every employer of registered nurses, licensed practical nurses, or dialysis technicians shall report to the board of nursing the name of any current or former employee who holds a nursing license or dialysis technician certificate issued under this chapter who has engaged in conduct that would be grounds for disciplinary action by the board under section 4723.28 of the Revised Code. ~~Every~~

Every employer of certified community health workers shall report to the board the name of any current or former employee who holds a community health worker certificate issued under this chapter who has engaged in conduct that would be grounds for disciplinary action by the board under section 4723.86 of the Revised Code.

Every employer of medication aides shall report to the board the name of any current or former employee who holds a medication aide certificate issued under this chapter who has engaged in conduct that would be grounds for disciplinary action by the board under section 4723.652 of the Revised Code.

(2) Nursing associations shall report to the board the name of any registered nurse or licensed practical nurse and dialysis technician associations shall report to the board the name of any dialysis technician who has been investigated and found to constitute a danger to the public health, safety, and welfare because of conduct that would be grounds for disciplinary action by the board under section 4723.28 of the Revised Code, except that an association is not required to report the individual's name if the individual is maintaining satisfactory participation in a peer support program approved by the board under rules adopted under section 4723.07 of the Revised Code. ~~Community~~

Community health worker associations shall report to the board the name of any certified community health worker who has been investigated and found to constitute a danger to the public health, safety, and welfare because of conduct that would be grounds for disciplinary action by the board under section 4723.86 of the Revised Code, except that an association is not required to report the individual's name if the individual is maintaining satisfactory participation in a peer support program approved by the board under rules adopted under section 4723.07 of the Revised Code.

Medication aide associations shall report to the board the name of any medication aide who has been investigated and found to constitute a danger to the public health, safety, and welfare because of conduct that would be grounds

for disciplinary action by the board under section 4723.652 of the Revised Code, except that an association is not required to report the individual's name if the individual is maintaining satisfactory participation in a peer support program approved by the board under rules adopted under section 4723.69 of the Revised Code.

(3) If the prosecutor in a case described in divisions (B)(3) to (5) of section 4723.28 of the Revised Code, or in a case where the trial court issued an order of dismissal upon technical or procedural grounds of a charge of a misdemeanor committed in the course of practice, a felony charge, or a charge of gross immorality or moral turpitude, knows or has reason to believe that the person charged is licensed under this chapter to practice nursing as a registered nurse or as a licensed practical nurse or holds a certificate issued under this chapter to practice as a dialysis technician, the prosecutor shall notify the board of nursing. With regard to certified community health workers and medication aides, if the prosecutor in a case involving a charge of a misdemeanor committed in the course of employment, a felony charge, or a charge of gross immorality or moral turpitude, including a case dismissed on technical or procedural grounds, knows or has reason to believe that the person charged holds a community health worker or medication aide certificate issued under this chapter, the prosecutor shall notify the board.

Each notification required by this division shall be made on forms prescribed and provided by the board. The report shall include the name and address of the license or certificate holder, the charge, and the certified court documents recording the action.

(B) If any person fails to provide a report required by this section, the board may seek an order from a court of competent jurisdiction compelling submission of the report.

Sec. 4723.341. (A) As used in this section, "person" has the same meaning as in section 1.59 of the Revised Code and also includes the board of nursing and its members and employees; health care facilities, associations, and societies; insurers; and individuals.

(B) In the absence of fraud or bad faith, no person reporting to the board of nursing or testifying in an adjudication conducted under Chapter 119. of the Revised Code with regard to alleged incidents of negligence or malpractice or matters subject to this chapter or sections 3123.41 to 3123.50 of the Revised Code and any applicable rules adopted under section 3123.63 ~~of the Revised Code or section~~ of the Revised Code shall be subject to either of the following based on making the report or testifying:

(1) Liability in damages in a civil action for injury, death, or loss to person or property;

(2) Discipline or dismissal by an employer.

(C) An individual who is disciplined or dismissed in violation of division

(B)(2) of this section has the same rights and duties accorded an employee under sections 4113.52 and 4113.53 of the Revised Code.

(D) In the absence of fraud or bad faith, no professional association of registered nurses, licensed practical nurses, ~~or~~ dialysis technicians, community health workers, or medication aides that sponsors a committee or program to provide peer assistance to individuals with substance abuse problems, no representative or agent of such a committee or program, and no member of the board of nursing shall be liable to any person for damages in a civil action by reason of actions taken to refer a nurse ~~or,~~ dialysis technician, community health worker, or medication aide to a treatment provider or actions or omissions of the provider in treating a nurse ~~or,~~ dialysis technician, community health worker, or medication aide."

In line 49974, after "valid" insert "medication aide"

In line 49975, delete everything before the underlined period and insert "this chapter"

In line 50043, after "valid" insert "medication aide"

In line 50044, delete everything before the underlined period and insert "this chapter"

Delete lines 50048 through 50093 and insert:

"**Sec. 4723.65.** (A) An individual seeking certification as a medication aide shall apply to the board of nursing on a form prescribed and provided by the board. If the application is submitted on or after July 1, 2007, the application shall be accompanied by the certification fee established in rules adopted under section 4723.69 of the Revised Code.

(B)(1) Except as provided in division (B)(2) of this section, an applicant for a medication aide certificate shall submit a request to the bureau of criminal identification and investigation for a criminal records check. The request shall be on the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and shall be accompanied by a standard impression sheet to obtain fingerprints prescribed pursuant to division (C)(2) of that section. The request shall also be accompanied by the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code. On receipt of the completed form, the completed impression sheet, and the fee, the bureau shall conduct a criminal records check of the applicant. On completion of the criminal records check, the bureau shall send the results of the check to the board. An applicant requesting a criminal records check under this division shall ask the superintendent of the bureau of criminal identification and investigation to also request that the federal bureau of investigation provide the superintendent with any information it has with respect to the applicant.

(2) If a criminal records check of an applicant was completed pursuant to section 3721.121 of the Revised Code not more than five years prior to the date the application is submitted, the applicant may include a certified copy of the

criminal records check completed pursuant to that section and is not required to comply with division (B)(1) of this section.

(3) A criminal records check provided to the board in accordance with division (B)(1) or (B)(2) of this section shall not be made available to any person or for any purpose other than the following:

(a) The results may be made available to any person for use in determining whether the individual who is the subject of the check should be issued a medication aide certificate.

(b) The results may be made available to the person who is the subject of the check or a representative of that person.

Sec. 4723.651. (A) To be eligible to receive a medication aide certificate, an applicant shall meet all of the following conditions:

(1) Be at least eighteen years of age;

(2) Have a high school diploma or a high school equivalence diploma as defined in section 5107.40 of the Revised Code;

(3) If the applicant is to practice as a medication aide in a nursing home, be a nurse aide who satisfies the requirements of division (A)(1), (2), (3), (4), (5), (6), or (8) of section 3721.32 of the Revised Code;

(4) If the applicant is to practice as a medication aide in a residential care facility, be a nurse aide who satisfies the requirements of division (A)(1), (2), (3), (4), (5), (6), or (8) of section 3721.32 of the Revised Code or an individual who has at least one year of direct care experience in a residential care facility;

(5) Successfully complete the course of instruction provided by a training program approved by the board under section 4723.66 of the Revised Code;

(6) Have results on the criminal records check provided to the board under division (B)(1) or (2) of section 4723.65 of the Revised Code indicating that the applicant has not been convicted of, has not pleaded guilty to, and has not had a judicial finding of guilt for violating section 2903.01, 2903.02, 2903.03, 2903.11, 2905.01, 2907.02, 2907.03, 2907.05, 2909.02, 2911.01, or 2911.11 of the Revised Code or a substantially similar law of another state, the United States, or another country;

(7) Meet all other requirements for a medication aide certificate established in rules adopted under section 4723.69 of the Revised Code.

(B) If an applicant meets the requirement specified in division (A) of this section, the board shall issue a medication aide certificate to the applicant. If a medication aide certificate is issued to an individual on the basis of having at least one year of direct care experience working in a residential care facility, as provided in division (A)(4) of this section, the certificate is valid for use only in a residential care facility. The board shall state the limitation on the certificate issued to the individual.

(C) A medication aide certificate is valid for two years, unless earlier suspended or revoked. The certificate may be renewed in accordance with procedures specified by the board in rules adopted under section 4723.69 of the Revised Code. To be eligible for renewal, an applicant shall pay the renewal fee established in the rules and meet all renewal qualifications specified in the rules.

Sec. 4723.652. (A) The board of nursing, by vote of a quorum, may impose one or more of the following sanctions against any individual who applies for, or holds, a medication aide certificate: deny, revoke, suspend, or place restrictions on the certificate; reprimand or otherwise discipline the holder of a medication aide certificate; or impose a fine of not more than five hundred dollars per violation. The sanctions may be imposed for any of the reasons specified in division (B) of section 4723.28 of the Revised Code, to the extent that those reasons are applicable to medication aides as specified in rules adopted under section 4723.69 of the Revised Code.

(B) Disciplinary actions taken by the board under this section shall be taken pursuant to an adjudication conducted under Chapter 119. of the Revised Code, except that in lieu of a hearing, the board may enter into a consent agreement with an individual to resolve an allegation of a violation of this chapter or any rule adopted under it. A consent agreement, when ratified by vote of a quorum, shall constitute the findings and order of the board with respect to the matter addressed in the agreement. If the board refuses to ratify a consent agreement, the admissions and findings contained in the agreement shall be of no effect.

(C) In taking actions under this section, the board has the same powers and duties that it has when taking actions under section 4723.28 of the Revised Code. In addition, the board may issue an order to summarily suspend or automatically suspend a medication aide certificate in the same manner that the board is authorized to take those actions under section 4723.281 of the Revised Code."

In line 50126, after the second "a" insert "current, valid medication aide"

In line 50127, delete "section 4723.65 of the Revised Code" and insert "this chapter"

In line 50172, delete "certified" and insert "who hold a current, valid medication aide certificate issued"

In line 50173, delete "section 4723.65 of the Revised Code" and insert "this chapter"

In line 50181, delete "certified under" and insert "pursuant to"

In line 50182, delete "4723.65" and insert "4723.63 or 4723.64"

In line 50205, delete "4723.65" and insert "4723.651"

In line 50208, after "(4)" insert "The extent to which the board determines that the reasons for taking disciplinary actions under section 4723.28

of the Revised Code are applicable reasons for taking disciplinary actions under section 4723.652 of the Revised Code against an applicant for or holder of a medication aide certificate;

(5) Standards for approval of peer support programs for the holders of medication aide certificates;

(6)"

In line 50212, delete "(5)" and insert "(7)"; delete "a medication"

In line 50213, delete "aide certificate or"

In line 50215, delete "(6)" and insert "(8)"

In line 82007, after "3721.07," insert "3721.121,"

In line 82022, after "4723.32," insert "4723.33, 4723.34, 4723.341,"

In line 97938, after "3721.07," insert "3721.121,"

In line 97942, after "4723.32," insert "4723.33, 4723.34, 4723.341,"

In line 97943, after "4723.65," insert "4723.651, 4723.652,"

Between lines 98396 and 98397, insert:

"Section 4723.341 of the Revised Code as amended by both Sub. H.B. 511 and Am. Sub. S.B. 180 of the 123rd General Assembly."

In line 72 of the title, after "3721.07," insert "3721.121,"

In line 94 of the title, after "4723.32," insert "4723.33, 4723.34, 4723.341,"

In line 198 of the title, after "4723.65," insert "4723.651, 4723.652,"

In line 52904, delete "sixty days" and insert "eighteen months"

In line 3466, after "year" insert "beginning in the year 2007"

Between lines 83008 and 83009, insert:

"ALLOCATION OF PACE SLOTS

For fiscal years 2006 and 2007, of the 880 slots approved by the Centers for Medicare and Medicaid Services for the PACE Program, the Department of Aging shall allocate, to the extent funding is available, 500 slots to Tri-Health Senior Link located in Cincinnati and 380 slots to Concordia Care located in Cleveland. In fiscal year 2007, the Department of Aging shall allocate, to the extent funding is available, up to 60 additional slots from Concordia Care to Tri-Health Senior Link if the Department projects Concordia Care will not fill all of its allotted slots."

In line 3418, delete the second "the"; delete "that assessed the fee"

Delete lines 89738 and 89739 and insert "In each fiscal year, the Department of Job and Family Services shall grant $50,000 from appropriation

item 600-528, Adoption Services, and $150,000 from appropriation item 600-606, Child Welfare (Fund 327), to the"

In line 89744, delete "and to ensure that the training"

Delete line 89745

In line 89746, delete everything before the period

In line 97912, delete "120.36,"

In line 5562, strike through the first "a" and insert "either of the following:

(a) A"

In line 5563, reinsert the stricken semicolon and insert:

"(b) The United States or any department, agency, or instrumentality of the United States"

In line 5596, delete "within a municipal"

In line 5597, delete "corporation"; after "closure" insert "or realignment"

In line 5606, delete "within a municipal corporation"

In line 5607, after the first "closure" insert "or realignment"

In line 90740, delete "$5.0" and insert "$4.5"

In line 90741, delete "$6.0" and insert "$5.5"

In line 43002, delete "three" and insert "five"

In line 43005, delete "six" and insert "ten"

In line 43008, delete "ten" and insert "fifteen"

In line 43017, delete "issuance" and insert "final disposition"; after the second "the" insert "application for a"

In line 43036, after "(F)" insert "Coal mining and reclamation operations that are authorized under Chapter 1513. of the Revised Code are exempt from the fees established under this section for one year after the effective date of this section.

(G)"

In line 81379, delete "withdrawn or"

Delete lines 81384 through 81387

In line 81426, delete "fifty" and insert "eighty"

In line 81427, after the first "the" insert "complete"

In line 81457, delete "or" and insert "of"

In line 81470, after "impacts" insert ", provided that the mitigation is conducted within that portion of the district that is located within this state"

In line 81473, delete "On-site" and insert "Practicable on-site"; after "mitigation" delete the balance of the line

In line 81474, delete everything before the underlined semicolon

In line 81476, after "or" insert "mitigation"; after "a" insert "wetland"

In line 81477, delete "review"

In line 81478, delete everything before the underlined semicolon

In line 81482, after "impacts" insert ", provided that the mitigation is conducted within that portion of the district that is located within this state"

In line 84972, delete "$20,763,649 $23,792,828" and insert "$20,813,649 $23,842,828"

In line 84998, delete "$7,485,405,773$7,583,267,819" and insert "$7,485,455,773$7,583,317,819"

In line 85067, delete "$10,182,637,895 $10,650,103,623" and insert "$10,182,687,895 $10,650,153,623"

Between lines 85553 and 85554, insert:

"Of the foregoing appropriation item 200-431, School Improvement Initiatives, $50,000 in each fiscal year shall be used for the Big City Schools Program in Cincinnati."

In line 87840, delete "$9,532,874 $9,532,874" and insert "$9,582,874 $9,582,874"

In line 87853, delete "$75,437,016 $75,487,016" and insert "$75,487,016 $75,537,016"

In line 87897, delete "$568,021,863 $575,192,231" and insert "$568,071,863 $575,242,231"

Between lines 87950 and 87951, insert:

"Of the foregoing appropriation item 440-416, Child and Family Health Services, $50,000 in each fiscal year shall be allocated to the Mayerson Inclusion Project."

In line 88264, delete "$1,172,500 $1,172,500" and insert "$1,072,500 $1,072,500"

In line 88265, delete "$14,394,655 $14,394,655" and insert "$14,294,655 $14,294,655"

In line 88266, delete "$14,394,655 $14,394,655" and insert "$14,294,655 $14,294,655"

Delete lines 11090 through 11092

Between lines 88317 and 88318, insert:

"PROCESSING FEES

The Ohio Historical Society shall not charge or retain an administrative, service, or processing fee for distributing money that the General Assembly appropriates to the Society for grants or subsidies that the Society provides to other entities for their site-related programs."

In line 54756, delete ", at any time,"

In line 54758, delete "Among" and insert "The recovery may occur at any time during the five-year period immediately following the end of the state fiscal year in which the overpayment was made.

(B) Among"

In line 54763, delete the first "of" and insert "for"

Delete line 54772 and insert:

"(C) During the period specified in division (A) of this section, the department may recover an overpayment"

In line 54784, delete the first and second "(C)" and insert "(D)" in both places

In line 54795, delete "(D)" and insert "(E)"

In line 17795, after "speaker" insert "and the minority leader"

In line 17796, after "president" insert "and the minority leader"

In line 83390, delete "$35,593,265 $36,661,063" and insert "$37,760,215 $39,494,113"

In line 83392, delete "$37,743,023 $38,841,465" and insert "$39,909,973 $41,674,515"

In line 83410, delete "$182,236,098 $187,774,540" and insert "$184,403,048 $190,607,590"

Between lines 83415 and 83416, insert:

"SERVICES TO POOR MEDICATION DEPENDENT ADULTS

Of the foregoing appropriation item 038-401, Treatment Services, $2,166,950 in fiscal year 2006 and $2,833,050 in fiscal year 2007 shall be used to provide services to persons who meet criteria that are consistent with the criteria for the Disability Medical Assistance Program."

Between lines 88424a and 88425, insert:

"GRF 600-513 Disability Medical Assistance $19,500,000 $25,500,000"

In line 88437, delete "$4,801,922,357 $5,005,719,903" and insert "$4,821,422,357 $5,031,219,903"

In line 88439, delete "$10,567,126,243 $10,848,943,040" and insert "$10,586,626,243 $10,874,443,040"

In line 88511, delete "$17,078,547,447 $17,401,414,127" and insert "$17,098,047,447 $17,426,914,127"

In line 89085, delete "TERMINATION OF THE"

In line 89087 after "(A)" insert "The foregoing appropriation item 600-513, Disability Medical Assistance, shall be used by the Department of Job and Family Services to operate a Disability Medical Assistance Program before or after October 1, 2005, to replace the Disability Medical Assistance program established in Chapter 5115. of the Revised Code."

Between lines 89136 and 89137, insert:

"**Section ___.** DISABILITY MEDICAL ASSISTANCE COUNCIL

(A) There is hereby established the Disability Medical Assistance Council, composed of the following individuals:

(1) The Director of Job and Family Services or the Director's designee;

(2) The Director of the Rehabilitative Services Commission or the Director's designee;

(3) The Director of Rehabilitation and Correction or the Director's designee;

(4) The Director of Mental Health or the Director's designee;

(5) The Director of Alcohol and Drug Addiction Services or the Director's designee;

(6) Two individuals appointed by the Director of Job and Family Services to represent health care and behavioral health care trade associations, one of whom shall represent county behavioral health boards;

(7) Three members of the Medicaid Care Advisory Committee in the Department of Job and Family Services;

(8) Three individuals appointed by the Director of Job and Family Services to represent low-income disabled individuals;

(9) An individual appointed by the Director of Job and Family Services to represent county boards of job and family services;

(10) An individual appointed by the Director of Job and Family Services to represent hospitals;

(11) Two individuals appointed by the Director of Job and Family Services to represent the pharmaceutical industry.

(B) By not later than September 1, 2005, the Council shall submit to the Governor, the Speaker of the House of Representatives, and the President of the Senate a written report to propose a program to replace the Disability Medical Assistance Program when that program terminates. The report shall include recommendations for the program regarding all of the following:

(1) The type, scope, and duration of services to be covered;

(2) Delivery system options;

(3) Eligibility criteria;

(4) Measures that can be taken to assist individuals who received benefits from the Disability Medical Assistance Program but do not meet the eligibility criteria of the new program to transition to other government or private medical assistance programs;

(5) A disability advocacy program to assist applicants for and recipients of assistance under the new program in the same manner as the disability advocacy program established under section 5115.20 of the Revised Code assisted Disability Medical Assistance Program applicants and recipients prior to October 1, 2005;

(6) Any other recommendations the Council considers necessary and appropriate.

(C) The program proposed by the Council in the report described in division (B) of this section shall be implemented by not later than October 1, 2005."

In line 90682, delete "$7,959,798 $7,959,798" and insert "$12,292,848 $13,626,748"

In line 90684, delete "$110,772,931 $116,772,931" and insert "$115,105,981 $122,439,881"

Delete lines 90699 and 90699a

In line 90701, delete "$10,540,000 $10,540,000" and insert "$6,540,000 $6,540,000"

In line 90702, delete "$412,774,762 $437,083,260" and insert "$413,107,812 $438,750,810"

In line 90704, delete "$556,679,460 $573,116,860" and insert "$557,012,510 $574,783,860"

In line 90713, delete "$999,979,519 $1,039,040,844" and insert "$1,000,312,569 $1,040,707,794"

Between lines 90720 and 90721, insert:

"Of the foregoing appropriation item 335-419, Community Medication Subsidy, $4,333,050 in fiscal year 2006 and $5,666,950 in fiscal year 2007 shall

be used to provide services to persons who meet criteria that is consistent with the criteria for the Disability Medical Assistance Program."

Delete lines 90838 through 90843

In line 95052, after "Health)," insert "and"

In line 95054, after "Services),"

Delete line 95055

In line 95056, delete "Health)"

In line 95070, after "Services)" delete the balance of the line

In line 95071, delete everything before the period

In line 93955, delete "$87,100,747 $82,623,833" and insert "$94,605,130 $94,605,130"

In line 93956, delete "$444,372,980 $435,584,650" and insert "$458,510,155 $458,510,155"

In line 93959, delete "$612,195,011 $582,437,898" and insert "$662,137,898 $662,137,898"

In line 93964, delete "$2,358,979,738 $2,478,223,381" and insert "$2,430,564,183 $2,592,830,183"

In line 93965, delete "$4,266,680,398 $4,469,548,341" and insert "$4,338,264,843 $4,584,155,143"

Delete lines 97135 through 97660, and insert:

"**Section 557.12.** ADJUSTMENT TO LOCAL GOVERNMENT DISTRIBUTIONS

(A) On or before the seventh day of each month of the period July 2005 through June 2007, the Tax Commissioner shall determine and certify to the Director of Budget and Management the amount to be credited, by tax, during that month to the Local Government Fund, to the Library and Local Government Support Fund, and to the Local Government Revenue Assistance Fund, respectively, under divisions (B) to (G) of this section.

(B) Notwithstanding sections 5727.45, 5727.84, 5733.12, 5739.21, 5741.03, and 5747.03 of the Revised Code to the contrary, for each month in the period July 1, 2005, through June 30, 2007, from the utility excise, kilowatt-hour, corporation franchise, sales and use, and personal income taxes collected:

(1) An amount shall first be credited to the Local Government Fund equal to the amount credited to that fund from that tax according to the schedule in divisions (C), (D), (E), and (F) of this section;

(2) An amount shall next be credited to the Local Government Revenue

Assistance Fund equal to the amount credited to that fund from that tax according to the schedule in divisions (C), (D), (E), and (F) of this section;

(3) An amount shall next be credited to the Library and Local Government Support Fund equal to the amount credited to that fund from that tax according to the schedule in division (G) of this section.

To the extent the amounts credited under divisions (B) through (G) of this section exceed the amounts that otherwise would have been credited under sections 5727.45, 5727.84, 5733.12, 5739.21, 5741.03, and 5747.03 of the Revised Code, the amounts credited to the general revenue fund shall be reduced. To the extent the amounts credited under divisions (B) through (G) of this section are less than the amounts that otherwise would have been credited under sections 5727.45, 5727.84, 5733.12, 5739.21, 5741.03, and 5747.03 of the Revised Code, the amounts credited to the general revenue fund shall be increased. After the appropriate amounts are credited to funds under division (B) of this section, additional adjustments may be required in June 2006 and June 2007 pursuant to division (I) of this section.

(C) Pursuant to divisions (B)(1) and (2) of this section, the amounts shall be credited from the corporation franchise, sales and use, and personal income taxes to each respective fund as follows:

(1) In July 2005, one hundred per cent of the amount credited in July 2004; in July 2006, one hundred per cent of the amount credited in July 2005;

(2) In August 2005, one hundred per cent of the amount credited in August 2004; in August 2006, one hundred per cent of the amount credited in August 2005;

(3) In September 2005, one hundred per cent of the amount credited in September 2004; in September 2006, one hundred per cent of the amount credited in September 2005;

(4) In October 2005, one hundred per cent of the amount credited in October 2004; in October 2006, one hundred per cent of the amount credited in October 2005;

(5) In November 2005, one hundred per cent of the amount credited in November 2004; in November 2006, one hundred per cent of the amount credited in November 2005;

(6) In December 2005, one hundred per cent of the amount credited in December 2004; in December 2006, one hundred per cent of the amount credited in December 2005;

(7) In January 2006, one hundred per cent of the amount credited in January 2005; in January 2007, one hundred per cent of the amount credited in January 2006;

(8) In February 2006, one hundred per cent of the amount credited in February 2005; in February 2007, one hundred per cent of the amount credited in

February 2006;

(9) In March 2006, one hundred per cent of the amount credited in March 2005; in March 2007, one hundred per cent of the amount credited in March 2006;

(10) In April 2006, one hundred per cent of the amount credited in April 2005; in April 2007, one hundred per cent of the amount credited in April 2006;

(11) In May 2006, one hundred per cent of the amount credited in May 2005; in May 2007, one hundred per cent of the amount credited in May 2006;

(12) In June 2006, one hundred per cent of the amount credited in June 2005; in June 2007, one hundred per cent of the amount credited in June 2006.

(D) Pursuant to divisions (B)(1) and (2) of this section, from the public utility excise tax, amounts shall be credited to the Local Government Fund and the Local Government Revenue Assistance Fund as follows:

(1) In July 2005 and July 2006, no amount shall be credited to the Local Government Fund and no amount shall be credited to the Local Government Revenue Assistance Fund;

(2) In August 2005 and August 2006, no amount shall be credited to the Local Government Fund or to the Local Government Revenue Assistance Fund;

(3) In September 2005 and September 2006, no amount shall be credited to the Local Government Fund or to the Local Government Revenue Assistance Fund;

(4) In October 2005 and October 2006, thirty per cent of $7,870,426.16 shall be credited to the Local Government Fund and thirty per cent of $1,124,346.59 shall be credited to the Local Government Revenue Assistance Fund;

(5) In November 2005 and November 2006, thirty per cent of $1,045,731.11 shall be credited to the Local Government Fund and thirty per cent of $149,390.15 shall be credited to the Local Government Revenue Assistance Fund;

(6) In December 2005 and December 2006, thirty per cent of $1,210,041.67 shall be credited to the Local Government Fund and thirty per cent of $172,863.13 shall be credited to the Local Government Revenue Assistance Fund;

(7) In January 2006 and January 2007, no amount shall be credited to the Local Government Fund or to the Local Government Revenue Assistance Fund;

(8) In February 2006 and February 2007, thirty per cent of $1,515,069.22 shall be credited to the Local Government Fund and thirty per cent of $216,438.43 shall be credited to the Local Government Revenue Assistance Fund;

(9) In March 2006 and March 2007, thirty per cent of $7,859,958.57 shall be credited to the Local Government Fund and thirty per cent of $1,122,851.24 shall be credited to the Local Government Revenue Assistance Fund;

(10) In April 2006 and April 2007, no amount shall be credited to the Local Government Fund or to the Local Government Revenue Assistance Fund;

(11) In May 2006 and May 2007, thirty per cent of $3,300,718.22 shall be credited to the Local Government Fund and thirty per cent of $471,531.17 shall be credited to the Local Government Revenue Assistance Fund;

(12) In June 2006 and June 2007, thirty per cent of $9,344,500.89 shall be credited to the Local Government Fund and thirty per cent of $1,334,928.70 shall be credited to the Local Government Revenue Assistance Fund.

(E) Pursuant to divisions (B)(1) and (2) of this section, from the kilowatt-hour tax, amounts shall be credited to the Local Government Fund and the Local Government Revenue Assistance Fund as follows:

(1) In July 2005 and July 2006, no amount shall be credited to the Local Government Fund and no amount shall be credited to the Local Government Revenue Assistance Fund;

(2) In August 2005 and August 2006, no amount shall be credited to the Local Government Fund or to the Local Government Revenue Assistance Fund;

(3) In September 2005, and September 2006, no amount shall be credited to the Local Government Fund or to the Local Government Revenue Assistance Fund;

(4) In October 2005 and October 2006, seventy per cent of $7,870,426.16 shall be credited to the Local Government Fund and seventy per cent of $1,124,346.59 shall be credited to the Local Government Revenue Assistance Fund;

(5) In November 2005 and November 2006, seventy per cent of $1,045,731.11 shall be credited to the Local Government Fund and seventy per cent of $149,390.15 shall be credited to the Local Government Revenue Assistance Fund;

(6) In December 2005 and December 2006, seventy per cent of $1,210,041.67 shall be credited to the Local Government Fund and seventy per cent of $172,863.13 shall be credited to the Local Government Revenue Assistance Fund;

(7) In January 2006 and January 2007, no amount shall be credited to the Local Government Fund or to the Local Government Revenue Assistance Fund;

(8) In February 2006 and February 2007, seventy per cent of $1,515,069.22 shall be credited to the Local Government Fund and seventy per cent of $216,438.43 shall be credited to the Local Government Revenue Assistance Fund;

(9) In March 2006 and March 2007, seventy per cent of $7,859,958.57 shall be credited to the Local Government Fund and seventy per cent of $1,122,851.24 shall be credited to the Local Government Revenue Assistance Fund;

(10) In April 2006 and April 2007, no amount shall be credited to the Local Government Fund or to the Local Government Revenue Assistance Fund;

(11) In May 2006 and May 2007, seventy per cent of $3,300,718.22 shall be credited to the Local Government Fund and seventy per cent of $471,531.17 shall be credited to the Local Government Revenue Assistance Fund;

(12) In June 2006 and June 2007, seventy per cent of $9,344,500.89 shall be credited to the Local Government Fund and seventy per cent of $1,334,928.70 shall be credited to the Local Government Revenue Assistance Fund.

(F) Notwithstanding the amounts required to be credited pursuant to division (C) of this section, the amount credited in June 2006 and June 2007 to the Local Government Fund and the Local Government Revenue Assistance Fund from the personal income tax shall be net of a reduction that may be required by division (I) of this section.

(G) Pursuant to division (B)(3) of this section, amounts shall be credited from the personal income tax to the Library and Local Government Support Fund as follows:

(1) In July 2005, one hundred per cent of the amount credited in July 2004; in July 2006, one hundred per cent of the amount credited in July 2005;

(2) In August 2005, one hundred per cent of the amount credited in August 2004; in August 2006, one hundred per cent of the amount credited in August 2005;

(3) In September 2005, one hundred per cent of the amount credited in September 2004; in September 2006, one hundred per cent of the amount credited in September 2005;

(4) In October 2005, one hundred per cent of the amount credited in October 2004; in October 2006, one hundred per cent of the amount credited in October 2005;

(5) In November 2005, one hundred per cent of the amount credited in November 2004; in November 2006, one hundred per cent of the amount credited in November 2005;

(6) In December 2005, one hundred per cent of the amount credited in December 2004; in December 2006, one hundred per cent of the amount credited in December 2005;

(7) In January 2006, one hundred per cent of the amount credited in January 2005; in January 2007, one hundred per cent of the amount credited in January 2006;

(8) In February 2006, one hundred per cent of the amount credited in February 2005; in February 2007, one hundred per cent of the amount credited in February 2006;

(9) In March 2006, one hundred per cent of the amount credited in March 2005; in March 2007, one hundred per cent of the amount credited in March 2006;

(10) In April 2006, one hundred per cent of the amount credited in April 2005; in April 2007, one hundred per cent of the amount credited in April 2006;

(11) In May 2006, one hundred per cent of the amount credited in May 2005; in May 2007, one hundred per cent of the amount credited in May 2006;

(12) In June 2006, one hundred per cent of the amount credited in June 2005, less any reduction that may be required by division (I) of this section; in June 2007, one hundred per cent of the amount credited in June 2006, less any reduction that may be required by division (I) of this section.

(H) The total amount credited to the Local Government Fund, the Local Government Revenue Assistance Fund, and the Library and Local Government Support Fund in each month during the period July 2005 through June 2007 shall be distributed by the tenth day of the immediately succeeding month in the following manner:

(1) Each county undivided local government fund shall receive a distribution from the Local Government Fund based on its proportionate share of the total amount received from the fund in such respective month for the period August 1, 2004, through July 31, 2005.

(2) Each municipal corporation receiving a direct distribution from the Local Government Fund shall receive a distribution based on its proportionate share of the total amount received from the fund in such respective month for the period August 1, 2004, through July 31, 2005.

(3) Each county undivided local government revenue assistance fund shall receive a distribution from the Local Government Revenue Assistance Fund based on its proportionate share of the total amount received from the fund in such respective month for the period August 1, 2004, through July 31, 2005.

(4) Each county undivided library and local government support fund shall receive a distribution from the Library and Local Government Support Fund based on its proportionate share of the total amount received from the fund in such respective month for the period August 1, 2004, through July 31, 2005.

(I) The Tax Commissioner shall do each of the following:

(1) By June 7, 2006, the Commissioner shall subtract the amount calculated in division (I)(1)(b) of this section from the amount calculated in division (I)(1)(a) of this section. If the amount in division (I)(1)(a) of this section is greater than the amount in division (I)(1)(b) of this section, then such difference shall be subtracted from the total amount of income tax revenue

credited to the Local Government Fund, the Local Government Revenue Assistance Fund, and the Library and Local Government Support Fund in June 2006. An amount shall be subtracted from income tax revenue credited to the Local Government Fund, the Local Government Revenue Assistance Fund, or the Library and Local Government Support Fund only if, and according to the proportion by which, such fund contributed to the result that the amount in division (I)(1)(a) of this section exceeds the amount in division (I)(1)(b) of this section.

(a) The sum of all money credited to the Local Government Fund, the Local Government Revenue Assistance Fund, and the Library and Local Government Support Fund from July 2005 through May 2006. The sum computed in division (I)(1)(a) of this section shall exclude any dealer in intangibles tax revenues credited to the Local Government Fund.

(b) The sum of all money that would have been credited to the Local Government Fund, the Local Government Revenue Assistance Fund, and the Library and Local Government Support Fund from July 2005 through May 2006, if sections 5727.45, 5727.84, 5733.12, 5739.21, 5741.03, and 5747.03 of the Revised Code were in effect during this period.

(2) By June 7, 2007, the Commissioner shall subtract the amount calculated in division (I)(2)(b) of this section from the amount calculated in division (I)(2)(a) of this section. If the amount in division (I)(2)(a) of this section is greater than the amount in division (I)(2)(b) of this section, then such difference shall be subtracted from the total amount of income tax revenue credited to the Local Government Fund, the Local Government Revenue Assistance Fund, and the Library and Local Government Support Fund in June 2007. An amount shall be subtracted from income tax revenue credited to the Local Government Fund, the Local Government Revenue Assistance Fund, or the Library and Local Government Support Fund only if, and according to the proportion by which, such fund contributed to the result that the amount in division (I)(2)(a) of this section exceeds the amount in division (I)(2)(b) of this section.

(a) The sum of all money credited to the Local Government Fund, the Local Government Revenue Assistance Fund, and the Library and Local Government Support Fund from June 2006 through May 2007. The sum computed in division (I)(2)(a) of this section shall exclude any dealer in intangibles tax revenues credited to the Local Government Fund and shall be prior to any reduction required by division (I)(1) of this section.

(b) The sum of all money that would have been credited to the Local Government Fund, the Local Government Revenue Assistance Fund, and the Library and Local Government Support Fund from June 2006 through May 2007, if sections 5727.45, 5727.84, 5733.12, 5739.21, 5741.03, and 5747.03 of the Revised Code were in effect during this period.

(3) On the advice of the Tax Commissioner, during any month other than

June 2006 or June 2007 of the period July 1, 2005, through July 31, 2007, the Director of Budget and Management may reduce the amounts that are to be otherwise credited to the Local Government Fund, Local Government Revenue Assistance Fund, or Library and Local Government Support Fund in order to accomplish more effectively the purposes of the adjustments in divisions (I)(1) and (2) of this section. If the respective calculations made in June 2006 and June 2007 pursuant to divisions (I)(1) and (2) of this section indicate that excess reductions had been made during the previous months, such excess amounts shall be credited, as appropriate, to the Local Government Fund, Local Government Revenue Assistance Fund, and Library and Local Government Support Fund.

(J) For the 2005, 2006, and 2007 distribution years, the Tax Commissioner is not required to issue the certifications otherwise required by sections 5747.47, 5747.501, 5747.51, and 5747.61 of the Revised Code, but shall provide to each county auditor by the twentieth day of July 2005, July 2006, and July 2007 an estimate of the amounts to be received by the county in the ensuing year from the Local Government Fund, Local Government Revenue Assistance Fund, and Library and Local Government Support Fund pursuant to this section and any pertinent section of the Revised Code. At the discretion of the Tax Commissioner, the Tax Commissioner may report to each county auditor additional revised estimates of the 2005, 2006, or 2007 distributions at any time during the period July 1, 2005, through July 31, 2007.

(K) During the period July 1, 2005, through July 31, 2007, the Director of Budget and Management shall issue such directives to state agencies that are necessary to ensure that the appropriate amounts are distributed to the Local Government Fund, to the Local Government Revenue Assistance Fund, and to the Library and Local Government Support Fund.

(L) No subdivision shall receive a proportionate share from the county undivided local government fund or county undivided local government revenue assistance fund during the period July 1, 2005, through June 30, 2007, that is less than the proportionate share the subdivision received from that fund during the period July 1, 2004, through June 30, 2005, unless the subdivision consents to receive the lesser proportionate share."

In line 364, after "5502.01," insert "5502.03,"

Between lines 65252 and 65253, insert:

"**Sec. 5502.03.** (A) There is hereby created in the department of public safety a division of homeland security. It is the intent of the general assembly that the creation of the division of homeland security of the department of public safety by this amendment does not result in an increase of funding appropriated to the department.

(B)(1) The division shall coordinate all homeland security activities of all state agencies and shall be the liaison between state agencies and local entities for the purposes of communicating homeland security funding and policy

initiatives.

(2) The division and the department shall distribute any homeland security funds on a county basis and shall not distribute those funds on a regional basis unless federal law requires distribution on a regional basis.

(C) The director of public safety shall appoint an executive director, who shall be head of the division of homeland security and who regularly shall advise the governor and the director on matters pertaining to homeland security. The executive director shall serve at the pleasure of the director of public safety. To carry out the duties assigned under this section, the executive director, subject to the direction and control of the director of public safety, may appoint and maintain necessary staff and may enter into any necessary agreements.

(D) Except as otherwise provided by law, nothing in this section shall be construed to give the director of public safety or the executive director of the division of homeland security authority over the incident management structure or responsibilities of local emergency response personnel."

In line 82044, after "5502.01," insert "5502.03,"

In line 124 of the title, after "5502.01," insert "5502.03,"

In line 96566, after "by" insert "the Speaker of the House of Representatives after considering the recommendation of"

In line 96570, after "by" insert "the President of the Senate after considering the recommendation of"

Delete lines 90699 and 90699a

In line 90701, delete "$10,540,000 $10,540,000" and insert "$6,540,000 $6,540,000"

In line 90702, delete "$412,774,762 $437,083,260" and insert "$408,774,762 $433,083,260"

In line 90711, delete "$16,266,164 $16,266,164" and insert "$12,266,164 $12,266,164"

In line 90713, delete "$999,979,519 $1,039,040,844" and insert "$995,979,519 $1,035,040,844"

Delete lines 90838 through 90843

In line 95052, after "Health)," insert "and"

In line 95054, after "Services)" delete the balance of the line

Delete line 95055

In line 95056, delete "Health)"

In line 95070, after "Services)" delete the balance of the line

In line 95071, delete everything before the period

In line 95079, delete "to the various"

In line 95080, delete "funds"

In line 94944, delete "$100,000,000" and insert "$50,000,000"

In line 94945, delete "the Budget Stabilization Fund" and insert "Fund 021, the Public School Building Fund"

Delete lines 94946 and 94947

In line 94948, delete "(E)" and insert "(D)"

In line 94949, delete "(D)" and insert "(C)"

Between lines 95033 and 95034, insert:

"**Section ___.** GRF TRANSFER TO THE PUBLIC SCHOOL BUILDING FUND

In fiscal year 2006, the Director of Budget and Management shall transfer $30,000,000 in cash from the General Revenue Fund to Fund 021, the Public School Building Fund."

In line 91360, delete "$37,924,841" and insert "$37,874,841"

In line 91362, delete the first "$3,207,619" and insert "$3,257,619"

In lines 91573, delete "PARKS AND RECREATION" and insert "DIVISION OF WATER"

In line 91574, delete "730-321" and insert "733-321"

In line 91575, delete "Parks and Recreation" and insert "Water"

In line 87840, delete the first "$9,532,874" and insert "$9,632,874"

In line 87853, delete "$75,437,016" and insert "$75,537,016"

In line 87897, delete "$568,021,863" and insert "$568,121,863"

Between lines 87950 and 87951, insert:

"Of the foregoing appropriation item 440-416, Child and Family Health Services, $100,000 in fiscal year 2006 shall be allocated to People Working Cooperatively in Cincinnati."

Delete lines 89747 through 89754

Between lines 97660 and 97661, insert:

"**Section ___.** (A) Each county and each city with a population of one hundred thousand or more persons shall submit to the Auditor of State a report on or before October 1, 2005, that describes efforts on the part of the county or city to reduce costs by consolidating services and engaging in regional cooperation, specifies cost savings resulting from consolidation of services and regional cooperation, and describes the county's or city's future plans with

respect to consolidating services and engaging in regional cooperation as described in division (B) of this section.

(B) The report described in division (A) of this section shall describe future plans with respect to consolidating services, including, but not limited to, consolidating fire, law enforcement, water, sewer, and solid waste services provided by the county or city. The report shall describe any efforts already undertaken by the county or city to analyze how these future consolidation efforts would impact costs and affect existing collective bargaining agreements. If no such analyses have been undertaken at the time the report is filed, the report shall set forth a timeline for completing the analyses.

The report also shall describe future plans with respect to cooperating with one or more neighboring political subdivisions in the financing of operations that serve all of the subdivisions. The report shall describe the county's or city's future plans, if any, to cooperate with other political subdivisions in the consolidation of purchasing or construction functions.

(C) The report described in division (A) of this section shall be used by the Auditor of State for informational purposes only. The Auditor of State shall have no authority to approve or disapprove any plan described in a report."

In line 9905, delete "the state highway patrol,"

In line 10075, delete "Ohio board of regents" and insert "department"

In line 10084, delete "of administrative services"

In line 10096, delete "board" and insert "department"; delete "to the department"

In line 10099, delete "board" and insert "department"

In line 10103, delete "board" and insert "department"

Delete lines 93753 through 93759

In line 279, delete "124.01, 124.02,"

In line 280, delete "124.04,"; delete everything after "124.07,"

Delete line 281

In line 282, delete "124.31, 124.311, 124.32,"; delete "124.322, 124.323, 124.324,"

In line 283, delete "124.325,"; delete "124.33, 124.34,"

Delete lines 6894 through 7030

In line 7035, reinsert "official"

In line 7041, reinsert "official"; reinsert "or any political"

In line 7042, reinsert "subdivision of the state"

Delete lines 7121 through 8820

In line 8825, delete everything after "and"

In line 8826, delete "pursuant to"

In line 8835, reinsert "and shall file a"

Reinsert lines 8836 and 8837

In line 8838, reinsert "notice"

In line 8854, reinsert "and shall file a statement"

Reinsert line 8855

In line 8856, reinsert "administrative services prior to sending the"; after the reinserted "the" insert "layoff"; reinsert "notice"

In line 8893, delete everything after "(ii)"

In line 8894, delete everything before "files" and insert "It"

In line 8915, delete ", if the"

Delete line 8916

In line 8917, delete "the state,"

In line 8939, reinsert "The" and delete remainder of the line

In line 8940, delete "service of the state, the"

Delete lines 8945 through 9320

In line 81960, delete "124.01, 124.02, 124.04,"; delete everything after "124.07,"

Delete line 81961

In line 81962, delete everything before "124.321,"; delete "124.322,"

In line 81963, delete "124.323, 124.324, 124.325,"; delete "124.33, 124.34,"

Delete lines 98376 and 98377

In line 8 of the title, delete "124.01, 124.02, 124.04,"

In line 9 of the title, delete everything after "124.07,"

Delete lines 10 and 11 of the title

In line 12 of the title, delete everything after "124.321,"

In line 13 of the title, delete "124.33, 124.34,"

In line 7089, delete "or other functions related to human resources"

In line 7094, reinsert "and"; delete the first underlined comma; delete ", or other"

In line 7095, delete "human resources"

Delete lines 96792 through 96879

In line 288, delete "307.76,"

In line 366, delete "5705.19,"

Delete lines 12408 through 12420

Delete lines 66548 through 66799

In line 81968, delete "307.76,"

In line 82046, delete "5705.19,"

In line 19 of the title, delete "307.76,"

In line 127 of the title, delete "5705.19,"

In line 91773, delete "$4,214,697 $4,214,697" and insert "$4,164,697 $4,164,697"

In line 91777, delete "$6,582,596 $6,892,889" and insert "$6,532,596 $6,842,889"

In line 91791, delete "$51,016,062 $45,871,228" and insert "$50,966,062 $45,821,228"

Delete lines 91798 through 91804

In line 320, after "3365.02," insert "3375.40,"

Between lines 34418 and 34419, insert:

"**Sec. 3375.40.** Each board of library trustees appointed pursuant to section 3375.06, 3375.10, 3375.12, 3375.15, 3375.22, or 3375.30 of the Revised Code may do the following:

(A) Hold title to and have the custody of all real and personal property of the free public library under its jurisdiction;

(B) Expend for library purposes, and in the exercise of the power enumerated in this section, all moneys, whether derived from the county library and local government support fund or otherwise, credited to the free public library under its jurisdiction and generally do all things it considers necessary for the establishment, maintenance, and improvement of the free public library under its jurisdiction;

(C) Purchase, lease, construct, remodel, renovate, or otherwise improve, equip, and furnish buildings or parts of buildings and other real property, and purchase, lease, or otherwise acquire motor vehicles and other personal property, necessary for the proper maintenance and operation of the free public library under its jurisdiction, and pay their costs in installments or otherwise. Financing of these costs may be provided through the issuance of notes, through an installment sale, or through a lease-purchase agreement. Any such notes shall be

issued pursuant to section 3375.404 of the Revised Code.

(D) Purchase, lease, lease with an option to purchase, or erect buildings or parts of buildings to be used as main libraries, branch libraries, or library stations pursuant to section 3375.41 of the Revised Code;

(E) Establish and maintain a main library, branches, library stations, and traveling library service within the territorial boundaries of the political subdivision or district over which it has jurisdiction of free public library service;

(F) Except as otherwise provided in this division, establish and maintain branches, library stations, and traveling library service in any school district, outside the territorial boundaries of the political subdivision or district over which it has jurisdiction of free public library service, upon application to and approval of the state library board, pursuant to section 3375.05 of the Revised Code. The board of library trustees of any free public library maintaining branches, stations, or traveling library service, outside the territorial boundaries of the political subdivision or district over which it has jurisdiction of free public library service, on September 4, 1947, may continue to maintain and operate those branches, those stations, and that traveling library service without the approval of the state library board.

(G) Appoint and fix the compensation of all of the employees of the free public library under its jurisdiction, pay the reasonable cost of tuition for any of its employees who enroll in a course of study the board considers essential to the duties of the employee or to the improvement of the employee's performance, and reimburse applicants for employment for any reasonable expenses they incur by appearing for a personal interview;

(H) Make and publish rules for the proper operation and management of the free public library and facilities under its jurisdiction, including rules pertaining to the provision of library services to individuals, corporations, or institutions that are not inhabitants of the county;

(I) Assess uniform fees for the provision of services to patrons of the library, but no fee shall be assessed for the circulation of printed materials held by the library except for the assessment of fines for materials not returned in accordance with the board's rules;

(J) Establish and maintain a museum in connection with and as an adjunct to the free public library under its jurisdiction;

~~(J)~~(K) By the adoption of a resolution, accept any bequest, gift, or endowment upon the conditions connected with the bequest, gift, or endowment. No such bequest, gift, or endowment shall be accepted by the board if its conditions remove any portion of the free public library under the board's jurisdiction from the control of the board or if the conditions, in any manner, limit the free use of the library or any part of it by the residents of the counties in which the library is located.

~~(K)~~(L) At the end of any fiscal year, by a two-thirds vote of its full membership, set aside any unencumbered surplus remaining in the general fund of the free public library under its jurisdiction for any purpose, including creating or increasing a special building and repair fund, or for operating the library or acquiring equipment and supplies;

~~(L)~~(M) Procure and pay all or part of the cost of group term life, hospitalization, surgical, major medical, disability benefit, dental care, eye care, hearing aids, or prescription drug insurance or coverage, or a combination of any of those types of insurance or coverage, whether issued by an insurance company or a health insuring corporation duly licensed by the state, covering its employees, and, in the case of group term life, hospitalization, surgical, major medical, dental care, eye care, hearing aids, or prescription drug insurance or coverage, also covering the dependents and spouses of its employees, and, in the case of disability benefits, also covering the spouses of its employees.

~~(M)~~(N) Pay reasonable dues and expenses for the free public library and library trustees in library associations.

Any instrument by which real property is acquired pursuant to this section shall identify the agency of the state that has the use and benefit of the real property as specified in section 5301.012 of the Revised Code."

In line 82000, after "3365.02," insert "3375.40,"

In line 63 of the title, after "3365.02," insert "3375.40,"

In line 300, delete "2152.44,"

In line 408, delete "2151.652,"

Delete lines 19450 through 19456

Delete lines 19509 through 19597

In line 81980, delete "2152.44,"

In line 36 of the title, delete "2152.44,"

In line 180 of the title, delete "2151.652,"

In line 364, after "5540.09," insert "5549.01,"; after "5552.01," insert "5573.13,"

Between lines 66228 and 66229, insert:

"**Sec. 5549.01.** The board of county commissioners may purchase such machinery, tools, or other equipment, including special wearing apparel, for the construction, improvement, maintenance, or repair of the highways, bridges, and culverts under its jurisdiction as it deems necessary. The board may also purchase, hire, or lease automobiles, motorcycles, or other conveyances and maintain them for the use of the county engineer and ~~his~~the engineer's assistants when on official business. All such machinery, tools, and equipment, including special wearing apparel, and conveyances belonging to the county shall be under

the care and custody of the engineer, and shall be plainly and conspicuously marked as the property of the county.

The engineer ~~shall~~ annually~~, on the fifteenth day of November, make a written inventory of all such items, indicating each article, stating the value thereof, and the estimated cost of all necessary repairs thereto, and deliver such inventory to the board, which shall cause it to be placed on file. At the same time he~~ shall file with the board ~~his~~ written recommendations as to what machinery, tools, and equipment, including special wearing apparel, and conveyances should be purchased for the use of the county during the ensuing year and the probable cost thereof.

The board shall provide a suitable place for housing and storing machinery, tools, and equipment, including special wearing apparel, materials, and conveyances owned by the county, and may purchase the necessary material and construct, or enter into an agreement with a railroad company to construct, one switch or spur track from the right of way of such railroad company to land or storage house owned by the county. All expenditures authorized by this section shall be paid out of any available road funds of the county.

Purchases, hiring, or leasing made by the board pursuant to this section shall be governed by sections 307.86 to 307.92~~, inclusive,~~ of the Revised Code."

Between lines 66238 and 66239, insert:

"**Sec. 5573.13.** The proportion of the compensation, damages, and costs of any road improvement to be paid by the township shall be paid out of any road improvement fund available therefor. For the purpose of providing by taxation a fund for the payment of the township's proportion of the compensation, damages, and costs of constructing, reconstructing, resurfacing, or improving roads under sections 5571.01, 5571.06, 5571.07, 5571.15, 5573.01 to 5573.15, ~~inclusive,~~ and 5575.02 to 5575.09~~, inclusive,~~ of the Revised Code, and for the purpose of maintaining, repairing, or dragging any public road or part thereof under their jurisdiction, in the manner provided in sections 5571.02 to 5571.05, ~~inclusive,~~5571.08, 5571.12, ~~5571.13,~~ and 5575.01 of the Revised Code, the board of trustees may levy, annually, a tax not exceeding three mills upon each dollar of the taxable property of said township. Such levy shall be in addition to all other levies authorized for township purposes, and subject only to the limitation on the combined maximum rate for all taxes now in force. The taxes so authorized shall be placed by the county auditor upon the tax duplicate, against the taxable property of the township, and collected by the county treasurer as other taxes. When collected, such taxes shall be paid to the township clerk of the township from which they are collected, and the money so received shall be under the control of the board for the purposes for which the taxes were levied."

In line 82045, after "5540.09," insert "5549.01,"; after "5552.01," insert "5573.13,"

In line 82072, after "5123.048," insert "5571.13,"

In line 125 of the title, after "5540.09," insert "5549.01,"; after "5552.01," insert "5573.13,"

In line 241 of the title, after "5123.048," insert "5571.13,"

In line 421, delete "4501.07,"

Delete lines 47345 through 47364

Delete lines 95041 through 95044

In line 196 of the title, delete "4501.07,"

In line 296, delete "1533.99,"

In line 406, delete "1533.122,"

Delete lines 15965 through 16026

Delete lines 16108 through 16156

In line 81976, delete "1533.99,"

In line 30 of the title, delete "1533.99,"

In line 178 of the title, delete "1533.122,"

In line 404, delete "131.51,"

Delete lines 10500 through 10511

In line 175 of the title, delete "131.51,"

In line 402, delete "122.12, 122.121,"

Delete lines 4399 through 4474

In line 171 of the title, delete "122.12, 122.121,"

Delete lines 1902 through 2099

In line 81955, delete "105.41,"

In line 2 of the title, delete "105.41,"

In line 275, delete "109.60,"

Delete lines 2555 through 2742

In line 81955, delete "109.60,"

In line 2 of the title, delete "109.60,"

In line 7045, delete "(1)"

In line 7056, after "~~Such~~" insert "The"

In line 7057, delete everything before "charges"

In line 7061, reinsert "Any"

Delete lines 7062 through 7075

In line 7076, delete "(3) Any"

Between lines 91606 and 91607, insert:

"LITTER CONTROL AND RECYCLING

Of the foregoing appropriation item, 725-644, Litter Control and Recycling, not more than $1,500,000 may be used in each fiscal year for the administration of the Recycling and Litter Prevention program."

In line 404, after "125.6012," insert "131.022,"

Between lines 10382 and 10383, insert:

"**Sec. 131.022.** (A) As used in this section:

(1) "Final overdue claim" means a claim that has been certified to the attorney general under section 131.02 of the Revised Code, that has been final for at least one year, and for which no arrangements have been made for the payment thereof or, if such arrangements have been made, the person owing the claim has failed to comply with the terms of the arrangement for more than thirty days.

"Final overdue claim" includes collection costs incurred with respect to such a claim and assessed by the attorney general under division (A) of section 131.02 of the Revised Code, interest accreting to the claim under division (D) of that section, and fees added under division (E)(3) of that section.

(2) "Final" means a claim has been finalized under the law providing for the imposition or determination of the amount due, and any time provided for appeal of the amount, legality, or validity of the claim has expired without an appeal having been filed in the manner provided by law. "Final" includes, but is not limited to, a final determination of the tax commissioner for which the time for appeal has expired without a notice of appeal having been filed.

(B) If a claim is certified to the attorney general under section 131.02 of the Revised Code, at any time after the claim is a final overdue claim, the attorney general may sell or otherwise transfer the claim to any person. If the claim is to be sold, it may be sold by private negotiated sale or at public auction conducted by the attorney general or a designee, as is most likely, in the opinion of the attorney general, to yield the most favorable return on the sale. For the purposes of this division, a public auction includes an auction conducted electronically whereby bids are solicited and received via the internet and the solicitation is open to the public.

(C) The attorney general may consolidate any number of final overdue claims for sale under this section.

(D) Not less than sixty days before first offering a final overdue claim for sale, the attorney general shall provide written notice, by ordinary mail, to the person owing the claim at that person's last known mailing address. The notice

shall state the following:

(1) The nature and amount of the claim;

(2) The manner in which the person may contact the office of the attorney general to arrange terms for payment of the claim;

(3) That if the person does not contact the office of the attorney general within sixty days after the date the notice is issued and arrange terms for payment of the claim all of the following apply:

(a) The claim will be offered for sale to a private party for collection by that party by any legal means;

(b) The person is deemed to be denied any right to seek and obtain a refund of any amount from which the claim arises if the applicable law otherwise allows for such a refund;

(c) The person is deemed to waive any right the person may have to confidentiality of information regarding the claim to the extent confidentiality is provided under any other section of the Revised Code.

(E) Upon the sale or transfer of a final overdue claim under this section, the claim becomes the property of the purchaser or transferee, and may be sold or otherwise transferred by that person to any other person or otherwise disposed of. The owner of the claim is entitled to all proceeds from the collection of the claim. Purchasers or transferees of a final overdue claim are subject to any applicable laws governing collection of debts of the kind represented by the claim.

(F) Upon the sale or transfer of a final overdue claim under this section, no refund shall be issued or paid to the person owing the claim for any part of the amount from which the claim arises.

(G) Notwithstanding any other section of the Revised Code, the attorney general, solely for the purpose of effecting the sale or transfer of a final overdue claim under this section, may disclose information about the person owing the claim that otherwise would be confidential under a section of the Revised Code, and the person shall have no right of action against such disclosure to the extent such a right is available under that section.

(H) The authority granted under this section is supplemental to the authority granted under section 131.02 of the Revised Code."

In line 175 of the title, after "125.6012," insert "131.022,"

In line 366, after "5705.391," insert "5709.07,"

Between lines 66892 and 66893, insert:

"**Sec. 5709.07.** (A) The following property shall be exempt from taxation:

(1) Public schoolhouses, the books and furniture in them, and the ground attached to them necessary for the proper occupancy, use, and enjoyment of the

schoolhouses, and not leased or otherwise used with a view to profit;

(2) Houses used exclusively for public worship, the books and furniture in them, and the ground attached to them that is not leased or otherwise used with a view to profit and that is necessary for their proper occupancy, use, and enjoyment;

(3) Real property owned and operated by a church that is used primarily for church retreats or church camping, and that is not used as a permanent residence. Real property exempted under division (A)(3) of this section may be made available by the church on a limited basis to charitable and educational institutions if the property is not leased or otherwise made available with a view to profit.

(4) Public colleges and academies and all buildings connected with them, and all lands connected with public institutions of learning, not used with a view to profit, including those buildings and lands that satisfy all of the following:

(a) The buildings are used for housing for full-time students or housing-related facilities for students, faculty, or employees of a state university, or for other purposes related to the state university's educational purpose, and the lands are underneath the buildings or are used for common space, walkways, and green spaces for the state university's students, faculty, or employees. As used in this division, "housing-related facilities" includes both parking facilities related to the buildings and common buildings made available to students, faculty, or employees of a state university. The leasing of space in housing-related facilities shall not be considered an activity with a view to profit for purposes of division (A)(4) of this section.

(b) The buildings and lands are supervised or otherwise under the control, directly or indirectly, of an organization that is exempt from federal income taxation under section 501(c)(3) of the Internal Revenue Code of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended, and the state university has entered into a qualifying joint use agreement with the organization that entitles the students, faculty, or employees of the state university to use the lands or buildings;

(c) The state university has agreed, under the terms of the qualifying joint use agreement with the organization described in division (A)(4)(b) of this section, that the state university, to the extent applicable under the agreement, will make payments to the organization in amounts sufficient to maintain agreed-upon debt service coverage ratios on bonds related to the lands or buildings.

(B) This section shall not extend to leasehold estates or real property held under the authority of a college or university of learning in this state; but leaseholds, or other estates or property, real or personal, the rents, issues, profits, and income of which is given to a municipal corporation, school district, or subdistrict in this state exclusively for the use, endowment, or support of schools for the free education of youth without charge shall be exempt from taxation as long as such property, or the rents, issues, profits, or income of the property is

used and exclusively applied for the support of free education by such municipal corporation, district, or subdistrict. Division (B) of this section shall not apply with respect to buildings and lands that satisfy all of the requirements specified in divisions (A)(4)(a) to (c) of this section.

(C) For purposes of this section, if the requirements specified in divisions (A)(4)(a) to (c) of this section are satisfied, the buildings and lands with respect to which exemption is claimed under division (A)(4) of this section shall be deemed to be used with reasonable certainty in furthering or carrying out the necessary objects and purposes of a state university.

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

(1) "Church" means a fellowship of believers, congregation, society, corporation, convention, or association that is formed primarily or exclusively for religious purposes and that is not formed for the private profit of any person.

(2) "State university" has the same meaning as in section 3345.011 of the Revised Code.

(3) "Qualifying joint use agreement" means an agreement that satisfies all of the following:

(a) The agreement was entered into before June 30, 2004;

(b) The agreement is between a state university and an organization that is exempt from federal income taxation under section 501(c)(3) of the Internal Revenue Code of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended; and

(c) The state university that is a party to the agreement reported to the Ohio board of regents that the university maintained a headcount of at least twenty-five thousand students on its main campus during the academic school year that began in calendar year 2003 and ended in calendar year 2004."

In line 82046, after "5705.391," insert "5709.07,"

Between lines 97008 and 97009, insert:

"**Section ___.** (A) The amendment by this act of section 5709.07 of the Revised Code first applies with respect to tax year 2005.

(B) Notwithstanding that buildings and lands described in division (D) of section 5709.07 of the Revised Code, as amended by this act, may qualify for an exemption from real property taxation under a provision of another section of the Revised Code that specifically applies to such buildings and lands, the buildings and lands are nevertheless entitled to the exemption allowed under division (A)(4) of section 5709.07 of the Revised Code, as amended by this act."

In line 98014, after "5707.031," insert "5709.07,"

In line 127 of the title, after "5705.391," insert "5709.07,"

In line 92365, delete "each" and insert "both those"

In line 92366, delete "university" and insert "universities"

In line 437, delete "5121.39,"

In line 439, after "5121.47," insert "5121.48,"

In line 440, after "5121.55," insert "5121.56,"

Delete lines 61321 through 62245 and insert:

"**Sec. ~~5121.03~~5121.01.** As used in ~~this chapter~~sections 5121.01 to 5121.21 of the Revised Code:

(A) ~~Patient means a person receiving care or treatment in a program or facility that provides services to mentally ill individuals.~~

~~(B) The department means the department of mental health or the department of mental retardation and developmental disabilities, whichever provides care or treatment to the patient.~~

~~(C)~~"Resident" means a person admitted to an institution or other facility pursuant to Chapter 5123. of the Revised Code who is under observation or receiving habilitation and care ~~in an institution for the mentally retarded~~.

~~(D) State-operated community mental health services means community-based services the department of mental health operates for a board of alcohol, drug addiction, and mental health services pursuant to a community mental health plan approved under division (A)(1)(c) of section 340.03 of the Revised Code.~~

~~(E)~~(B) "Applicable cost" means the rate for support applicable to a ~~patient or~~ resident as specified in this section.

The cost for support of ~~patients in hospitals and~~ residents in institutions under the jurisdiction of ~~the department of mental health or~~ the department of mental retardation and developmental disabilities, and of residents in private facilities or homes whose care or treatment is being paid for by the department ~~of mental retardation and developmental disabilities~~, shall be based on the average per capita cost of the care and treatment of ~~such patients or~~the residents. The cost of services for ~~mentally ill patients or mentally retarded~~ residents shall be computed using the projected average daily per capita cost at the ~~hospital or~~institution, or at the discretion of the department ~~under the jurisdiction of which the hospital or institution is operated~~, the subunit thereof in which services are provided. Such costs shall be computed at least annually for the next prospective period using generally accepted governmental accounting principles. The cost of services for ~~mentally retarded~~ residents that are being cared for and maintained in a private facility or home under the supervision of the department ~~of mental retardation and developmental disabilities regional offices~~ and for which a purchase of services contract is being paid to the private facility or home by the department shall not be more than the per diem cost of the contract. The cost of services for a resident receiving pre-admission care, after-care, day-care, or routine consultation and treatment services in a community service unit under

the jurisdiction of the department~~,~~ shall be computed on the basis of the average cost of such services at the institution at which they are provided.

~~The cost for support of a patient receiving state-operated community mental health services is an amount determined using guidelines the department of mental health shall issue. The guidelines shall be based on cost findings and rate-settings applicable to such services.~~

The department shall annually determine the ability to pay of a ~~patient or~~ resident or the ~~patient's or~~ resident's liable relatives and the amount that such person shall pay in accordance with section 5121.04 of the Revised Code.

Collections of support payments shall be made by ~~the department of mental health and~~ the department ~~of mental retardation and developmental disabilities~~ and, subject to meeting prior requirements for payment and crediting of such collections and other available receipts, in accordance with the bond proceedings applicable to obligations issued pursuant to section 154.20 of the Revised Code, such collections and other available receipts designated by ~~the director of the department of mental health and~~ the director of ~~the department of~~ mental retardation and developmental disabilities for deposit in the special accounts, together with insurance contract payments provided for in division (B)(8) of section 5121.04 of the Revised Code, shall be remitted to the treasurer of state for deposit in the state treasury to the credit of ~~the mental health operating fund and~~ the mental retardation operating fund, which ~~are~~is hereby created, to be used for the general purposes of ~~the department of mental health and~~ the department ~~of mental retardation and developmental disabilities~~. The ~~department of mental health shall make refunds of overpayment of support charges from the mental health operating fund, and the~~ department ~~of mental retardation and developmental disabilities~~ shall make refunds of overpayment of support charges from the mental retardation operating fund.

Sec. ~~5121.01~~5121.02. All ~~patients or residents of~~individuals admitted to a ~~benevolent~~state institution~~,~~operated by the department of mental retardation and developmental disabilities under section 5123.03 of the Revised Code shall be maintained at the expense of the state. Their traveling and incidental expenses in conveying them to the state institution shall be paid by the county of commitment. Upon admission, the ~~patients or residents~~individuals shall be neatly and comfortably clothed. Thereafter, the expense of necessary clothing shall be borne by the responsible relatives or guardian if they are financially able. If not furnished, the state shall bear the expense. Any required traveling expense after admission to the state institution shall be borne by the state if the responsible relatives or guardian are unable to do so.

Sec. ~~5121.02~~5121.03. When any person is committed to an institution under the jurisdiction of ~~the department of mental health or~~ the department of mental retardation and developmental disabilities pursuant to judicial proceedings, the judge ordering such commitment shall:

(A) Make a reliable report on the financial condition of such person and of each of the relatives of the person who are liable for ~~his~~the person's support,

as provided in section 5121.06 of the Revised Code and rules and procedures ~~agreed upon~~adopted by ~~the director of mental health and~~ the director of mental retardation and developmental disabilities;

(B) Certify to the managing officer of such institution, and the managing officer shall thereupon enter upon ~~his~~the managing officer's records the name and address of any guardian appointed and of any relative liable for such person's support under section 5121.06 of the Revised Code.

Sec. 5121.04. (A) The ~~department of mental health and the~~ department of mental retardation and developmental disabilities shall investigate the financial condition of the ~~patients in hospitals and~~ residents in institutions, residents whose care or treatment is being paid for in a private facility or home under the control of the department ~~of mental retardation and developmental disabilities~~, and of the relatives named in section 5121.06 of the Revised Code as liable for the support of such~~patients or~~ residents, in order to determine the ability of any~~patient,~~ resident~~,~~ or ~~such~~liable relatives to pay for the support of the ~~patient or~~ resident and to provide suitable clothing as required by the superintendent of the institution.

~~The department of mental health shall investigate the financial condition of patients receiving state-operated community mental health services and of the liable relatives to determine the patient's or relative's ability to pay for the patient's support. In all cases, in determining ability to pay and the amount to be charged, due regard shall be had for others who may be dependent for support upon such relatives or the estate of the patient.~~

(B) The department shall follow the provisions of this division in determining the ability to pay of a ~~patient or~~ resident or the ~~patient's or~~ resident's liable relatives and the amount to be charged such ~~patient or~~ resident or liable relatives.

(1) Subject to divisions (B)(10) and (11) of this section, a~~patient or~~ resident without dependents shall be liable for the full applicable cost. A ~~patient or~~ resident without dependents who has a gross annual income equal to or exceeding the sum of the full applicable cost, plus fifty dollars per month, regardless of the source of such income, shall pay currently the full amount of the applicable cost; if the ~~patient's or~~ resident's gross annual income is less than such sum, not more than fifty dollars per month shall be kept for personal use by or on behalf of the~~patient or~~ resident, except as permitted in the state plan for providing medical assistance under Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, and the balance shall be paid currently on the ~~patient's or~~ resident's support. Subject to divisions (B)(10) and (11) of this section, the estate of a ~~patient or~~ resident without dependents shall pay currently any remaining difference between the applicable cost and the amounts prescribed in this section, or shall execute an agreement with the department for payment to be made at some future date under terms suitable to the department. However, no security interest, mortgage, or lien shall be taken, granted, or charged against any principal residence of a ~~patient or~~ resident

without dependents under an agreement or otherwise to secure support payments, and no foreclosure actions shall be taken on security interests, mortgages, or liens taken, granted, or charged against principal residences of ~~patients or~~ residents prior to October 7, 1977.

(2) The ability to pay of a ~~patient or~~ resident with dependents, or of a liable relative of a ~~patient or~~ resident either with or without dependents, shall be determined in accordance with the ~~patient's,~~ resident's~~,~~ or liable relative's income or other assets, the needs of others who are dependent on such income and other assets for support, and, if applicable, divisions (B)(10) and (11) of this section.

For the first thirty days of care and treatment of each admission ~~and for the first thirty days of care and treatment from state-operated community mental health services~~, but in no event for more than thirty days in any calendar year, the ~~mentally ill patient or mentally retarded~~ resident with dependents or the liable relative of a ~~mentally ill patient or a mentally retarded~~ resident either with or without dependents shall be charged an amount equal to the percentage of the average applicable cost determined in accordance with the schedule of adjusted gross annual income contained after this paragraph. After such first thirty days of care and treatment, such ~~mentally ill patient or mentally retarded~~ resident or such liable relative shall be charged an amount equal to the percentage of a base support rate of four dollars per day for ~~mentally ill patients and mentally retarded~~ residents, as determined in accordance with the schedule of gross annual income contained after this paragraph, or in accordance with division (B)(5) of this section. Beginning January 1, 1978, the department shall increase the base rate when the consumer price index average is more than 4.0 for the preceding calendar year by not more than the average for such calendar year.

Adjusted Gross Annual Income of ~~Patient or~~ Resident or Liable Relative (FN a)	Number of Dependents (FN b)							
	1	2	3	4	5	6	7	8 or more
	Rate of Support (In Percentages)							
$15,000 or less	--	--	--	--	--	--	--	--
15,001 to 17,500	20	--	--	--	--	--	--	--
17,501 to 20,000	25	20	--	--	--	--	--	--
20,001 to 21,000	30	25	20	--	--	--	--	--
21,001 to 22,000	35	30	25	20	--	--	--	--
22,001 to 23,000	40	35	30	25	20	--	--	--
23,001 to 24,000	45	40	35	30	25	20	--	--
24,001 to 25,000	50	45	40	35	30	25	20	--
25,001 to 26,000	55	50	45	40	35	30	25	20
26,001 to 27,000	60	55	50	45	40	35	30	25
27,001 to 28,000	70	60	55	50	45	40	35	30
28,001 to 30,000	80	70	60	55	50	45	40	35
30,001 to 40,000	90	80	70	60	55	50	45	40
40,001 and over	100	90	80	70	60	55	50	45

Footnote a. The ~~patient or~~ resident or relative shall furnish a copy of the ~~patient's,~~ resident's~~,~~ or relative's federal income tax return as evidence of gross annual income.

Footnote b. The number of dependents includes the liable relative but excludes ~~the patient or~~a resident in ~~the hospital or~~an institution. "Dependent" includes any person who receives more than half the person's support from the ~~patient~~resident or the ~~patient's~~resident's liable relative.

(3) A ~~patient or~~ resident or liable relative having medical, funeral, or related expenses in excess of four per cent of the adjusted gross annual income, which expenses were not covered by insurance, may adjust such gross annual income by reducing the adjusted gross annual income by the full amount of such expenses. Proof of such expenses satisfactory to the department must be furnished.

(4) Additional dependencies may be claimed if:

(a) The liable relative is blind;

(b) The liable relative is over sixty-five;

(c) A child is a college student with expenses in excess of fifty dollars per month;

(d) The services of a housekeeper, costing in excess of fifty dollars per month, are required if the person who normally keeps house for minor children is the ~~patient or~~ resident.

(5) If with respect to any ~~patient or~~ resident with dependents there is chargeable under division (B)(2) of this section less than fifty per cent of the applicable cost or, if the base support rate was used, less than fifty per cent of the amount determined by use of the base support rate, and if with respect to such ~~patient or~~ resident there is a liable relative who has an estate having a value in excess of fifteen thousand dollars or if such ~~patient or~~ resident has a dependent and an estate having a value in excess of fifteen thousand dollars, there shall be paid with respect to such ~~patient or~~ resident a total of fifty per cent of the applicable cost or the base support rate amount, as the case may be, on a current basis or there shall be executed with respect to such ~~patient or~~ resident an agreement with the department for payment to be made at some future date under terms suitable to the department.

(6) When a person has been a ~~patient or~~ resident for fifteen years and the support charges for which a relative is liable have been paid for the fifteen-year period, the liable relative shall be relieved of any further support charges.

(7) The department shall accept voluntary payments from~~patients or~~ residents or liable relatives whose incomes are below the minimum shown in the schedule set forth in this division. The department also shall accept voluntary payments in excess of required amounts from both liable and nonliable relatives.

(8) If a ~~patient or~~ resident is covered by an insurance policy, or other

contract that provides for payment of expenses for care and treatment for ~~mental illness or~~ mental retardation or other developmental disability at or from an institution~~,~~or facility (including a ~~hospital or~~ community service unit under the jurisdiction of the department), ~~or state-operated community mental health service,~~ the other provisions of this section, except divisions (B)(8), (10), and (11) of this section, and of section ~~5121.03~~5121.01 of the Revised Code shall be suspended to the extent that such insurance policy or other contract is in force, and such ~~patient or~~ resident shall be charged the full amount of the applicable cost. Any insurance carrier or other third party payor providing coverage for such care and treatment shall pay for this support obligation in an amount equal to the lesser of either the applicable cost or the benefits provided under the policy or other contract. Whether or not an insured, owner of, or other person having an interest in such policy or other contract is liable for support payments under other provisions of this chapter, the insured, policy owner, or other person shall assign payment directly to the department of all assignable benefits under the policy or other contract and shall pay over to the department, within ten days of receipt, all insurance or other benefits received as reimbursement or payment for expenses incurred by the ~~patient or~~ resident or for any other reason. If the insured, policy owner, or other person refuses to assign such payment to the department or refuses to pay such received reimbursements or payments over to the department within ten days of receipt, the insured's, policy owners', or other person's total liability for the services equals the applicable statutory liability for payment for the services as determined under other provisions of this chapter, plus the amounts payable under the terms of the policy or other contract. In no event shall this total liability exceed the full amount of the applicable cost. Upon its request, the department is entitled to a court order that compels the insured, owner of, or other person having an interest in the policy or other contract to comply with the assignment requirements of this division or that itself serves as a legally sufficient assignment in compliance with such requirements. Notwithstanding section ~~5122.31~~5123.89 of the Revised Code and any other law relating to confidentiality of records, the managing officer of the institution or facility where a person is or has been a ~~patient or~~ resident~~, or the managing officer of the state-operated community mental health services from which the patient receives services,~~ shall disclose pertinent medical information concerning the ~~patient or~~ resident to the insurance carrier or other third party payor in question, in order to effect collection from the carrier or payor of the state's claim for care and treatment under this division. For such disclosure, the managing officer is not subject to any civil or criminal liability.

(9) The rate to be charged for pre-admission care, after-care, day-care, or routine consultation and treatment services shall be based upon the ability of the ~~patient or~~ resident or the ~~patient's or~~ resident's liable relatives to pay. When it is determined by the department that a charge shall be made, such charge shall be computed as provided in divisions (B)(1) and (2) of this section.

(10) If a ~~patient or~~ resident with or without dependents is the beneficiary of a trust created pursuant to section 1339.51 of the Revised Code, then, notwithstanding any contrary provision of this chapter or of a rule adopted

pursuant to this chapter, divisions (C) and (D) of that section shall apply in determining the assets or resources of the ~~patient or~~ resident, the ~~patient's or~~ resident's estate, the settlor, or the settlor's estate and to claims arising under this chapter against the ~~patient or~~ resident, the ~~patient's or~~ resident's estate, the settlor, or the settlor's estate.

(11) If the department ~~of mental retardation and developmental disabilities~~ waives the liability of an individual and the individual's liable relatives pursuant to section 5123.194 of the Revised Code, the liability of the individual and relative ceases in accordance with the waiver's terms.

(C) The department may enter into agreements with a ~~patient or~~ resident or a liable relative for support payments to be made in the future. However, no security interest, mortgage, or lien shall be taken, granted, or charged against any principal family residence of a ~~patient or~~ resident with dependents or a liable relative under an agreement or otherwise to secure support payments, and no foreclosure actions shall be taken on security interests, mortgages or liens taken, granted, or charged against principal residences of ~~patients or~~ residents or liable relatives prior to October 7, 1977.

(D) The department shall make all investigations and determinations required by this section within ninety days after a~~patient or~~ resident is admitted to an institution under the department's control ~~or a patient begins to receive state-operated community mental health services,~~ and immediately shall notify by mail the persons liable of the amount to be charged.

(E) All actions to enforce the collection of payments agreed upon or charged by the department shall be commenced within six years after the date of default of an agreement to pay support charges or the date such payment becomes delinquent. If a payment is made pursuant to an agreement which is in default, a new six-year period for actions to enforce the collection of payments under such agreement shall be computed from the date of such payment. For purposes of this division an agreement is in default or a payment is delinquent if a payment is not made within thirty days after it is incurred or a payment, pursuant to an agreement, is not made within thirty days after the date specified for such payment. In all actions to enforce the collection of payment for the liability for support, every court of record shall receive into evidence the proof of claim made by the state together with all debts and credits, and it shall be prima-facie evidence of the facts contained in it.

Sec. 5121.05. The ~~department of mental health and the~~department of mental retardation and developmental disabilities may subpoena witnesses, take testimony under oath, and examine any public records relating to the income and other assets of a ~~patient or~~ resident or ~~of a relative~~ liable ~~for such patient's or resident's support~~relative. All information, conclusions, and recommendations shall be submitted to the department by the investigating agent of the department. The department shall determine the amount of support to be paid, by whom, and whether clothing shall be furnished by the relatives or guardian.

Sec. 5121.06. (A) The following persons other than the~~patient or~~ resident

or the ~~patient's or~~ resident's estate are liable relatives and all the following persons are jointly and severally liable for the support of a ~~patient or~~ resident in ~~a hospital or~~an institution under the control of ~~the department of mental health or~~ the department of mental retardation and developmental disabilities ~~or for the support of a patient receiving state-operated community mental health services~~:

(1) The ~~patient or~~ resident or the ~~patient's or~~ resident's estate;

(2) The ~~patient's or~~ resident's spouse;

(3) The father or mother, or both, of a minor ~~patient or~~ resident under the age of eighteen years.

(B) The department shall determine, pursuant to section 5121.04 of the Revised Code, the amount to be charged each ~~such~~resident and liable ~~person~~relative in the order named in this section, but shall not collect from any person more than one hundred per cent of the applicable cost.

(C) An action to collect delinquent payments or to enforce agreements in default may be brought against any or all persons named in this section. To the extent parents of adult ~~patients or~~residents, pursuant to the language of this section previously in force, incurred charges for the support of such ~~patients or~~ residents between the eighteenth birthday of such ~~patient or~~ resident and July 1, 1975, their liability for such period may be cancelled, compromised, or settled as provided in section 5121.07 of the Revised Code.

(D) Irrespective of the number of ~~patients or~~ residents whose care might be chargeable against a liable relative, no individual liable relative nor ~~any~~ group of liable relatives who are members of the same family unit shall be charged with the support of more than one ~~patient or~~ resident during the same period of time, and different periods of time for which such liable relative has paid the charges for such different ~~patients' or~~ residents' care and support shall be added together for the purpose of completing the maximum fifteen-year period of liability of such liable relative under division (B)(6) of section 5121.04 of the Revised Code.

Sec. 5121.061. The authority of ~~the department of mental health or~~ the department of mental retardation and developmental disabilities to modify support charges pursuant to section 5121.04 of the Revised Code shall not be exercised until the ~~patient or~~resident or liable relative has petitioned the department for modification as provided in section 5121.07 of the Revised Code and has offered to the department satisfactory proof of ~~his~~the resident's or liable relative's earnings and assets. The department may modify the charges if its investigation warrants such modification.

Sec. 5121.07. Any person who has been charged with the payment of the support of a ~~patient or~~ resident ~~of any benevolent institution;~~or for pre-admission care, after-care, day-care, or routine consultation and treatment services in a community service unit under the control of ~~the department of mental health or~~ the department of mental retardation and developmental disabilities~~; or for the cost of state-operated community mental health services~~may petition the

department for a release from, or modification of, such charge, and the department, after an investigation, may cancel or modify such former charge, or may cancel, compromise, or settle any accrued liability in an amount not exceeding five thousand dollars. Amounts in excess thereof may be canceled, compromised, or settled as provided in section 131.02 of the Revised Code. The department may for due cause increase the amount previously ordered paid.

Sec. 5121.08. The managing officers of the ~~benevolent~~institutions under the control of ~~the department of mental health and~~ the department of mental retardation and developmental disabilities~~, the managing officers of state-operated community mental health services,~~ and the committing court, if requested, shall submit to the department such information as they may obtain concerning the financial condition of any ~~patient or~~ resident or of relatives liable for the ~~patient's or~~ resident's support.

Sec. 5121.09. In case the estate of any ~~patient or~~ resident in ~~a benevolent~~an institution under the jurisdiction of ~~the department of mental health or~~ the department of mental retardation and developmental disabilities ~~or receiving state-operated community mental health services~~ is sufficient for the ~~patient's or~~ resident's support, without hardship to any others who may be dependent thereon, and no guardian has been appointed for such estate, the agent of the department shall petition the probate court of the proper county to appoint a guardian.

Sec. 5121.10. Upon the death of a ~~person who is a patient or~~resident~~,~~ or ~~has been a patient or~~former resident~~,~~ of any ~~benevolent~~ institution under the jurisdiction of ~~the department of mental health or~~ the department of mental retardation and developmental disabilities ~~or state-operated community mental health services~~, or upon the death of a person responsible under section 5121.06 of the Revised Code for the support of a ~~patient or~~ resident, the department may waive the presentation of any claim for support against the estate of such decedent, when in its judgment an otherwise dependent person will be directly benefited by the estate. Claims against an estate for support of a ~~patient or~~ resident are subject to section 1339.51 and Chapter 2117. of the Revised Code, and shall be treated, and may be barred, the same as the claims of other creditors of the estate, pursuant to that section or chapter.

The department may accept from a guardian or trustee of a~~patient or~~ resident a contract agreeing to pay to the state from the property of the guardian's or trustee's ward before or at the death of the ward a fixed annual amount for the support of the ward while the ward is a ~~patient or~~ resident, with interest at four per cent per annum. A copy of the contract shall be filed in the probate court of the proper county and duly entered as a part of the records concerning the ward.

Sec. 5121.11. The state shall bear the expense of the burial or cremation of an indigent ~~patient or~~ resident who dies in a state ~~hospital for the mentally ill, or~~ institution ~~for the mentally retarded,~~operated by the department of mental retardation and developmental disabilities under section 5123.03 of the Revised Code or in a state correctional institution~~,~~ if the body is not claimed for interment

or cremation at the expense of friends or relatives~~,~~ or is not delivered for anatomical purposes or for the study of embalming in accordance with section 1713.34 of the Revised Code. The managing officer of the institution shall provide at the grave of the person or, if the person's cremated remains are buried, at the grave of the person's cremated remains, a metal, stone, or concrete marker on which shall be inscribed the name and age of the person and the date of death.

Sec. 5121.12. The support and maintenance of ~~patients confined in state hospitals for the mentally ill or of~~ residents confined in state institutions ~~for the mentally retarded~~operated by the department of mental retardation and developmental disabilities under section 5123.03 of the Revised Code, including those transferred to them from state correctional institutions, and also including persons under indictment or conviction for crime, shall be collected and paid in accordance with ~~this chapter~~sections 5121.01 to 5121.21 of the Revised Code.

Sec. 5121.21. ~~(A)~~ If payment of any amount due the state under the provisions of Chapter 5121. of the Revised Code is made on account of a ~~patient or~~ resident by any liable relative, as defined in division (A) of section 5121.06 of the Revised Code, such relative may recover the following amounts from the following persons; provided, that in no event may such relative recover in total more than such relative has paid the state, and provided, that in no event is the person from whom recovery is sought obliged to pay at a rate of support higher than such person would have paid had the state proceeded directly against such person:

~~(1)~~(A) Any liable person may recover from the ~~patient or~~ resident, ~~his~~the resident's guardian, or from the executor or administrator of the ~~patient's or~~ resident's estate~~,~~ the full amount of payment made by such liable relative.

~~(2)~~(B) Any liable relative may recover from the ~~patient's or~~ resident's ~~husband or wife,~~spouse the full amount of payment made by such liable relative.

~~(3)~~(C) A minor ~~patient's or~~ resident's mother may recover from such minor ~~patient's or~~ resident's father ~~the full~~one-half of the amount of payment made by such mother.

~~(4)~~(D) Any liable relative~~,~~ other than the ~~patient's or~~ resident's spouse and other than a minor ~~patient's or~~ resident's parent, may recover from such ~~of a patient's or~~ resident's adult sons and daughters as are liable under division (A)(4) of section 5121.06 of the Revised Code, the full amount of payment made by such liable relative; provided, that there may be recovered from each such son or daughter only such proportion of the total payment as the figure one bears to the total number of such adult sons and daughters.

~~(5)~~(E) An adult ~~patient's or~~ resident's mother may recover from an adult ~~patient's or~~ resident's father ~~the full~~one-half of the amount of payment made by such mother.

Sec. 5121.30. As used in sections 5121.30 to 5121.56 of the Revised Code:

(A) "Community mental health services client" or "client" means a person receiving state-operated community mental health services.

(B) "Countable assets" means all of the following:

(1) Cash;

(2) Bank deposits;

(3) Securities;

(4) Individual retirement accounts;

(5) Qualified employer plans, including 401(k) and Keogh plans;

(6) Annuities;

(7) Funds in a trust created under section 1339.51 of the Revised Code;

(8) Investment property and income;

(9) The cash surrender values of life insurance policies;

(10) Assets acquired by gift, bequest, devise, or inheritance;

(11) Any other asset determined by the department of mental health to be equivalent to the assets enumerated in this division.

(C) "Federal poverty level" or "FPL" means the income level represented by the poverty guidelines as revised annually by the United States department of health and human services in accordance with section 673(2) of the "Omnibus Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended, for a family size equal to the size of the family of the person whoseincome is being determined.

(D) "Federal poverty guidelines" means the poverty guidelines as revised annually by the United States department of health and human services in accordance with section 673(2) of the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 9902,as amended, for a family size equal to the size of the family of the person whose income is being determined.

(E) "Hospital" means an institution, hospital, or other place established, controlled, or supervised by the department of mental health under Chapter 5119. of the Revised Code.

(F) "Liable relative" means all of the following:

(1) A patient's spouse;

(2) A patient's mother or father, or both, if the patient is under eighteen years of age;

(3) A patient's guardian.

(G) "Patient" means a person admitted to a hospital for inpatient care or treatment, including a person transferred to a hospital from a state correctional

institution or a person under indictment or conviction who has been transferred to a hospital.

Sec. 5121.31. All patients shall be maintained at the expense of the state. The traveling and incidental expenses in conveying them to a hospital shall be paid by the county of commitment. On admission, patients shall be neatly and comfortably clothed. Thereafter, the expense of necessary clothing shall be borne by the responsible relatives or guardian if they are financially able. If not furnished, the state shall bear the expense. Any required traveling expense after admission to the hospital shall be borne by the state if the responsible relatives or guardian is unable to do so.

Sec. 5121.32. On an annual basis, the department of mental health shall determine both of the following using generally accepted governmental accounting principles:

(A) The applicable per diem charge for each hospital operated by the department;

(B) The ancillary per diem rate for each hospital operated by the department.

In determining a hospital's applicable per diem charge and ancillary per diem rate, the department shall consider the average actual per diem cost of maintaining and treating a patient at the hospital or, at the department's discretion, the average actual per diem cost of maintaining and treating a patient in a unit of the hospital.

Sec. 5121.33. Except as provided in sections 5121.35, 5121.43, 5121.46, 5121.47, 5121.49, and 5121.52 of the Revised Code, the department of mental health shall, for each billing cycle, charge a patient, patient's estate, or liable relative an amount equal to the sum of the following:

(A) The applicable per diem charge multiplied by the number of days the patient was admitted to the hospital;

(B) An amount that was previously billed but not paid.

Sec. 5121.34. (A) A patient, patient's estate, and patient's liable relatives shall be jointly and severally liable for amounts charged by the department of mental health in accordance with section 5121.33 or 5121.35 of the Revised Code. In no case shall any of the foregoing persons be liable for more than one hundred per cent of the full sum charged under section 5121.33 of the Revised Code.

(B) Collections of support payments shall be made by the department and, subject to meeting prior requirements for payment and crediting of such collections and other available receipts, in accordance with the bond proceedings applicable to obligations issued pursuant to section 154.20 of the Revised Code. The collections and other available receipts designated by the director of mental health for deposit in the special accounts, together with insurance contract

payments provided for in section 5121.43 of the Revised Code, shall be remitted to the treasurer of state for deposit in the state treasury to the credit of the mental health operating fund, which is hereby created, to be used for the general purposes of the department. The department shall make refunds of overpayment of support charges from the mental health operating fund.

Sec. 5121.35. The department of mental health shall charge a patient, patient's estate, or liable relative an amount discounted from the amount the department charges under section 5121.33 of the Revised Code if the department determines through the application process described in section 5121.36 of the Revised Code or through the financial assessment process described in section 5121.37 of the Revised Code that the patient, estate, or relative is eligible for a discount.

Sec. 5121.36. (A) A patient, patient's estate, or liable relative may apply for a discount by completing an application form prescribed by the director of mental health. The department of mental health may require a patient, estate, or relative to furnish any of the following with an application form:

(1) A copy of the patient's, estate's, or liable relative's federal income tax return for the year preceding the date of application or, if that is not yet available, the preceding year;

(2) A copy of the patient's, estate's, or liable relative's employee tax withholding return (form W-2) for the year preceding the date of application;

(3) Any other relevant documents prescribed by the director of mental health.

(B) To be considered, an application must be submitted to the department not later than ninety days after the date the patient is admitted to a hospital.

(C) From the information provided by a patient, estate, or relative, the department shall determine whether the department will charge the person a discounted amount in accordance with sections 5121.40 and 5121.41 of the Revised Code. In making this determination, the department shall consider whether the patient is covered by an insurance policy or other contract that provides for payment of expenses and treatment for mental illness. If the department determines that the patient has coverage, the department shall require payment in accordance with section 5121.43 of the Revised Code.

(D) The department shall notify the patient, executor or administrator of the patient's estate, or liable relative who submitted the application form in writing regarding whether that person will be charged a discounted amount and the per diem rate to be charged.

(E) In accordance with section 5121.42 of the Revised Code, the department may, at any time, modify an amount charged or change the per diem rate to be charged if the department learns of countable assets or income that was not previously disclosed or was acquired after the application form was submitted. Within a reasonable time, the department shall notify in writing any

person affected by a modification or change.

Sec. 5121.37. After a patient's admittance to a hospital, the department of mental health shall conduct a financial assessment to determine whether the patient, patient's estate, or liable relative will be charged an amount discounted from the amount the department charges under section 5121.33 of the Revised Code. The department shall make the determination in accordance with sections 5121.40 and 5121.41 of the Revised Code.

If a discounted rate is to be charged, the department shall notify the person whose financial condition was assessed. The notice shall specify the per diem rate to be charged.

In accordance with section 5121.42 of the Revised Code, the department may, at any time, modify an amount charged or change the per diem rate to be charged if the department learns of countable assets or income that was not previously disclosed or was acquired after the assessment was conducted. Within a reasonable time, the department shall notify in writing any person affected by a modification or change.

Sec. 5121.38. The department of mental health may subpoena witnesses, take testimony under oath, and examine any public records relating to the income and other assets of a patient or of a relative liable for such patient's support. All information, conclusions, and recommendations shall be submitted to the department by the investigating agent of the department.

Sec. 5121.40. (A) A patient, patient's estate, or liable relative may be eligible to be charged an amount discounted from the amount the department of mental health charges under section 5121.33 of the Revised Code if the patient, estate, or relative has countable assets with a total value that is not greater than an amount equal to fifty per cent of the difference between the following:

(1) The gross annual income that corresponds with a family size of two persons at one hundred per cent of the federal poverty level for the state;

(2) The gross annual income that corresponds with a family size of one person at one hundred per cent of the federal poverty level for the state. For purposes of determining family size, the patient is one dependent. One additional dependent shall be included for each of the following circumstances and persons:

(a) The patient or liable relative is legally blind or deaf.

(b) The patient or liable relative is of sixty-five years of age or older.

(c) Each child under eighteen years of age for which the patient or liable relative has legal custody;

(d) The patient's or liable relative's spouse.

(B) A patient, estate, or relative may, not later than ninety days after the patient's admission to a hospital, surrender the value of countable assets sufficient to reduce countable assets to not more than the limit described in

division (A) of this section.

Sec. 5121.41. (A) If the assets of a patient, patient's estate, or liable relative do not exceed the countable asset limit in section 5121.40 of the Revised Code and the annual income of the patient, estate, or relative does not exceed four hundred per cent of the federal poverty level, the patient, estate, or relative shall be charged an amount discounted from the amount the department charges under section 5121.33 of the Revised Code for the first thirty days the patient is admitted as an inpatient in a hospital and for which the patient is liable for the cost of care. The amount of the discount shall be computed according to the following schedule:

	Annual Gross Income Expressed as a Percentage of FPL					
Inpatient Days at a Hospital	0 - 175	176 - 199	200 - 249	250 - 299	300 - 349	350 - 400
	Percentage discount from charged amount					
1 - 14	100	90	70	50	30	10
15 - 30	100	95	75	55	35	15

(B) A patient, estate, or relative who is charged a discounted amount for the first thirty days the patient is admitted as an inpatient and who has an annual income not greater than one hundred seventy-five per cent of the federal poverty level shall not be charged for the days the patient is admitted beyond the thirtieth day.

(C) A patient, estate, or relative who is charged a discounted amount for the first thirty days the patient is admitted as an inpatient and who has an annual income greater than one hundred seventy-five per cent of the federal poverty level shall be charged an amount equal to the sum of the following for the days the patient is admitted beyond the thirtieth day:

(1) The ancillary per diem rate multiplied by the number of days the patient was admitted to the hospital;

(2) An amount that was previously charged but not paid.

Sec. 5121.42. (A) Except as provided in division (B) of this section, a patient, patient's estate, or liable relative shall cease to be eligible for a discount under sections 5121.36 or 5121.37 of the Revised Code on accumulation of countable assets in excess of an amount equal to fifty per cent of the difference between the following:

(1) The gross annual income that corresponds with a family size of two persons at one hundred per cent of the federal poverty level for the state;

(2) The gross annual income that corresponds with a family size of one person at one hundred per cent of the federal poverty level for the state.

(B) Money needed to meet the patient's needs and burial fund as determined by a needs assessment conducted by the department of mental health

pursuant to rules adopted under section 5119.01 of the Revised Code shall be excluded from any determination the department makes under division (A) of this section.

Sec. 5121.43. If a patient is covered by an insurance policy or other contract that provides for payment of expenses for care and treatment for mental illness at or from a hospital under the jurisdiction of the department of mental health, sections 5121.33 to 5121.55 of the Revised Code are inapplicable to the extent that the policy or contract is in force. Any insurance carrier or other third party payor providing coverage for such care and treatment shall pay for the patient's support obligation in amounts equal to the lesser of amounts charged by the department under section 5121.33 of the Revised Code or the benefits provided under the policy or other contract. Whether or not an insured, owner of, or other person having an interest in such policy or other contract is liable for support payments, the insured, policy owner, or other person shall assign payment directly to the department of all assignable benefits under the policy or other contract and shall pay to the department, within ten days of receipt, all insurance or other benefits received as reimbursement or payment for expenses incurred by the patient or for any other reason. If the insured, policy owner, or other person refuses to assign payment to the department or refuses to pay received reimbursements or payments to the department within ten days of receipt, the total liability of the insured, policy owner, or other person for the services is an amount equal to the per diem charge for the hospital where the patient was admitted multiplied by the number of days the patient was admitted.

In no event shall this total liability exceed the department's actual cost of providing care and treatment to a patient. The department may disqualify patients and liable relatives who have retained third party funds from future discounts. The department may request that the attorney general petition a court of competent jurisdiction to compel the insured, owner of, or other person having an interest in the policy or contract to comply with the assignment requirements in this section.

Sec. 5121.44. The department of mental health may enter into an extended payment agreement with a patient, patient's estate, or liable relative who has notified the department that the patient, estate, or relative cannot reasonably pay an amount the department has charged. In no case shall the department take a security interest, mortgage, or lien against the principal family residence of a patient or liable relative.

Sec. 5121.45. (A) For purposes of this section, "delinquent payment" means an amount owed by a patient, patient's estate, or liable relative to the department of mental health for which the person has failed to do either of the following not later than ninety days after the service associated with the charge was incurred:

(1) Make payment in full;

(2) Make a payment in accordance with the terms of an agreement

entered into under section 5121.44 of the Revised Code.

(B) An action to enforce the collection of a delinquent payment shall be commenced not later than six years after the later of the following:

(1) The last date the department received money to satisfy the delinquent payment;

(2) The date the charge was due.

(C) In all actions to enforce the collection of delinquent payments, a court of record shall receive into evidence the proof of claim document made by the state together with all debts and credits. The proof of claim document shall be prima-facie evidence of the facts stated in the document.

Sec. 5121.46. The department of mental health shall not charge a liable relative under sections 5121.33 and 5121.35 of the Revised Code who has done either of the following:

(A) Paid all amounts charged by the department for the care and treatment of a particular patient for fifteen consecutive years;

(B) Paid amounts charged by the department for the care and treatment of more than one patient for a total of fifteen consecutive years.

Sec. 5121.47. Irrespective of the number of patients for which the department of mental health may charge a liable relative under sections 5121.33 or 5121.35 of the Revised Code, the department shall not charge a liable relative or group of liable relatives who are members of the same family unit for the support of more than one patient during the same period of time.

Sec. 5121.48. The department shall accept voluntary payments from a patient, patient's estate, or liable relative in excess of a discounted amount charged in accordance with section 5121.35 of the Revised Code.

Sec. 5121.49. (A) Any person who has been charged under section 5121.33 or 5121.35 of the Revised Code may petition the department of mental health to do the following:

(1) Release the person from a charge;

(2) Modify or cancel a charge.

(B) The department shall respond to a petition in writing and inform the petitioner of whether a release, modification, or cancellation has been approved.

Sec. 5121.50. When a patient is committed to a hospital pursuant to judicial proceedings, the judge ordering the commitment shall:

(A) Make a reliable report on the financial condition of the patient and of each liable relative, as provided in rules adopted by the director of mental health;

(B) Certify the report required under division (A) of this section to the managing officer of the hospital. The managing officer shall thereupon enter in

the managing officer's records the name and address of any guardian appointed and of any relative liable for the patient's support.

Sec. 5121.51. In case the estate of any patient in a hospital is sufficient for the patient's support and no guardian has been appointed for such estate, the agent of the department of mental health shall petition the probate court of the proper county to appoint a guardian.

Sec. 5121.52. On the death of a person who is a patient, or has been a patient in a hospital, or on the death of a person responsible under section 5121.34 of the Revised Code for the support of a patient, the department of mental health may waive the presentation of any claim for support against the estate of such decedent, when in its judgment an otherwise dependent person will be directly benefited by the estate. Claims against an estate for support of a patient are subject to section 1339.51 and Chapter 2117. of the Revised Code, and shall be treated, and may be barred, the same as the claims of other creditors of the estate, pursuant to that section or chapter.

The department of mental health may accept from a guardian or trustee of a patient a contract agreeing to pay to the state from the property of the guardian's or trustee's ward before or at the death of the ward a fixed annual amount for the support of the ward while the ward is a patient, with interest at four per cent per annum. A copy of the contract shall be filed in the probate court of the proper county and duly entered as a part of the records concerning the ward.

Sec. 5121.53. The state shall bear the expense of the burial or cremation of an indigent patient who dies in a hospital if the body is not claimed for interment or cremation at the expense of friends or relatives, or is not delivered for anatomical purposes or for the study of embalming in accordance with section 1713.34 of the Revised Code. The managing officer of the hospital shall provide at the grave of the patient or, if the patient's cremated remains are buried, at the grave of the patient's cremated remains, a metal, stone, or concrete marker on which shall be inscribed the name and age of the patient and the date of death.

Sec. 5121.54. If payment of any amount due the state under the provisions of this chapter is made on account of a patient by any liable relative, as defined in section 5121.30 of the Revised Code, the relative may recover from the patient, the patient's guardian, or the executor or administrator of the patient's estate, the full amount of payment made by the liable relative; provided, that in no event may a relative recover in total more than the relative has paid the state, and provided, that in no event is the person from whom recovery is sought obliged to pay at a rate of support higher than the person would have paid had the state proceeded directly against that person.

Sec. 5121.55. The cost for support of a client of state-operated community mental health services is an amount determined using guidelines the department of mental health shall issue. The guidelines shall be based on cost

findings and rate-settings applicable to such services.

Sec. 5121.56. The support and maintenance of patients confined in state hospitals for the mentally ill, including persons transferred to them from state correctional institutions, and also including persons under indictment or conviction for crime, shall be collected and paid in accordance with sections 5121.30 to 5121.55 of the Revised Code."

In line 62276, delete "5121.55" and insert "5121.56"

In line 63084, strike through "5121.07" and insert "5121.21"

In line 97907, delete "and"; after "5107.301" insert ", 5121.01 (5121.02), 5121.02 (5121.03), 5121.03 (5121.01), 5121.04, 5121.05, 5121.06, 5121.061, 5121.07, 5121.08, 5121.09, 5121.10, 5121.11, 5121.12, 5121.21, 5121.30, 5121.31, 5121.32, 5121.33, 5121.34, 5121.35, 5121.36, 5121.37, 5121.38, 5121.40, 5121.41, 5121.42, 5121.43, 5121.44, 5121.45, 5121.46, 5121.47, 5121.48, 5121.49, 5121.50, 5121.51, 5121.52, 5121.53, 5121.54, 5121.55, 5121.56, 5122.03, 5122.31, and 5123.701"

In line 217 of the title, delete "5121.39,"

In line 219 of the title, after "5121.47," insert "5121.48,"

In line 220 of the title, after "5121.55," insert "5121.56,"

Between lines 37276 and 37277, insert:

"(E) This section does not apply to the disposal of source separated materials that are exclusively composed of reinforced or nonreinforced concrete, asphalt, clay tile, building or paving brick, or building or paving stone at a construction and demolition debris facility that is licensed under this chapter when either of the following applies:

(1) The materials are placed within the limits of construction and demolition debris placement at the facility as specified in the license issued to the facility under section 3714.06 of the Revised Code, are not placed within the unloading zone of the facility, and are used as a fire prevention measure in accordance with rules adopted by the director under section 3714.02 of the Revised Code.

(2) The materials are not placed within the unloading zone of the facility or within the limits of construction and demolition debris placement at the facility as specified in the license issued to the facility under section 3714.06 of the Revised Code, but are used as fill material, either alone or in conjunction with clean soil, sand, gravel, or other clean aggregates, in legitimate fill operations for construction purposes at the facility or to bring the facility up to a consistent grade."

In line 85076, delete "comprehensive"

In line 85113, delete "for inflation"

In line 85159, delete "program guidelines"

In line 85160, delete everything before the semicolon and insert "content standards"

In line 85163, delete "including" and insert "except"

In line 85168, delete "in meeting" and insert ";

(6) Meet and report compliance with"

In line 86511, delete "guidelines for"

Delete line 86512

In line 86513, delete "section" and insert "content standards"

In line 86521, delete "in meeting the early"

In line 86522, delete all before the semicolon

In line 39125, reinsert "on and after July 1,"; after "~~1993~~" insert " 2003, through June 30, 2008"

In line 39147, after "2005," insert "through June 30, 2008,"

In line 39151, after "facility" insert "located in this state"

In line 39154, after the underlined period insert "the amount of fees required to be collected under this division at such a transfer facility shall equal the total tonnage of solid wastes received at the facility multiplied by the fees levied under this division."

In line 39155, after "facility" insert "located in this state"

In line 39158, after the underlined period insert "The amount of fees required to be collected under this division at such a disposal facility shall equal the total tonnage of solid wastes received at the facility that was not previously taken to a solid waste transfer facility located in this state multiplied by the fees levied under this division."

In line 39171, delete "The amount of"

Delete lines 39172 and 39173

In line 39174, delete "by the fees levied under this division" and insert "In addition, the owner or operator of a solid waste disposal facility shall indicate on the return the total tonnage of solid wastes received from transfer facilities located in this state during that month for which the fees were required to be collected by the transfer facilities"

Between lines 39219 and 39220, insert:

"The owner or operator of a solid waste facility may request a refund or credit of fees levied under this division and remitted to the director that have not been paid to the owner or operator. Such a request shall be made only if the fees

have not been collected by the owner or operator, have become a debt that has become worthless or uncollectable for a period of six months or more, and may be claimed as a deduction, including a deduction claimed if the owner or operator keeps accounts on an accrual basis, under the "Internal Revenue Code of 1954," 68A Stat. 50, 26 U.S.C. 166, as amended, and regulations adopted under it. Prior to making a request for a refund or credit, an owner or operator shall make reasonable efforts to collect the applicable fees. A request for a refund or credit shall not include any costs resulting from those efforts to collect unpaid fees.

A request for a refund or credit of fees shall be made in writing, on a form prescribed by the director, and shall be supported by evidence that may be required in rules adopted by the director under this chapter. After reviewing the request, the director may grant a refund to the owner or operator or may permit a credit to be taken by the owner or operator on a subsequent monthly return submitted by the owner or operator. The amount of a refund or credit shall not exceed an amount that is equal to ninety days' worth of fees owed to an owner or operator by a particular debtor of the owner or operator. A refund or credit shall not be granted by the director to an owner or operator more than once in any twelve-month period for fees owed to the owner or operator by a particular debtor.

If, after receiving a refund or credit from the director, an owner or operator receives payment of all or part of the fees, the owner or operator shall remit the fees with the next monthly return submitted to the director together with a written explanation of the reason for the submittal."

In line 39228, after "be" strike through the balance of the line

In line 39229, strike through "contract that is charged" and insert "paid"; after "by" insert "the customer to"

In line 39230, after "facility" strike through the balance of the line

In line 39231, strike through "is specified in a contract"

In line 39232, strike through everything before the period and insert "notwithstanding the existence of any provision in a contract that the customer may have with the owner or operator that would not require or allow such payment"

In line 39291, delete "Fees" and strike through the balance of the line

Strike through line 39292

In line 39293, strike through everything before the stricken comma

In line 39295, after "~~section,~~" strike through the balance of the line

In line 39296, strike through everything before the stricken comma

In line 39297, strike through the period

In line 39729, strike through "(A),"; strike through the third comma

In line 93463, after the period insert "During each fiscal year, the Board of Regents, within ten days of cancellation, may certify to the Director of Budget and Management the amount of canceled prior-year encumbrances in appropriation item 235-599, National Guard Scholarship Program. Upon receipt of the certification, the Director of Budget and Management may transfer an amount up to the certified amount from the General Revenue Fund to the National Guard Scholarship Reserve Fund (Fund 5BM)."

Between lines 10382 and 10383, insert:

"(3) If information contained in a claim that is sold, conveyed, or transferred to a private entity pursuant to this section is confidential pursuant to federal law or a section of the Revised Code that implements a federal law governing confidentiality, such information remains subject to that law during and following the sale, conveyance, or transfer."

In line 89953, delete "early learning provider" and insert "county department of job and family services"

In line 89955, delete the period

Delete line 89956 and insert "within fifteen days after receipt of a completed application and"

In line 89959, delete "(F)" and insert "(E)"

In line 89967, delete "(G)" and insert "(F)"

In line 89980, delete "(H)" and insert "(G)"

In line 90011, delete "(I)" and insert "(H)"

In line 55337, delete the underlined colon and insert ", "medicaid"

In line 55338, delete "(1) "Medicaid"

Delete lines 55342 and 55343

In line 55348, delete "provider" and insert "hospital"; after "that" insert "participates in the medicaid program but"

In line 55349, delete "provider" and insert "hospital"

In line 55352, delete "providers" and insert "hospitals"

In line 55355, delete "provider that is a"

In line 55371, delete "provider" and insert "hospital"

In line 59713, delete "one hundred eighty" and insert "ninety"

In line 59717, delete "one hundred eighty" and insert "ninety"

In line 59732, delete "One hundred eighty-one" and insert "Ninety-one"

In line 59736, delete "one hundred eighty" and insert "ninety"

In line 59738, delete "sixty" and insert "thirty"

In line 59741, delete "one hundred eighty" and insert "ninety"

In line 59744, delete "One hundred eighty-one" and insert "Ninety-one"

In line 59747, delete "one hundred"

In line 59748, delete "eighty" and insert "ninety"

In line 59750, delete "sixty" and insert "thirty"

In line 59753, delete "one hundred eighty" and insert "ninety"

In line 435, after "5111.889," insert "5111.8810, 5111.8811, 5111.8812,"

Delete lines 60124 through 60314 and insert:

"**Sec. 5111.88.** (A) As used in sections 5111.88 to 5111.8812 of the Revised Code:

"Administrative agency" means the department of job and family services or, if the department assigns the day-to-day administration of the ICF/MR conversion pilot program to the department of mental retardation and developmental disabilities pursuant to section 5111.887 of the Revised Code, the department of mental retardation and developmental disabilities.

"ICF/MR conversion pilot program" means the medicaid waiver component authorized by a waiver sought under division (B)(1) of this section.

"ICF/MR services" means intermediate care facility for the mentally retarded services covered by the medicaid program that an intermediate care facility for the mentally retarded provides to a resident of the facility who is a medicaid recipient eligible for medicaid-covered intermediate care facility for the mentally retarded services.

"Intermediate care facility for the mentally retarded" has the same meaning as in section 5111.20 of the Revised Code.

"Medicaid waiver component" has the same meaning as in section 5111.85 of the Revised Code.

(B) By July 1, 2006, or as soon thereafter as practical, but not later than January 1, 2007, the director of job and family services shall, after consulting with and receiving input from the ICF/MR conversion advisory council, submit both of the following to the United States secretary of health and human services:

(1) An application for a waiver authorizing the ICF/MR conversion pilot program under which intermediate care facilities for the mentally retarded, other than such facilities operated by the department of mental retardation and developmental disabilities, may volunteer to convert from providing intermediate care facility for the mentally retarded services to providing home and community-based services and individuals with mental retardation or a

developmental disability who are eligible for ICF/MR services may volunteer to receive instead home and community-based services;

(2) An amendment to the state medicaid plan to authorize the director, beginning on the first day that the ICF/MR conversion pilot program begins implementation under section 5111.882 of the Revised Code and except as provided by section 5111.8811 of the Revised Code, to refuse to enter into or amend a medicaid provider agreement with the operator of an intermediate care facility for the mentally retarded if the provider agreement or amendment would authorize the operator to receive medicaid payments for more intermediate care facility for the mentally retarded beds than the operator receives on the day before that day.

(C) The director shall notify the governor, speaker and minority leader of the house of representatives, and president and minority leader of the senate when the director submits the application for the ICF/MR conversion pilot program under division (B)(1) of this section and the amendment to the state medicaid plan under division (B)(2) of this section. The director is not required to submit the application and the amendment at the same time.

Sec. 5111.881. (A) There is hereby created the ICF/MR conversion advisory council. The council shall consist of all of the following members:

(1) Two members of the house of representatives appointed by the speaker of the house of representatives, each from a different political party;

(2) Two members of the senate appointed by the president of the senate, each from a different political party;

(3) The director of job and family services or the director's designee;

(4) The director of mental retardation and developmental disabilities or the director's designee;

(5) One representative of each of the following organizations, appointed by the organization:

(a) Advocacy and protective services, incorporated;

(b) The arc of Ohio;

(c) The Ohio league for the mentally retarded;

(d) People first of Ohio;

(e) The Ohio association of county boards of mental retardation and developmental disabilities;

(f) The Ohio provider resource association;

(g) The Ohio health care association;

(h) The Ohio legal rights service;

(i) The Ohio developmental disabilities council;

(j) The cerebral palsy association of Ohio.

(B) At least four members appointed to the ICF/MR conversion advisory council, other than the members appointed under division (A)(1) or (2) of this section, shall be either of the following:

(1) A family member of an individual who, at the time of the family member's appointment, is a resident of an intermediate care facility for the mentally retarded;

(2) An individual with mental retardation or a developmental disability.

(C) The speaker of the house of representatives and the president of the senate jointly shall appoint one of the members appointed under division (A)(1) or (2) of this section to serve as chair of the ICF/MR conversion advisory council.

(D) Members of the ICF/MR conversion advisory council shall receive no compensation for serving on the council.

(E) The ICF/MR conversion advisory council shall do all of the following:

(1) Consult with the director of job and family services before the director submits the application for the ICF/MR conversion pilot program and the amendment to the state medicaid plan under division (B) of section 5111.88 of the Revised Code;

(2) Consult with the administrative agency before the administrative agency makes adjustments to the program under division (F) of section 5111.882 of the Revised Code;

(3) Consult with the director of job and family services when the director adopts the rules for the program;

(4) Consult with the administrative agency when the administrative agency conducts the evaluation of the program and prepares the initial and final reports of the evaluation under section 5111.889 of the Revised Code.

(F) The ICF/MR conversion advisory council shall cease to exist on the issuance of the final report of the evaluation conducted under section 5111.889 of the Revised Code.

Sec. 5111.882. If the United States secretary of health and human services approves the waiver requested under division (B)(1) of section 5111.88 of the Revised Code, the administrative agency shall implement the ICF/MR conversion pilot program for not less than three years as follows:

(A) Permit no more than two hundred individuals to participate in the program at one time;

(B) Select, from among volunteers only, enough intermediate care facilities for the mentally retarded to convert from providing ICF/MR services to

providing home and community-based services as necessary to accommodate each individual participating in the program and ensure that the facilities selected for conversion cease, except as provided by section 5111.8811 of the Revised Code, to provide any ICF/MR services once the conversion takes place;

(C) Subject to division (A) of this section, permit individuals who reside in an intermediate care facility for the mentally retarded that converts to providing home and community-based services to choose whether to participate in the program or to transfer to another intermediate care facility for the mentally retarded that is not converting;

(D) Ensure that no individual receiving ICF/MR services on the effective date of this section suffers an interruption in medicaid-covered services that the individual is eligible to receive;

(E) Collect information as necessary for the evaluation required by section 5111.889 of the Revised Code;

(F) After consulting with the ICF/MR conversion advisory council, make adjustments to the program that the administrative agency and, if the administrative agency is not the department of job and family services, the department agree are both necessary for the program to be implemented more effectively and consistent with the terms of the waiver authorizing the program. No adjustment may be made that expands the size or scope of the program.

Sec. 5111.883. Each individual participating in the ICF/MR conversion pilot program shall receive home and community-based services pursuant to a written individual service plan that shall be created for the individual. The individual service plan shall provide for the individual to receive home and community-based services as necessary to meet the individual's health and welfare needs.

Sec. 5111.884. Each individual participating in the ICF/MR conversion pilot program has the right to choose the qualified and willing provider from which the individual will receive home and community-based services provided under the program.

Sec. 5111.885. The administrative agency shall inform each individual participating in the ICF/MR conversion pilot program of the individual's right to a state hearing under section 5101.35 of the Revised Code regarding a decision or order the administrative agency makes concerning the individual's participation in the program.

Sec. 5111.886. The department of mental retardation and developmental disabilities may not convert any of the intermediate care facilities for the mentally retarded that the department operates to a provider of home and community-based services under the ICF/MR conversion pilot program.

Sec. 5111.887. (A) If the United States secretary of health and human services approves the waiver requested under division (B)(1) of section 5111.88 of the Revised Code, the department of job and family services may do both of

the following:

(1) Contract with the department of mental retardation and developmental disabilities under section 5111.91 of the Revised Code to assign the day-to-day administration of the ICF/MR conversion pilot program to the department of mental retardation and developmental disabilities;

(2) Transfer funds to pay for the nonfederal share of the costs of the ICF/MR conversion pilot program to the department of mental retardation and developmental disabilities.

(B) If the department of job and family services takes both actions authorized by division (A) of this section, the department of mental retardation and developmental disabilities shall be responsible for paying the nonfederal share of the costs of the ICF/MR conversion pilot program.

Sec. 5111.888. The director of job and family services, in consultation with the ICF/MR conversion advisory council, shall adopt rules under section 5111.85 of the Revised Code as necessary to implement the ICF/MR conversion pilot program, including rules establishing both of the following:

(A) The type, amount, duration, and scope of home and community-based services provided under the program;

(B) The amount the program pays for the home and community-based services or the method by which the amount is determined.

Sec. 5111.889. (A) The administrative agency, in consultation with the ICF/MR conversion advisory council, shall conduct an evaluation of the ICF/MR conversion pilot program. All of the following shall be examined as part of the evaluation:

(1) The effectiveness of the home and community-based services provided under the program in meeting the health and welfare needs of the individuals participating in the program as identified in the individuals' written individual service plans;

(2) The satisfaction of the individuals participating in the program with the home and community-based services;

(3) The impact that the conversion from providing ICF/MR services to providing home and community-based services has on the intermediate care facilities for the mentally retarded that convert;

(4) The program's cost effectiveness, including administrative cost effectiveness;

(5) Feedback about the program from the individuals participating in the program, such individuals' families and guardians, county boards of mental retardation and developmental disabilities, and providers of home and community-based services under the program;

(6) Other matters the administrative agency considers appropriate for

evaluation.

(B) The administrative agency, in consultation with the ICF/MR conversion advisory council, shall prepare two reports of the evaluation conducted under this section. The initial report shall be finished not sooner than the last day of the ICF/MR conversion pilot program's first year of operation. The final report shall be finished not sooner than the last day of the program's second year of operation. The administrative agency shall provide a copy of each report to the governor, president and minority leader of the senate, and speaker and minority leader of the house of representatives.

Sec. 5111.8810. The ICF/MR conversion pilot program shall not be implemented statewide unless the general assembly enacts law authorizing the statewide implementation.

Sec. 5111.8811. An intermediate care facility for the mentally retarded that converts from providing ICF/MR services to providing home and community-based services under the ICF/MR conversion pilot program may reconvert to providing ICF/MR services after the program terminates unless either of the following is the case:

(A) The program, following the general assembly's enactment of law authorizing the program's statewide implementation, is implemented statewide;

(B) The facility no longer meets the requirements for certification as an intermediate care facility for the mentally retarded.

Sec. 5111.8812. (A) Subject to division (B) of this section and beginning not later than two and one-half years after the date the ICF/MR conversion pilot program terminates, the department of mental retardation and developmental disabilities shall be responsible for a portion of the nonfederal share of medicaid expenditures for ICF/MR services provided by an intermediate care facility for the mentally retarded that reconverts to providing ICF/MR services under section 5111.8811 of the Revised Code. The portion for which the department shall be responsible shall be the portion that the department and department of job and family services specify in an agreement.

(B) The department of mental retardation and developmental disabilities shall not be responsible for any portion of the nonfederal share of medicaid expenditures for ICF/MR services incurred for any beds of an intermediate care facility for the mentally retarded that are in excess of the number of beds the facility had while participating in the ICF/MR conversion pilot program."

In line 213 of the title, after "5111.889," insert "5111.8810, 5111.8811, 5111.8812,"

In line 55222, delete "and all" and insert ". All"

In line 55223, after "participation" insert ", except for individuals included in one or more of the medicaid recipient groups specified in 42 C.F.R. 438.50(d)"

In line 55215, delete "(1)"

In line 55218, delete the underlined period and insert ". In the department's implementation of the system and designation of participants, all of the following apply:"

In line 55219, delete "(2)" and insert "(1)"

In line 55228, underline the period

Between lines 55228 and 55229, insert:

"(3) Alcohol, drug addiction, and mental health services covered by medicaid shall not be included in any component of the care management system when the nonfederal share of the cost of those services is provided by a board of alcohol, drug addiction, and mental health services or a state agency other than the department of job and family services, but the recipients of those services may otherwise be designated for participation in the system."

In line 55229, delete "division" and insert "divisions"

In line 55230, after "(B)" insert "(1) and"

In line 89191, delete the second "results"

In line 89193, delete "and the" and insert a comma; after "Senate" insert ", the Minority Leader of the House of Representatives, and the Minority Leader of the Senate"

In line 32499, delete "shall" and insert "may"

In line 32506, delete "The" and insert "Any such"

In line 32509, delete "required under" and insert "authorized by"

In line 6863, delete "Ohio"

In line 6864, delete "board of regents" and insert "state architect"

In line 6873, delete "board of regents" and insert "state architect"

In line 6875, delete "the board shall notify the"

In line 6876, delete all before "the"

In line 92049, delete the second "$1,559,096,031" and insert "$1,589,096,031"

In line 92094, delete "$2,517,472,869" and insert "$2,547,472,869"

In line 92122, delete "$2,541,178,753" and insert "$2,571,178,753"

Between lines 92819 and 92820, insert:

"(H) FUNDS REQUIRING CONTROLLING BOARD APPROVAL

Of the foregoing appropriation item 235-501, State Share of Instruction, $30,000,000 in fiscal year 2007 shall not be disbursed without approval of the

Controlling Board. Within ten days after the issuance of the report of the Higher Education Funding Study Council required by Section ____ of this act, the Board of Regents shall seek the Controlling Board's approval to disburse the $30,000,000 appropriation."

Section ___. HIGHER EDUCATION FUNDING STUDY COUNCIL

(A) The Higher Education Funding Study Council is hereby created, consisting of the following members:

(1) The Chancellor of the Ohio Board of Regents;

(2) One member of the Ohio Board of Regents, appointed by the chairperson of the Board;

(3) The Vice-Chancellor of Finance of the Ohio Board of Regents;

(4) Three members of the House of Representatives, not more than two of whom are members of the same political party, appointed by the Speaker of the House of Representatives;

(5) Three members of the Senate, not more than two of whom are members of the same political party, appointed by the President of the Senate;

(6) A student attending a state institution of higher education as defined in section 3345.011 of the Revised Code, appointed by the Governor;

(7) An employee of the Governor's office, appointed by the Governor;

(8) One representative from each of the following organizations, appointed by their respective governing bodies:

(a) The Inter-University Council of Ohio;

(b) The Ohio Association of Community Colleges;

(c) The Ohio Council of Medical School Deans;

(d) The Association of Independent Colleges and Universities of Ohio.

(B) Initial appointment of members shall be made not later than thirty days after the effective date of this section. The Speaker of the House of Representatives and the President of the Senate shall jointly appoint the chairperson of the Council. Members of the Council shall serve without compensation. The Council's first meeting shall be not later than August 15, 2005. Subsequent meetings shall be conducted at the discretion of the chair.

(C) The Council shall review all aspects of higher education funding contained in this act, including all appropriation items, and shall recommend any changes it determines are necessary. The Council shall also review the instructional and general fees as well as the room and board charges at the thirteen state universities, with the intent of setting limits on future increases in these fees and charges. The Council shall issue a report of its activities, findings, and recommendations to the Governor, the Speaker of the House of

Representatives, and the President of the Senate not later than May 31, 2006.

(D) The Council shall cease to exist January 1, 2007."

In line 93635, delete "General Assembly" and insert "Higher Education Funding Study Council"; delete "September" and insert "April"

In line 93652, delete "General Assembly" and insert "Higher Education Funding Study Council"; delete "September" and insert "April"

In line 93663, after "degree" insert ", or who transfer to a four-year institution of higher education"

In line 93665, delete "a measure" and insert "measures"; delete "or" and insert "and"

In line 93666, after "completion" insert ", as well as transferal to a four-year institution of higher education"

In line 93670, delete "General Assembly" and insert "Higher Education Funding Study Council"

In line 93671, delete "September" and insert "April"

In line 92070, delete "$35,830,188 $35,830,188" and insert "$35,955,188 $35,955,188"

In line 92094, delete "$2,468,585,757 $2,517,472,869" and insert "$2,468,710,757 $2,517,597,869"

In line 92122, delete "$2,492,091,641 $2,541,178,753" and insert "$2,492,216,641 $2,541,303,753"

In line 92078, delete "$250,000 $250,000" and insert "$450,000 $450,000"

In line 92094, delete "$2,468,585,757 $2,517,472,869" and insert "$2,468,785,757 $2,517,672,869"

In line 92122, delete "$2,492,091,641 $2,541,178,753" and insert "$2,492,291,641 $2,541,378,753"

In line 93223, delete "The" and insert "Of the"

In line 93224, after the comma insert "$250,000 in each fiscal year"

Between lines 93232 and 93233, insert:

"Of the foregoing appropriation item 235-547, School of International Business, $100,000 in each fiscal year shall be used by the University of Toledo College of Business for expansion of its international business programs.

Of the foregoing appropriation item 235-547, School of International Business, $100,000 in each fiscal year shall be used to support the Ohio State University BioMEMS program."

Delete lines 34224 through 34281 and insert:

"**Sec. 3354.25.** (A) The provisions of this section prevail over conflicting provisions of this chapter; however, except as provided in this section, the community college district and its board of trustees created by this section shall comply with the provisions of this chapter.

(B)(1) The territory of Warren county is hereby added to the territory of the community college district of Montgomery county, creating the Warren county Montgomery county community college district and replacing the former community college district of Montgomery county. The district created in this section may be known as and operate under the name of the Sinclair community college district.

(2) The community college district created by this section shall be divided into separate taxing subdistricts, one consisting of the territory of Warren county, and another consisting of the territory of Montgomery county.

Taxes for the benefit of the community college district shall be levied and the benefits from the revenues of those taxes shall be apportioned among the subdistricts only in accordance with this section.

(C) The board of trustees of the two-county community college district created by this section shall consist of eleven members.

(1) Nine members of the board of trustees shall be residents of Montgomery county. The initial Montgomery county members shall be the same members of the board of trustees of the former community college district of Montgomery county, as it existed prior to the effective date of this section, whose terms shall expire and whose successors shall be appointed as they would have otherwise under division (B) of section 3354.05 of the Revised Code.

(2) Two members of the board of trustees shall be residents of Warren county, one of whom shall be appointed by the board of county commissioners of Warren county, and one of whom shall be appointed by the governor with the advice and consent of the senate. Each of the initial appointments under division (C)(2) of this section shall be made within ninety days after the effective date of this section. At the time of the initial meeting of the trustees of the community college district created by this section, a drawing among the Warren county appointees shall be held to determine the initial term of each appointee, one trustee to serve for a term ending three years after the expiration date of the Montgomery county trustee's term that is the first to expire after the effective date of this section, and the other trustee to serve for a term ending five years after the expiration date of the Montgomery county trustee's term that is the first to expire after the effective date of this section. Thereafter, the successive terms of the Warren county members of the board of trustees shall be for five years, each term ending on the same day of the same month of the year as did the term which it succeeds. Each trustee shall hold office from the date of the trustee's appointment until the end of the term for which appointed. Any trustee appointed to fill a vacancy occurring prior to the expiration of the term for which the

trustee's predecessor was appointed shall hold office for the remainder of that term. Any trustee shall continue in office subsequent to the expiration date of the trustee's term until the trustee's successor takes office, or until a period of sixty days has elapsed, whichever occurs first.

(D) The board of trustees of the community college district created by this section shall continue to comply with division (G) of section 3354.09 of the Revised Code, regarding tuition for students who are residents of Ohio but not of the district, and for students who are nonresidents of Ohio. The tuition rate shall be based on the student's county of residence and shall apply to all Sinclair community college classes in all Sinclair community college locations. Except as provided in division (G)(2) of this section, students who are residents of Warren county shall continue to be charged tuition at the same rate as Ohio residents who are not residents of the district.

(E)(1) Unless the conditions prescribed in division (F) of this section are satisfied, the trustees from each respective county of the community college district created by this section shall have no vote on any of the following matters pertaining to the other county:

(a) Tax levies;

(b) The expenditure of revenue from tax levies;

(c) Levy-subsidized tuition rates.

(2) As long as either of the conditions prescribed in division (F)(1) or (2) of this section are satisfied, each member of the board of trustees shall have full voting rights on all matters coming before the board.

(3) At all times, on any matter related to community college programming or facilities within one county or the other, both of the following are necessary:

(a) The affirmative vote of a majority of the full membership of the board of trustees;

(b) The affirmative vote of at least fifty per cent of the trustees from the affected county.

(4) If the millage rate of the Warren county tax levy described in division (F) of this section is subsequently reduced by a vote of the electors of Warren county to the extent that it no longer satisfies a condition prescribed in either division (F)(1) or (2) of this section, the voting restrictions prescribed in division (E)(1) of this section again apply to the board effective on the first day of the tax year that begins after the reduction is approved by the electors.

(F) The voting restrictions of division (E)(1) of this section apply until the electors of Warren county approve a tax levy, in accordance with division (G)(3) of this section, equivalent to the tax levy approved by the electors of Montgomery county for the support of the former community college district of Montgomery county prior to the effective date of this section. For this purpose,

an equivalent tax levy is a tax levied in Warren county that either:

(1) In the first tax year for which the tax is collected, yields revenue per capita equal to or greater than the yield per capita of levies of the community college district in effect that tax year in Montgomery county, as jointly determined by the county auditors of Montgomery and Warren counties;

(2) In the first tax year for which the tax is collected, imposes a millage rate that is equal to or greater than the effective tax rate of levies of the community college district in effect that tax year in Montgomery county, as jointly determined by the county auditors of Montgomery and Warren counties.

As used in division (F)(2) of this section, "effective tax rate" means the quotient obtained by dividing the total taxes charged and payable for the taxing subdistrict for a tax year, after the reduction prescribed by section 319.301 of the Revised Code but before the reduction prescribed by section 319.302 or 323.152 of the Revised Code, by the taxable value for the taxing subdistrict for that tax year.

(G)(1) The board of trustees may propose to levy a tax on taxable property in Montgomery county to be voted on by the electors of Montgomery county as provided in division (G)(3) of this section. Any money raised by a tax levied by the former community college district of Montgomery county or a subsequent tax levied in Montgomery county in accordance with division (G)(3) of this section shall be used solely for the benefit of Montgomery county residents attending Sinclair community college in the form of student tuition subsidy, student scholarships, and instructional facilities, equipment and support services located within Montgomery county, shall be deposited into a separate fund from all other revenues of the district, and shall be budgeted separately.

(2) The board of trustees may propose to levy a tax on taxable property in Warren county to be voted on by electors of Warren county as provided in division (G)(3) of this section. Any money raised by the tax shall be used solely for the benefit of Warren county residents attending Sinclair community college in the form of student tuition subsidy, student scholarships, and instructional facilities, equipment and support services located within Warren county, shall be deposited into a separate fund from all other revenues of the district, and shall be budgeted separately. If the tax is approved in accordance with division (G)(3)(c) of this section, the board of trustees may adjust the rate of tuition charged to Warren county residents commensurate with the amount of that tax the board of trustees dedicates for instructional and general services provided to Warren county residents.

(3) For each taxing subdistrict of the community college district created by this section, the board of trustees may propose to levy a tax in accordance with the procedures prescribed in section 3354.12 of the Revised Code, except as provided in divisions (G)(3)(a) to (c) of this section.

(a) Wherein section 3354.12 of the Revised Code the terms "district" and "community college district" are used, those terms shall be construed to mean

the appropriate taxing subdistrict described in division (B)(2) of this section, except that the "board of trustees of the community college district" means the board of trustees for the entire community college district as described in division (C) of this section. That board of trustees may propose separate levies for either of the two taxing subdistricts.

(b) "Tax duplicate," as used in section 3354.12 of the Revised Code, means the tax duplicate of only the appropriate taxing subdistrict and not the tax duplicate of the entire community college district.

(c) The resolution of the board of trustees proposing a tax levy in the Warren county taxing subdistrict is subject to approval of a two-thirds vote of the board of county commissioners of Warren county. If so approved by the board of county commissioners of Warren county, that board shall certify the resolution to the Warren county board of elections, which shall place on the ballot for the electors of Warren county the question of levying the tax proposed in the resolution on all taxable property of the county. If approved by the electors of the county, the tax shall be levied as provided in section 3354.12 of the Revised Code and anticipation notes may be issued by the board of trustees in accordance with that section.

(H)(1) The board of trustees of the community college district created by this section may issue bonds in accordance with section 3354.11 of the Revised Code; however, the board may limit the question of approval of the issue of those bonds to the electors of only one of the two taxing subdistricts described in division (B)(2) of this section, in which case the board also may limit the use of the property or improvements to the residents of that subdistrict.

(2) A resolution of the board of trustees proposing the issuance of bonds for only the Warren county taxing subdistrict is subject to approval of a two-thirds vote of the board of county commissioners of Warren county. If so approved by the board of county commissioners of Warren county, that board shall certify the resolution to the Warren county board of elections which shall place on the ballot for the electors of Warren county the question of issuing bonds as proposed in the resolution."

In line 12010, after "with" insert "human"

In line 12011, after "tissue" delete the balance of the line and insert an underlined period

Delete lines 12012 through 12015

In line 335, delete "4115.03, 4115.032,"

In line 336, delete "4115.071,"

In line 386, delete "4115.21 (4115.16)"

Delete lines 45090 through 45289

In line 82016 delete "4115.03, 4115.032, 4115.071, 4115.21,"

In line 82070, delete "4115.16,"

In line 85 of the title, delete "4115.03, 4115.032, 4115.071,"

In line 156 of the title, delete "4115.21 (4115.16),"

In line 237 of the title, delete "4115.16,"

In line 286, after "150.10," insert "154.11,"

Between lines 11350 and 11351, insert:

"**Sec. 154.11.** The issuing authority may authorize and issue obligations for the refunding, including funding and retirement, of any obligations previously issued under this chapter and any bonds or notes previously issued under Chapter 152. of the Revised Code to pay costs of capital facilities leased to the Ohio cultural facilities commission, formerly known as the Ohio arts and sports facilities commission. Such obligations may be issued in amounts sufficient for payment of the principal amount of the prior obligations, any redemption premiums thereon, principal maturities of any such obligations maturing prior to the redemption of the remaining obligations on a parity therewith, interest accrued or to accrue to the maturity dates or dates of redemption of such obligations, and any expenses incurred or to be incurred in connection with such issuance and such refunding, funding, and retirement. Subject to the bond proceedings therefor, the portion of proceeds of the sale of obligations issued under this section to be applied to bond service charges on the prior obligations shall be credited to the bond service fund for those prior obligations. Obligations authorized under this section shall be deemed to be issued for those purposes for which those prior obligations were issued and are subject to the provisions of Chapter 154. of the Revised Code pertaining to other obligations, except as otherwise indicated by this section and except for division (A) of section 154.02 of the Revised Code, provided that, unless otherwise authorized by the general assembly, any limitations imposed by the general assembly pursuant to that division with respect to bond service charges applicable to the prior obligations shall be applicable to the obligations issued under this section to refund, fund, or retire those prior obligations."

In line 81966, after "150.10," insert "154.11,"

In line 97987, after "140.01," insert "154.11,"

In line 17 of the title, after "150.10," insert "154.11,"

In line 76976, delete "or other tobacco product"; delete "or other"

In line 76977, delete "tobacco products"

In line 76981, delete "or other tobacco products"

In line 76984, delete "or other tobacco products"

In line 95895, after "Sections" insert "203.03,"

Between lines 95897 and 95898, insert:

"**Sec. 203.03.** DOT DEPARTMENT OF TRANSPORTATION

FUND		TITLE	FY 2006	FY 2007
		Transportation Planning and Research		
Highway Operating Fund Group				
002	771-411	Planning and Research - State	$ 19,000,000	$ 19,112,000
002	771-412	Planning and Research - Federal	$ 40,000,000	$ 40,000,000
TOTAL HOF Highway Operating Fund Group			$ 59,000,000	$ 59,112,000
TOTAL ALL BUDGET FUND GROUPS - Transportation Planning and Research			$ 59,000,000	$ 59,112,000
		Highway Construction		
Highway Operating Fund Group				
002	772-421	Highway Construction - State	$ 585,240,305	$ 578,969,730
002	772-422	Highway Construction - Federal	$1,021,500,000	$1,131,500,000
002	772-424	Highway Construction - Other	$ 62,500,000	$ 53,500,000
214	770-401	Infrastructure Debt Service - Federal	$ 80,182,400	$ 105,129,400
214	772-434	Infrastructure Lease Payments - Federal	$ 12,537,100	$ 12,536,000
212	772-426	Highway Infrastructure Bank - Federal	$ 1,500,000	$ 2,000,000
212	772-427	Highway Infrastructure Bank - State	$ ~~9,353,400~~ $ 5,353,400	$ ~~12,853,400~~ $ 8,853,400
212	772-429	Highway Infrastructure Bank - Local	$ 12,500,000	$ 12,500,000
212	772-430	Infrastructure Debt Reserve Title 23-49	$ 1,500,000	$ 1,500,000
213	772-431	Roadway Infrastructure Bank - State	$ 500,000	$ 500,000
213	772-432	Roadway Infrastructure Bank - Local	$ 7,000,000	$ 7,000,000
213	772-433	Infrastructure Debt Reserve - State	$ 2,000,000	$ 2,000,000
TOTAL HOF Highway Operating Fund Group			~~$1,793,813,205~~ $1,792,313,205	~~$1,917,488,530~~ $1,915,988,530
Highway Capital Improvement Fund Group				
042	772-723	Highway Construction - Bonds	$ 220,000,000	$ 150,000,000
Infrastructure Bank Obligations Fund Group				
045	772-428	Highway Infrastructure Bank -	$ 180,000,000	$ 160,000,000

		Bonds		
TOTAL 045 Infrastructure Bank Obligations Fund Group			$ 180,000,000	$ 160,000,000
TOTAL ALL BUDGET FUND GROUPS - Highway Construction			~~$ 3,193,813,205~~	~~$ 3,227,488,530~~
		Highway Maintenance		
Highway Operating Fund Group				
002	773-431	Highway Maintenance - State	$ 386,527,582	$ 393,313,472
TOTAL HOF Highway Operating Fund Group			$ 386,527,582	$ 393,313,472
TOTAL ALL BUDGET FUND GROUPS - Highway Maintenance			$ 386,527,582	$ 393,313,472
		Public Transportation		
Highway Operating Fund Group				
002	775-452	Public Transportation - Federal	$ 30,000,000	$ 30,365,000
002	775-454	Public Transportation - Other	$ 1,500,000	$ 1,500,000
002	775-459	Elderly and Disabled Special Equipment - Federal	$ 4,595,000	$ 4,595,000
212	775-408	Transit Infrastructure Bank - Local	$ 2,500,000	$ 2,500,000
212	775-455	Title 49 Infrastructure Bank - State	$ 1,000,000	$ 1,000,000
213	775-457	Transit Infrastructure Bank - State	$ 500,000	$ 500,000
213	775-460	Transit Infrastructure Bank - Local	$ 1,000,000	$ 1,000,000
TOTAL HOF Highway Operating Fund Group			~~$ 39,595,000~~ $ 41,095,000	~~$ 39,960,000~~ $ 41,460,000
TOTAL ALL BUDGET FUND GROUPS - Public Transportation			~~$ 39,595,000~~ $ 41,095,000	~~$ 39,960,000~~ $ 41,460,000
		Rail Transportation		
Highway Operating Fund Group				
002	776-462	Grade Crossings - Federal	$ 15,000,000	$ 15,000,000
TOTAL HOF Highway Operating Fund Group			$ 15,000,000	$ 15,000,000
TOTAL ALL BUDGET FUND GROUPS - Rail Transportation			$ 15,000,000	$ 15,000,000
		Aviation		
Highway Operating Fund Group				
002	777-472	Airport Improvements - Federal	$ 405,000	$ 405,000
002	777-475	Aviation Administration	$ 4,007,600	$ 4,046,900
213	777-477	Aviation Infrastructure Bank -	$ 3,000,000	$ 3,000,000

		State		
213	777-478	Aviation Infrastructure Bank - Local	$ 7,000,000	$ 7,000,000
TOTAL HOF Highway Operating Fund Group			$ 14,412,600	$ 14,451,900
TOTAL ALL BUDGET FUND GROUPS - Aviation			$ 14,412,600	$ 14,451,900
		Administration		
Highway Operating Fund Group				
002	779-491	Administration - State	$ 119,624,513	$ 121,057,898
TOTAL HOF Highway Operating Fund Group			$ 119,624,513	$ 121,057,898
TOTAL ALL BUDGET FUND GROUPS - Administration			$ 119,624,513	$ 121,057,898
		Debt Service		
Highway Operating Fund Group				
002	770-003	Administration - State - Debt Service	$ 13,074,500	$ 10,923,100
TOTAL HOF Highway Operating Fund Group			$ 13,074,500	$ 10,923,100
TOTAL ALL BUDGET FUND GROUPS - Debt Service			$ 13,074,500	$ 10,923,100
		TOTAL Department of Transportation		
TOTAL HOF Highway Operating Fund Group			$3,441,047,400	$3,571,306,900
TOTAL 042 Highway Capital Improvement Fund Group			$ 220,000,000	$ 150,000,000
TOTAL 045 Infrastructure Bank Obligations Fund Group			$ 180,000,000	$ 160,000,000
TOTAL ALL BUDGET FUND GROUPS			$3,841,047,400	$3,881,306,900"

In line 95994, after "Sections" insert "203.03,"

In line 247 of the title, after "Sections" insert "203.03"

In line 4544, strike through "The" and insert "With respect to taxes imposed under section 5733.06 or 5747.02 or Chapter 5751. of the Revised Code, the"

In line 4801, delete "report" and insert "statement to the superintendent of insurance"

In line 67491, delete "A" and insert "Upon the issuance of a tax credit certificate by the director of development, a"

In line 67493, after the underlined period insert "The credit shall be claimed in the calendar year specified in the certificate issued by the director of development."

In line 69547, delete "A" and insert "Upon the issuance of a tax credit certificate by the director of development, a"

In line 69549, after the underlined period insert "The credit shall be claimed in the calendar year specified in the certificate issued by the director of development."

In line 85063, delete "$38,810,000 $291,010,000" and insert "$49,350,000 $369,054,000"

In line 85066, delete "$155,457,522 $392,657,522" and insert "$165,997,522 $470,701,522"

In line 85067, delete "$10,182,637,895 $10,650,103,623" and insert "$10,193,177,895 $10,728,147,623"

In line 93960, delete "$20,490,000$154,290,000" and insert "$21,150,000$158,166,000"

In line 93964, delete "$2,358,979,738$2,478,223,381" and insert "$2,359,639,738$2,482,099,381"

In line 93965, delete "$4,266,680,398$4,469,548,341" and insert "$4,267,340,398$4,473,243,341"

In line 94636, delete "$252,328 $252,328" and insert "$302,328 $302,328"

In line 94638, delete "$237,919 $237,919" and insert "$287,919 $287,919"

In line 94640, delete "$166,308 $166,308" and insert "$216,308 $216,308"

In line 94642, delete "$85,972 $85,972" and insert "$115,972 $115,972"

In line 94646, delete "$196,615 $196,615" and insert "$246,615 $246,615"

In line 94647, delete "$1,404,619 $1,404,619" and insert "$1,634,619 $1,634,619"

In line 94648, delete "$1,404,619 $1,404,619" and insert "$1,634,619 $1,634,619"

Between lines 94657 and 94658, insert:

"VAL AMERICAN LEGION OF OHIO

Of the foregoing appropriation item 752-501, State Support, VAL American Legion, at least $50,000 in each fiscal year shall be used to fund service officer expenses."

In line 94665, after the period insert "Additionally, at least $50,000 shall be used in each fiscal year to fund service officer expenses."

Between lines 94670 and 94671, insert:

"VAV DISABLED AMERICAN VETERANS

Of the foregoing appropriation item 754-501, State Support, VAV Disabled American Veterans, at least $50,000 in each fiscal year shall be used to fund service officer expenses.

VMC MARINE CORPS LEAGUE

Of the foregoing appropriation item 756-501, State Support, VMC Marine Corps League, at least $30,000 in each fiscal year shall be used to fund service officer expenses.

VFW VETERANS OF FOREIGN WARS

Of the foregoing appropriation item 758-501, State Support, VFW Veterans of Foreign Wars, at least $50,000 in each fiscal year shall be used to fund service officer expenses."

In line 97713, after "sectors" insert ";

(7) Estimate the revenue impact of reclassifying rental real property having more than three units as residential/agricultural real property instead of as nonresidential/agricultural real property under section 5713.041 of the Revised Code"

In line 285, after "141.04," insert "145.01, 145.33,"

Between lines 11005 and 11006, insert:

"**Sec. 145.01.** As used in this chapter:

(A) "Public employee" means:

(1) Any person holding an office, not elective, under the state or any county, township, municipal corporation, park district, conservancy district, sanitary district, health district, metropolitan housing authority, state retirement board, Ohio historical society, public library, county law library, union cemetery, joint hospital, institutional commissary, state university, or board, bureau, commission, council, committee, authority, or administrative body as the same are, or have been, created by action of the general assembly or by the legislative authority of any of the units of local government named in division (A)(1) of this section, or employed and paid in whole or in part by the state or any of the authorities named in division (A)(1) of this section in any capacity not covered by section 742.01, 3307.01, 3309.01, or 5505.01 of the Revised Code.

(2) A person who is a member of the public employees retirement system and who continues to perform the same or similar duties under the direction of a contractor who has contracted to take over what before the date of the contract was a publicly operated function. The governmental unit with which the contract has been made shall be deemed the employer for the purposes of administering this chapter.

(3) Any person who is an employee of a public employer, notwithstanding that the person's compensation for that employment is derived from funds of a person or entity other than the employer. Credit for such service shall be included as total service credit, provided that the employee makes the payments required by this chapter, and the employer makes the payments required by sections 145.48 and 145.51 of the Revised Code.

(4) A person who elects in accordance with section 145.015 of the Revised Code to remain a contributing member of the public employees retirement system.

In all cases of doubt, the public employees retirement board shall determine whether any person is a public employee, and its decision is final.

(B) "Member" means any public employee, other than a public employee excluded or exempted from membership in the retirement system by section 145.03, 145.031, 145.032, 145.033, 145.034, 145.035, or 145.38 of the Revised Code. "Member" includes a PERS retirant who becomes a member under division (C) of section 145.38 of the Revised Code. "Member" also includes a disability benefit recipient.

(C) "Head of the department" means the elective or appointive head of the several executive, judicial, and administrative departments, institutions, boards, and commissions of the state and local government as the same are created and defined by the laws of this state or, in case of a charter government, by that charter.

(D) "Employer" or "public employer" means the state or any county, township, municipal corporation, park district, conservancy district, sanitary district, health district, metropolitan housing authority, state retirement board, Ohio historical society, public library, county law library, union cemetery, joint hospital, institutional commissary, state medical college, state university, or board, bureau, commission, council, committee, authority, or administrative body as the same are, or have been, created by action of the general assembly or by the legislative authority of any of the units of local government named in this division not covered by section 742.01, 3307.01, 3309.01, or 5505.01 of the Revised Code. In addition, "employer" means the employer of any public employee.

(E) "Prior service" means all service as a public employee rendered before January 1, 1935, and all service as an employee of any employer who comes within the state teachers retirement system or of the school employees retirement system or of any other retirement system established under the laws of this state rendered prior to January 1, 1935, provided that if the employee claiming the service was employed in any capacity covered by that other system after that other system was established, credit for the service may be allowed by the public employees retirement system only when the employee has made payment, to be computed on the salary earned from the date of appointment to the date membership was established in the public employees retirement system,

at the rate in effect at the time of payment, and the employer has made payment of the corresponding full liability as provided by section 145.44 of the Revised Code. "Prior service" also means all service credited for active duty with the armed forces of the United States as provided in section 145.30 of the Revised Code.

If an employee who has been granted prior service credit by the public employees retirement system for service rendered prior to January 1, 1935, as an employee of a board of education establishes, before retirement, one year or more of contributing service in the state teachers retirement system or school employees retirement system, then the prior service ceases to be the liability of this system.

If the board determines that a position of any member in any calendar year prior to January 1, 1935, was a part-time position, the board shall determine what fractional part of a year's credit shall be allowed by the following formula:

(1) When the member has been either elected or appointed to an office the term of which was two or more years and for which an annual salary is established, the fractional part of the year's credit shall be computed as follows:

First, when the member's annual salary is one thousand dollars or less, the service credit for each such calendar year shall be forty per cent of a year.

Second, for each full one hundred dollars of annual salary above one thousand dollars, the member's service credit for each such calendar year shall be increased by two and one-half per cent.

(2) When the member is paid on a per diem basis, the service credit for any single year of the service shall be determined by using the number of days of service for which the compensation was received in any such year as a numerator and using two hundred fifty days as a denominator.

(3) When the member is paid on an hourly basis, the service credit for any single year of the service shall be determined by using the number of hours of service for which the compensation was received in any such year as a numerator and using two thousand hours as a denominator.

(F) "Contributor" means any person who has an account in the employees' savings fund created by section 145.23 of the Revised Code. When used in the sections listed in division (B) of section 145.82 of the Revised Code, "contributor" includes any person participating in a PERS defined contribution plan.

(G) "Beneficiary" or "beneficiaries" means the estate or a person or persons who, as the result of the death of a member, contributor, or retirant, qualify for or are receiving some right or benefit under this chapter.

(H)(1) "Total service credit," except as provided in section 145.37 of the Revised Code, means all service credited to a member of the retirement system since last becoming a member, including restored service credit as provided by

section 145.31 of the Revised Code; credit purchased under sections 145.293 and 145.299 of the Revised Code; all the member's prior service credit; all the member's military service credit computed as provided in this chapter; all service credit established pursuant to section 145.297 of the Revised Code; and any other service credited under this chapter. In addition, "total service credit" includes any period, not in excess of three years, during which a member was out of service and receiving benefits under Chapters 4121. and 4123. of the Revised Code. For the exclusive purpose of satisfying the service credit requirement and of determining eligibility for benefits under sections 145.32, 145.33, 145.331, 145.35, 145.36, and 145.361 of the Revised Code, "five or more years of total service credit" means sixty or more calendar months of contributing service in this system.

(2) "One and one-half years of contributing service credit," as used in division (B) of section 145.45 of the Revised Code, also means eighteen or more calendar months of employment by a municipal corporation that formerly operated its own retirement plan for its employees or a part of its employees, provided that all employees of that municipal retirement plan who have eighteen or more months of such employment, upon establishing membership in the public employees retirement system, shall make a payment of the contributions they would have paid had they been members of this system for the eighteen months of employment preceding the date membership was established. When that payment has been made by all such employee members, a corresponding payment shall be paid into the employers' accumulation fund by that municipal corporation as the employer of the employees.

(3) Where a member also is a member of the state teachers retirement system or the school employees retirement system, or both, except in cases of retirement on a combined basis pursuant to section 145.37 of the Revised Code or as provided in section 145.383 of the Revised Code, service credit for any period shall be credited on the basis of the ratio that contributions to the public employees retirement system bear to total contributions in all state retirement systems.

(4) Not more than one year of credit may be given for any period of twelve months.

(5) "Ohio service credit" means credit for service that was rendered to the state or any of its political subdivisions or any employer.

(I) "Regular interest" means interest at any rates for the respective funds and accounts as the public employees retirement board may determine from time to time.

(J) "Accumulated contributions" means the sum of all amounts credited to a contributor's individual account in the employees' savings fund together with any interest credited to the contributor's account under section 145.471 or 145.472 of the Revised Code.

(K)(1) "Final average salary" means the quotient obtained by dividing by

three the sum of the three full calendar years of contributing service in which the member's earnable salary was highest, except that if the member has a partial year of contributing service in the year the member's employment terminates and the member's earnable salary for the partial year is higher than for any comparable period in the three years, the member's earnable salary for the partial year shall be substituted for the member's earnable salary for the comparable period during the three years in which the member's earnable salary was lowest.

(2) If a member has less than three years of contributing service, the member's final average salary shall be the member's total earnable salary divided by the total number of years, including any fraction of a year, of the member's contributing service.

(3) For the purpose of calculating benefits payable to a member qualifying for service credit under division (Z) of this section, "final average salary" means the total earnable salary on which contributions were made divided by the total number of years during which contributions were made, including any fraction of a year. If contributions were made for less than twelve months, "final average salary" means the member's total earnable salary.

(L) "Annuity" means payments for life derived from contributions made by a contributor and paid from the annuity and pension reserve fund as provided in this chapter. All annuities shall be paid in twelve equal monthly installments.

(M) "Annuity reserve" means the present value, computed upon the basis of the mortality and other tables adopted by the board, of all payments to be made on account of any annuity, or benefit in lieu of any annuity, granted to a retirant as provided in this chapter.

(N)(1) "Disability retirement" means retirement as provided in section 145.36 of the Revised Code.

(2) "Disability allowance" means an allowance paid on account of disability under section 145.361 of the Revised Code.

(3) "Disability benefit" means a benefit paid as disability retirement under section 145.36 of the Revised Code, as a disability allowance under section 145.361 of the Revised Code, or as a disability benefit under section 145.37 of the Revised Code.

(4) "Disability benefit recipient" means a member who is receiving a disability benefit.

(O) "Age and service retirement" means retirement as provided in sections 145.32, 145.33, 145.331, 145.34, 145.37, and 145.46 of the Revised Code.

(P) "Pensions" means annual payments for life derived from contributions made by the employer that at the time of retirement are credited into the annuity and pension reserve fund from the employers' accumulation fund and paid from the annuity and pension reserve fund as provided in this chapter.

All pensions shall be paid in twelve equal monthly installments.

(Q) "Retirement allowance" means the pension plus that portion of the benefit derived from contributions made by the member.

(R)(1) Except as otherwise provided in division (R) of this section, "earnable salary" means all salary, wages, and other earnings paid to a contributor by reason of employment in a position covered by the retirement system. The salary, wages, and other earnings shall be determined prior to determination of the amount required to be contributed to the employees' savings fund under section 145.47 of the Revised Code and without regard to whether any of the salary, wages, or other earnings are treated as deferred income for federal income tax purposes. "Earnable salary" includes the following:

(a) Payments made by the employer in lieu of salary, wages, or other earnings for sick leave, personal leave, or vacation used by the contributor;

(b) Payments made by the employer for the conversion of sick leave, personal leave, and vacation leave accrued, but not used if the payment is made during the year in which the leave is accrued, except that payments made pursuant to section 124.383 or 124.386 of the Revised Code are not earnable salary;

(c) Allowances paid by the employer for full maintenance, consisting of housing, laundry, and meals, as certified to the retirement board by the employer or the head of the department that employs the contributor;

(d) Fees and commissions paid under section 507.09 of the Revised Code;

(e) Payments that are made under a disability leave program sponsored by the employer and for which the employer is required by section 145.296 of the Revised Code to make periodic employer and employee contributions;

(f) Amounts included pursuant to divisions (K)(3) and (Y) of this section.

(2) "Earnable salary" does not include any of the following:

(a) Fees and commissions, other than those paid under section 507.09 of the Revised Code, paid as sole compensation for personal services and fees and commissions for special services over and above services for which the contributor receives a salary;

(b) Amounts paid by the employer to provide life insurance, sickness, accident, endowment, health, medical, hospital, dental, or surgical coverage, or other insurance for the contributor or the contributor's family, or amounts paid by the employer to the contributor in lieu of providing the insurance;

(c) Incidental benefits, including lodging, food, laundry, parking, or services furnished by the employer, or use of the employer's property or equipment, or amounts paid by the employer to the contributor in lieu of providing the incidental benefits;

(d) Reimbursement for job-related expenses authorized by the employer, including moving and travel expenses and expenses related to professional development;

(e) Payments for accrued but unused sick leave, personal leave, or vacation that are made at any time other than in the year in which the sick leave, personal leave, or vacation was accrued;

(f) Payments made to or on behalf of a contributor that are in excess of the annual compensation that may be taken into account by the retirement system under division (a)(17) of section 401 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 401(a)(17), as amended;

(g) Payments made under division (B), (C), or (E) of section 5923.05 of the Revised Code, Section 4 of Substitute Senate Bill No. 3 of the 119th general assembly, Section 3 of Amended Substitute Senate Bill No. 164 of the 124th general assembly, or Amended Substitute House Bill No. 405 of the 124th general assembly;

(h) Anything of value received by the contributor that is based on or attributable to retirement or an agreement to retire, except that payments made on or before January 1, 1989, that are based on or attributable to an agreement to retire shall be included in earnable salary if both of the following apply:

(i) The payments are made in accordance with contract provisions that were in effect prior to January 1, 1986;

(ii) The employer pays the retirement system an amount specified by the retirement board equal to the additional liability resulting from the payments.

(3) The retirement board shall determine by rule whether any compensation not enumerated in division (R) of this section is earnable salary, and its decision shall be final.

(S) "Pension reserve" means the present value, computed upon the basis of the mortality and other tables adopted by the board, of all payments to be made on account of any retirement allowance or benefit in lieu of any retirement allowance, granted to a member or beneficiary under this chapter.

(T)(1) "Contributing service" means all service credited to a member of the system since January 1, 1935, for which contributions are made as required by sections 145.47, 145.48, and 145.483 of the Revised Code. In any year subsequent to 1934, credit for any service shall be allowed by the following formula:

(a) For each month for which the member's earnable salary is two hundred fifty dollars or more, allow one month's credit.

(b) For each month for which the member's earnable salary is less than two hundred fifty dollars, allow a fraction of a month's credit. The numerator of this fraction shall be the earnable salary during the month, and the denominator shall be two hundred fifty dollars, except that if the member's annual earnable

salary is less than six hundred dollars, the member's credit shall not be reduced below twenty per cent of a year for a calendar year of employment during which the member worked each month. Division (T)(1)(b) of this section shall not reduce any credit earned before January 1, 1985.

(2) Notwithstanding division (T)(1) of this section, an elected official who prior to January 1, 1980, was granted a full year of credit for each year of service as an elected official shall be considered to have earned a full year of credit for each year of service regardless of whether the service was full-time or part-time. The public employees retirement board has no authority to reduce the credit.

(U) "State retirement board" means the public employees retirement board, the school employees retirement board, or the state teachers retirement board.

(V) "Retirant" means any former member who retires and is receiving a monthly allowance as provided in sections 145.32, 145.33, 145.331, 145.34, and 145.46 of the Revised Code.

(W) "Employer contribution" means the amount paid by an employer as determined under section 145.48 of the Revised Code.

(X) "Public service terminates" means the last day for which a public employee is compensated for services performed for an employer or the date of the employee's death, whichever occurs first.

(Y) When a member has been elected or appointed to an office, the term of which is two or more years, for which an annual salary is established, and in the event that the salary of the office is increased and the member is denied the additional salary by reason of any constitutional provision prohibiting an increase in salary during a term of office, the member may elect to have the amount of the member's contributions calculated upon the basis of the increased salary for the office. At the member's request, the board shall compute the total additional amount the member would have contributed, or the amount by which each of the member's contributions would have increased, had the member received the increased salary for the office the member holds. If the member elects to have the amount by which the member's contribution would have increased withheld from the member's salary, the member shall notify the employer, and the employer shall make the withholding and transmit it to the retirement system. A member who has not elected to have that amount withheld may elect at any time to make a payment to the retirement system equal to the additional amount the member's contribution would have increased, plus interest on that contribution, compounded annually at a rate established by the board and computed from the date on which the last contribution would have been withheld from the member's salary to the date of payment. A member may make a payment for part of the period for which the increased contribution was not withheld, in which case the interest shall be computed from the date the last contribution would have been withheld for the period for which the payment is

made. Upon the payment of the increased contributions as provided in this division, the increased annual salary as provided by law for the office for the period for which the member paid increased contributions thereon shall be used in determining the member's earnable salary for the purpose of computing the member's final average salary.

(Z) "Five years of service credit," for the exclusive purpose of satisfying the service credit requirements and of determining eligibility for benefits under section 145.33 of the Revised Code, means employment covered under this chapter or under a former retirement plan operated, recognized, or endorsed by the employer prior to coverage under this chapter or under a combination of the coverage.

(AA) "Deputy sheriff" means any person who is commissioned and employed as a full-time peace officer by the sheriff of any county, and has been so employed since on or before December 31, 1965, and whose primary duties are to preserve the peace, to protect life and property, and to enforce the laws of this state; any person who is or has been commissioned and employed as a peace officer by the sheriff of any county since January 1, 1966, and who has received a certificate attesting to the person's satisfactory completion of the peace officer training school as required by section 109.77 of the Revised Code and whose primary duties are to preserve the peace, protect life and property, and enforce the laws of this state; or any person deputized by the sheriff of any county and employed pursuant to section 2301.12 of the Revised Code as a criminal bailiff or court constable who has received a certificate attesting to the person's satisfactory completion of the peace officer training school as required by section 109.77 of the Revised Code and whose primary duties are to preserve the peace, protect life and property, and enforce the laws of this state.

(BB) "Township constable or police officer in a township police department or district" means any person who is commissioned and employed as a full-time peace officer pursuant to Chapter 505. or 509. of the Revised Code, who has received a certificate attesting to the person's satisfactory completion of the peace officer training school as required by section 109.77 of the Revised Code, and whose primary duties are to preserve the peace, protect life and property, and enforce the laws of this state.

(CC) "Drug agent" means any person who is either of the following:

(1) Employed full-time as a narcotics agent by a county narcotics agency created pursuant to section 307.15 of the Revised Code and has received a certificate attesting to the satisfactory completion of the peace officer training school as required by section 109.77 of the Revised Code;

(2) Employed full-time as an undercover drug agent as defined in section 109.79 of the Revised Code and is in compliance with section 109.77 of the Revised Code.

(DD) "Department of public safety enforcement agent" means a full-time employee of the department of public safety who is designated under section

5502.14 of the Revised Code as an enforcement agent and who is in compliance with section 109.77 of the Revised Code.

(EE) "Natural resources law enforcement staff officer" means a full-time employee of the department of natural resources who is designated a natural resources law enforcement staff officer under section 1501.013 of the Revised Code and is in compliance with section 109.77 of the Revised Code.

(FF) "Park officer" means a full-time employee of the department of natural resources who is designated a park officer under section 1541.10 of the Revised Code and is in compliance with section 109.77 of the Revised Code.

(GG) "Forest officer" means a full-time employee of the department of natural resources who is designated a forest officer under section 1503.29 of the Revised Code and is in compliance with section 109.77 of the Revised Code.

(HH) "Preserve officer" means a full-time employee of the department of natural resources who is designated a preserve officer under section 1517.10 of the Revised Code and is in compliance with section 109.77 of the Revised Code.

(II) "Wildlife officer" means a full-time employee of the department of natural resources who is designated a wildlife officer under section 1531.13 of the Revised Code and is in compliance with section 109.77 of the Revised Code.

(JJ) "State watercraft officer" means a full-time employee of the department of natural resources who is designated a state watercraft officer under section 1547.521 of the Revised Code and is in compliance with section 109.77 of the Revised Code.

(KK) "Park district police officer" means a full-time employee of a park district who is designated pursuant to section 511.232 or 1545.13 of the Revised Code and is in compliance with section 109.77 of the Revised Code.

(LL) "Conservancy district officer" means a full-time employee of a conservancy district who is designated pursuant to section 6101.75 of the Revised Code and is in compliance with section 109.77 of the Revised Code.

(MM) "Municipal police officer" means a member of the organized police department of a municipal corporation who is employed full-time, is in compliance with section 109.77 of the Revised Code, and is not a member of the Ohio police and fire pension fund.

(NN) "Veterans' home police officer" means any person who is employed at a veterans' home as a police officer pursuant to section 5907.02 of the Revised Code and is in compliance with section 109.77 of the Revised Code.

(OO) "Special police officer for a mental health institution" means any person who is designated as such pursuant to section 5119.14 of the Revised Code and is in compliance with section 109.77 of the Revised Code.

(PP) "Special police officer for an institution for the mentally retarded and developmentally disabled" means any person who is designated as such

pursuant to section 5123.13 of the Revised Code and is in compliance with section 109.77 of the Revised Code.

(QQ) "State university law enforcement officer" means any person who is employed full-time as a state university law enforcement officer pursuant to section 3345.04 of the Revised Code and who is in compliance with section 109.77 of the Revised Code.

(RR) "House sergeant at arms" means any person appointed by the speaker of the house of representatives under division (B)(1) of section 101.311 of the Revised Code who has arrest authority under division (E)(1) of that section.

(SS) "Assistant house sergeant at arms" means any person appointed by the house sergeant at arms under division (C)(1) of section 101.311 of the Revised Code.

(TT) "Regional transit authority police officer" means a person who is employed full time as a regional transit authority police officer under division (Y) of section 306.35 of the Revised Code and is in compliance with section 109.77 of the Revised Code.

(UU) "State highway patrol police officer" means a special police officer employed full time and designated by the superintendent of the state highway patrol pursuant to section 5503.09 of the Revised Code or a person serving full time as a special police officer pursuant to that section on a permanent basis on October 21, 1997, who is in compliance with section 109.77 of the Revised Code.

(VV) "Municipal public safety director" means a person who serves full-time as the public safety director of a municipal corporation with the duty of directing the activities of the municipal corporation's police department and fire department.

(WW) Notwithstanding section 2901.01 of the Revised Code, "PERS law enforcement officer" means a sheriff, deputy sheriff, township constable or police officer in a township police department or district, drug agent, municipal public safety director, department of public safety enforcement agent, natural resources law enforcement staff officer, park officer, forest officer, preserve officer, wildlife officer, state watercraft officer, park district police officer, conservancy district officer, veterans' home police officer, special police officer for a mental health institution, special police officer for an institution for the mentally retarded and developmentally disabled, state university law enforcement officer, municipal police officer, house sergeant at arms, assistant house sergeant at arms, regional transit authority police officer, or state highway patrol police officer.

~~(WW)~~(XX) "Hamilton county municipal court bailiff" means a person appointed by the clerk of courts of the Hamilton county municipal court under division (A)(3) of section 1901.32 of the Revised Code who is employed full

time as a bailiff or deputy bailiff, who has received a certificate attesting to the person's satisfactory completion of the peace officer basic training described in division (D)(1) of section 109.77 of the Revised Code, and whose primary duties are to preserve the peace, to protect life and property, and to enforce the laws of this state.

~~(XX)~~(YY) "Fiduciary" means a person who does any of the following:

(1) Exercises any discretionary authority or control with respect to the management of the system or with respect to the management or disposition of its assets;

(2) Renders investment advice for a fee, direct or indirect, with respect to money or property of the system;

(3) Has any discretionary authority or responsibility in the administration of the system.

~~(YY)~~(ZZ) "Actuary" means an individual who satisfies all of the following requirements:

(1) Is a member of the American academy of actuaries;

(2) Is an associate or fellow of the society of actuaries;

(3) Has a minimum of five years' experience in providing actuarial services to public retirement plans.

~~(ZZ)~~(AAA) "PERS defined benefit plan" means the plan described in sections 145.201 to 145.79 of the Revised Code.

~~(AAA)~~(BBB) "PERS defined contribution plans" means the plan or plans established under section 145.81 of the Revised Code.

Sec. 145.33. (A) Except as provided in division (B) or (C) of this section, a member with at least five years of total service credit who has attained age sixty, or who has thirty years of total Ohio service credit, may apply for age and service retirement, which shall consist of:

(1) An annuity having a reserve equal to the amount of the member's accumulated contributions at that time;

(2) A pension equal to the annuity provided by division (A)(1) of this section;

(3) An additional pension, if the member can qualify for prior service, equal to forty dollars multiplied by the number of years, and fraction thereof, of such prior and military service credit;

(4) A basic annual pension equal to one hundred eighty dollars if the member has ten or more years of total service credit as of October 1, 1956, except that the basic annual pension shall not exceed the sum of the annual benefits provided by divisions (A)(1), (2), and (3) of this section.

(5) When a member retires on age and service retirement, the member's

total annual single lifetime allowance, including the allowances provided in divisions (A)(1), (2), (3), and (4) of this section, shall be not less than a base amount adjusted in accordance with division (A)(5) of this section and determined by multiplying the member's total service credit by the greater of the following:

(a) Eighty-six dollars;

(b) Two and two-tenths per cent of the member's final average salary for each of the first thirty years of service plus two and one-half per cent of the member's final average salary for each subsequent year of service.

The allowance shall be adjusted by the factors of attained age or years of service to provide the greater amount as determined by the following schedule:

Attained Birthday	or	Years of Total Service Credit	Percentage of Base Amount
58		25	75
59		26	80
60		27	85
61			88
		28	90
62			91
63			94
		29	95
64			97
65		30 or more	100

Members shall vest the right to a benefit in accordance with the following schedule, based on the member's attained age by September 1, 1976:

Attained Birthday	Percentage of Base Amount
66	102
67	104
68	106
69	108
70 or more	110

(6) The total annual single lifetime allowance that a member shall receive under division (A)(5) of this section shall not exceed the lesser of one hundred per cent of the member's final average salary or the limit established by section 415 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 415, as amended.

(B)(1) For the purposes of divisions (B) to (G) of this section, "total service credit as a PERS law enforcement officer" and "total service credit as a Hamilton county municipal court bailiff" include credit for military service to the extent permitted by division (E)(2) of this section and credit for service as a

police officer or state highway patrol trooper to the extent permitted by divisions (E)(3) and (4) of this section.

(2) A member who meets the conditions in division (B)(2)(a), (b), (c), or (d) of this section may apply for an age and service retirement benefit under this division:

(a) The member has attained age forty-eight and has at least twenty-five years of total service credit as a PERS law enforcement officer whose primary duties were to preserve the peace, protect life and property, and enforce the laws in the member's jurisdiction;

(b) The member has attained age fifty-two, and has at least twenty-five years of total service credit as a PERS law enforcement officer, but the member's primary duties were other than to preserve the peace, protect life and property, and enforce the laws in the member's jurisdiction;

(c) The member has attained age fifty-two and has at least twenty-five years of total service as a Hamilton county municipal court bailiff;

(d) The member has attained age sixty-two and has at least fifteen years of total service credit as either of the following:

(i) A PERS law enforcement officer;

(ii) A Hamilton county municipal court bailiff.

(3) A benefit paid under division (B)(2) of this section shall consist of an annual single lifetime allowance equal to the sum of two and one-half per cent of the member's final average salary multiplied by the first twenty-five years of the member's total service plus two and one-tenth per cent of the member's final average salary multiplied by the number of years of the member's total service credit in excess of twenty-five years.

(4) A member with at least fifteen years of total service credit as a PERS law enforcement officer or Hamilton county municipal court bailiff who voluntarily resigns or is discharged for any reason except death, dishonesty, cowardice, intemperate habits, or conviction of a felony may apply for an age and service retirement benefit, which shall consist of an annual single lifetime allowance equal to one and one-half per cent of the member's final average salary multiplied by the number of years of the member's total service credit. The allowance shall commence on the first day of the calendar month following the month in which the application is filed with the public employees retirement board on or after the attainment by the applicant of age fifty-two.

(C)(1) A member with at least twenty-five years of total service credit who would be eligible to retire under division (B)(2)(b) or (c) of this section had the member attained age fifty-two and who voluntarily resigns or is discharged for any reason except death, dishonesty, cowardice, intemperate habits, or conviction of a felony, on or after the date of attaining forty-eight years of age, but before the date of attaining fifty-two years of age, may elect to receive a

reduced benefit as determined by the following schedule:

Attained Age	Reduced Benefit
48	75% of the benefit payable under division (B)(3) of this section
49	80% of the benefit payable under division (B)(3) of this section
50	86% of the benefit payable under division (B)(3) of this section
51	93% of the benefit payable under division (B)(3) of this section

(2) If a member elects to receive a reduced benefit after attaining age forty-eight the reduced benefit is payable from the later of the date of the member's most recent birthday or the date the member becomes eligible to receive the reduced benefit.

(3) Once a member elects to receive a reduced benefit determined by the schedule in division (C)(1) of this section and has received a payment, the member may not reelect to change that election.

(4) If a member who has resigned or been discharged has left on deposit the member's accumulated contributions in the employees' savings fund and has not elected to receive a reduced benefit determined by the schedule in division (C)(1) of this section, upon attaining fifty-two years of age, the member shall be entitled to receive a benefit computed and paid under division (B)(3) of this section.

(D) A benefit paid under division (B) or (C) of this section shall not exceed the lesser of ninety per cent of the member's final average salary or the limit established by section 415 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 415, as amended.

(E)(1) A member with service credit as a PERS law enforcement officer or a Hamilton county municipal court bailiff and other service credit under this chapter may elect one of the following:

(a) To have all the member's service credit under this chapter, including credit for service as a PERS law enforcement officer or Hamilton county municipal court bailiff, used in calculating a retirement allowance under division (A) of this section if the member qualifies for an allowance under that division;

(b) If the member qualifies for an allowance under division (B) or (C) of this section, to have the member's service credit as a PERS law enforcement officer or Hamilton county municipal court bailiff used in calculating a benefit under the appropriate division and the member's credit for all service other than PERS law enforcement service or service as a Hamilton county municipal court bailiff under this chapter used in calculating a benefit consisting of a single life annuity having a reserve equal to the amount of the member's accumulated contributions and an equal amount of the employer's contributions.

(2) Notwithstanding sections 145.01 and 145.30 of the Revised Code, no more than four years of military service credit granted under section 145.30 of the Revised Code and five years of military service credit purchased under section 145.301 or 145.302 of the Revised Code shall be used in calculating service as a PERS law enforcement officer or Hamilton county municipal court bailiff or the total service credit of that person.

(3) Only credit for the member's service as a PERS law enforcement officer or service credit obtained as a police officer or state highway patrol trooper shall be used in computing the benefit of a member who qualifies for a benefit under division (B)(2)(a), (b), or (d)(ii) or (4) or division (C) of this section for the following:

(a) Any person who originally is commissioned and employed as a deputy sheriff by the sheriff of any county, or who originally is elected sheriff, on or after January 1, 1975;

(b) Any deputy sheriff who originally is employed as a criminal bailiff or court constable on or after April 16, 1993;

(c) Any person who originally is appointed as a township constable or police officer in a township police department or district on or after January 1, 1981;

(d) Any person who originally is employed as a county narcotics agent on or after September 26, 1984;

(e) Any person who originally is employed as an undercover drug agent as defined in section 109.79 of the Revised Code, department of public safety enforcement agent who prior to June 30, 1999, was a liquor control investigator, park officer, forest officer, wildlife officer, state watercraft officer, park district police officer, conservancy district officer, veterans' home police officer, special police officer for a mental health institution, special police officer for an institution for the mentally retarded and developmentally disabled, or municipal police officer on or after December 15, 1988;

(f) Any person who originally is employed as a state university law enforcement officer on or after November 6, 1996;

(g) Any person who is originally employed as a state university law enforcement officer by the university of Akron on or after September 16, 1998;

(h) Any person who originally is employed as a preserve officer on or after March 18, 1999;

(i) Any person who originally is employed as a natural resources law enforcement staff officer on or after March 18, 1999;

(j) Any person who is originally employed as a department of public safety enforcement agent on or after June 30, 1999;

(k) Any person who is originally employed as a house sergeant at arms or

assistant house sergeant at arms on or after September 5, 2001;

(l) Any person who is originally appointed as a regional transit authority police officer or state highway patrol police officer on or after February 1, 2002;

(m) Any person who is originally employed as a municipal public safety director on or after the effective date of this amendment.

(4) Only credit for a member's service as a Hamilton county municipal court bailiff or service credit obtained as a PERS law enforcement officer, police officer, or state highway patrol trooper shall be used in computing the benefit of a member who qualifies for a benefit under division (B)(2)(c) or (d)(ii) or (4) or division (C) of this section for any person who originally is employed as a Hamilton county municipal court bailiff on or after November 6, 1996.

(F) Retirement allowances determined under this section shall be paid as provided in section 145.46 of the Revised Code.

(G) For the purposes of this section, service prior to June 30, 1999, as a food stamp trafficking agent under former section 5502.14 of the Revised Code shall be considered service as a law enforcement officer."

In line 81965, after "141.04," insert "145.01, 145.33,"

Between lines 97843 and 97844, insert:

"**Section ___.** As used in this section, "municipal public safety director" has the same meaning as in section 145.01 of the Revised Code, as amended by this act.

Not later than November 1, 2005, each municipal public safety director who is a member of the Public Employees Retirement System shall indicate to the retirement system, on a form supplied by the retirement system, a choice of whether to receive benefits under division (A) of section 145.33 of the Revised Code or under division (B) of that section."

In line 15 of the title, after "141.04," insert "145.01, 145.33,"

Between lines 96908 and 96909, insert:

"**Section ___.** (A) Notwithstanding any provision of law to the contrary and during the period beginning July 1, 2005, and ending December 31, 2005, the Director of Environmental Protection or a board of health as defined in section 3714.01 of the Revised Code shall not issue a license to open a new construction and demolition debris facility under Chapter 3714. of the Revised Code and rules adopted under it. Except as otherwise provided in this division, the moratorium established by this division applies both with respect to an application for a license to open a new construction and demolition debris facility that is submitted on or after the effective date of this section and to an application for such a license that has been submitted to the Director or a board of health prior to the effective date of this section, but concerning which a license for a facility has not been issued as of that effective date.

The board of county commissioners of a county may request the Director or a board of health to continue to process an application for a license to open a new construction and demolition debris facility in that county that has been submitted to the Director or board of health prior to the effective date of this section. After receiving such a request from a board of county commissioners, the Director or board of health may then issue a license for the new construction and demolition debris facility notwithstanding the moratorium established by this division.

The moratorium established by this division does not apply to a license for a new construction and demolition debris facility if the new facility will be located adjacent or contiguous to a previously licensed construction and demolition debris facility. The moratorium also does not apply to an expansion of or other modification to an existing licensed construction and demolition debris facility.

(B)(1) There is hereby created the Construction and Demolition Debris Facility Study Committee composed of the following thirteen members:

(a) Three members of the House of Representatives appointed by the Speaker of the House of Representatives;

(b) Three members of the Senate appointed by the President of the Senate;

(c) The Director of Environmental Protection or the Director's designee;

(d) One member representing health districts in the state appointed by the Governor;

(e) Three members representing the construction and demolition debris industry in the state appointed by the Governor, one of whom shall be the owner of both a construction and demolition debris facility and a solid waste disposal facility;

(f) Two members representing environmental consulting organizations or firms in the state appointed by the Governor.

Appointments shall be made to the Committee not later than fifteen days after the effective date of this section. Members of the Committee shall not receive compensation for their service on the Committee and shall not receive reimbursement for expenses incurred related to that service.

(2) The Committee shall study the laws of this state governing construction and demolition debris facilities and the rules adopted under those laws and shall make recommendations to the General Assembly regarding changes to those laws including, but not limited to, recommendations concerning the following topics:

(a) The establishment of a code of ethics for owners and operators of construction and demolition debris facilities;

(b) The establishment of best management practices;

(c) Licensing requirements;

(d) Testing and monitoring requirements and protocols;

(e) Siting and setback criteria for construction and demolition debris facilities;

(f) State and local oversight and regulatory authority;

(g) Fees;

(h) The regulation of construction and demolition debris from sources inside and outside the state;

(i) The closure process for construction and demolition debris facilities.

(3) The Committee shall submit a report of its study and any recommendations that it has developed to the General Assembly not later than September 30, 2005. The Committee shall cease to exist on the date on which it submits its report.

The General Assembly shall enact legislation based on the recommendations of the Committee as soon as is practicable."

In line 80234, after the underlined period insert "For the purpose of determining the rate of a qualifying levy authorized by section 5705.212 or 5705.213 of the Revised Code, the rate shall be the rate that would be in effect for tax year 2010."

In line 80253, delete "3.6%" and insert "0%"; delete "67.5%" and insert "70.0%"; delete "28.9%" and insert "30%"

In line 80254, delete "9.5%" and insert "5.3%"; delete "67.5%" and insert "70.0%"; delete "23.0%" and insert "24.7%"

In line 80255, delete "14.4%" and insert "19.4%"; delete "67.5%" and insert "70.0%"; delete "18.1%" and insert "10.6%"

In line 80256, delete "17.7%" and insert "14.1%"; delete "67.5%" and insert "70.0%"; delete "14.8%" and insert "15.9%"

In line 80257, delete "20.6%" and insert "17.6%"; delete "67.5%" and insert "70.0%"; delete "11.9%" and insert "12.4%"

In line 80258, delete "24.0%" and insert "21.1%"; delete "67.5%" and insert "70.0%"; delete "8.5%" and insert "8.9%"

In line 80259, delete "27.4%" and insert "24.6%"; delete "67.5%" and insert "70.0%"; delete "5.1%" and insert "5.4%"

In line 80260, delete "30.8%" and insert "28.1%"; delete "67.5%" and insert "70.0%"; delete "1.7%" and insert "1.9%"

Between lines 80296 and 80297, insert:

"The taxable value of property reported by taxpayers used in divisions (C)(1), (2), and (3) of this section shall be such values as determined to be final by the tax commissioner as of August 31, 2005. Such determinations shall be final except for any correction of a clerical error that was made prior to August 31, 2005, by the tax commissioner."

In line 80303, delete "2010" and insert "2009"

In line 80347, delete "2010" and insert "2009"

In line 80374, delete "property"

In line 80419, delete "one-sixth" and insert "one-seventh"

In line 80421, delete "November 30" and insert "and October 31"; delete "and"

In line 80422, delete "February 28, 2007,"; delete "one-third" and insert "one-half"; delete "five-sixths" and insert "six-sevenths"

In line 80424, delete "one-sixth" and insert "one-seventh"

In line 80426, delete "November 30" and insert "and October 31"; delete "and"

In line 80427, delete "February 29, 2008,"; delete "one-fourth" and insert "forty-three per cent"

In line 80429, delete "one-third" and insert "one-half"; delete "five-sixths" and insert "six-sevenths"

In line 80432, delete "one-fourth" and insert "fourteen per cent"

In line 80434, delete "one-sixth" and insert "one-seventh"

In line 80437, delete "November 30" and insert "and October 31"; delete "and"

In line 80438, delete "February 28, 2009,"; delete "one-fourth" and insert "forty-three per cent"

In line 80440, delete "one-third" and insert "one-half"; delete "five-sixths" and insert "six-sevenths"

In line 80443, delete "one-fourth" and insert "fourteen per cent"

In line 80445, delete "one-sixth" and insert "one-seventh"

In line 80448, delete "November 30" and insert "and October 31"; delete "and"

In line 80449, delete "February 28, 2010,"; delete "one-fourth" and insert "forty-three per cent"

In line 80451, delete "one-third" and insert "one-half"; delete "five-sixths" and insert "six-sevenths"

In line 80454, delete "one-fourth" and insert "fourteen per cent"

In line 80456, delete "one-sixth" and insert "one-seventh"

In line 80459, delete "November 30" and insert "October 31"

In line 80460, delete "February 28, 2011,"; delete "one-fourth" and insert "one-third"

In line 80463, delete "November 30" and insert "October 31"

In line 80464, delete "February 29, 2012,"

In line 80467, delete "one-fourth" and insert "one-third"

In line 80468, delete "November 30" and insert "October 31"

In line 80469, delete "February 28, 2013,"

In line 80472, delete "one-fourth" and insert "one-third"

In line 80473, delete "November 30" and insert "October 31"

In line 80474, delete "February 28, 2014,"

In line 80477, delete "one-fourth" and insert "one-third"

In line 80478, delete "November 30" and insert "October 31"

In line 80479, delete "February 28, 2015,"

In line 80482, delete "one-fourth" and insert "one-third"

In line 80483, delete "November 30" and insert "October 31"

In line 80484, delete "February 29, 2016,"

In line 80487, delete "one-fourth" and insert "one-third"

In line 80488, delete "November 30" and insert "October 31"

In line 80489, delete "February 28, 2017,"

In line 80492, delete "one-fourth" and insert "one-third"

In line 80493, delete "November 30" and insert "October 31"

In line 80494, delete "February 28, 2018,"

In line 80497, delete "one-fourth" and insert "one-third"

In line 80526, delete "one-fourth" and insert "one-third"

In line 80528, delete the second "and"

In line 80529, delete "of February of the following year"

In line 80589, after "losses" insert "and debt levy losses"

In line 44562, after "to" insert "claims submitted electronically or non-electronically that are made with respect to"

In line 44564, strike through the semicolon and insert an underlined period

In line 298, delete "1751.89,"

In line 425, delete "5101.94,"

In line 427, after "5111.176," insert "5111.177,"

Delete lines 18436 through 18444

In line 44559, delete "5101.94" and insert "5101.93"

In line 52136, strike through "division" and insert "divisions"; after "(G)" insert "and (H)"

In line 52227, after "(H)" insert "If an appellant receiving medicaid through a health insuring corporation that holds a certificate of authority under Chapter 1751. of the Revised Code is appealing a denial of medicaid services based on lack of medical necessity or other clinical issues regarding coverage by the health insuring corporation, the person hearing the appeal may order an independent medical review if that person determines that a review is necessary. The review shall be performed by a health care professional with appropriate clinical expertise in treating the recipient's condition or disease. The department shall pay the costs associated with the review.

A review ordered under this division shall be part of the record of the hearing and shall be given appropriate evidentiary consideration by the person hearing the appeal.

(I)"

Delete lines 52889 through 52892

In line 52893, delete "5101.94" and insert "5101.93"

Between lines 55693 and 55694, insert:

"**Sec. 5111.177.** When contracting under section 5111.17 of the Revised Code with a health insuring corporation that holds a certificate of authority under Chapter 1751. of the Revised Code, the department of job and family services shall require the health insuring corporation to provide a grievance process for medicaid recipients in accordance with 42 C.F.R. 438, subpart F."

In line 81979, delete "1751.89,"

In line 34 of the title, delete "1751.89,"

In line 201 of the title, delete "5101.94,"

In line 204 of the title, after "5111.176," insert "5111.177,"

In line 45816, after "president" insert "and minority leader"

In line 45817, after "speaker" insert "and minority leader"

In line 75878, delete "calendar quarter by" and insert "semiannual period ending on the last day of June or December, annually. The commissioner shall prepare the report by industry classification using business activity codes. The report shall include the combined total statewide collections from the taxes levied under sections 5739.02, 5739.021, 5739.023, 5739.026, 5741.02, 5741.021, 5741.022, and 5741.023 of the Revised Code as reported by taxpayers with respect to collections during the semiannual period. The report shall reflect all industries included in the industrial classification system used by the commissioner the activities of which relate in any way to travel and tourism, including, but not limited to, industries such as bars and restaurants; hotels, motels, and other lodging establishments; and other industries related to travel and tourism. The first report shall be for the semiannual period ending December 31, 2005.

(B) The tax commissioner shall file a copy of the report required under this section with the governor, the president of the senate, the speaker of the house of representatives, and the legislative service commission. The reports shall be filed on or before the first day of May or November, annually, that immediately follows the semiannual period to which the report relates. A copy of the commissioner's most recent report shall be made available to the public through the department of taxation's official internet web site.

(C) The commissioner shall adopt rules that are necessary to administer this section."

Delete lines 75879 through 75948

In line 12809, delete "does not include" and insert "includes all uses of real property, except"

In line 12810, delete the first underlined comma and insert an underlined semicolon; delete the second underlined comma and insert "; occupying or holding property improved with single-family, two-family, or three-family dwellings;"

In line 12811, delete the third underlined comma and insert an underlined semicolon

In line 12814, after the underlined period insert "For purposes of this partial exemption, "farming" does not include land used for the commercial production of timber that is receiving the tax benefit under section 5713.23 or 5713.31 of the Revised Code and all improvements connected with such commercial production of timber."

In line 366, after "5711.28," insert "5713.01,"

In line 66855, after "as" insert ""qualifying dealer""; delete "5733.45" and insert "5725.24"

In line 67150, strike through "(A)" and insert "(B)"

In line 67217, delete "(11)" and insert "(10)"

Between lines 67278 and 67279, insert:

"**Sec. 5713.01.** (A) Each county shall be the unit for assessing real estate for taxation purposes. The county auditor shall be the assessor of all the real estate in ~~his~~the auditor's county for purposes of taxation, but this section does not affect the power conferred by Chapter 5727. of the Revised Code upon the tax commissioner regarding the valuation and assessment of ~~the~~real property ~~of railroads~~used in railroad operations.

(B) The auditor shall assess all the real estate situated in the county at its taxable value in accordance with sections 5713.03, 5713.31, and 5715.01 of the Revised Code and with the rules and methods applicable to ~~his~~the auditor's county adopted, prescribed, and promulgated by the tax commissioner. The auditor shall view and appraise or cause to be viewed and appraised at its true value in money, each lot or parcel of real estate, including land devoted exclusively to agricultural use, and the improvements located thereon at least once in each six-year period and the taxable values required to be derived therefrom shall be placed on the auditor's tax list and the county treasurer's duplicate for the tax year ordered by the commissioner pursuant to section 5715.34 of the Revised Code. The commissioner may grant an extension of one year or less if ~~he~~the commissioner finds that good cause exists for the extension. When the auditor so views and appraises, ~~he~~the auditor may enter each structure located thereon to determine by actual view what improvements have been made therein or additions made thereto since the next preceding valuation. The auditor shall revalue and assess at any time all or any part of the real estate in such county, including land devoted exclusively to agricultural use, where ~~he~~the auditor finds that the true or taxable values thereof have changed, and when a conservation easement is created under sections 5301.67 to 5301.70 of the Revised Code. ~~He~~The auditor may increase or decrease the true or taxable value of any lot or parcel of real estate in any township, municipal corporation, or other taxing district by an amount which will cause all real property on the tax list to be valued as required by law, or ~~he~~the auditor may increase or decrease the aggregate value of all real property, or any class of real property, in the county, township, municipal corporation, or other taxing district, or in any ward or other division of a municipal corporation by a per cent or amount which will cause all property to be properly valued and assessed for taxation in accordance with Section 36, Article II, Section 2, Article XII, Ohio Constitution, this section, and sections 5713.03, 5713.31, and 5715.01 of the Revised Code.

(C) When the auditor determines to reappraise all the real estate in the county or any class thereof, when the tax commissioner orders an increase in the aggregate true or taxable value of the real estate in any taxing subdivision, or when the taxable value of real estate is increased by the application of a uniform taxable value per cent of true value pursuant to the order of the commissioner, ~~he~~the auditor shall advertise the completion of ~~his~~the reappraisal or equalization action in a newspaper of general circulation in the county once a week for the three consecutive weeks next preceding the issuance of the tax bills. When the auditor changes the true or taxable value of any individual parcels of real estate,

~~he~~the auditor shall notify the owner of the real estate, or the person in whose name the same stands charged on the duplicate, by mail or in person, of the changes ~~he~~the auditor has made in the assessments of such property. Such notice shall be given at least thirty days prior to the issuance of the tax bills. Failure to receive notice shall not invalidate any proceeding under this section.

(D) The auditor shall make the necessary abstracts from books of ~~his~~the auditor's office containing descriptions of real estate in such county, together with such platbooks and lists of transfers of title to land as the auditor deems necessary in the performance of ~~his~~the auditor's duties in valuing such property for taxation. Such abstracts, platbooks, and lists shall be in such form and detail as the tax commissioner prescribes.

(E) The auditor, with the approval of the tax commissioner, may appoint and employ such experts, deputies, clerks, or other employees as ~~he~~the auditor deems necessary to the performance of ~~his~~the auditor's duties as assessor, or, with the approval of the tax commissioner, ~~he~~the auditor may enter into a contract with an individual, partnership, firm, company, or corporation to do all or any part of the work; the amount to be expended in the payment of the compensation of such employees shall be fixed by the board of county commissioners. If, in the opinion of the auditor, the board of county commissioners fails to provide a sufficient amount for the compensation of such employees, ~~he~~the auditor may apply to the tax commissioner for an additional allowance, and the additional amount of compensation allowed by the commissioner shall be certified to the board of county commissioners, and the same shall be final. The salaries and compensation of such experts, deputies, clerks, and employees shall be paid upon the warrant of the auditor out of the general fund or the real estate assessment fund of the county, or both. If the salaries and compensation are in whole or in part fixed by the commissioner, they shall constitute a charge against the county regardless of the amount of money in the county treasury levied or appropriated for such purposes.

(F) Any contract for goods or services related to the auditor's duties as assessor, including contracts for mapping, computers, and reproduction on any medium of any documents, records, photographs, microfiche, or magnetic tapes, but not including contracts for the professional services of an appraiser, shall be awarded pursuant to the competitive bidding procedures set forth in sections 307.86 to 307.92 of the Revised Code and shall be paid for, upon the warrant of the auditor, from the real estate assessment fund.

(G) Experts, deputies, clerks, and other employees, in addition to their other duties, shall perform such services as the auditor directs in ascertaining such facts, description, location, character, dimensions of buildings and improvements, and other circumstances reflecting upon the value of real estate as will aid the auditor in fixing its true and taxable value and, in the case of land valued in accordance with section 5713.31 of the Revised Code, its current agricultural use value. The auditor may also summon and examine any person under oath in respect to any matter pertaining to the value of any real property within the county."

In line 67599, after "any" insert "person"

In line 67625, delete "2006" and insert "2009"

In line 67639, delete "2006" and insert "2009"

In line 67699, after "property" insert "used in railroad operations"

In line 67700, delete the underlined comma

In line 67704, delete the third underlined comma

In line 67707, delete the underlined comma

In line 67949, strike through "The"

In line 67950, strike through all before "value" and insert "For tax year 2006 and each tax year thereafter, the county auditor shall"; strike through "of" and insert "and assess the real"

In line 67952, after the period strike through the balance of the line

Strike through line 67953

In line 67960, after the first "of" strike through the balance of the line

In line 67961, strike through "real property or"

In line 67975, delete "such date" and insert "the first Monday of October"

In line 71196, delete "subsequent years" and insert "any year"

In line 71206, delete "subsequent years" and insert "any year"

In line 82047, after "5711.28," insert "5713.01,"

In line 98015, after "5711.28," insert "5713.01,"

Between lines 97743 and 97744, insert:

"**Section _____.** Sections 5713.01 and 5727.12 of the Revised Code, as amended by this act, first apply to tax year 2006."

In line 128 of the title, after "5711.28," insert "5713.01,"

In line 70007, delete "or"; after "(8)" insert ", or (10)"

In line 70030, delete "(1)" and insert "(30)"

In line 70031, delete "(29), (30), and"; after "(31)" insert ", (32), and (33)"

In line 70038, delete "(1)" and insert "(30)"

In line 70039, delete "(29), (30), and"; after "(31)" insert ", (32), and (33)"

In line 70044, delete the first "any" and insert "and"

In line 70046, delete "(1)" and insert "(30)"

In line 70047, delete "(29), (30), and"; after "(31)" insert ", (32), and (33)"

In line 70054, delete "(1)" and insert "(30)"

In line 70055, delete "(29), (30), and"; after "(31)" insert ", (32), and (33)"

In line 70061, delete "(1)" and insert "(30)"; delete "credit" and insert "credits"; delete "division" and insert "divisions"

In line 70062, delete "(29), (30), or"; after "(31)" insert ", (32), and (33)"

Strike through lines 71535 through 71547

In line 71772, after "include" insert ", but are not limited to,"

In line 72250, after "including" insert ", but not limited to,"

In line 72311, after "including" insert ", but not limited to"

In line 88361 delete "$950,868" and insert "$1,700,868"

In line 88362 delete "$950,868" and insert "$1,700,868"

In line 88366 delete "$1,050,868" and insert "$1,800,868"

Between lines 88366 and 88367, insert:

"BUREAU OF WORKERS' COMPENSATION FIDUCIARY REVIEW

Of the foregoing appropriation item 965-321, Operating Expenses, up to $750,000 in fiscal year 2006 shall be used to contract with an independent firm to conduct a fiduciary review of assets invested pursuant to the Administrator of Workers' Compensation's authority under Chapters 4121., 4123., 4127., and 4131. of the Revised Code."

In line 96443, delete the asterisk

Delete line 96446

In line 96447, delete "amended by this act, the" and insert "The"

In line 96456, after the period insert "Each investment expert member shall have the following qualifications:

(A) Be a resident of this state;

(B) Within the three years immediately preceding the appointment, not have been employed by the bureau of workers' compensation or by any person, partnership, or corporation that has provided to the bureau services of a financial or investment nature, including the management, analysis, supervision, or investment of assets;

(C) Have direct experience in the management, analysis, supervision, or investment of assets.

The investment expert members of the oversight commission shall vote only on investment matters."

Between lines 96482 and 96487, insert:

"**Section ____.** In addition to the Inspector General's powers and duties specified in sections 121.41 to 121.50 of the Revised Code and notwithstanding division (F) of section 121.42 of the Revised Code, as part of the Inspector General's investigation of the investments of the assets of the funds specified in Chapters 4121., 4123., 4127., and 4131. of the Revised Code that the Administrator of Workers' Compensation has the authority to invest, the Inspector General shall have a fiduciary review of those investments conducted by an independent firm. The Inspector General shall award a contract to an independent firm in the same manner as the Inspector General awards contracts to special investigators. The Inspector General shall submit a copy of the fiduciary review that the Inspector General receives to the Governor, the Attorney General, the Auditor of State, and the General Assembly."

In line 94450, delete "November" and insert "January"; delete the first "2005" and insert "2006"; delete "December" and insert "February"; delete the second "2005" and insert "2006"

In line 96919, delete "(3)" and insert:

"(3)"

In line 96922, after the comma insert "which relates to a tax period that ends after the effective date of this section,"

In line 96927, delete "November" and insert "January"; delete "2005" and insert "2006"; delete "December" and insert "February"

In line 96928, delete "2005" and insert "2006"

In line 97005, delete "December" and insert "February"; delete "2005" and insert "2006"

In line 273 of the title, delete "December" and insert "February"; delete "2005" and insert "2006"

Between lines 84235a and 84236, insert:

"5CY 195-682 Lung Cancer and Lung Disease Research $10,000,000 $0"

In line 84243, delete "$292,826,556" and insert "$302,826,556"

In line 84258, delete "$859,374,578" and insert "$869,374,578"

Between lines 84737 and 84738, insert:

"LUNG CANCER AND LUNG DISEASE RESEARCH

The foregoing appropriation item 195-682, Lung Cancer and Lung Disease Research, shall be used by the Director of Development to promote lung cancer and lung disease research."

In line 95054, after "Services)," insert "$10,000,000 cash to the Lung Cancer and Lung Disease Research Fund (Fund 5CY in the Department of Development),"

Between lines 95093 and 95094, insert:

"**Section ___.** TRANSFERS TO THE EDUCATION FACILITIES TRUST FUND

Notwithstanding section 183.02 of the Revised Code, after all transfers from the Tobacco Master Settlement Agreement Fund (Fund 087) to various other funds of cash that would have otherwise been transferred to the Tobacco Use Prevention and Cessation Trust Fund (Fund H87) in fiscal year 2006 have been made, the Director of Budget and Management shall transfer the remaining balance of the funds that would otherwise be transferred to the Tobacco Use Prevention and Cessation Trust Fund in fiscal year 2006 to the Education Facilities Trust Fund (Fund N87).

Notwithstanding section 183.02 of the Revised Code, after all transfers from the Tobacco Master Settlement Agreement Fund (Fund 087) to various other funds of cash that would have otherwise been transferred to the Tobacco Use Prevention and Cessation Trust Fund (Fund H87) in fiscal year 2007 have been made, the Director of Budget and Management shall transfer the remaining balance of the funds that would otherwise be transferred to the Tobacco Use Prevention and Cessation Trust Fund in fiscal year 2007 to the Education Facilities Trust Fund (Fund N87)."

In line 94973, delete "2007" and insert "2006"

In line 94976, delete "either"; delete "or 2007"; delete "may" and insert "shall"; delete "up" and insert "at least $50,000,000 at the end of fiscal year 2006 to the Budget Stabilization Fund, if available unobligated balances exist."

In line 94977, delete "to the excess balance to the Budget Stabilization Fund."

Between lines 94979 and 94980, insert:

"(B) Notwithstanding any provision of law to the contrary, through June 30, 2007, if the Director of Budget and Management determines that the estimated ending fund balance of the General Revenue Fund will be greater than the amounts assumed in this act for fiscal year 2007, the Director may transfer up to the excess balance to the Budget Stabilization Fund. This division does not apply to division (A) of Section 206.66.21, TANF TRANSFERS, of this act."

In line 94980, delete "(B)" and insert "(C)"

In line 94990, delete "(C)" and insert "(D)"; delete "division" and insert "divisions"; after "(A)" insert "and (B)"

In line 94995, delete "(D)" and insert "(E)"; delete "and" and insert "to"

In line 94996, delete "(B)" and insert "(C)"

In line 77819, after "corporation" insert ".

(FF) For purposes of this chapter and Chapter 5751. of the Revised Code:

(1) "Trust" does not include a qualified pre-income tax trust.

(2) A "qualified pre-income tax trust" is any pre-income tax trust that makes a qualifying pre-income tax trust election as described in division (FF)(3) of this section.

(3) A "qualifying pre-income tax trust election" is an election by a pre-income tax trust to be subject to the tax imposed by section 5751.02 of the Revised Code and to be subject to the tax imposed by section 5751.02 of the Revised Code all pass-through entities in which it owns, directly, indirectly, or constructively through related interests by common owners, five per cent or more of the ownership or equity interests. The trustee shall notify the tax commissioner in writing of the election on or before April 15, 2006. The election, if timely made, shall be effective on and after January 1, 2005, and shall apply for all tax periods and tax years until revoked by the trustee of the trust.

(4) A "pre-income tax trust" is a trust that satisfies both of the following requirements:

(a) The document or instrument creating the trust was executed by the grantor before January 1, 1972.

(b) The trust became irrevocable upon the creation of the trust"

Between lines 79054 and 79055, insert:

"(11) Except as otherwise provided in this division, a pre-income tax trust as defined in division (FF)(4) of section 5747.01 of the Revised Code and any pass-through entity in which such pre-income tax trust owns, directly, indirectly, or constructively through related interests by common owners, more than five per cent of the ownership or equity interests. If the pre-income tax trust has made a qualifying pre-income tax trust election under division (FF)(3) of section 5747.01 of the Revised Code, then the trust and the pass-through entities in which it owns, directly, indirectly, or constructively through related interests by common owners, more than five per cent of the ownership or equity interests, shall not be excluded persons for purposes of the tax imposed under section 5751.02 of the Revised Code."

In line 290, after "340.16," insert "718.09, 718.10,"

Between lines 13719 and 13720, insert:

"**Sec. 718.09.** (A) This section applies to either of the following:

(1) A municipal corporation that shares the same territory as a city, local, or exempted village school district, to the extent that not more than five per cent of the territory of the municipal corporation is located outside the school district and not more than five per cent of the territory of the school district is located

outside the municipal corporation;

(2) A municipal corporation that shares the same territory as a city, local, or exempted village school district, to the extent that not more than five per cent of the territory of the municipal corporation is located outside the school district, more than five per cent but not more than ten per cent of the territory of the school district is located outside the municipal corporation, and that portion of the territory of the school district that is located outside the municipal corporation is located entirely within another municipal corporation having a population of four hundred thousand or more according to the federal decennial census most recently completed before the agreement is entered into under division (B) of this section.

(B) ~~Before January 1, 2001, the~~The legislative authority of a municipal corporation to which this section applies may propose to the electors an income tax, one of the purposes of which shall be to provide financial assistance to the school district through payment to the district of not less than twenty-five per cent of the revenue generated by the tax, except that the legislative authority may not propose to levy the income tax on the incomes of nonresident individuals. Prior to proposing the tax, the legislative authority shall negotiate and enter into a written agreement with the board of education of the school district specifying the tax rate, the percentage of tax revenue to be paid to the school district, the purpose for which the school district will use the money, the first year the tax will be levied, the date of the special election on the question of the tax, and the method and schedule by which the municipal corporation will make payments to the school district. The special election shall be held ~~before January 1, 2001,~~ on a day specified in division (D) of section 3501.01 of the Revised Code, except that the special election may not be held on the day for holding a primary election as authorized by the municipal corporation's charter unless the municipal corporation is to have a primary election on that day.

After the legislative authority and board of education have entered into the agreement, the legislative authority shall provide for levying the tax by ordinance. The ordinance shall state the tax rate, the percentage of tax revenue to be paid to the school district, the purpose for which the municipal corporation will use its share of the tax revenue, the first year the tax will be levied, and that the question of the income tax will be submitted to the electors of the municipal corporation. The legislative authority also shall adopt a resolution specifying the regular or special election date the election will be held and directing the board of elections to conduct the election. At least seventy-five days before the date of the election, the legislative authority shall file certified copies of the ordinance and resolution with the board of elections.

(C) The board of elections shall make the necessary arrangements for the submission of the question to the electors of the municipal corporation, and shall conduct the election in the same manner as any other municipal income tax election. Notice of the election shall be published in a newspaper of general circulation in the municipal corporation once a week for four consecutive weeks

prior to the election, and shall include statements of the rate and municipal corporation and school district purposes of the income tax, the percentage of tax revenue that will be paid to the school district, and the first year the tax will be levied. The ballot shall be in the following form:

"Shall the ordinance providing for a ..... per cent levy on income for (brief description of the municipal corporation and school district purposes of the levy, including a statement of the percentage of tax revenue that will be paid to the school district) be passed? The income tax, if approved, will not be levied on the incomes of individuals who do not reside in (the name of the municipal corporation).

	For the income tax
	Against the income tax

"

(D) If the question is approved by a majority of the electors, the municipal corporation shall impose the income tax beginning in the year specified in the ordinance. The proceeds of the levy may be used only for the specified purposes, including payment of the specified percentage to the school district.

Sec. 718.10. (A) This section applies to a group of two or more municipal corporations that, taken together, share the same territory as a single city, local, or exempted village school district, to the extent that not more than five per cent of the territory of the municipal corporations as a group is located outside the school district and not more than five per cent of the territory of the school district is located outside the municipal corporations as a group.

(B) ~~Before January 1, 2001, the~~The legislative authorities of the municipal corporations in a group of municipal corporations to which this section applies each may propose to the electors an income tax, to be levied in concert with income taxes in the other municipal corporations of the group, except that a legislative authority may not propose to levy the income tax on the incomes of individuals who do not reside in the municipal corporation. One of the purposes of such a tax shall be to provide financial assistance to the school district through payment to the district of not less than twenty-five per cent of the revenue generated by the tax. Prior to proposing the taxes, the legislative authorities shall negotiate and enter into a written agreement with each other and with the board of education of the school district specifying the tax rate, the percentage of the tax revenue to be paid to the school district, the first year the tax will be levied, and the date of the election on the question of the tax, all of which shall be the same for each municipal corporation. The agreement also shall state the purpose for which the school district will use the money, and specify the method and schedule by which each municipal corporation will make payments to the school district. The special election shall be held ~~before January 1, 2001,~~ on a day specified in division (D) of section 3501.01 of the Revised Code, including a day on which all of the municipal corporations are to have a primary election.

After the legislative authorities and board of education have entered into the agreement, each legislative authority shall provide for levying its tax by ordinance. Each ordinance shall state the rate of the tax, the percentage of tax revenue to be paid to the school district, the purpose for which the municipal corporation will use its share of the tax revenue, and the first year the tax will be levied. Each ordinance also shall state that the question of the income tax will be submitted to the electors of the municipal corporation on the same date as the submission of questions of an identical tax to the electors of each of the other municipal corporations in the group, and that unless the electors of all of the municipal corporations in the group approve the tax in their respective municipal corporations, none of the municipal corporations in the group shall levy the tax. Each legislative authority also shall adopt a resolution specifying the regular or special election date the election will be held and directing the board of elections to conduct the election. At least seventy-five days before the date of the election, each legislative authority shall file certified copies of the ordinance and resolution with the board of elections.

(C) For each of the municipal corporations, the board of elections shall make the necessary arrangements for the submission of the question to the electors, and shall conduct the election in the same manner as any other municipal income tax election. For each of the municipal corporations, notice of the election shall be published in a newspaper of general circulation in the municipal corporation once a week for four consecutive weeks prior to the election. The notice shall include a statement of the rate and municipal corporation and school district purposes of the income tax, the percentage of tax revenue that will be paid to the school district, and the first year the tax will be levied, and an explanation that the tax will not be levied unless an identical tax is approved by the electors of each of the other municipal corporations in the group. The ballot shall be in the following form:

"Shall the ordinance providing for a ... per cent levy on income for (brief description of the municipal corporation and school district purposes of the levy, including a statement of the percentage of income tax revenue that will be paid to the school district) be passed? <u>The income tax, if approved, will not be levied on the incomes of individuals who do not reside in (the name of the municipal corporation).</u> In order for the income tax to be levied, the voters of (the other municipal corporations in the group), which are also in the (name of the school district) school district, must approve an identical income tax and agree to pay the same percentage of the tax revenue to the school district.

	For the income tax
	Against the income tax

"

(D) If the question is approved by a majority of the electors and identical taxes are approved by a majority of the electors in each of the other municipal corporations in the group, the municipal corporation shall impose the tax beginning in the year specified in the ordinance. The proceeds of the levy may

be used only for the specified purposes, including payment of the specified percentage to the school district."

In line 81970, after "340.16," insert "718.09, 718.10,"

In line 98012, after "325.31," insert "718.09, 718.10,"

In line 22 of the title, after "340.16," insert "718.09, 718.10,"

In line 75548, reinsert "the"

In line 75549, reinsert "following"; delete "a"; reinsert the colon; delete "of"

In line 75550, reinsert "(1) On and after July 1,"; after "~~2003~~" insert "2005"; reinsert ", and on and before June 30,"

In line 75551, after "~~2005~~" insert "2007"; reinsert the comma

In line 75552, reinsert the semicolon

In line 75553, reinsert "(2) On and after July 1,"; after "~~2005~~" insert "2007"; reinsert ", three fourths of one per cent"

In line 75554, reinsert "of the amount shown to be due on the return"

In line 368, delete "5727.81"

In line 369, delete "5727.82,"

In line 441, delete "5727.812,"

Delete lines 68242 through 68633

In line 68680, reinsert "All"; delete "Beginning"

In line 68681, delete "August 1, 2005, all"

In line 68683, reinsert "Fifty-nine"; delete "Sixty-nine"; reinsert "nine"; delete "two"; reinsert "seventy-six"

In line 68684, delete "thirteen"

In line 68686, reinsert "six hundred forty-six"; delete "thirty-five"

In line 68690, reinsert "Three"; delete "Two"; reinsert "seventy-eight"; delete "ninety-one"

In line 68694, reinsert "Twenty-five"; delete "Nineteen"; reinsert "four-tenths"; delete "five hundred"

In line 68695, delete "thirty-eight one-thousandths"

In line 68699, reinsert "Eleven"; delete "Eight"; reinsert "six-tenths"; delete "nine hundred twenty-three"

In line 68700, delete "one-thousandths"

In line 82049, delete "5727.81, 5727.82,"

Delete lines 97744 through 97746

In line 98017, delete "5727.81, 5727.812, 5727.82,"

In line 131 of the title, delete "5727.81, 5727.82,"

In line 222 of the title, delete "5727.812,"

In line 87812, delete the first "$267,923" and insert "$292,923"

In line 87813, delete the first "$4,672,265" and insert "$4,697,265"

In line 87817, delete the first "$5,026,779" and insert "$5,051,779"

Between lines 87824 and 87825, insert:

"OHIO VETERANS' HALL OF FAME

Of the foregoing appropriation item 040-408, Office of Veterans' Affairs, $25,000 shall be used in fiscal year 2006 to fund Ohio Veterans' Hall of Fame expenses."

Delete lines 82695 through 82708

In line 283, delete "125.09,"

Delete lines 9413 through 9490

In line 81964, delete "125.09,"

In line 13 of the title, delete "125.09,"

In line 365, after "5703.26," insert "5703.47,"

In line 367, after "5715.24," insert "5719.041,"

In line 371, after "5731.181," insert "5731.22, 5731.23,"

Between lines 66357 and 66358, insert:

"**Sec. 5703.47.** (A) As used in this section, "federal short-term rate" means the rate of the average market yield on outstanding marketable obligations of the United States with remaining periods to maturity of three years or less, as determined under section 1274 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1274, for July of the current year.

(B) On the fifteenth day of October of each year, the tax commissioner shall determine the federal short-term rate. For purposes of any section of the Revised Code requiring interest to be computed at the rate per annum required by this section, the rate determined by the commissioner under this section, rounded to the nearest whole number per cent, plus three per cent, shall be the interest rate per annum used in making the computation for interest that accrues during the following calendar year. For the purposes of sections 5719.041 and 5731.23 of the Revised Code, references to the "federal short-term rate" are references to the federal short-term rate as determined by the tax commissioner under this section rounded to the nearest whole number per cent.

(C) Within ten days after the interest rate per annum is determined under this section, the tax commissioner shall notify the auditor of each county in writing of that rate of interest."

Between lines 67379 and 67380, insert:

"**Sec. 5719.041.** If the payment of a general personal property or classified property tax is not made on or before the last day prescribed by section 5719.03 or 5719.031 of the Revised Code, an interest charge shall begin to accrue and shall continue until all charges are paid, except that no interest charge shall accrue for or in the month in which such payment was due under such section or under the circumstances and for the period described in division (A)(2) of section 5711.33 of the Revised Code or upon delinquent taxes that are the subject of a delinquent tax contract entered into pursuant to section 5719.05 of the Revised Code.

The interest charge shall accrue against the balance of such taxes and any penalty thereon outstanding that remains unpaid on the last day of each month and shall be at the rate per calendar month, rounded to the nearest one-hundredth of one per cent, equal to one-twelfth of the ~~rate per annum prescribed by~~federal short-term rate determined by the tax commissioner under section 5703.47 of the Revised Code for the calendar year that includes the month for which the charge accrues. The charge is payable in addition to the unpaid balance of taxes and penalties on the day the charge accrues, unless the entire balance is sooner paid.

If a delinquent tax contract becomes void, interest shall be charged on the day on which the contract becomes void in the amount that would have been charged had the delinquent tax contract not been entered into and shall thereafter accrue as provided in this section.

Interest shall be allowed, at the same rate per calendar month as is applicable that month for underpayments, on any overpayment of the tax charged on a general personal property or a classified property tax duplicate, from the first day of the month following the date of the overpayment until the last day of the month preceding the date of the refund of the overpayment. The interest shall be paid from the fund or funds to which the overpayment was credited.

When the county treasurer makes the treasurer's annual settlement with the county auditor under division (D) of section 321.24 of the Revised Code, the treasurer shall certify to the auditor a list of all entries on the cumulative delinquent tax duplicate that are at that time in the process of being paid in installments under a valid delinquent tax contract. For each entry that appears on the duplicate that is not on the certified list, the auditor shall compute the full amount of interest charges which have accrued against such entry since the preceding such settlement was made and shall include such charges through the last day of the month preceding the current settlement. The auditor shall include such amounts on the tax list and duplicates prepared by the auditor as prescribed in section 5719.04 of the Revised Code unless the interest is less than one dollar,

in which case it shall not be added to such tax lists and duplicates.

Before the county treasurer accepts any payment of taxes against which there are accrued interest charges that do not appear on the delinquent tax duplicate, the treasurer shall notify the auditor who shall issue a certificate to the treasurer showing the amount of such interest charges, and the treasurer shall collect the amount shown on such certificate at the time of accepting payment of such taxes. If the amount of such interest charges is less than one dollar, no such certificate shall be issued. In the case of delinquent personal property taxes, the interest shown on such certificate shall be credited to the undivided general tax fund, and distributed in the same manner as the delinquent taxes upon which the interest charges accrued. In the case of delinquent classified property taxes, the interest shown on such certificate shall be credited to the county library and local government support fund and distributed in accordance with section 5747.48 of the Revised Code. When the payment of delinquent taxes is credited on the tax duplicate the treasurer shall make a separate notation thereon indicating the amount collected and the index number of the auditor's certificate herein prescribed."

Between lines 69815 and 69816, insert:

"**Sec. 5731.22.** (A) If the executor, administrator, or other person required to file a return fails to file the return required by this chapter or to pay the tax due under this chapter on or before the date prescribed therefor, determined with regard to any extension of time for filing or payment, ~~unless it is shown that such failure is due to reasonable cause and not due to willful neglect,~~ there shall be added to the amount of tax as finally determined a penalty ~~determined by the tax commissioner,~~ in the amount of ~~five~~ten per cent of the amount of ~~that tax if the failure is not for more than one month, or, if the failure is for more than one month, in the amount of five per cent of the amount of that tax plus an additional five per cent for each additional month or fraction of a month during which the failure continues, not exceeding twenty-five per cent in the aggregate. If, due to fraud, there is a failure to file the return or an underpayment of tax due under this chapter, there shall be added to the amount of tax as finally determined a penalty determined by the tax commissioner, in an amount not to exceed ten thousand dollars~~the tax due and unpaid. The ~~penalties~~penalty imposed by this section shall be collected ~~at the same time and~~ in the same manner as the tax ~~itself~~.

The ~~penalties~~penalty shall be charged against the executor, administrator, or other person having custody or control of any property the transfer of which is subject to estate tax, and such executor, administrator, or other person is personally liable for the ~~penalties. Such penalties~~penalty. The penalty shall be divided in the same manner prescribed for the division of the tax in sections 5731.50 and 5731.51 of the Revised Code.

(B) The county auditor, upon consultation with the county treasurer, shall remit a penalty imposed under this section on a person if that person applies for remission and shows that the failure to file the return or to pay the tax due under this chapter on or before the date prescribed for such filing or payment,

determined with regard to any extension, was due to reasonable cause and not willful neglect. The county auditor shall notify the applicant of the remission decision by mail. If the county auditor denies the applicant's application for remission, the applicant, within sixty days after the notice of the county auditor's decision is mailed, may apply to the tax commissioner for review of the county auditor's decision. The application may be filed in person or by certified mail. If the application is filed by certified mail, the date of the United States postmark placed on the sender's receipt by the postal service shall be treated as the date of filing. The tax commissioner shall consider the application, determine whether the penalty should be remitted, and certify the determination to the applicant, the county auditor, and the county treasurer. The county auditor and county treasurer shall make any settlement, and the county treasurer shall correct the accounts required to be kept under section 5731.46 of the Revised Code, as necessitated by the tax commissioner's determination. The applicant may file an exception to the tax commissioner's determination with the probate court as provided under section 5731.30 of the Revised Code.

The tax commissioner may issue orders and instructions for the uniform implementation of this division by the county auditors and county treasurers of all counties, and such officers shall follow such orders and instructions.

Sec. 5731.23. Subject to division (A) of section 5731.25 of the Revised Code or any other statute extending the time for payment of an estate tax, the tax levied by section 5731.02 and division (A) of section 5731.19 of the Revised Code shall, without notice or demand by the tax commissioner, be due and payable by the person liable for it, at the expiration of nine months from the date of the decedent's death, to the treasurer of the county. If any amount of tax levied by section 5731.02 or division (A) of section 5731.19 of the Revised Code is not paid on or before nine months from the date of the decedent's death, interest on such amount shall be paid for the period from such date to the date paid, computed at the ~~rate per annum prescribed by~~federal short-term rate determined by the tax commissioner under section 5703.47 of the Revised Code. Interest at the same rate shall be paid on any amount of tax determined to be due by way of deficiency from nine months from the date of the decedent's death to the date of payment thereof. Such interest shall be charged and collected in the same manner as the tax.

Interest computed at the ~~rate per annum prescribed by~~federal short-term rate determined by the tax commissioner under section 5703.47 of the Revised Code shall be allowed and paid upon any overpayment of tax levied by section 5731.02 or division (A) of section 5731.19 of the Revised Code from nine months from the date of the decedent's death or the date of payment of the tax, whichever is later, to the date such overpayment is repaid. ~~Such payment may be made upon an estimated basis whether or not a return is filed, and shall be charged and collected in the same manner as provided in section 5731.21 of the Revised Code.~~

At any time after nine months from the date of the decedent's death,

payment of an estimated deficiency may be made and shall be credited against any deficiency of tax finally determined. Interest on any deficiency ultimately determined to be due shall be charged only upon the unpaid portion thereof."

In line 82045, after "5703.26," insert "5703.47,"

In line 82047, after "5715.24," insert "5719.041,"

In line 82052, after "5731.181," insert "5731.22, 5731.23,"

In line 98013, after "5703.26," insert "5703.47,"

In line 98015, after "5715.24," insert "5719.041,"

In line 98020, after "5731.181," insert "5731.22, 5731.23,"

In line 125 of the title, after "5703.26," insert "5703.47,"

In line 128 of the title, after "5715.24," insert "5719.041,"

In line 134 of the title, after "5731.181," insert "5731.22, 5731.23,"

In line 94673, delete "$353,691" and insert "$293,691"

Between lines 94673 and 94674, insert:

"5BU 888-602 Veterinary Student Loan Program $60,000 $0"

Between lines 94676 and 94678, insert:

"CASH TRANSFER TO VETERINARY STUDENT LOAN PROGRAM FUND (FUND 5BU)

On July 1, 2005, or as soon as possible thereafter, the Director of Budget and Management shall transfer $60,000 in cash from the Occupational Licensing and Regulatory Fund (Fund 4K9) to the Veterinary Student Loan Program Fund (Fund 5BU), which is hereby created. The amount of the transfer is hereby appropriated.

VETERINARY STUDENT LOAN PROGRAM

The foregoing appropriation item 888-602, Veterinary Student Loan Program, shall be used by the Veterinary Medical Licensing Board to implement a student loan repayment program for veterinary students focusing on large animal populations, public health, or regulatory veterinary medicine."

Between lines 96908 and 96909, insert:

"**Section ___.** (A) As used in this section:

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

(2) "Help America Vote Act of 2002" means the "Help America Vote Act of 2002," Pub. L. No. 107-252, 116 Stat. 1666.

(B) A county that is scheduled to acquire voting machines, marking devices, or automatic tabulating equipment with funds made available pursuant to the Help America Vote Act of 2002 and that selects direct recording electronic voting machines as the primary voting system to be used in the county and not only for accessibility for individuals with disabilities as required under the Help America Vote Act of 2002 and section 3506.19 of the Revised Code, only may acquire direct recording electronic voting machines with funds made available pursuant to the Help America Vote Act of 2002 if the county acquires sufficient direct recording electronic voting machines to meet the minimum number of direct recording electronic voting machines required to be established by the Secretary of State under division (C) of this section.

(C) The Secretary of State shall establish, for each county, a minimum number of direct recording electronic voting machines that the county shall be required to acquire to be eligible to acquire direct recording electronic voting machines as the primary voting system in the county with funds made available pursuant to the Help America Vote Act of 2002. The minimum number for each county shall be calculated as follows:

(1) The total number of registered voters in the county on January 1, 2005, shall be multiplied by the statewide percentage of voters who were purged from the official lists of registered voters during the 2001 calendar year.

(2) The number resulting from the calculation in division (C)(1) of this section shall be subtracted from the total number of registered voters in the county on January 1, 2005.

(3) The number resulting from the calculation in division (C)(2) of this section shall be divided by one hundred seventy-five.

(4) Any fraction resulting from the calculation in division (C)(3) of this section shall be rounded up to the next whole number."

In line 322, after "3501.17," insert "3513.04, 3513.041, 3513.05, 3513.052, 3513.257, 3513.259, 3513.261,"

Between lines 34963 and 34964, insert:

"**Sec. 3513.04.** Candidates for party nominations to state, district, county, and municipal offices or positions, for which party nominations are provided by law, and for election as members of party controlling committees shall have their names printed on the official primary ballot by filing a declaration of candidacy and paying the fees specified for the office under divisions (A) and (B) of section 3513.10 of the Revised Code, except that the joint candidates for party nomination to the offices of governor and lieutenant governor shall, for the two of them, file one declaration of candidacy. The joint candidates also shall pay the fees specified for the joint candidates under divisions (A) and (B) of section 3513.10 of the Revised Code.

The secretary of state shall not accept for filing the declaration of candidacy of a candidate for party nomination to the office of governor unless

the declaration of candidacy also shows a joint candidate for the same party's nomination to the office of lieutenant governor, shall not accept for filing the declaration of candidacy of a candidate for party nomination to the office of lieutenant governor unless the declaration of candidacy also shows a joint candidate for the same party's nomination to the office of governor, and shall not accept for filing a declaration of candidacy that shows a candidate for party nomination to the office of governor or lieutenant governor who, for the same election, has already filed a declaration of candidacy or a declaration of intent to be a write-in candidate, or has become a candidate by the filling of a vacancy under section 3513.30 of the Revised Code for any other state office or any federal or county office.

No person who seeks party nomination for an office or position at a primary election by declaration of candidacy or by declaration of intent to be a write-in candidate and no person who is a first choice for president of candidates seeking election as delegates and alternates to the national conventions of the different major political parties who are chosen by direct vote of the electors as provided in this chapter shall be permitted to become a candidate by nominating petition or by declaration of intent to be a write-in candidate at the following general election for any office other than the office of member of the state board of education, office of member of a city, local, or exempted village board of education, office of member of a governing board of an educational service center, or office of township trustee.

Sec. 3513.041. A write-in space shall be provided on the ballot for every office, except in an election for which the board of elections has received no valid declarations of intent to be a write-in candidate under this section. Write-in votes shall not be counted for any candidate who has not filed a declaration of intent to be a write-in candidate pursuant to this section. A qualified person who has filed a declaration of intent may receive write-in votes at either a primary or general election. Any candidate~~, except one whose candidacy is to be submitted to electors throughout the entire state,~~ shall file a declaration of intent to be a write-in candidate before four p.m. of the fiftieth day preceding the election at which such candidacy is to be considered. If the election is to be determined by electors of a county or a district or subdivision within the county, such declaration shall be filed with the board of elections of that county. If the election is to be determined by electors of a subdivision located in more than one county, such declaration shall be filed with the board of elections of the county in which the major portion of the population of such subdivision is located. If the election is to be determined by electors of a district comprised of more than one county but less than all of the counties of the state, such declaration shall be filed with the board of elections of the most populous county in such district. Any candidate for an office to be voted upon by electors throughout the entire state shall file a declaration of intent to be a write-in candidate with the secretary of state before four p.m. of the fiftieth day preceding the election at which such candidacy is to be considered. In addition, candidates for president and vice-president of the United States shall also file with the secretary of state by

said fiftieth day a slate of presidential electors sufficient in number to satisfy the requirements of the United States constitution.

A board of elections shall not accept for filing the declaration of intent to be a write-in candidate of a person seeking to become a candidate if that person, for the same election, has already filed a declaration of candidacy, a declaration of intent to be a write-in candidate, or a nominating petition, or has become a candidate through party nomination at a primary election or by the filling of a vacancy under section 3513.30 or 3513.31 of the Revised Code, for any federal, state, or county office, if the declaration of intent to be a write-in candidate is for a state or county office, or for any municipal or township office, for member of a city, local, or exempted village board of education, or for member of a governing board of an educational service center, if the declaration of intent to be a write-in candidate is for a municipal or township office, or for member of a city, local, or exempted village board of education, or for member of a governing board of an educational service center.

No person shall file a declaration of intent to be a write-in candidate for the office of governor unless the declaration also shows the intent of another person to be a write-in candidate for the office of lieutenant governor. No person shall file a declaration of intent to be a write-in candidate for the office of lieutenant governor unless the declaration also shows the intent of another person to be a write-in candidate for the office of governor. No person shall file a declaration of intent to be a write-in candidate for the office of governor or lieutenant governor if the person has previously filed a declaration of intent to be a write-in candidate to the office of governor or lieutenant governor at the same primary or general election. A write-in vote for the two candidates who file such a declaration shall be counted as a vote for them as joint candidates for the offices of governor and lieutenant governor.

The secretary of state shall not accept for filing the declaration of intent to be a write-in candidate of a person for the office of governor unless the declaration also shows the intent of another person to be a write-in candidate for the office of lieutenant governor, shall not accept for filing the declaration of intent to be a write-in candidate of a person for the office of lieutenant governor unless the declaration also shows the intent of another person to be a write-in candidate for the office of governor, and shall not accept for filing the declaration of intent to be a write-in candidate of a person to the office of governor or lieutenant governor if that person, for the same election, has already filed a declaration of candidacy, a declaration of intent to be a write-in candidate, or a nominating petition, or has become a candidate through party nomination at a primary election or by the filling of a vacancy under section 3513.30 or 3513.31 of the Revised Code, for any other state office or any federal or county office.

Protests against the candidacy of any person filing a declaration of intent to be a write-in candidate may be filed by any qualified elector who is eligible to vote in the election at which the candidacy is to be considered. The protest shall be in writing and shall be filed not later than four p.m. of the forty-fifth day

before the day of the election. The protest shall be filed with the board of elections with which the declaration of intent to be a write-in candidate was filed. Upon the filing of the protest, the board with which it is filed shall promptly fix the time for hearing it and shall proceed in regard to the hearing in the same manner as for hearings set for protests filed under section 3513.05 of the Revised Code. At the time fixed, the board shall hear the protest and determine the validity or invalidity of the declaration of intent to be a write-in candidate. If the board finds that the candidate is not an elector of the state, district, county, or political subdivision in which the candidate seeks election to office or has not fully complied with the requirements of Title XXXV of the Revised Code in regard to the candidate's candidacy, the candidate's declaration of intent to be a write-in candidate shall be determined to be invalid and shall be rejected; otherwise, it shall be determined to be valid. The determination of the board is final.

The secretary of state shall prescribe the form of the declaration of intent to be a write-in candidate.

Sec. 3513.05. Each person desiring to become a candidate for a party nomination or for election to an office or position to be voted for at a primary election, except persons desiring to become joint candidates for the offices of governor and lieutenant governor and except as otherwise provided in section 3513.051 of the Revised Code, shall, not later than four p.m. of the seventy-fifth day before the day of the primary election, or if the primary election is a presidential primary election, not later than four p.m. of the sixtieth day before the day of the presidential primary election, file a declaration of candidacy and petition and pay the fees required under divisions (A) and (B) of section 3513.10 of the Revised Code. The declaration of candidacy and all separate petition papers shall be filed at the same time as one instrument. When the offices are to be voted for at a primary election, persons desiring to become joint candidates for the offices of governor and lieutenant governor shall, not later than four p.m. of the seventy-fifth day before the day of the primary election, comply with section 3513.04 of the Revised Code. The prospective joint candidates' declaration of candidacy and all separate petition papers of candidacies shall be filed at the same time as one instrument. The secretary of state or a board of elections shall not accept for filing a declaration of candidacy and petition of a person seeking to become a candidate if that person, for the same election, has already filed a declaration of candidacy or a declaration of intent to be a write-in candidate, or has become a candidate by the filling of a vacancy under section 3513.30 of the Revised Code for any federal, state, or county office, if the declaration of candidacy is for a state or county office, or for any municipal or township office, if the declaration of candidacy is for a municipal or township office.

If the declaration of candidacy declares a candidacy which is to be submitted to electors throughout the entire state, the petition, including a petition for joint candidates for the offices of governor and lieutenant governor, shall be signed by at least one thousand qualified electors who are members of the same

political party as the candidate or joint candidates, and the declaration of candidacy and petition shall be filed with the secretary of state; provided that the secretary of state shall not accept or file any such petition appearing on its face to contain signatures of more than three thousand electors.

Except as otherwise provided in this paragraph, if the declaration of candidacy is of one that is to be submitted only to electors within a district, political subdivision, or portion thereof, the petition shall be signed by not less than fifty qualified electors who are members of the same political party as the political party of which the candidate is a member. If the declaration of candidacy is for party nomination as a candidate for member of the legislative authority of a municipal corporation elected by ward, the petition shall be signed by not less than twenty-five qualified electors who are members of the political party of which the candidate is a member.

No such petition, except the petition for a candidacy that is to be submitted to electors throughout the entire state, shall be accepted for filing if it appears to contain on its face signatures of more than three times the minimum number of signatures. When a petition of a candidate has been accepted for filing by a board of elections, the petition shall not be deemed invalid if, upon verification of signatures contained in the petition, the board of elections finds the number of signatures accepted exceeds three times the minimum number of signatures required. A board of elections may discontinue verifying signatures on petitions when the number of verified signatures equals the minimum required number of qualified signatures.

If the declaration of candidacy declares a candidacy for party nomination or for election as a candidate of an intermediate or minor party, the minimum number of signatures on such petition is one-half the minimum number provided in this section, except that, when the candidacy is one for election as a member of the state central committee or the county central committee of a political party, the minimum number shall be the same for an intermediate or minor party as for a major party.

If a declaration of candidacy is one for election as a member of the state central committee or the county central committee of a political party, the petition shall be signed by five qualified electors of the district, county, ward, township, or precinct within which electors may vote for such candidate. The electors signing such petition shall be members of the same political party as the political party of which the candidate is a member.

For purposes of signing or circulating a petition of candidacy for party nomination or election, an elector is considered to be a member of a political party if the elector voted in that party's primary election within the preceding two calendar years, or if the elector did not vote in any other party's primary election within the preceding two calendar years.

If the declaration of candidacy is of one that is to be submitted only to electors within a county, or within a district or subdivision or part thereof

smaller than a county, the petition shall be filed with the board of elections of the county. If the declaration of candidacy is of one that is to be submitted only to electors of a district or subdivision or part thereof that is situated in more than one county, the petition shall be filed with the board of elections of the county within which the major portion of the population thereof, as ascertained by the next preceding federal census, is located.

A petition shall consist of separate petition papers, each of which shall contain signatures of electors of only one county. Petitions or separate petition papers containing signatures of electors of more than one county shall not thereby be declared invalid. In case petitions or separate petition papers containing signatures of electors of more than one county are filed, the board shall determine the county from which the majority of signatures came, and only signatures from such county shall be counted. Signatures from any other county shall be invalid.

Each separate petition paper shall be circulated by one person only, who shall be the candidate or a joint candidate or a member of the same political party as the candidate or jointcandidates, and each separate petition paper shall be governed by the rules set forth in section 3501.38 of the Revised Code.

The secretary of state shall promptly transmit to each board such separate petition papers of each petition accompanying a declaration of candidacy filed with the secretary of state as purport to contain signatures of electors of the county of such board. The board of the most populous county of a district shall promptly transmit to each board within such district such separate petition papers of each petition accompanying a declaration of candidacy filed with it as purport to contain signatures of electors of the county of each such board. The board of a county within which the major portion of the population of a subdivision, situated in more than one county, is located, shall promptly transmit to the board of each other county within which a portion of such subdivision is located such separate petition papers of each petition accompanying a declaration of candidacy filed with it as purport to contain signatures of electors of the portion of such subdivision in the county of each such board.

All petition papers so transmitted to a board and all petitions accompanying declarations of candidacy filed with ~~such~~a board shall, under proper regulations, be open to public inspection until four p.m. of the seventieth day before the day of the next primary election, or if that next primary election is a presidential primary election, the fifty-fifth day before that presidential primary election. Each board shall, not later than the sixty-eighth day before the day of ~~such~~that primary election, or if the primary election is a presidential primary election, not later than the fifty-third day before such presidential primary election, examine and determine the validity or invalidity of the signatures on the petition papers so transmitted to or filed with it and shall return to the secretary of state all petition papers transmitted to it by the secretary of state, together with its certification of its determination as to the validity or invalidity of signatures thereon, and shall return to each other board all petition papers transmitted to it

by such board, together with its certification of its determination as to the validity or invalidity of the signatures thereon. All other matters affecting the validity or invalidity of such petition papers shall be determined by the secretary of state or the board with whom such petition papers were filed.

Protests against the candidacy of any person filing a declaration of candidacy for party nomination or for election to an office or position, as provided in this section, may be filed by any qualified elector who is a member of the same political party as the candidate and who is eligible to vote at the primary election for the candidate whose declaration of candidacy the elector objects to, or by the controlling committee of ~~such~~that political party. ~~Such~~The protest ~~must~~shall be in writing, and ~~must~~shall be filed not later than four p.m. of the sixty-fourth day before the day of the primary election, or if the primary election is a presidential primary election, not later than four p.m. of the forty-ninth day before the day of the presidential primary election. ~~Such~~The protest shall be filed with the election officials with whom the declaration of candidacy and petition was filed. Upon the filing of ~~such~~the protest, the election officials with whom it is filed shall promptly fix the time for hearing it, and shall forthwith mail notice of the filing of ~~such~~the protest and the time fixed for hearing to the person whose candidacy is so protested. They shall also forthwith mail notice of the time fixed for such hearing to the person who filed the protest. At the time fixed, such election officials shall hear the protest and determine the validity or invalidity of the declaration of candidacy and petition. If they find that such candidate is not an elector of the state, district, county, or political subdivision in which the candidate seeks a party nomination or election to an office or position, or has not fully complied with this chapter, the candidate's declaration of candidacy and petition shall be determined to be invalid and shall be rejected~~,~~; otherwise, it shall be determined to be valid. ~~Such~~That determination shall be final.

A protest against the candidacy of any persons filing a declaration of candidacy for joint party nomination to the offices of governor and lieutenant governor shall be filed, heard, and determined in the same manner as a protest against the candidacy of any person filing a declaration of candidacy singly.

The secretary of state shall, on the sixtieth day before the day of a primary election, or if the primary election is a presidential primary election, on the forty-fifth day before the day of the presidential primary election, certify to each board in the state the forms of the official ballots to be used at ~~such~~the primary election, together with the names of the candidates to be printed ~~thereon~~on the ballots whose nomination or election is to be determined by electors throughout the entire state and who filed valid declarations of candidacy and petitions.

The board of the most populous county in a district comprised of more than one county but less than all of the counties of the state shall, on the sixtieth day before the day of a primary election, or if the primary election is a presidential primary election, on the forty-fifth day before the day of a presidential primary election, certify to the board of each county in the district

the names of the candidates to be printed on the official ballots to be used at ~~such~~the primary election, whose nomination or election is to be determined only by electors within ~~such~~thedistrict and who filed valid declarations of candidacy and petitions.

The board of a county within which the major portion of the population of a subdivision smaller than the county and situated in more than one county is located shall, on the sixtieth day before the day of a primary election, or if the primary election is a presidential primary election, on the forty-fifth day before the day of a presidential primary election, certify to the board of each county in which a portion of ~~such~~that subdivision is located the names of the candidates to be printed on the official ballots to be used at ~~such~~the primary election, whose nomination or election is to be determined only by electors within ~~such~~thatsubdivision and who filed valid declarations of candidacy and petitions.

Sec. 3513.052. (A) No person shall seek nomination or election to any of the following offices or positions at the same election by filing a declaration of candidacy and petition, a declaration of intent to be a write-in candidate, or a nominating petition, or by becoming a candidate through party nomination in a primary election, or by the filling of a vacancy under section 3513.30 or 3513.31 of the Revised Code:

(1) Two or more state offices;

(2) Two or more county offices;

(3) A state office and a county office;

(4) A federal office and a state or county office;

(5) Any combination of two or more municipal or township offices, positions as a member of a city, local, or exempted village board of education, or positions as a member of a governing board of an educational service center.

(B) The secretary of state or a board of elections shall not accept for filing a declaration of candidacy and petition, a declaration of intent to be a write-in candidate, or a nominating petition of a person seeking to become a candidate if that person, for the same election, has already filed a declaration of candidacy, a declaration of intent to be a write-in candidate, or a nominating petition, or has become a candidate through party nomination at a primary election or by the filling of a vacancy under section 3513.30 or 3513.31 of the Revised Code for:

(1) Any federal, state, or county office, if the declaration of candidacy, declaration of intent to be a write-in candidate, or nominating petition is for a state or county office;

(2) Any municipal or township office, or for member of a city, local, or exempted village board of education, or for member of a governing board of an educational service center, if the declaration of candidacy, declaration of intent to be a write-in candidate, or nominating petition is for a municipal or township office, or for member of a city, local, or exempted village board of education, or

for member of a governing board of an educational service center.

(C)(1) If the secretary of state determines, before the day of the primary election, that a person is seeking nomination to more than one office at that election in violation of division (A) of this section, the secretary of state shall do one of the following:

(a) If each office or the district for each office for which the person is seeking nomination is wholly within a single county and none of those offices is a federal office, the secretary of state shall notify the board of elections of that county. The board then shall determine the date on which the person first sought to become a candidate for each of those offices by filing a declaration of candidacy or a declaration of intent to be a write-in candidate or by the filling of a vacancy under section 3513.30 of the Revised Code. The board shall vote promptly to disqualify that person as a candidate for each office for which the person sought to become a candidate after the date on which the person first sought to become a candidate for any of those offices. If the board determines that the person sought to become a candidate for more than one of those offices on the same date, the board shall vote promptly to disqualify that person as a candidate for each office that would be listed on the ballot below the highest office for which that person seeks nomination, according to the ballot order prescribed under section 3505.03 of the Revised Code.

(b) If one or more of the offices for which the person is seeking nomination is a state office or an office with a district larger than a single county and none of the offices for which the person is seeking nomination is a federal office, the secretary of state shall determine the date on which the person first sought to become a candidate for each of those offices by filing a declaration of candidacy or a declaration of intent to be a write-in candidate or by the filling of a vacancy under section 3513.30 of the Revised Code. The secretary of state shall order the board of elections of each county in which the person is seeking to appear on the ballot to disqualify that person as a candidate for each office for which the person sought to become a candidate after the date on which the person first sought to become a candidate for any of those offices. If the secretary of state determines that the person sought to become a candidate for more than one of those offices on the same date, the secretary of state shall order the board of elections of each county in which the person is seeking to appear on the ballot to disqualify that person as a candidate for each office that would be listed on the ballot below the highest office for which that person seeks nomination, according to the ballot order prescribed under section 3505.03 of the Revised Code. Each board of elections so notified shall vote promptly to disqualify the person as a candidate in accordance with the order of the secretary of state.

(c) If each office or the district for each office for which the person is seeking nomination is wholly within a single county and any of those offices is a federal office, the secretary of state shall notify the board of elections of that county. The board then shall vote promptly to disqualify that person as a

candidate for each office that is not a federal office.

(d) If one or more of the offices for which the person is seeking nomination is a state office and any of the offices for which the person is seeking nomination is a federal office, the secretary of state shall order the board of elections of each county in which the person is seeking to appear on the ballot to disqualify that person as a candidate for each office that is not a federal office. Each board of elections so notified shall vote promptly to disqualify the person as a candidate in accordance with the order of the secretary of state.

(2) If a board of elections determines, before the day of the primary election, that a person is seeking nomination to more than one office at that election in violation of division (A) of this section, the board shall do one of the following:

(a) If each office or the district for each office for which the person is seeking nomination is wholly within that county and none of those offices is a federal office, the board shall determine the date on which the person first sought to become a candidate for each of those offices by filing a declaration of candidacy or a declaration of intent to be a write-in candidate or by the filling of a vacancy under section 3513.30 of the Revised Code. The board shall vote promptly to disqualify that person as a candidate for each office for which the person sought to become a candidate after the date on which the person first sought to become a candidate for any of those offices. If the board determines that the person sought to become a candidate for more than one of those offices on the same date, the board shall vote promptly to disqualify that person as a candidate for each office that would be listed on the ballot below the highest office for which that person seeks nomination, according to the ballot order prescribed under section 3505.03 of the Revised Code.

(b) If one or more of the offices for which the person is seeking nomination is a state office or an office with a district larger than a single county and none of the offices for which the person is seeking nomination is a federal office, the board shall notify the secretary of state. The secretary of state then shall determine the date on which the person first sought to become a candidate for each of those offices by filing a declaration of candidacy or a declaration of intent to be a write-in candidate or by the filling of a vacancy under section 3513.30 of the Revised Code. The secretary of state shall order the board of elections of each county in which the person is seeking to appear on the ballot to disqualify that person as a candidate for each office for which the person sought to become a candidate after the date on which the person first sought to become a candidate for any of those offices. If the secretary of state determines that the person sought to become a candidate for more than one of those offices on the same date, the secretary of state shall order the board of elections of each county in which the person is seeking to appear on the ballot to disqualify that person as a candidate for each office that would be listed on the ballot below the highest office for which that person seeks nomination, according to the ballot order prescribed under section 3505.03 of the Revised Code. Each board of elections

so notified shall vote promptly to disqualify the person as a candidate in accordance with the order of the secretary of state.

(c) If each office or the district for each office for which the person is seeking nomination is wholly within a single county and any of those offices is a federal office, the board shall vote promptly to disqualify that person as a candidate for each office that is not a federal office.

(d) If one or more of the offices for which the person is seeking nomination is a state office and any of the offices for which the person is seeking nomination is a federal office, the board shall notify the secretary of state. The secretary of state then shall order the board of elections of each county in which the person is seeking to appear on the ballot to disqualify that person as a candidate for each office that is not a federal office. Each board of elections so notified shall vote promptly to disqualify the person as a candidate in accordance with the order of the secretary of state.

(D)(1) If the secretary of state determines, after the day of the primary election and before the day of the general election, that a person is seeking election to more than one office at that election in violation of division (A) of this section, the secretary of state shall do one of the following:

(a) If each office or the district for each office for which the person is seeking election is wholly within a single county and none of those offices is a federal office, the secretary of state shall notify the board of elections of that county. The board then shall determine the offices for which the person seeks to appear as a candidate on the ballot. The board shall vote promptly to disqualify that person as a candidate for each office that would be listed on the ballot below the highest office for which that person seeks election, according to the ballot order prescribed under section 3505.03 of the Revised Code. If the person sought nomination at a primary election and has not yet been issued a certificate of nomination, the board shall not issue that certificate for that person for any office that would be listed on the ballot below the highest office for which that person seeks election, according to the ballot order prescribed under section 3505.03 of the Revised Code.

(b) If one or more of the offices for which the person is seeking election is a state office or an office with a district larger than a single county and none of the offices for which the person is seeking election is a federal office, the secretary of state shall promptly investigate and determine the offices for which the person seeks to appear as a candidate on the ballot. The secretary of state shall order the board of elections of each county in which the person is seeking to appear on the ballot to disqualify that person as a candidate for each office that would be listed on the ballot below the highest office for which that person seeks election, according to the ballot order prescribed under section 3505.03 of the Revised Code. Each board of elections so notified shall vote promptly to disqualify the person as a candidate in accordance with the order of the secretary of state. If the person sought nomination at a primary election and has not yet been issued a certificate of nomination, the board shall not issue that certificate

for that person for any office that would be listed on the ballot below the highest office for which that person seeks election, according to the ballot order prescribed under section 3505.03 of the Revised Code.

(c) If each office or the district for each office for which the person is seeking election is wholly within a single county and any of those offices is a federal office, the secretary of state shall notify the board of elections of that county. The board then shall vote promptly to disqualify that person as a candidate for each office that is not a federal office. If the person sought nomination at a primary election and has not yet been issued a certificate of nomination, the board shall not issue that certificate for that person for any office that is not a federal office.

(d) If one or more of the offices for which the person is seeking election is a state office and any of the offices for which the person is seeking election is a federal office, the secretary of state shall order the board of elections of each county in which the person is seeking to appear on the ballot to disqualify that person as a candidate for each office that is not a federal office. Each board of elections so notified shall vote promptly to disqualify the person as a candidate in accordance with the order of the secretary of state. If the person sought nomination at a primary election and has not yet been issued a certificate of nomination, the board shall not issue that certificate for that person for any office that is not a federal office.

(2) If a board of elections determines, after the day of the primary election and before the day of the general election, that a person is seeking election to more than one office at that election in violation of division (A) of this section, the board of elections shall do one of the following:

(a) If each office or the district for each office for which the person is seeking election is wholly within that county and none of those offices is a federal office, the board shall determine the offices for which the person seeks to appear as a candidate on the ballot. The board shall vote promptly to disqualify that person as a candidate for each office that would be listed on the ballot below the highest office for which that person seeks election, according to the ballot order prescribed under section 3505.03 of the Revised Code. If the person sought nomination at a primary election and has not yet been issued a certificate of nomination, the board shall not issue that certificate for that person for any office that would be listed on the ballot below the highest office for which that person seeks election, according to the ballot order prescribed under section 3505.03 of the Revised Code.

(b) If one or more of the offices for which the person is seeking election is a state office or an office with a district larger than a single county and none of the offices for which the person is seeking election is a federal office, the board shall notify the secretary of state. The secretary of state promptly shall investigate and determine the offices for which the person seeks to appear as a candidate on the ballot. The secretary of state shall order the board of elections of each county in which the person is seeking to appear on the ballot to

disqualify that person as a candidate for each office that would be listed on the ballot below the highest office for which that person seeks election, according to the ballot order prescribed under section 3505.03 of the Revised Code. Each board of elections so notified shall vote promptly to disqualify the person as a candidate in accordance with the order of the secretary of state. If the person sought nomination at a primary election and has not yet been issued a certificate of nomination, the board shall not issue that certificate for that person for any office that would be listed on the ballot below the highest office for which that person seeks election, according to the ballot order prescribed under section 3505.03 of the Revised Code.

(c) If each office or the district for each office for which the person is seeking election is wholly within that county and any of those offices is a federal office, the board shall vote promptly to disqualify that person as a candidate for each office that is not a federal office. If the person sought nomination at a primary election and has not yet been issued a certificate of nomination, the board shall not issue that certificate for that person for any office that is not a federal office.

(d) If one or more of the offices for which the person is seeking election is a state office and any of the offices for which the person is seeking election is a federal office, the board shall notify the secretary of state. The secretary of state shall order the board of elections of each county in which the person is seeking to appear on the ballot to disqualify that person as a candidate for each office that is not a federal office. Each board of elections so notified shall vote promptly to disqualify the person as a candidate in accordance with the order of the secretary of state. If the person sought nomination at a primary election and has not yet been issued a certificate of nomination, the board shall not issue that certificate for that person for any office that is not a federal office.

(E) When a person is disqualified as a candidate under division (C) or (D) of this section, that person's name shall not appear on the ballots for any office for which that person has been disqualified as a candidate. If the ballots have already been prepared, the board of elections shall remove the name of the disqualified candidate from the ballots to the extent practicable in the time remaining before the election and according to the directions of the secretary of state. If the name is not removed from the ballots before the day of the election, the votes for the disqualified candidate are void and shall not be counted.

(F) Any vacancy created by the disqualification of a person as a candidate under division (C) or (D) of this section may be filled in the manner provided for in sections 3513.30 and 3513.31 of the Revised Code.

(G) Nothing in this section or section 3513.04, 3513.041, 3513.05, 3513.251, 3513.253, 3513.254, 3513.255, 3513.257, 3513.259, or 3513.261 of the Revised Code prohibits, and the secretary of state or a board of elections shall not disqualify, a person from being a candidate for an office, if that person timely withdraws as a candidate for any offices specified in division (A) of this section for which that person first sought to become a candidate by filing a

declaration of candidacy and petition, a declaration of intent to be a write-in candidate, or a nominating petition, by party nomination in a primary election, or by the filling of a vacancy under section 3513.30 or 3513.31 of the Revised Code.

(H) As used in this section:

(1) "State office" means the offices of governor, lieutenant governor, secretary of state, auditor of state, treasurer of state, attorney general, member of the state board of education, member of the general assembly, chief justice of the supreme court, and justice of the supreme court.

(2) "Timely withdraws" means either of the following:

(a) Withdrawing as a candidate before the applicable deadline for filing a declaration of candidacy, declaration of intent to be a write-in candidate, or nominating petition for the subsequent office for which the person is seeking to become a candidate at the same election;

(b) Withdrawing as a candidate before the applicable deadline for the filling of a vacancy under section 3513.30 or 3513.31 of the Revised Code, if the person is seeking to become a candidate for a subsequent office at the same election under either of those sections.

Sec. 3513.257. Each person desiring to become an independent candidate for an office for which candidates may be nominated at a primary election, except persons desiring to become independent joint candidates for the offices of governor and lieutenant governor and for the offices of president and vice-president of the United States, shall file no later than four p.m. of the day before the day of the primary election immediately preceding the general election at which such candidacy is to be voted for by the voters, a statement of candidacy and nominating petition as provided in section 3513.261 of the Revised Code. Persons desiring to become independent joint candidates for the offices of governor and lieutenant governor shall file, not later than four p.m. of the day before the day of the primary election, one statement of candidacy and one nominating petition for the two of them. Persons desiring to become independent joint candidates for the offices of president and vice-president of the United States shall file, not later than four p.m. of the seventy-fifth day before the day of the general election at which the president and vice-president are to be elected, one statement of candidacy and one nominating petition for the two of them. The prospective independent joint candidates' statement of candidacy shall be filed with the nominating petition as one instrument.

The statement of candidacy and separate petition papers of each candidate or pair of joint candidates shall be filed at the same time as one instrument.

The nominating petition shall contain signatures of qualified electors of the district, political subdivision, or portion of a political subdivision in which the candidacy is to be voted on in an amount to be determined as follows:

(A) If the candidacy is to be voted on by electors throughout the entire state, the nominating petition, including the nominating petition of independent joint candidates for the offices of governor and lieutenant governor, shall be signed by no less than five thousand qualified electors, provided that no petition shall be accepted for filing if it purports to contain more than fifteen thousand signatures.

(B) If the candidacy is to be voted on by electors in any district, political subdivision, or part thereof in which less than five thousand electors voted for the office of governor at the most recent election for that office, the nominating petition shall contain signatures of not less than twenty-five qualified electors of the district, political subdivision, or part thereof, or a number of qualified signatures equal to at least five per cent of that vote, if this number is less than twenty-five.

(C) If the candidacy is to be voted on by electors in any district, political subdivision, or part thereof in which five thousand or more electors voted for the office of governor at the most recent election for that office, the nominating petition shall contain a number of signatures equal to at least one per cent of those electors.

All nominating petitions of candidates for offices to be voted on by electors throughout the entire state shall be filed in the office of the secretary of state. No nominating petition for the offices of president and vice-president of the United States shall be accepted for filing unless there is submitted to the secretary of state, at the time of filing the petition, a slate of presidential electors sufficient in number to satisfy the requirement of the United States Constitution. The secretary of state shall not accept for filing the statement of candidacy of a person who desires to be an independent candidate for the office of governor unless it also shows the joint candidacy of a person who desires to be an independent candidate for the office of lieutenant governor, shall not accept for filing the statement of candidacy of a person who desires to be an independent candidate for the office of lieutenant governor unless it also shows the joint candidacy of a person who desires to be an independent candidate for the office of governor, and shall not accept for filing the statement of candidacy of a person who desires to be an independent candidate to the office of governor or lieutenant governor who, for the same election, has already filed a declaration of candidacy, a declaration of intent to be a write-in candidate, or a statement of candidacy, or has become a candidate by the filling of a vacancy under section 3513.30 of the Revised Code for any other state office or any federal or county office.

Nominating petitions of candidates for offices to be voted on by electors within a district or political subdivision comprised of more than one county but less than all counties of the state shall be filed with the boards of elections of that county or part of a county within the district or political subdivision which had a population greater than that of any other county or part of a county within the district or political subdivision according to the last federal decennial census.

Nominating petitions for offices to be voted on by electors within a county or district smaller than a county shall be filed with the board of elections for such county.

No petition other than the petition of a candidate whose candidacy is to be considered by electors throughout the entire state shall be accepted for filing if it appears on its face to contain more than three times the minimum required number of signatures. A board of elections shall not accept for filing a nominating petition of a person seeking to become a candidate if that person, for the same election, has already filed a declaration of candidacy, a declaration of intent to be a write-in candidate, or a nominating petition, or has become a candidate by the filling of a vacancy under section 3513.30 of the Revised Code for any federal, state, or county office, if the nominating petition is for a state or county office, or for any municipal or township office, for member of a city, local, or exempted village board of education, or for member of a governing board of an educational service center, if the nominating petition is for a municipal or township office, or for member of a city, local, or exempted village board of education, or for member of a governing board of an educational service center. When a petition of a candidate has been accepted for filing by a board of elections, the petition shall not be deemed invalid if, upon verification of signatures contained in the petition, the board of elections finds the number of signatures accepted exceeds three times the minimum number of signatures required. A board of elections may discontinue verifying signatures when the number of verified signatures on a petition equals the minimum required number of qualified signatures.

Any nonjudicial candidate who files a nominating petition may request, at the time of filing, that the candidate be designated on the ballot as a nonparty candidate or as an other-party candidate, or may request that the candidate's name be placed on the ballot without any designation. Any such candidate who fails to request a designation either as a nonparty candidate or as an other-party candidate shall have the candidate's name placed on the ballot without any designation.

The purpose of establishing a filing deadline for independent candidates prior to the primary election immediately preceding the general election at which the candidacy is to be voted on by the voters is to recognize that the state has a substantial and compelling interest in protecting its electoral process by encouraging political stability, ensuring that the winner of the election will represent a majority of the community, providing the electorate with an understandable ballot, and enhancing voter education, thus fostering informed and educated expressions of the popular will in a general election. The filing deadline for independent candidates required in this section prevents splintered parties and unrestrained factionalism, avoids political fragmentation, and maintains the integrity of the ballot. The deadline, one day prior to the primary election, is the least drastic or restrictive means of protecting these state interests. The general assembly finds that the filing deadline for independent candidates in primary elections required in this section is reasonably related to

the state's purpose of ensuring fair and honest elections while leaving unimpaired the political, voting, and associational rights secured by the first and fourteenth amendments to the United States Constitution.

Sec. 3513.259. Nominations of candidates for the office of member of the state board of education shall be made only by nominating petition. The nominating petition of a candidate for the office of member of the state board of education shall be signed by not less than one hundred qualified electors.

No such nominating petition shall be accepted for filing if it appears on its face to contain signatures aggregating in number more than three times the minimum number of signatures required by this section. A board of elections shall not accept for filing a nominating petition of a person if that person, for the same election, has already filed a declaration of candidacy, a declaration of intent to be a write-in candidate, or a nominating petition, or has become a candidate through party nomination at a primary election or by the filling of a vacancy under section 3513.30 or 3513.31 of the Revised Code, to be a candidate for any other state office or any federal or county office. When a petition of a candidate has been accepted for filing by a board of elections, the petition shall not be deemed invalid if, upon verification of signatures contained in the petition, the board of elections finds the number of signatures accepted exceeds three times the minimum number of signatures required. A board of elections may discontinue verifying signatures when the number of verified signatures equals the minimum required number of signatures. Such petition shall be filed with the board of elections of the most populous county in such district not later than four p.m. of the seventy-fifth day before the day of the general election at which state board of education members are elected.

Each nominating petition shall be signed by qualified electors residing in the district in which the candidate designated therein would be a candidate for election to the office of member of the state board of education. Each candidate shall be a qualified elector residing in the district in which the candidate seeks election to such office.

As the word "district" is used in this section, it refers to a district created under section 3301.01 of the Revised Code.

Sec. 3513.261. A nominating petition may consist of one or more separate petition papers, each of which shall be substantially in the form prescribed in this section. If the petition consists of more than one separate petition paper, the statement of candidacy of the candidate or joint candidates named need be signed by the candidate or joint candidates on only one of such separate petition papers, but the statement of candidacy so signed shall be copied on each other separate petition paper before the signatures of electors are placed on it. Each nominating petition containing signatures of electors of more than one county shall consist of separate petition papers each of which shall contain signatures of electors of only one county; provided that petitions containing signatures of electors of more than one county shall not thereby be declared invalid. In case petitions containing signatures of electors of more than one

county are filed, the board of elections shall determine the county from which the majority of the signatures came, and only signatures from this county shall be counted. Signatures from any other county shall be invalid.

All signatures on nominating petitions shall be written in ink or indelible pencil.

At the time of filing a nominating petition, the candidate designated in the nominating petition, and joint candidates for governor and lieutenant governor, shall pay to the election officials with whom it is filed the fees specified for the office under divisions (A) and (B) of section 3513.10 of the Revised Code. The fees shall be disposed of by those election officials in the manner that is provided in section 3513.10 of the Revised Code for the disposition of other fees, and in no case shall a fee required under that section be returned to a candidate.

Candidates or joint candidates whose names are written on the ballot, and who are elected, shall pay the same fees under section 3513.10 of the Revised Code that candidates who file nominating petitions pay. Payment of these fees shall be a condition precedent to the granting of their certificates of election.

Each nominating petition shall contain a statement of candidacy that shall be signed by the candidate or joint candidates named in it. Such statement of candidacy shall contain a declaration made under penalty of election falsification that the candidate desires to be a candidate for the office named in it, and that the candidate is an elector qualified to vote for the office the candidate seeks.

The form of the nominating petition and statement of candidacy shall be substantially as follows:

"STATEMENT OF CANDIDACY

I, ... (Name of candidate), the undersigned, hereby declare under penalty of election falsification that my voting residence is in .... Precinct of the ..... (Township) or (Ward and City, or Village) in the county of ..... Ohio; that my post-office address is ..... (Street and Number, if any, or Rural Route and Number) of the ..... (City, Village, or post office) of ....., Ohio; and that I am a qualified elector in the precinct in which my voting residence is located. I hereby declare that I desire to be a candidate for election to the office of ..... in the ..... (State, District, County, City, Village, Township, or School District) for the ..... (Full term or unexpired term ending .....) at the General Election to be held on the ..... day of ....., ...

I further declare that I am an elector qualified to vote for the office I seek. Dated this ..... day of ....., ...

.....
(Signature of candidate)

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE.

I, ..., hereby constitute the persons named below a committee to represent me:

Name Residence

.....

.....

.....

.....

.....

NOMINATING PETITION

We, the undersigned, qualified electors of the state of Ohio, whose voting residence is in the County, City, Village, Ward, Township or Precinct set opposite our names, hereby nominate ..... as a candidate for election to the office of ..... in the ..... (State, District, County, City, Village, Township, or School District) for the ..... (Full term or unexpired term ending .....) to be voted for at the general election next hereafter to be held, and certify that this person is, in our opinion, well qualified to perform the duties of the office or position to which the person desires to be elected.

Signature	Street Address or R.F.D. (Must use address on file with the board of elections)	City, Village or Township	Ward	Precinct	County	Date of Signing

....., declares under penalty of election falsification that such person is a qualified elector of the state of Ohio and resides at the address appearing below such person's signature hereto; that such person is the circulator of the foregoing petition paper containing ..... signatures; that such person witnessed the affixing of every signature; that all signers were to the best of such person's knowledge and belief qualified to sign; and that every signature is to the best of such person's knowledge and belief the signature of the person whose signature it purports to be.

.....
(Signature of circulator)
.....
(Address)
.....
(If petition is for a statewide candidate, the name and address of person employing circulator to circulate petition, if any)

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE."

The secretary of state shall prescribe a form of nominating petition for a group of candidates for the office of member of a board of education, township office, and offices of municipal corporations of under two thousand population.

The secretary of state shall prescribe a form of statement of candidacy and nominating petition, which shall be substantially similar to the form of statement of candidacy and nominating petition set forth in this section, that will be suitable for joint candidates for the offices of governor and lieutenant governor.

If such petition nominates a candidate whose election is to be determined by the electors of a county or a district or subdivision within the county, it shall be filed with the board of such county. If the petition nominates a candidate whose election is to be determined by the voters of a subdivision located in more than one county, it shall be filed with the board of the county in which the major portion of the population of such subdivision is located.

If the petition nominates a candidate whose election is to be determined by the electors of a district comprised of more than one county but less than all of the counties of the state, it shall be filed with the board of elections of the most populous county in such district. If the petition nominates a candidate whose election is to be determined by the electors of the state at large, it shall be filed with the secretary of state.

The secretary of state or a board of elections shall not accept for filing a nominating petition of a person seeking to become a candidate if that person, for the same election, has already filed a declaration of candidacy, a declaration of intent to be a write-in candidate, or a nominating petition, or has become a candidate through party nomination at a primary election or by the filling of a vacancy under section 3513.30 or 3513.31 of the Revised Code for any federal, state, or county office, if the nominating petition is for a state or county office, or for any municipal or township office, for member of a city, local, or exempted village board of education, or for member of a governing board of an educational service center, if the nominating petition is for a municipal or township office, or for member of a city, local, or exempted village board of education, or for member of a governing board of an educational service center."

In line 82002, after "3501.17," insert "3513.04, 3513.041, 3513.05, 3513.052, 3513.257, 3513.259, 3513.261,"

In line 66 of the title, after "3501.17," insert "3513.04, 3513.041, 3513.05, 3513.052, 3513.257, 3513.259, 3513.261,"

In line 374, delete "5739.021,"; delete "5739.026,"

Delete lines 72884 through 73098

Delete lines 74095 through 74383

In line 82054, delete "5739.021,"

In line 82055, delete "5739.026,"

In line 98052, delete "5739.021, 5739.026,"

In line 138 of the title, delete "5739.021,"; delete "5739.026,"

In line 365, delete "5703.26,"; delete "5703.99,"

In line 369, delete "5727.99,"

In line 370, delete "5728.99,"

In line 371, delete "5731.99,"

In line 373, delete "5733.99, 5735.99,"

In line 376, delete "5739.99,"; delete "5741.99,"

In line 379, delete "5743.99,"

In line 380, delete "5747.99,"

Delete lines 66344 through 66357

Delete lines 66481 through 66496

Delete lines 69168 through 69186

Delete lines 69528 through 69546

Delete lines 69935 through 69939

Delete lines 71150 through 71179

Delete lines 75949 through 76037

Delete lines 76274 through 76299

Delete lines 76987 through 77038

Delete lines 78784 through 78811

In line 82045, delete "5703.26,"

In line 82046, delete "5703.99,"

In line 82050, delete "5727.99,"

In line 82051, delete "5728.99,"

In line 82052, delete "5731.99,"

In line 82054, delete "5733.99, 5735.99,"

In line 82056, delete "5739.99,"; delete "5741.99,"

In line 82059, delete "5743.99,"

In line 82061, delete "5747.99,"

In line 98013, delete "5703.26,"

In line 98014, delete "5703.99,"

In line 98018, delete "5727.99,"

In line 98019, delete "5728.99,"

In line 98020, delete "5731.99,"

In line 98021, delete "5733.99, 5735.99,"

In line 98022, delete "5739.99, 5741.99,"

In line 98025, delete "5743.99,"

In line 98026, delete "5747.99,"

Delete lines 98401 and 98402

Delete lines 98408 and 98409

In line 125 of the title, delete "5703.26,"

In line 126 of the title, delete "5703.99,"

In line 131 of the title, delete "5727.99,"

In line 133 of the title, delete "5728.99,"

In line 135 of the title, delete "5731.99,"

In line 137 of the title, delete "5733.99, 5735.99,"

In line 141 of the title, delete "5739.99,"; delete "5741.99,"

In line 145 of the title, delete "5743.99,"

In line 147 of the title, delete "5747.99,"

In line 11236, after "(C)" insert "(1)"

In line 11240, strike through "The" and insert:

"(2) If the lender is a pass-through entity, as defined in section 5733.04 of the Revised Code, then each equity investor in the lender pass-through entity shall be entitled to claim one of the tax credits allowed under division (A) of this section for that equity investor's taxable year in which or with which ends the taxable year of the lender pass-through entity in an amount based on the equity investor's distributive or proportionate share of the credit amount set forth in the certificate issued by the authority. If all equity investors of the lender pass-through entity are not eligible to claim a credit against the same tax set forth in division (A) of this section, then each equity investor may elect to claim a credit against the tax to which the equity investor is subject to in an amount based on the equity investor's distributive or proportionate share of the credit amount set forth in the certificate issued by the authority.

(3) The"

In line 11241, after the second comma insert "or in the case of a lender pass-through entity, until each equity investor in that lender pass-through entity,"

In line 345, after "5101.181," insert "5101.184,"

In line 379, after "5747.08," insert "5747.113,"

In line 425, after "5101.94," insert "5101.98,"

Between lines 51666 and 51667, insert:

"**Sec. 5101.184.** (A) The director of job and family services shall work with the tax commissioner to collect overpayments of assistance under Chapter 5107., 5111., or 5115., former Chapter 5113., or section 5101.54 of the Revised Code from refunds of state income taxes for taxable year 1992 and thereafter that are payable to the recipients of such overpayments.

Any overpayment of assistance, whether obtained by fraud or misrepresentation, as the result of an error by the recipient or by the agency making the payment, or in any other manner, may be collected under this section. Any reduction under section 5747.12 or 5747.121 of the Revised Code to an income tax refund shall be made before a reduction under this section. No reduction shall be made under this section if the amount of the refund is less than twenty-five dollars after any reduction under section 5747.12 of the Revised Code. A reduction under this section shall be made before any part of the refund is contributed under section 5747.113 of the Revised Code ~~to the natural areas and preserves fund or the nongame and endangered wildlife fund~~, or is credited under section 5747.12 of the Revised Code against tax due in any subsequent year.

The director and the tax commissioner, by rules adopted in accordance with Chapter 119. of the Revised Code, shall establish procedures to implement this division. The procedures shall provide for notice to a recipient of assistance and an opportunity for the recipient to be heard before the recipient's income tax refund is reduced.

(B) The director of job and family services may enter into agreements with the federal government to collect overpayments of assistance from refunds of federal income taxes that are payable to recipients of the overpayments."

Between lines 52913 and 52914, insert:

"**Sec. 5101.98.** (A) There is hereby created in the state treasury the military injury relief fund, which shall consist of money contributed to it under section 5747.113 of the Revised Code and of contributions made directly to it. Any person may contribute directly to the fund in addition to or independently of the income tax refund contribution system established in section 5747.113 of the Revised Code.

(B) Upon application, the director of job and family services shall grant money in the fund to individuals injured while in active service as a member of the armed forces of the United States and while serving under operation Iraqi freedom or operation enduring freedom.

(C) An individual who receives a grant under this section is not precluded

from receiving one or more additional grants under this section and is not precluded from being considered for or receiving other assistance offered by the department of job and family services.

(D) The director shall adopt rules under Chapter 119. of the Revised Code establishing:

(1) Forms and procedures by which individuals may apply for a grant under this section;

(2) Criteria for reviewing, evaluating, and ranking grant applications;

(3) Criteria for determining the amount of grants awarded under this section; and

(4) Any other rules necessary to administer the grant program established in this section."

Between lines 78485 and 78486, insert:

"**Sec. 5747.113.** (A) Any taxpayer claiming a refund under section 5747.11 of the Revised Code for taxable years ending on or after October 14, 1983, who wishes to contribute any part of ~~his~~the taxpayer's refund to the natural areas and preserves fund created in section 1517.11 of the Revised Code, the nongame and endangered wildlife fund created in section 1531.26 of the Revised Code, the military injury relief fund created in section 5101.98 of the Revised Code, or ~~both~~all of those funds, may designate on~~his~~the taxpayer's income tax return the amount that ~~he~~the taxpayer wishes to contribute to the fund or funds. A designated contribution is irrevocable upon the filing of the return and shall be made in the full amount designated if the refund found due the taxpayer upon the initial processing of ~~his~~the taxpayer'sreturn, after any deductions including those required by section 5747.12 of the Revised Code, is greater than or equal to the designated contribution. If the refund due as initially determined is less than the designated contribution, the contribution shall be made in the full amount of the refund. The tax commissioner shall subtract the amount of the contribution from the amount of the refund initially found due the taxpayer and shall certify the difference to the director of budget and management and treasurer of state for payment to the taxpayer in accordance with section 5747.11 of the Revised Code. For the purpose of any subsequent determination of the taxpayer's net tax payment, the contribution shall be considered a part of the refund paid to the taxpayer.

(B) The tax commissioner shall provide a space on the income tax return form in which a taxpayer may indicate that ~~he~~the taxpayer wishes to make a donation in accordance with this section. The tax commissioner shall also print in the instructions accompanying the income tax return form a description of the purposes for which the natural areas and preserves fund ~~and~~, the nongame and endangered wildlife fund, and the military injury relief fund were created and the use of moneys from the income tax refund contribution system established in this section. No person shall designate on ~~his~~the person's income tax return any

part of a refund claimed under section 5747.11 of the Revised Code as a contribution to any fund other than the natural areas and preserves fund, the nongame and endangered wildlife fund, the military injury relief fund or ~~both~~all of those funds.

(C) The money collected under the income tax refund contribution system established in this section shall be deposited by the tax commissioner into the natural areas and preserves fund ~~and~~, the nongame and endangered wildlife fund, and the military injury relief fund in the amounts designated on the tax returns.

(D) No later than the thirtieth day of September each year, the tax commissioner shall determine the total amount contributed to each fund under this section during the preceding eight months, any adjustments to prior months, and the cost to the department of taxation of administering the income tax refund contribution system during that eight-month period. The commissioner shall make an additional determination no later than the thirty-first day of January of each year of the total amount contributed to each fund under this section during the preceding four calendar months, any adjustments to prior years made during that four-month period, and the cost to the department of taxation of administering the income tax contribution system during that period. The cost of administering the income tax contribution system shall be certified by the tax commissioner to the director of budget and management, who shall transfer an amount equal to ~~one-half~~one-third of such administrative costs from the natural areas and preserves fund ~~and one-half~~, one-third of such costs from the nongame and endangered wildlife fund, and one-third of such costs from the military injury relief fund to the litter control and natural resource tax administration fund, which is hereby created, provided that the moneys that the department receives to pay the cost of administering the income tax refund contribution system in any year shall not exceed two and one-half per cent of the total amount contributed under that system during that year.

(E)(1) The director of natural resources, in January of every odd-numbered year, shall report to the general assembly on the effectiveness of the income tax refund contribution system as it pertains to the natural areas and preserves fund and the nongame and endangered wildlife fund. The report shall include the amount of money contributed to ~~the natural areas and preserves fund and the nongame and endangered wildlife fund~~each fund in each of the previous five years, the amount of money contributed directly to each fund in addition to or independently of the income tax refund contribution system in each of the previous five years, and the purposes for which the money was expended.

(2) The director of job and family services, in January of every odd-numbered year, shall report to the general assembly on the effectiveness of the income tax refund contribution system as it pertains to the military injury relief fund. The report shall include the amount of money contributed to the fund in each of the previous five years, the amount of money contributed directly to the fund in addition to or independently of the income tax refund contribution system in each of the previous five years, and the purposes for which the money

was expended."

In line 82025, after "5101.181," insert "5101.184,"

In line 82060, after "5747.08," insert "5747.113,"

In line 98013, after "4505.06," insert "5101.184, 5101.98,"

In line 98026, after "5747.08," insert "5747.113,"

In line 98 of the title, after "5101.181," insert "5101.184,"

In line 146 of the title, after "5747.08," insert "5747.113,"

In line 201 of the title, after "5101.94," insert "5101.98,"

Delete lines 90699 and 90699a

In line 90701, delete "$10,540,000 $10,540,000" and insert "$6,540,000 $6,540,000"

In line 90702, delete "$412,774,762 $437,083,260" and insert "$408,774,762 $433,083,260"

In line 90711, delete "$16,266,164 $16,266,164" and insert "$12,266,164 $12,266,164"

In line 90713, delete "$999,979,519 $1,039,040,844" and insert "$995,979,519 $1,035,040,844"

Delete lines 90838 through 90843

In line 95052, after "Health)," insert "and"

In line 95054, after "Services)" delete the balance of the line

Delete line 95055

In line 95056, delete "Health)"

In line 95070, after "Services)" delete the balance of the line

In line 95071, delete everything before the period

In line 95079, delete "to the various"

In line 95080, delete "funds"

In line 301, after "2923.25," insert "2949.092,"

In line 406, after "173.50," insert "305.28,"

In line 409, after "2927.023," insert "2949.093,"

Between lines 12119 and 12120, insert:

"**Sec. 305.28.** If a board of county commissioners by resolution elects to participate in a criminal justice regional information system as provided in section 2949.093 of the Revised Code, the board also shall create in its county

treasury a criminal justice regional information fund. All money deposited into the fund shall be used only as provided in that section."

Between lines 21355 and 21356, insert:

"**Sec. 2949.092.** If a person is convicted of or pleads guilty to an offense and the court specifically is required, pursuant to section 2743.70 ~~or~~, 2949.091, or 2949.093 of the Revised Code or pursuant to any other section of the Revised Code~~,~~ to impose a specified sum of money as costs in the case in addition to any other costs that the court is required or permitted by law to impose in the case, the court shall not waive the payment of the specified additional court costs that the section of the Revised Code specifically requires the court to impose unless the court determines that the offender is indigent and the court waives the payment of all court costs imposed upon the offender.

Sec. 2949.093. (A) A board of county commissioners of any county containing fifty-five or more law enforcement agencies by resolution may elect to participate in a criminal justice regional information system, either by creating and maintaining a new criminal justice regional information system or by participating in an existing criminal justice regional information system.

(B) A county is not eligible to participate in any criminal justice regional information system unless it creates in its county treasury, pursuant to section 305.28 of the Revised Code, a criminal justice regional information fund.

(C) A county that elects to participate in a criminal justice regional information system shall obtain revenues to fund its participation by establishing an additional court cost not exceeding five dollars to be imposed for moving violations that occur in that county. The board of county commissioners of that county shall establish the amount of the additional court cost by resolution. The board shall give written notice to all courts located in that county that adjudicate or otherwise process moving violations that occur in that county of the county's election to participate in the system and of the amount of the additional court cost. Upon receipt of such notice, each recipient court shall impose that amount as an additional court cost for all moving violations the court adjudicates or otherwise processes, in accordance with divisions (D) and (E) of this section.

(D)(1) The court in which any person is convicted of or pleads guilty to any moving violation that occurs in a county that has elected to participate in a criminal justice regional information system shall impose the sum established by the board pursuant to division (C) of this section as costs in the case in addition to any other court costs that the court is required by law to impose upon the offender. The court shall not waive the payment of the additional court cost established by the board pursuant to division (C) of this section unless the court determines that the offender is indigent and waives the payment of all court costs imposed upon the indigent offender.

All such money collected during a month shall be transmitted on the first business day of the following month by the clerk of the court to the county treasurer of the county in which the court is located and thereafter the county

treasurer shall deposit the money in that county's criminal justice regional information fund.

(2) The juvenile court in which a child is found to be a juvenile traffic offender for an act that is a moving violation occurring in a county participating in a criminal justice regional information system shall impose the sum established by the board pursuant to division (C) of this section as costs in the case in addition to any other court costs that the court is required by law to impose upon the juvenile traffic offender. The juvenile court shall not waive the payment of the additional court cost established by the board pursuant to division (C) of this section unless the court determines that the juvenile is indigent and waives the payment of all court costs imposed upon the indigent offender.

All such money collected during a month shall be transmitted on the first business day of the following month by the clerk of the court to the county treasurer of the county in which the juvenile court is located and thereafter the county treasurer shall deposit the money in that county's criminal justice regional information fund.

(E) Whenever a person is charged with any offense that is a moving violation and posts bail, the court shall add to the amount of the bail the set sum required to be paid by division (D)(1) of this section. The clerk of the court shall retain that set sum until the person is convicted, pleads guilty, forfeits bail, is found not guilty, or has the charges dismissed. If the person is convicted, pleads guilty, or forfeits bail, the clerk shall transmit the set sum to the county treasurer, who shall deposit it in the county criminal justice regional information fund. If the person is found not guilty or the charges are dismissed, the clerk shall return the set sum to the person.

(F) No person shall be placed or held in a detention facility as defined in section 2921.01 of the Revised Code for failing to pay the court cost or bail that is required to be paid by this section.

(G)(1) Except as provided in division (G)(2) of this section, all funds collected by a county under this section shall be used by that county only to pay the costs it incurs in creating and maintaining a new criminal justice regional information system or to pay the costs it incurs in participating in an existing criminal justice regional information system.

(2) If the board of county commissioners of a county determines that the funds in that county's criminal justice regional information fund are more than sufficient to satisfy the purpose for which the additional court cost described in division (C) of this section was imposed, the board may declare a surplus in the fund. The county may expend the surplus only to pay the costs it incurs in improving the law enforcement computer technology of local law enforcement agencies located in that county.

(H) As used in this section:

(1) "Moving violation" means any violation of any statute or ordinance, other than section 4513.263 of the Revised Code or an ordinance that is substantially equivalent to that section, that regulates the operation of vehicles, streetcars, or trackless trolleys on highways or streets or that regulates size or load limitations or fitness requirements of vehicles. "Moving violation" does not include the violation of any statute or ordinance that regulates pedestrians or the parking of vehicles.

(2) "Bail" means cash, a check, a money order, a credit card, or any other form of money that is posted by or for an offender pursuant to sections 2937.22 to 2937.46 of the Revised Code, Criminal Rule 46, or Traffic Rule 4 to prevent the offender from being placed or held in a detention facility, as defined in section 2921.01 of the Revised Code.

(3) "Criminal justice regional information system" means a governmental computer system that serves as a cooperative between political subdivisions in a particular region for the purpose of providing a consolidated computerized information system for criminal justice agencies in that region."

In line 81982, after "2923.25," insert "2949.092,"

In line 38 of the title, after "2923.25," insert "2949.092,"

In line 177 of the title, after "173.50," insert "305.28,"

In line 181 of the title, after "2927.023," insert "2949.093,"

In line 95480, after "23.13," insert "23.19,"

Between lines 95692a and 95694, insert:

"**Sec. 23.19.** WSU WRIGHT STATE UNIVERSITY

CAP-015	Basic Renovations	$	2,752,255
CAP-064	Basic Renovations - Lake	$	91,232
CAP-115	Russ Engineering Expansion	$	369,000
CAP-116	Rike Hall Renovation	$	2,000,000
CAP-119	Science Lab Renovations (Planning)	$	5,720,940
CAP-120	Lake Campus University Center	$	1,420,709
CAP-127	Rehabilitate Festival Playhouse	$	1,000,000
CAP-128	Glenn Helen Preserve Eco Art Classroom	$	25,000
CAP-132	Montgomery County Port Authority	$	1,000,000
Total Wright State University		$	~~13,379,136~~ 14,379,136

MONTGOMERY COUNTY PORT AUTHORITY

Appropriation item CAP-132, Montgomery County Port Authority, shall not be released unless the Controlling Board approves the release, and, within 90 days after the effective date of this amendment, Wright State University shall

seek the Controlling Board's approval to release the funds appropriated to CAP-132, Montgomery County Port Authority."

In line 95709a, delete "$491,883,536" and insert "$492,883,536"

In line 95778, after "23.13," insert "23.19,"

In line 243 of the title, after "23.13," insert "23.19,"

In line 381, after the semicolon insert "that sections 9.833, 9.90, 3311.19, 3313.12, 3313.202, 3313.33, 4417.03, and 4117.08 be contingently amended;"

In line 447, after "6111.32" insert "be enacted; and that section 9.901"

In line 448, after "enacted" insert "(certain of its phases contingently)"

Between lines 1249 and 1250, insert:

"**Sec. 9.833.** (A) As used in this section, "political subdivision" means a municipal corporation, township, county,~~school district,~~ or other body corporate and politic responsible for governmental activities in a geographic area smaller than that of the state, and agencies and instrumentalities of these entities. For purposes of this section, a school district is not a "political subdivision."

(B) Political subdivisions that provide health care benefits for their officers or employees may do any of the following:

(1) Establish and maintain an individual self-insurance program with public moneys to provide authorized health care benefits, including but not limited to, health care, prescription drugs, dental care, and vision care, in accordance with division (C) of this section;

(2) After establishing an individual self-insurance program, agree with other political subdivisions that have established individual self-insurance programs for health care benefits, that their programs will be jointly administered in a manner specified in the agreement;

(3) Pursuant to a written agreement and in accordance with division (C) of this section, join in any combination with other political subdivisions to establish and maintain a joint self-insurance program to provide health care benefits;

(4) Pursuant to a written agreement, join in any combination with other political subdivisions to procure or contract for policies, contracts, or plans of insurance to provide health care benefits for their officers and employees subject to the agreement;

(5) Use in any combination any of the policies, contracts, plans, or programs authorized under this division.

(C) Except as otherwise provided in division (E) of this section, the following apply to individual or joint self-insurance programs established pursuant to this section:

(1) Such funds shall be reserved as are necessary, in the exercise of sound and prudent actuarial judgment, to cover potential cost of health care benefits for the officers and employees of the political subdivision. A report of amounts so reserved and disbursements made from such funds, together with a written report of a member of the American academy of actuaries certifying whether the amounts reserved conform to the requirements of this division, are computed in accordance with accepted loss reserving standards, and are fairly stated in accordance with sound loss reserving principles, shall be prepared and maintained, within ninety days after the last day of the fiscal year of the entity for which the report is provided for that fiscal year, in the office of the program administrator described in division (C)(3) of this section.

The report required by division (C)(1) of this section shall include, but not be limited to, disbursements made for the administration of the program, including claims paid, costs of the legal representation of political subdivisions and employees, and fees paid to consultants.

The program administrator described in division (C)(3) of this section shall make the report required by this division available for inspection by any person at all reasonable times during regular business hours, and, upon the request of such person, shall make copies of the report available at cost within a reasonable period of time.

(2) Each political subdivision shall reserve funds necessary for an individual or joint self-insurance program in a special fund that may be established for political subdivisions other than an agency or instrumentality pursuant to an ordinance or resolution of the political subdivision and not subject to section 5705.12 of the Revised Code. An agency or instrumentality shall reserve the funds necessary for an individual or joint self-insurance program in a special fund established pursuant to a resolution duly adopted by the agency's or instrumentality's governing board. The political subdivision may allocate the costs of insurance or any self-insurance program, or both, among the funds or accounts ~~in the subdivision's treasury~~established under this division on the basis of relative exposure and loss experience.

(3) A contract may be awarded, without the necessity of competitive bidding, to any person, political subdivision, nonprofit corporation organized under Chapter 1702. of the Revised Code, or regional council of governments created under Chapter 167. of the Revised Code for purposes of administration of an individual or joint self-insurance program. No such contract shall be entered into without full, prior, public disclosure of all terms and conditions. The disclosure shall include, at a minimum, a statement listing all representations made in connection with any possible savings and losses resulting from the contract, and potential liability of any political subdivision or employee. The proposed contract and statement shall be disclosed and presented at a meeting of the political subdivision not less than one week prior to the meeting at which the political subdivision authorizes the contract.

A contract awarded to a nonprofit corporation or a regional council of

governments under this division may provide that all employees of the nonprofit corporation or regional council of governments and the employees of all entities related to the nonprofit corporation or regional council of governments may be covered by the individual or joint self-insurance program under the terms and conditions set forth in the contract.

(4) The individual or joint self-insurance program shall include a contract with a member of the American academy of actuaries for the preparation of the written evaluation of the reserve funds required under division (C)(1) of this section.

(5) A joint self-insurance program may allocate the costs of funding the program among the funds or accounts ~~in the treasuries of~~established under this division to the participating political subdivisions on the basis of their relative exposure and loss experience.

(6) An individual self-insurance program may allocate the costs of funding the program among the funds or accounts ~~in the treasury of~~established under this division to the political subdivision that established the program.

(7) Two or more political subdivisions may also authorize the establishment and maintenance of a joint health care cost containment program, including, but not limited to, the employment of risk managers, health care cost containment specialists, and consultants, for the purpose of preventing and reducing health care costs covered by insurance, individual self-insurance, or joint self-insurance programs.

(8) A political subdivision is not liable under a joint self-insurance program for any amount in excess of amounts payable pursuant to the written agreement for the participation of the political subdivision in the joint self-insurance program. Under a joint self-insurance program agreement, a political subdivision may, to the extent permitted under the written agreement, assume the risks of any other political subdivision. A joint self-insurance program established under this section is deemed a separate legal entity for the public purpose of enabling the members of the joint self-insurance program to obtain insurance or to provide for a formalized, jointly administered self-insurance fund for its members. An entity created pursuant to this section is exempt from all state and local taxes.

(9) Any political subdivision, other than an agency or instrumentality, may issue general obligation bonds, or special obligation bonds that are not payable from real or personal property taxes, and may also issue notes in anticipation of such bonds, pursuant to an ordinance or resolution of its legislative authority or other governing body for the purpose of providing funds to pay expenses associated with the settlement of claims, whether by way of a reserve or otherwise, and to pay the political subdivision's portion of the cost of establishing and maintaining an individual or joint self-insurance program or to provide for the reserve in the special fund authorized by division (C)(2) of this section.

In its ordinance or resolution authorizing bonds or notes under this section, a political subdivision may elect to issue such bonds or notes under the procedures set forth in Chapter 133. of the Revised Code. In the event of such an election, notwithstanding Chapter 133. of the Revised Code, the maturity of the bonds may be for any period authorized in the ordinance or resolution not exceeding twenty years, which period shall be the maximum maturity of the bonds for purposes of section 133.22 of the Revised Code.

Bonds and notes issued under this section shall not be considered in calculating the net indebtedness of the political subdivision under sections 133.04, 133.05, 133.06, and 133.07 of the Revised Code. Sections 9.98 to 9.983 of the Revised Code are hereby made applicable to bonds or notes authorized under this section.

(10) A joint self-insurance program is not an insurance company. Its operation does not constitute doing an insurance business and is not subject to the insurance laws of this state.

(D) A political subdivision may procure group life insurance for its employees in conjunction with an individual or joint self-insurance program authorized by this section, provided that the policy of group life insurance is not self-insured.

(E) Divisions (C)(1), (2), and (4) of this section do not apply to individual self-insurance programs in municipal corporations, townships, or counties.

(F) A public official or employee of a political subdivision who is or becomes a member of the governing body of the program administrator of a joint self-insurance program in which the political subdivision participates is not in violation of division (D) or (E) of section 102.03, division (C) of section 102.04, or section 2921.42 of the Revised Code as a result of either of the following:

(1) The political subdivision's entering under this section into the written agreement to participate in the joint self-insurance program;

(2) The political subdivision's entering under this section into any other contract with the joint self-insurance program.

Sec. 9.90. (A) The governing board of any public institution of higher education, including without limitation state universities and colleges, community college districts, university branch districts, technical college districts, and municipal universities, ~~or the board of education of any school district,~~may, in addition to all other powers provided in the Revised Code:

(1) Contract for, purchase, or otherwise procure from an insurer or insurers licensed to do business by the state of Ohio for or on behalf of such of its employees as it may determine, life insurance, or sickness, accident, annuity, endowment, health, medical, hospital, dental, or surgical coverage and benefits, or any combination thereof, by means of insurance plans or other types of coverage, family, group or otherwise, and may pay from funds under its control

and available for such purpose all or any portion of the cost, premium, or charge for such insurance, coverage, or benefits. However, the governing board, in addition to or as an alternative to the authority otherwise granted by division (A)(1) of this section, may elect to procure coverage for health care services, for or on behalf of such of its employees as it may determine, by means of policies, contracts, certificates, or agreements issued by at least two health insuring corporations holding a certificate of authority under Chapter 1751. of the Revised Code and may pay from funds under the governing board's control and available for such purpose all or any portion of the cost of such coverage.

(2) Make payments to a custodial account for investment in regulated investment company stock for the purpose of providing retirement benefits as described in section 403(b)(7) of the Internal Revenue Code of 1954, as amended. Such stock shall be purchased only from persons authorized to sell such stock in this state.

Any income of an employee deferred under divisions (A)(1) and (2) of this section in a deferred compensation program eligible for favorable tax treatment under the Internal Revenue Code of 1954, as amended, shall continue to be included as regular compensation for the purpose of computing the contributions to and benefits from the retirement system of such employee. Any sum so deferred shall not be included in the computation of any federal and state income taxes withheld on behalf of any such employee.

(B) All or any portion of the cost, premium, or charge therefor may be paid in such other manner or combination of manners as the governing board ~~or the school board~~ may determine, including direct payment by the employee in cases under division (A)(1) of this section, and, if authorized in writing by the employee in cases under division (A)(1) or (2) of this section, by such governing board ~~or school board~~ with moneys made available by deduction from or reduction in salary or wages or by the foregoing of a salary or wage increase. Division (B)(7) of section 3917.01 and the last paragraph of section 3917.06 of the Revised Code shall not prohibit the issuance or purchase of group life insurance authorized by this section by reason of payment of premiums therefor by the governing board ~~or the school board~~ from its funds, and such group life insurance may be so issued and purchased if otherwise consistent with the provisions of sections 3917.01 to 3917.07 of the Revised Code.

(C) The board of education of any school district may exercise any of the powers granted to the governing boards of public institutions of higher education under divisions (A) and (B) of this section, except in relation to the provision of health care benefits to employees. All health care benefits provided to persons employed by the public schools of this state shall be medical plans designed by the school employees health care board pursuant to section 9.901 of the Revised Code.

Sec. 9.901. (A)(1) All health care benefits provided to persons employed by the public schools of this state shall be provided by medical plans designed pursuant to this section by the school employees health care board. The board, in

consultation with the superintendent of insurance, shall negotiate with and, in accordance with the competitive selection procedures of Chapter 125. of the Revised Code, contract with one or more insurance companies authorized to do business in this state for the issuance of the plans. Any or all of the medical plans designed by the board may be self-insured. All self-insured plans adopted shall be administered by the board in accordance with this section. As used in this section, a "public school" means a school in a city, local, exempted village, or joint vocational school district, and includes the educational service centers associated with those schools.

(2) Prior to soliciting proposals from insurance companies for the issuance of medical plans, the board shall determine what geographic regions exist in the state based on the availability of providers, networks, costs, and other factors relating to providing health care benefits. The board shall then determine what medical plans are offered by school districts and existing consortiums in the state. The board shall determine what medical plan offered by a school district or existing consortium in the region offers the lowest premium cost plan.

(3) The board shall develop a request for proposals and solicit bids for medical plans for the school districts in a region similar to the existing plans. The board shall also determine the benefits offered by existing medical plans, the employees' costs, and the cost-sharing arrangements used by public schools participating in a consortium. The board shall determine what strategies are used by the existing medical plans to manage health care costs and shall study the potential benefits of state or regional consortiums of public schools offering multiple health care plans.

(4) As used in this section, a "medical plan" includes group policies, contracts, and agreements that provide hospital, surgical, or medical expense coverage, including self-insured plans. A "medical plan" does not include an individual plan offered to the employees of a public school, or a plan that provides coverage only for specific disease or accidents, or a hospital indemnity, medicare supplement, or other plan that provides only supplemental benefits, paid for by the employees of a public school.

(B) The school employees health care board is hereby created. The school employees health care board shall consist of the following nine members and shall include individuals with experience with public school benefit programs, health care industry providers, and medical plan beneficiaries:

(1) Three members appointed by the governor;

(2) Three members appointed by the president of the senate;

(3) Three members appointed by the speaker of the house of representatives.

A member of the school employees health care board shall not be employed by, represent, or in any way be affiliated with a private entity that is providing services to the board, an individual school district, employers, or

employees in the state of Ohio.

(C)(1) Members of the school employees health care board shall serve four-year terms; however, one of each of the initial members appointed under divisions (B)(1) to (3) of this section shall be appointed to a term of one year. The initial appointments under this section shall be made within forty-five days after the effective date of this section.

Members' terms shall end on the same day of the same month as the effective date of this section, but a member shall continue to serve subsequent to the expiration of the member's term until a successor is appointed. Any vacancy occurring during a member's term shall be filled in the same manner as the original appointment, except that the person appointed to fill the vacancy shall be appointed to the remainder of the unexpired term.

(2) Members shall serve without compensation but shall be reimbursed from the school employees health care fund for actual and necessary expenses incurred in the performance of their official duties as members of the board.

(3) Members may be removed by their appointing authority for misfeasance, malfeasance, incompetence, dereliction of duty, or other just cause.

(D)(1) The governor shall call the first meeting of the school employees health care board. At that meeting, and annually thereafter, the board shall elect a chairperson and may elect members to other positions on the board as the board considers necessary or appropriate. The board shall meet at least four times each calendar year and shall also meet at the call of the chairperson or three or more board members. The chairperson shall provide reasonable advance notice of the time and place of board meetings to all members.

(2) A majority of the board constitutes a quorum for the transaction of business at a board meeting. A majority vote of the members present is necessary for official action.

(E) The school employees health care board shall conduct its business at open meetings; however, the records of the board are not public records for purposes of section 149.43 of the Revised Code.

(F) The school employees health care fund is hereby created in the state treasury. The public schools shall pay all school employees health care board plan premiums in the manner prescribed by the school employees health care board to the board for deposit into the school employees health care fund. All funds in the school employees health care fund shall be used solely for the provision of health care benefits to public schools employees pursuant to this section and related administrative costs. Premiums received by the board or insurance companies contracted pursuant to division (A) of this section are not subject to any state insurance premium tax.

(G) The school employees health care board shall do all of the following:

(1) Design multiple medical plans, including regional plans, to provide,

in the board's judgment, the optimal combination of coverage, cost, choice, and stability of health cost benefits. The board may establish more than one tier of premium rates for any medical plan. The board shall establish regions as necessary for the implementation of the board's medical plans. Plans and premium rates may vary across the regions established by the board.

(2) Set an aggregate goal for employee and employer portions of premiums for the board's medical plans so as to manage plan participation and encourage the use of value-based plan participation by employees;

(3) Set employer and employee plan copayments, deductibles, exclusions, limitations, formularies, premium shares, and other responsibilities;

(4) Include disease management and consumer education programs, to the extent that the board determines is appropriate, in all medical plans designed by the board, which programs shall include, but are not limited to, wellness programs and other measures designed to encourage the wise use of medical plan coverage. These programs are not services or treatments for purposes of section 3901.71 of the Revised Code.

(5) Create and distribute to the governor, the speaker of the house of representatives, and the president of the senate, an annual report covering the plan background; plan coverage options; plan administration, including procedures for monitoring and managing objectives, scope, and methodology; plan operations; employee and employer contribution rates and the relationship between the rates and the school employees health care fund balance; a means to develop and maintain identity and evaluate alternative employee and employer cost-sharing strategies; an evaluation of the effectiveness of cost-saving services and programs; an evaluation of efforts to control and manage member eligibility and to insure that proper employee and employer contributions are remitted to the trust fund; efforts to prevent and detect fraud; and efforts to manage and monitor board contracts;

(6) Utilize cost containment measures aligned with patient, plan, and provider management strategies in developing and managing medical plans.

(H) The sections in Chapter 3923. of the Revised Code regulating public employee benefit plans are not applicable to the medical plans designed pursuant to this section.

(I)(1) Public schools are not subject to this section prior to the release of medical plans designed pursuant to this section.

(2) Prior to the school employees health care board's release of the board's initial medical plans, the board shall contract with an independent consultant to analyze costs related to employee health care benefits provided by existing school district plans in this state. The consultant shall determine the benefits offered by existing medical plans, the employees' costs, and the cost-sharing arrangements used by public schools either participating in a consortium or by other means. The consultant shall determine what strategies are

used by the existing medical plans to manage health care costs and shall study the potential benefits of state or regional consortiums of public schools offering multiple health care plans. Based on the findings of the analysis, the consultant shall submit written recommendations to the board for the development and implementation of a successful program for pooling school districts' purchasing power for the acquisition of employee medical plans. The consultant's recommendations shall address, at a minimum, all of the following issues:

(a) The establishment of regions for the provision of medical plans, based on the availability of providers and plans in the state at the time that the school employees health care board is established;

(b) The use of regional preferred provider and closed panel plans, health savings accounts, and alternative medical plans, to stabilize both costs and the premiums charged school districts and district employees;

(c) The development of a system to obtain eligibility data and data compiled pursuant to the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA), 100 Stat. 227, 29 U.S.C. 1161, as amended;

(d) The use of the competitive bidding process for regional medical plans;

(e) The development of a timeline planning for the design and use of board medical plans by not later than December 31, 2007;

(f) The use of information on claims and costs and of information reported by districts pursuant to COBRA in analyzing administrative and premium costs;

(g) The experience of states that have mandated statewide medical plans for public school employees, including the implementation strategies used by those states;

(h) Recommended strategies for the use of first-year roll-in premiums in the transition from district medical plans to school employees health care board plans;

(i) The option of allowing school districts to join an existing regional consortium as an alternative to school employees health care board plans;

(j) Mandatory and optional coverages to be offered by the board's medical plans;

(k) Potential risks to the state from the use of medical plans developed pursuant to this section;

(l) Any legislation needed to ensure the long-term financial solvency and stability of a health care purchasing system;

(m) The potential impacts of any changes to the existing purchasing structure on all of the following:

(i) Existing health care pooling and consortiums;

(ii) School district employees;

(iii) Individual school districts.

(n) Issues that could arise when school districts transition from the existing purchasing structure to a new purchasing structure;

(o) Strategies available to the board in the creation of fund reserves and the need for stop-loss insurance coverage for catastrophic losses;

(p) Any legislation needed to establish and maintain medical plans designed pursuant to this section. The consultant shall submit all legislative recommendations not later than December 31, 2005, in writing, to the school employees health care board and to the governor, the speaker of the house of representatives, and the president of the senate.

(3) The public schools health care advisory committee is hereby created under the school employees health care board. The committee shall make recommendations to the school employees health care board related to the board's accomplishment of the duties assigned to the board under this section. The committee shall consist of eighteen members. The governor, the speaker of the house of representatives, and the president of the senate shall each appoint a representative from the Ohio education association, the Ohio school boards association, the Ohio association of school business officials, the Ohio association of health underwriters, an existing health care consortium serving public schools, and a health insuring corporation licensed to do business in Ohio and recommended by the Ohio association of health plans. The initial appointees shall be appointed to a one-year term not later than July 31, 2005, the members' term to begin on that date. Subsequent one-year appointments, to commence on the thirty-first day of July of each year, shall be made in the same manner. A member shall continue to serve subsequent to the expiration of the member's term until the member's successor is appointed. Any vacancy occurring during a member's term shall be filled in the same manner as the original appointment, except that the person appointed to fill the vacancy shall be appointed to the remainder of the unexpired term. The governor shall call the first meeting of each newly appointed committee. At that meeting the board shall elect a chairperson who shall call the time and place of future committee meetings. Committee members are not subject to the conditions for eligibility set by division (B) of this section for members of the school employees health care board.

(4) The school employees health care board shall submit a written study to the governor and the general assembly not later than January 15, 2006, of a plan to operate in compliance with this section, and on the governance of the school employees health care board. A copy of the board's plan of operation, including audit provisions, shall accompany the report on the board's governance and the report shall include the board's recommendations on any legislation needed to enforce the recommendations of the board on implementing the

provisions of this section.

(5) Not later than January 15, 2009, and not later than the same day of each subsequent year, the school employees health care board shall submit a written report to the governor and each member of the general assembly, which report evaluates the performance of school employees health care board medical plans during the previous year. Districts offering employee health care benefits through a plan offered by a consortium of two or more districts, or a consortium of one or more districts and one or more political subdivisions as defined in section 9.833 of the Revised Code, representing five thousand or more employees as of January 1, 2005, may request permission from the school employees health care board to continue offering consortium plans to the districts' employees at the discretion of the board. If the board grants permission, the permission is valid for only one year but may be renewed annually thereafter upon application to an approval of the board. The board shall grant initial or continued approval upon finding, based on an actuarial evaluation of the existing consortium plan offerings, that benefit design, premium costs, administrative cost, and other factors considered by the board are equivalent to or lower than comparable costs of the board's plan options offered to the local district. Age and gender adjustments, benefit comparison adjustments, and the total cost of the consortium plan, including administration, benefit cost, stop-loss insurance, and all other expenses or information requested by the board shall be presented to the board prior to the board's decision to allow a local district to continue to offer health care benefits under a consortium plan. A district shall not participate in the consortium plan once the district has chosen to offer plans designed by the board to the district's employees and begins premium payments for deposit into the school employees health care fund.

(6) Any districts providing medical plan coverage for the employees of public schools, or that have provided coverage within two years prior to the effective date of this section, shall provide nonidentifiable aggregate claims data for the coverage to the school employees health care board or the department of administrative services, without charge, within thirty days after receiving a written request from the board or the department. The claims data shall include data relating to employee group benefit sets, demographics, and claims experience.

(J) The school employees health care board may contract with other state agencies as the board deems necessary for the implementation and operation of this section, based on demonstrated experience and expertise in administration, management, data handling, actuarial studies, quality assurance, or other needed services. The school employees health care board shall contract with the department of administrative services for central services until the board is able to obtain such services from other sources. The board shall reimburse the department of administrative services for the reasonable cost of those services.

(K) The board's administrative functions shall include, but are not limited to, the following:

(1) Maintaining reserves in the school employees health care fund, reinsurance, and other measures that in the judgment of the board will result in the long-term stability and solvency of the medical plans designed by the board. The board shall bill school districts, in proportion to a district's premium payments to all premium payments paid into the school employees health care fund during the previous year, in order to maintain necessary reserves, reinsurance, and administrative and operating funds. Each school district contributing to a board medical plan shall share any losses due to the expense of claims paid by the plan. In the event of a loss, the board may bill each district an amount, in proportion to the district's premium payments to all premium payments paid into the school employees health care fund during the previous year, sufficient in total to cover the loss. The state is not liable for any obligations of the school employees health care board or the school employees health care fund, or for expenses of public schools or school districts related to the board's medical plans.

(2) Providing health care information, wellness programs, and other preventive health care measures to medical plan beneficiaries, to the extent that the board determines to be appropriate;

(3) Coordinating contracts for services related to the board's medical plans. Contracts shall be approved by the school employees health care board.

(L) Not less than ninety days before coverage begins for public school employees under medical plans designed by the school employees health care board, a school district's board of education shall provide detailed information about the medical plans to the employees.

(M) Nothing in this section shall be construed as prohibiting public schools or school districts from consulting with and compensating insurance agents and brokers for professional services.

(N) The department of administrative services shall report to the governor, the speaker of the house of representatives, and the president of the senate within eighteen months after the effective date of this section on the feasibility of achieving all of the following:

(1) Designing multiple medical plans to cover persons employed by public institutions of higher education that achieve an optimal combination of coverage, cost, choice, and stability, which plans include both state and regional preferred provider plans, set employee and employer premiums, and set employee plan copayments, deductibles, exclusions, limitations, formularies, and other responsibilities. For this purpose, "public institutions of higher education" include, without limitation, state universities and colleges, state community college districts, community college districts, university branch districts, technical college districts, and municipal universities.

(2) Maintaining reserves, reinsurance, and other measures to insure the long-term stability and solvency of the medical plans;

(3) Providing appropriate health care information, wellness programs, and other preventive health care measures to medical plan beneficiaries;

(4) Coordinating contracts for services related to the medical plans."

Between lines 23861 and 23862, insert:

"**Sec. 3311.19.** (A) The management and control of a joint vocational school district shall be vested in the joint vocational school district board of education. Where a joint vocational school district is composed only of two or more local school districts located in one county, or when all the participating districts are in one county and the boards of such participating districts so choose, the educational service center governing board of the county in which the joint vocational school district is located shall serve as the joint vocational school district board of education. Where a joint vocational school district is composed of local school districts of more than one county, or of any combination of city, local, or exempted village school districts or educational service centers, unless administration by the educational service center governing board has been chosen by all the participating districts in one county pursuant to this section, the board of education of the joint vocational school district shall be composed of one or more persons who are members of the boards of education from each of the city or exempted village school districts or members of the educational service centers' governing boards affected to be appointed by the boards of education or governing boards of such school districts and educational service centers. In such joint vocational school districts the number and terms of members of the joint vocational school district board of education and the allocation of a given number of members to each of the city and exempted village districts and educational service centers shall be determined in the plan for such district, provided that each such joint vocational school district board of education shall be composed of an odd number of members.

(B) Notwithstanding division (A) of this section, a governing board of an educational service center that has members of its governing board serving on a joint vocational school district board of education may make a request to the joint vocational district board that the joint vocational school district plan be revised to provide for one or more members of boards of education of local school districts that are within the territory of the educational service district and within the joint vocational school district to serve in the place of or in addition to its educational service center governing board members. If agreement is obtained among a majority of the boards of education and governing boards that have a member serving on the joint vocational school district board of education and among a majority of the local school district boards of education included in the district and located within the territory of the educational service center whose board requests the substitution or addition, the state board of education may revise the joint vocational school district plan to conform with such agreement.

(C) If the board of education of any school district or educational service center governing board included within a joint vocational district that has had its

board or governing board membership revised under division (B) of this section requests the joint vocational school district board to submit to the state board of education a revised plan under which one or more joint vocational board members chosen in accordance with a plan revised under such division would again be chosen in the manner prescribed by division (A) of this section, the joint vocational board shall submit the revised plan to the state board of education, provided the plan is agreed to by a majority of the boards of education represented on the joint vocational board, a majority of the local school district boards included within the joint vocational district, and each educational service center governing board affected by such plan. The state board of education may revise the joint vocational school district plan to conform with the revised plan.

(D) The vocational schools in such joint vocational school district shall be available to all youth of school age within the joint vocational school district subject to the rules adopted by the joint vocational school district board of education in regard to the standards requisite to admission. A joint vocational school district board of education shall have the same powers, duties, and authority for the management and operation of such joint vocational school district as is granted by law, except by this chapter and Chapters 124., 3317., 3323., and 3331. of the Revised Code, to a board of education of a city school district, and shall be subject to all the provisions of law that apply to a city school district, except such provisions in this chapter and Chapters 124., 3317., 3323., and 3331. of the Revised Code.

(E) Where a governing board of an educational service center has been designated to serve as the joint vocational school district board of education, the educational service center superintendent shall be the executive officer for the joint vocational school district, and the governing board may provide for additional compensation to be paid to the educational service center superintendent by the joint vocational school district, but the educational service center superintendent shall have no continuing tenure other than that of educational service center superintendent. The superintendent of schools of a joint vocational school district shall exercise the duties and authority vested by law in a superintendent of schools pertaining to the operation of a school district and the employment and supervision of its personnel. The joint vocational school district board of education shall appoint a treasurer of the joint vocational school district who shall be the fiscal officer for such district and who shall have all the powers, duties, and authority vested by law in a treasurer of a board of education. Where a governing board of an educational service center has been designated to serve as the joint vocational school district board of education, such board may appoint the educational service center superintendent as the treasurer of the joint vocational school district.

(F) Each member of a joint vocational school district board of education may be paid such compensation as the board provides by resolution, but it shall not exceed one hundred twenty-five dollars per member for each meeting attended plus mileage, at the rate per mile provided by resolution of the board, to and from meetings of the board.

The board may provide by resolution for the deduction of amounts payable for benefits under ~~division (D) of~~ section 3313.202 of the Revised Code. ~~No member of a board of a joint vocational school district who is purchasing any category of benefits under such section offered by a city, local, or exempted village school board or educational service center governing board, shall purchase the same category of benefits as a member of the joint vocational school board.~~

Each member of a joint vocational school district board may be paid such compensation as the board provides by resolution for attendance at an approved training program, provided that such compensation shall not exceed sixty dollars per day for attendance at a training program three hours or fewer in length and one hundred twenty-five dollars a day for attendance at a training program longer than three hours in length. However, no board member shall be compensated for the same training program under this section and section 3313.12 of the Revised Code.

Sec. 3313.12. Each member of the educational service center governing board may be paid such compensation as the governing board provides by resolution, provided that any such compensation shall not exceed one hundred twenty-five dollars a day plus mileage both ways, at the rate per mile provided by resolution of the governing board, for attendance at any meeting of the board. Such compensation and the expenses of the educational service center superintendent, itemized and verified, shall be paid from the educational service center governing board fund upon vouchers signed by the president of the governing board.

The board of education of any city, local, or exempted village school district may provide by resolution for compensation of its members, provided that such compensation shall not exceed one hundred twenty-five dollars per member for meetings attended. The board may provide by resolution for the deduction of amounts payable for benefits under ~~division (D) of~~ section 3313.202 of the Revised Code.

Each member of a district board or educational service center governing board may be paid such compensation as the respective board provides by resolution for attendance at an approved training program, provided that such compensation shall not exceed sixty dollars a day for attendance at a training program three hours or fewer in length and one hundred twenty-five dollars a day for attendance at a training program longer than three hours in length.

Sec. 3313.202. ~~(A) The board of education of a school district may procure and pay all or part of the cost of group term life, hospitalization, surgical care, or major medical insurance, disability, dental care, vision care, medical care, hearing aids, prescription drugs, sickness and accident insurance, group legal services, or a combination of any of the foregoing types of insurance or coverage, whether issued by an insurance company or a health insuring corporation duly licensed by this state, covering the teaching or nonteaching employees of the school district, or a combination of both, or the dependent~~

~~children and spouses of such employees, provided if such coverage affects only the teaching employees of the district such coverage shall be with the consent of a majority of such employees of the school district, or if such coverage affects only the nonteaching employees of the district such coverage shall be with the consent of a majority of such employees. If such coverage is proposed to cover all the employees of a school district, both teaching and nonteaching employees, such coverage shall be with the consent of a majority of all the employees of a school district. A board of education shall continue to carry, on payroll records, all school employees whose sick leave accumulation has expired, or who are on a disability leave of absence or an approved leave of absence, for the purpose of group term life, hospitalization, surgical, major medical, or any other insurance. A board of education may pay all or part of such coverage except when such employees are on an approved leave of absence, or on a disability leave of absence for that period exceeding two years. As used in this section, "teaching employees" means any person employed in the public schools of this state in a position for which the person is required to have a certificate or license pursuant to sections 3319.22 to 3319.31 of the Revised Code. "Nonteaching employees" as used in this section means any person employed in the public schools of the state in a position for which the person is not required to have a certificate or license issued pursuant to sections 3319.22 to 3319.31 of the Revised Code.~~

~~(B) The board of education of a school district may enter into an agreement with a jointly administered trust fund which receives contributions pursuant to a collective bargaining agreement entered into between the board and any collective bargaining representative of the employees of the board for the purpose of providing for self-insurance of all risk in the provision of fringe benefits similar to those that may be paid pursuant to division (A) of this section, and may provide through the self-insurance method specific fringe benefits as authorized by the rules of the board of trustees of the jointly administered trust fund. Benefits provided under this section include, but are not limited to, hospitalization, surgical care, major medical care, disability, dental care, vision care, medical care, hearing aids, prescription drugs, group life insurance, sickness and accident insurance, group legal services, or a combination of the above benefits, for the employees and their dependents.~~

~~(C) Notwithstanding any other provision of the Revised Code, the board of education and any collective bargaining representative of employees of the board may agree in a collective bargaining agreement that any mutually agreed fringe benefit, including, but not limited to, hospitalization, surgical care, major medical care, disability, dental care, vision care, medical care, hearing aids, prescription drugs, group life insurance, sickness and accident insurance, group legal services, or a combination thereof, for employees and their dependents be provided through a mutually agreed upon contribution to a jointly administered trust fund. The amount, type, and structure of fringe benefits provided under this division are subject to the determination of the board of trustees of the jointly administered trust fund. Notwithstanding any other provision of the Revised Code, competitive bidding does not apply to the purchase of fringe benefits for employees under this division through a jointly administered trust fund.~~

~~(D)~~ Any elected or appointed member of the board of education of a school district and the dependent children and spouse of the member may be covered, at the option of the member, ~~as an employee of the school district~~ under any ~~benefit~~medical plan ~~adopted~~designed by the school employees health care board under ~~this~~ section 9.901 of the Revised Code. The member shall pay ~~to the school district the amount certified~~all premiums for that coverage ~~under division (D)(1) or (2) of this section~~. Payments for such coverage shall be made, in advance, in a manner prescribed by the school employees health care board. The member's exercise of an option to be covered under this section shall be in writing, announced at a regular public meeting of the board of education, and recorded as a public record in the minutes of the board.

~~For the purposes of determining the cost to board members under this division:~~

~~(1) In the case of a benefit plan purchased under division (A) of this section, the provider of the benefits shall certify to the board the provider's charge for coverage under each option available to employees under that benefit plan;~~

~~(2) In the case of benefits provided under division (B) or (C) of this section, the board of trustees of the jointly administered trust fund shall certify to the board of education the trustees' charge for coverage under each option available to employees under each benefit plan.~~

~~(E) The board may provide the benefits described in this section through an individual self-insurance program or a joint self-insurance program as provided in section 9.833 of the Revised Code.~~"

Between lines 23943 and 23944, insert:

"**Sec. 3313.33.** (A) Conveyances made by a board of education shall be executed by the president and treasurer thereof.

(B) Except as provided in division (C) of this section, no member of the board shall have, directly or indirectly, any pecuniary interest in any contract of the board or be employed in any manner for compensation by the board of which the person is a member. No contract shall be binding upon any board unless it is made or authorized at a regular or special meeting of such board.

(C) A member of the board may have a pecuniary interest in a contract of the board if all of the following apply:

(1) The member's pecuniary interest in that contract is that the member is employed by a political subdivision, instrumentality, or agency of the state that is contracting with the board;

(2) The member does not participate in any discussion or debate regarding the contract or vote on the contract;

(3) The member files with the school district treasurer an affidavit stating the member's exact employment status with the political subdivision,

instrumentality, or agency contracting with the board.

(D) This section does not apply where a member of the board, being a shareholder of a corporation but not being an officer or director thereof, owns not in excess of five per cent of the stock of such corporation. If a stockholder desires to avail self of the exception, before entering upon such contract such person shall first file with the treasurer an affidavit stating the stockholder's exact status and connection with said corporation.

This section does not apply where a member of the board elects to be covered by a ~~benefit~~medical plan ~~of the school district~~ under ~~division (D) of~~ section 3313.202 of the Revised Code."

Between lines 45397 and 45398, insert:

"**Sec. 4117.03.** (A) Public employees have the right to:

(1) Form, join, assist, or participate in, or refrain from forming, joining, assisting, or participating in, except as otherwise provided in Chapter 4117. of the Revised Code, any employee organization of their own choosing;

(2) Engage in other concerted activities for the purpose of collective bargaining or other mutual aid and protection;

(3) Representation by an employee organization;

(4) Bargain collectively with their public employers to determine wages, hours, terms and other conditions of employment and the continuation, modification, or deletion of an existing provision of a collective bargaining agreement, and enter into collective bargaining agreements;

(5) Present grievances and have them adjusted, without the intervention of the bargaining representative, as long as the adjustment is not inconsistent with the terms of the collective bargaining agreement then in effect and as long as the bargaining representatives have the opportunity to be present at the adjustment.

(B) Persons on active duty or acting in any capacity as members of the organized militia do not have collective bargaining rights.

(C) Except as provided in division (D) of this section, nothing in Chapter 4117. of the Revised Code prohibits public employers from electing to engage in collective bargaining, to meet and confer, to hold discussions, or to engage in any other form of collective negotiations with public employees who are not subject to Chapter 4117. of the Revised Code pursuant to division (C) of section 4117.01 of the Revised Code.

(D) A public employer shall not engage in collective bargaining or other forms of collective negotiations with the employees of county boards of elections referred to in division (C)(12) of section 4117.01 of the Revised Code.

(E)(1) Employees of public school may bargain collectively for health care benefits; however, all health care benefits shall be provided through school

employees health care board medical plans, in accordance with section 9.901 of the Revised Code. If a school district provides its employees with health care benefits pursuant to collective bargaining, the employees shall be permitted to choose a plan option from among the school employees health care board plans agreed to during collective bargaining.

(2) During collective bargaining, employees of public schools may agree to pay a higher percentage of the premium for health benefit coverage under the plans designed by the school employees health care board pursuant to section 9.901 of the Revised Code than the percentage designated as the employees' contribution level by the board. A collective bargaining agreement, however, shall not permit the employees to contribute a lesser percentage of the premium than that set as the employees' contribution level by the school employees health care board, unless, in so doing, the participating school board is able to remain in compliance with the aggregate goal set pursuant to division (G)(3) of section 9.901 of the Revised Code.

Sec. 4117.08. (A) All matters pertaining to wages, hours, or terms and other conditions of employment and the continuation, modification, or deletion of an existing provision of a collective bargaining agreement are subject to collective bargaining between the public employer and the exclusive representative, except as otherwise specified in this section and division (E) of section 4117.03 of the Revised Code.

(B) The conduct and grading of civil service examinations, the rating of candidates, the establishment of eligible lists from the examinations, and the original appointments from the eligible lists are not appropriate subjects for collective bargaining.

(C) Unless a public employer agrees otherwise in a collective bargaining agreement, nothing in Chapter 4117. of the Revised Code impairs the right and responsibility of each public employer to:

(1) Determine matters of inherent managerial policy which include, but are not limited to areas of discretion or policy such as the functions and programs of the public employer, standards of services, its overall budget, utilization of technology, and organizational structure;

(2) Direct, supervise, evaluate, or hire employees;

(3) Maintain and improve the efficiency and effectiveness of governmental operations;

(4) Determine the overall methods, process, means, or personnel by which governmental operations are to be conducted;

(5) Suspend, discipline, demote, or discharge for just cause, or lay off, transfer, assign, schedule, promote, or retain employees;

(6) Determine the adequacy of the work force;

(7) Determine the overall mission of the employer as a unit of

government;

(8) Effectively manage the work force;

(9) Take actions to carry out the mission of the public employer as a governmental unit.

The employer is not required to bargain on subjects reserved to the management and direction of the governmental unit except as affect wages, hours, terms and conditions of employment, and the continuation, modification, or deletion of an existing provision of a collective bargaining agreement. A public employee or exclusive representative may raise a legitimate complaint or file a grievance based on the collective bargaining agreement."

In line 81954, after "9.24," insert "9.833, 9.90,"

In line 81985, after "3311.059," insert "3311.19, 3313.12, 3313.202,"; after "3313.209," insert "3313.33,"

In line 82017, after "4115.34," insert "4117.03, 4117.08,"

In line 82220, delete "$750,000 $0" and insert "$1,200,000 $1,500,000"

In line 82237, delete "$161,845,547 $161,629,980" and insert "$162,295,547 $163,129,980"

In line 82274, delete "$2,428,875,279 $2,428,308,118" and insert "$2,429,325,279 $2,429,808,118"

Delete lines 82351 through 82356 and insert:

"The foregoing appropriation item 100-403, Public School Employee Benefits, shall be used by the Director of Administrative Services to hire an executive director and an assistant responsible for providing administrative support to the School Employee Health Care Board and the public school employee health insurance program established under section 9.901 of the Revised Code.

At any time during the biennium, when the Director of Administrative Services certifies that there is a sufficient reserve available from premium payments made to the School Employees Health Care Fund (Fund 815), the Director of Budget and Management shall transfer $2,700,000 from the School Employees Health Care Fund to the General Revenue Fund."

Between lines 97857 and 97858, insert:

"**Section ___.** DELAYED IMPLEMENTATION OF CENTRALIZED PUBLIC SCHOOL EMPLOYEES' HEALTH CARE BENEFITS SYSTEM

Notwithstanding the amendments made to sections 9.833, 9.90, 3311.19, 3313.12, 3313.202, 3313.33, 4117.03, and 4117.08 of the Revised Code by this act and the enactment of section 9.901 of the Revised Code by this act, the following amendments to a section or enactment of provisions shall not take effect unless and until the General Assembly, by subsequent enactment of law,

confirms those amendments and provisions, orders their implementation, and makes such other specifications pertaining to that implementation as is then necessary:

(A) All amendments to sections 9.833, 9.90, 3311.19, 3313.12, 3313.202, 3313.33, 4117.03, and 4117.08 of the Revised Code.

(B) The following provisions of section 9.901 of the Revised Code as enacted:

(1) Division (A)(1);

(2) The provision that authorizes the soliciting of bids in division (A)(3);

(3) Division (F), except for the provision that creates the school employees health care fund in the state treasury;

(4) Division (I)(1);

(5) Division (I)(5);

(6) Division (J), except for the provision that authorizes the School Employees Health Care Board to contract with the Department of Administrative Services for central services and reimburse the Department for such services;

(7) Division (K);

(8) Division (L); and

(9) Division (M).

(C) The provision in Section 203.12.02 of this act that extends the duties of the executive director and assistant to the School Employees Health Care Board to the Public School Employee Health Insurance Program being proposed for establishment and the provision requiring the reimbursement of the General Revenue Fund of $2,700,000 by the School Employees Health Care Fund pending a future determination of the sufficiency of premium payments."

Delete lines 87122 through 87211

In line 148 of the title, after the semicolon insert "to contingently amend sections 9.833, 9.90, 3311.19, 3313.12, 3313.202, 3313.33, 4117.03, and 4117.08;"

In line 231 of the title, after the semicolon insert "to enact section 9.901 of the Revised Code (certain of its phases contingently);"

Between lines 44875 and 44876, insert:

"(4) Professional or medical liability insurance procured by a hospital organized under Chapter 3701. of the Revised Code."

In line 89973, after "Code" delete the balance of the line and insert a period

Delete lines 89974 through 89979

In line 416, after "3323.33," insert "3324.10,"

Between lines 31579 and 31580, insert:

"**Sec. 3324.10.** (A) Prior to June 30, 2006, the state board of education shall adopt a model student acceleration policy addressing recommendations in the department of education's 2005 study conducted under the gifted research and demonstration grant program. The policy shall address, but not be limited to, whole grade acceleration, subject area acceleration, and early high school graduation.

(B) The board of education of each city, local, and exempted village school district shall implement a student acceleration policy to take effect beginning in the 2006-2007 school year. The policy shall either be the model adopted by the state board under division (A) of this section or a policy covering similar issues that is adopted by the district board."

Delete lines 85872 through 85878

In line 190 of the title, after "3323.33," insert "3324.10,"

In line 414, after "3317.017," insert "3317.035,"

Between lines 29562 and 29563, insert:

"**Sec. 3317.035.** The auditor of state may conduct annual audits of the information certified under section 3317.03 of the Revised Code by a number of school districts determined by the auditor of state and selected at random."

In line 97931, after "3317.031," insert "3317.035,"

In line 188 of the title, after "3317.017," insert "3317.035,"

In line 380, after "5747.99," insert "5748.01, 5748.02, 5748.03, 5748.04, 5748.08,"

Between lines 78811 and 78812, insert:

"**Sec. 5748.01.** As used in this chapter:

(A) "School district income tax" means an income tax adopted under one of the following:

(1) Former section 5748.03 of the Revised Code as it existed prior to its repeal by Amended Substitute House Bill No. 291 of the 115th general assembly;

(2) Section 5748.03 of the Revised Code as enacted in Substitute Senate Bill No. 28 of the 118th general assembly;

(3) Section 5748.08 of the Revised Code as enacted in Amended Substitute Senate Bill No. 17 of the 122nd general assembly.

(B) "Individual" means an individual subject to the tax levied by section 5747.02 of the Revised Code.

(C) "Estate" means an estate subject to the tax levied by section 5747.02 of the Revised Code.

(D) "Taxable year" means a taxable year as defined in division (M) of section 5747.01 of the Revised Code.

(E) "Taxable income" means:

(1) In the case of an individual, ~~adjusted~~one of the following, as specified in the resolution imposing the tax:

(a) Ohio adjusted gross income for the taxable year as defined in division (A) of section 5747.01 of the Revised Code, less the exemptions provided by section 5747.02 of the Revised Code;

(b) Wages, salaries, tips, and other employee compensation to the extent included in Ohio adjusted gross income as defined in section 5747.01 of the Revised Code, and net earnings from self-employment, as defined in section 1402(a) of the Internal Revenue Code, to the extent included in Ohio adjusted gross income.

(2) In the case of an estate, taxable income for the taxable year as defined in division (S) of section 5747.01 of the Revised Code.

(F) Except as provided in section 5747.25 of the Revised Code, "resident" of the school district means:

(1) An individual who is a resident of this state as defined in division (I) of section 5747.01 of the Revised Code during all or a portion of the taxable year and who, during all or a portion of such period of state residency, is domiciled in the school district or lives in and maintains a permanent place of abode in the school district;

(2) An estate of a decedent who, at the time of death, was domiciled in the school district.

(G) "School district income" means:

(1) With respect to an individual, the portion of the taxable income of an individual that is received by the individual during the portion of the taxable year that the individual is a resident of the school district and the school district income tax is in effect in that school district. An individual may have school district income with respect to more than one school district.

(2) With respect to an estate, the taxable income of the estate for the portion of the taxable year that the school district income tax is in effect in that school district.

(H) "Taxpayer" means an individual or estate having school district income upon which a school district income tax is imposed.

(I) "School district purposes" means any of the purposes for which a tax may be levied pursuant to section 5705.21 of the Revised Code.

Sec. 5748.02. (A) The board of education of any school district, except a joint vocational school district, may declare, by resolution, the necessity of raising annually a specified amount of money for school district purposes. The resolution shall specify whether the income that is to be subject to the tax is taxable income of individuals and estates as defined in divisions (E)(1)(a) and (2) of section 5748.01 of the Revised Code or taxable income of individuals as defined in division (E)(1)(b) of that section. A copy of the resolution shall be certified to the tax commissioner no later than eighty-five days prior to the date of the election at which the board intends to propose a levy under this section. Upon receipt of the copy of the resolution, the tax commissioner shall estimate both of the following:

(1) The property tax rate that would have to be imposed in the current year by the district to produce an equivalent amount of money;

(2) The income tax rate that would have had to have been in effect for the current year to produce an equivalent amount of money from a school district income tax.

Within ten days of receiving the copy of the board's resolution, the commissioner shall prepare these estimates and certify them to the board. Upon receipt of the certification, the board may adopt a resolution proposing an income tax under division (B) of this section at the estimated rate contained in the certification rounded to the nearest one-fourth of one per cent. The commissioner's certification applies only to the board's proposal to levy an income tax at the election for which the board requested the certification. If the board intends to submit a proposal to levy an income tax at any other election, it shall request another certification for that election in the manner prescribed in this division.

(B)(1) Upon the receipt of a certification from the tax commissioner under division (A) of this section, a majority of the members of a board of education may adopt a resolution proposing the levy of an annual tax for school district purposes on ~~the~~school district income ~~of individuals and of estates~~. The proposed levy may be for a continuing period of time or for a specified number of years. The resolution shall set forth the purpose for which the tax is to be imposed, the rate of the tax, which shall be the rate set forth in the commissioner's certification rounded to the nearest one-fourth of one per cent, the number of years the tax will be levied or that it will be levied for a continuing period of time, the date on which the tax shall take effect, which shall be the first day of January of any year following the year in which the question is submitted, and the date of the election at which the proposal shall be submitted to the electors of the district, which shall be on the date of a primary, general, or special election the date of which is consistent with section 3501.01 of the Revised Code. The resolution shall specify whether the income that is to be subject to the tax is taxable income of individuals and estates as defined in divisions (E)(1)(a) and (2) of section 5748.01 of the Revised Code or taxable income of individuals as defined in division (E)(1)(b) of that section. The

specification shall be the same as the specification in the resolution adopted and certified under division (A) of this section. If the board of education currently imposes an income tax pursuant to this chapter that is due to expire and a question is submitted under this section for a proposed income tax to take effect upon the expiration of the existing tax, the board may specify in the resolution that the proposed tax renews the expiring tax and is not an additional income tax, provided that the tax rate being proposed is no higher than the tax rate that is currently imposed.

(2) A board of education adopting a resolution under division (B)(1) of this section proposing a school district income tax for a continuing period of time and limited to the purpose of current expenses may propose in that resolution to reduce the rate or rates of one or more of the school district's property taxes levied for a continuing period of time in excess of the ten-mill limitation for the purpose of current expenses. The reduction in the rate of a property tax may be any amount, expressed in mills per one dollar in valuation, not exceeding the rate at which the tax is authorized to be levied. The reduction in the rate of a tax shall first take effect for the tax year that includes the day on which the school district income tax first takes effect, and shall continue for each tax year that both the school district income tax and the property tax levy are in effect.

In addition to the matters required to be set forth in the resolution under division (B)(1) of this section, a resolution containing a proposal to reduce the rate of one or more property taxes shall state for each such tax the maximum rate at which it currently may be levied and the maximum rate at which the tax could be levied after the proposed reduction, expressed in mills per one dollar in valuation, and that the tax is levied for a continuing period of time.

If a board of education proposes to reduce the rate of one or more property taxes under division (B)(2) of this section, the board, when it makes the certification required under division (A) of this section, shall designate the specific levy or levies to be reduced, the maximum rate at which each levy currently is authorized to be levied, and the rate by which each levy is proposed to be reduced. The tax commissioner, when making the certification to the board under division (A) of this section, also shall certify the reduction in the total effective tax rate for current expenses for each class of property that would have resulted if the proposed reduction in the rate or rates had been in effect the previous tax year. As used in this paragraph, "effective tax rate" has the same meaning as in section 323.08 of the Revised Code.

(C) A resolution adopted under division (B) of this section shall go into immediate effect upon its passage, and no publication of the resolution shall be necessary other than that provided for in the notice of election. Immediately after its adoption and at least seventy-five days prior to the election at which the question will appear on the ballot, a copy of the resolution shall be certified to the board of elections of the proper county, which shall submit the proposal to the electors on the date specified in the resolution. The form of the ballot shall be as provided in section 5748.03 of the Revised Code. Publication of notice of the

election shall be made in one or more newspapers of general circulation in the county once a week for four consecutive weeks. The notice shall contain the time and place of the election and the question to be submitted to the electors. The question covered by the resolution shall be submitted as a separate proposition, but may be printed on the same ballot with any other proposition submitted at the same election, other than the election of officers.

(D) No board of education shall submit the question of a tax on school district income to the electors of the district more than twice in any calendar year. If a board submits the question twice in any calendar year, one of the elections on the question shall be held on the date of the general election.

Sec. 5748.03. (A) The form of the ballot on a question submitted to the electors under section 5748.02 of the Revised Code shall be as follows:

"Shall an annual income tax of ..... (state the proposed rate of tax) on the school district income of individuals and of estates be imposed by ..... (state the name of the school district), for ..... (state the number of years the tax would be levied, or that it would be levied for a continuing period of time), beginning ..... (state the date the tax would first take effect), for the purpose of ..... (state the purpose of the tax)?

	FOR THE TAX
	AGAINST THE TAX

"

(B)(1) If the question submitted to electors proposes a school district income tax only on the taxable income of individuals as defined in division (E)(1)(b) of section 5748.01 of the Revised Code, the form of the ballot shall be modified by stating that the tax is to be levied on the "earned income of individuals residing in the school district" in lieu of the "school district income of individuals and of estates."

(2) If the question submitted to electors proposes to renew an expiring income tax, the ballot shall be modified by adding the following language immediately after the name of the school district that would impose the tax: "to renew an income tax expiring at the end of ..... (state the last year the existing income tax may be levied)."

(3) If the question includes a proposal under division (B)(2) of section 5748.02 of the Revised Code to reduce the rate of one or more school district property taxes, the ballot shall state that the purpose of the school district income tax is for current expenses, and the form of the ballot shall be modified by adding the following language immediately after the statement of the purpose of the proposed income tax: ", and shall the rate of an existing tax on property, currently levied for the purpose of current expenses at the rate of ..... mills, be REDUCED to ..... mills until any such time as the income tax is repealed." In lieu of "for the tax" and "against the tax," the phrases "for the issue" and "against the issue," respectively, shall be used. If a board of education proposes a reduction in the rates of more than one tax, the ballot language shall be modified

accordingly to express the rates at which those taxes currently are levied and the rates to which the taxes will be reduced.

(C) The board of elections shall certify the results of the election to the board of education and to the tax commissioner. If a majority of the electors voting on the question vote in favor of it, the income tax, the applicable provisions of Chapter 5747. of the Revised Code, and the reduction in the rate or rates of existing property taxes if the question included such a reduction shall take effect on the date specified in the resolution. If the question approved by the voters includes a reduction in the rate of a school district property tax, the board of education shall not levy the tax at a rate greater than the rate to which the tax is reduced, unless the school district income tax is repealed in an election under section 5748.04 of the Revised Code.

(D) If the rate at which a property tax is levied and collected is reduced pursuant to a question approved under this section, the tax commissioner shall compute the percentage required to be computed for that tax under division (D) of section 319.301 of the Revised Code each year the rate is reduced as if the tax had been levied in the preceding year at the rate at which it has been reduced. If the rate of a property tax increases due to the repeal of the school district income tax pursuant to section 5748.04 of the Revised Code, the tax commissioner, for the first year for which the rate increases, shall compute the percentage as if the tax in the preceding year had been levied at the rate at which the tax was authorized to be levied prior to any rate reduction.

Sec. 5748.04. (A) The question of the repeal of a school district income tax levied for more than five years may be initiated not more than once in any five-year period by filing with the board of elections of the appropriate counties not later than seventy-five days before the general election in any year after the year in which it is approved by the electors a petition requesting that an election be held on the question. The petition shall be signed by qualified electors residing in the school district levying the income tax equal in number to ten per cent of those voting for governor at the most recent gubernatorial election.

The board of elections shall determine whether the petition is valid, and if it so determines, it shall submit the question to the electors of the district at the next general election. The election shall be conducted, canvassed, and certified in the same manner as regular elections for county offices in the county. Notice of the election shall be published in a newspaper of general circulation in the district once a week for four consecutive weeks prior to the election, stating the purpose, the time, and the place of the election. The form of the ballot cast at the election shall be as follows:

"Shall the annual income tax of ..... per cent, currently levied on the school district income of individuals and estates by ..... (state the name of the school district) for the purpose of ..... (state purpose of the tax), be repealed?

	For repeal of the income tax
	Against repeal of the income tax

"

(B)(1) If the tax is imposed on taxable income as defined in division (E)(1)(b) of section 5748.01 of the Revised Code, the form of the ballot shall be modified by stating that the tax currently is levied on the "earned income of individuals residing in the school district" in lieu of the "school district income of individuals and estates."

(2) If the rate of one or more property tax levies was reduced for the duration of the income tax levy pursuant to division (B)(2) of section 5748.02 of the Revised Code, the form of the ballot shall be modified by adding the following language immediately after "repealed": ", and shall the rate of an existing tax on property for the purpose of current expenses, which rate was reduced for the duration of the income tax, be INCREASED from ..... mills to ..... mills per one dollar of valuation beginning in ..... (state the first year for which the rate of the property tax will increase)." In lieu of "for repeal of the income tax" and "against repeal of the income tax," the phrases "for the issue" and "against the issue," respectively, shall be substituted.

(3) If the rate of more than one property tax was reduced for the duration of the income tax, the ballot language shall be modified accordingly to express the rates at which those taxes currently are levied and the rates to which the taxes would be increased.

(C) The question covered by the petition shall be submitted as a separate proposition, but it may be printed on the same ballot with any other proposition submitted at the same election other than the election of officers. If a majority of the qualified electors voting on the question vote in favor of it, the result shall be certified immediately after the canvass by the board of elections to the board of education of the school district and the tax commissioner, who shall thereupon, after the current year, cease to levy the tax, except that if notes have been issued pursuant to section 5748.05 of the Revised Code the tax commissioner shall continue to levy and collect under authority of the election authorizing the levy an annual amount, rounded upward to the nearest one-fourth of one per cent, as will be sufficient to pay the debt charges on the notes as they fall due.

(D) If a school district income tax repealed pursuant to this section was approved in conjunction with a reduction in the rate of one or more school district property taxes as provided in division (B)(2) of section 5748.02 of the Revised Code, then each such property tax may be levied after the current year at the rate at which it could be levied prior to the reduction, subject to any adjustments required by the county budget commission pursuant to Chapter 5705. of the Revised Code. Upon the repeal of a school district income tax under this section, the board of education may resume levying a property tax, the rate of which has been reduced pursuant to a question approved under section 5748.02 of the Revised Code, at the rate the board originally was authorized to levy the tax. A reduction in the rate of a property tax under section 5748.02 of the Revised Code is a reduction in the rate at which a board of education may levy that tax only for the period during which a school district income tax is levied prior to any repeal pursuant to this section. The resumption of the

authority to levy the tax upon such a repeal does not constitute a tax levied in excess of the one per cent limitation prescribed by Section 2 of Article XII, Ohio Constitution, or in excess of the ten-mill limitation.

(E) This section does not apply to school district income tax levies that are levied for five or fewer years.

Sec. 5748.08. (A) The board of education of a city, local, or exempted village school district, at any time by a vote of two-thirds of all its members, may declare by resolution that it may be necessary for the school district to do all of the following:

(1) Raise a specified amount of money for school district purposes by levying an annual tax on ~~the~~ school district income ~~of individuals and estates~~;

(2) Issue general obligation bonds for permanent improvements, stating in the resolution the necessity and purpose of the bond issue and the amount, approximate date, estimated rate of interest, and maximum number of years over which the principal of the bonds may be paid;

(3) Levy a tax outside the ten-mill limitation to pay debt charges on the bonds and any anticipatory securities;

(4) Submit the question of the school district income tax and bond issue to the electors of the district at a special election.

The resolution shall specify whether the income that is to be subject to the tax is taxable income of individuals and estates as defined in divisions (E)(1)(a) and (2) of section 5748.01 of the Revised Code or taxable income of individuals as defined in division (E)(1)(b) of that section.

On adoption of the resolution, the board shall certify a copy of it to the tax commissioner and the county auditor no later than ninety days prior to the date of the special election at which the board intends to propose the income tax and bond issue. Not later than ten days of receipt of the resolution, the tax commissioner, in the same manner as required by division (A) of section 5748.02 of the Revised Code, shall estimate the rates designated in division (A)(1) and (2) of that section and certify them to the board. Not later than ten days of receipt of the resolution, the county auditor shall estimate and certify to the board the average annual property tax rate required throughout the stated maturity of the bonds to pay debt charges on the bonds, in the same manner as under division (C) of section 133.18 of the Revised Code.

(B) On receipt of the tax commissioner's and county auditor's certifications prepared under division (A) of this section, the board of education of the city, local, or exempted village school district, by a vote of two-thirds of all its members, may adopt a resolution proposing for a specified number of years or for a continuing period of time the levy of an annual tax for school district purposes on ~~the~~ school district income ~~of individuals and of estates~~ and declaring that the amount of taxes that can be raised within the ten-mill limitation will be insufficient to provide an adequate amount for the present and

future requirements of the school district; that it is necessary to issue general obligation bonds of the school district for specified permanent improvements and to levy an additional tax in excess of the ten-mill limitation to pay the debt charges on the bonds and any anticipatory securities; and that the question of the bonds and taxes shall be submitted to the electors of the school district at a special election, which shall not be earlier than seventy-five days after certification of the resolution to the board of elections, and the date of which shall be consistent with section 3501.01 of the Revised Code. The resolution shall specify all of the following:

(1) The purpose for which the school district income tax is to be imposed and the rate of the tax, which shall be the rate set forth in the tax commissioner's certification rounded to the nearest one-fourth of one per cent;

(2) Whether the income that is to be subject to the tax is taxable income of individuals and estates as defined in divisions (E)(1)(a) and (2) of section 5748.01 of the Revised Code or taxable income of individuals as defined in division (E)(1)(b) of that section. The specification shall be the same as the specification in the resolution adopted and certified under division (A) of this section.

(3) The number of years the tax will be levied, or that it will be levied for a continuing period of time;

~~(3)~~(4) The date on which the tax shall take effect, which shall be the first day of January of any year following the year in which the question is submitted;

~~(4)~~(5) The county auditor's estimate of the average annual property tax rate required throughout the stated maturity of the bonds to pay debt charges on the bonds.

(C) A resolution adopted under division (B) of this section shall go into immediate effect upon its passage, and no publication of the resolution shall be necessary other than that provided for in the notice of election. Immediately after its adoption and at least seventy-five days prior to the election at which the question will appear on the ballot, the board of education shall certify a copy of the resolution, along with copies of the auditor's estimate and its resolution under division (A) of this section, to the board of elections of the proper county. The board of education shall make the arrangements for the submission of the question to the electors of the school district, and the election shall be conducted, canvassed, and certified in the same manner as regular elections in the district for the election of county officers.

The resolution shall be put before the electors as one ballot question, with a majority vote indicating approval of the school district income tax, the bond issue, and the levy to pay debt charges on the bonds and any anticipatory securities. The board of elections shall publish the notice of the election in one or more newspapers of general circulation in the school district once a week for four consecutive weeks. The notice of election shall state all of the following:

(1) The questions to be submitted to the electors;

(2) The rate of the school district income tax;

(3) The principal amount of the proposed bond issue;

(4) The permanent improvements for which the bonds are to be issued;

(5) The maximum number of years over which the principal of the bonds may be paid;

(6) The estimated additional average annual property tax rate to pay the debt charges on the bonds, as certified by the county auditor;

(7) The time and place of the special election.

(D) The form of the ballot on a question submitted to the electors under this section shall be as follows:

"Shall the ..... school district be authorized to do both of the following:

(1) Impose an annual income tax of ..... (state the proposed rate of tax) on the school district income of individuals and of estates, for ..... (state the number of years the tax would be levied, or that it would be levied for a continuing period of time), beginning ..... (state the date the tax would first take effect), for the purpose of ..... (state the purpose of the tax)?

(2) Issue bonds for the purpose of ..... in the principal amount of $....., to be repaid annually over a maximum period of ..... years, and levy a property tax outside the ten-mill limitation estimated by the county auditor to average over the bond repayment period ..... mills for each one dollar of tax valuation, which amounts to ..... (rate expressed in cents or dollars and cents, such as "36 cents" or "$1.41") for each $100 of tax valuation, to pay the annual debt charges on the bonds, and to pay debt charges on any notes issued in anticipation of those bonds?

	FOR THE INCOME TAX AND BOND ISSUE
	AGAINST THE INCOME TAX AND BOND ISSUE

"

(E) If the question submitted to electors proposes a school district income tax only on the taxable income of individuals as defined in division (E)(1)(b) of section 5748.01 of the Revised Code, the form of the ballot shall be modified by stating that the tax is to be levied on the "earned income of individuals residing in the school district" in lieu of the "school district income of individuals and of estates."

~~(E)~~(F) The board of elections promptly shall certify the results of the election to the tax commissioner and the county auditor of the county in which the school district is located. If a majority of the electors voting on the question vote in favor of it, the income tax and the applicable provisions of Chapter 5747. of the Revised Code shall take effect on the date specified in the resolution, and the board of education may proceed with issuance of the bonds and with the levy and collection of the property taxes to pay debt charges on the bonds, at the additional rate or any lesser rate in excess of the ten-mill limitation. Any

securities issued by the board of education under this section are Chapter 133. securities, as that term is defined in section 133.01 of the Revised Code.

~~(F)~~(G) After approval of a question under this section, the board of education may anticipate a fraction of the proceeds of the school district income tax in accordance with section 5748.05 of the Revised Code. Any anticipation notes under this division shall be issued as provided in section 133.24 of the Revised Code, shall have principal payments during each year after the year of their issuance over a period not to exceed five years, and may have a principal payment in the year of their issuance.

~~(G)~~(H) The question of repeal of a school district income tax levied for more than five years may be initiated and submitted in accordance with section 5748.04 of the Revised Code.

~~(H)~~(I) No board of education shall submit a question under this section to the electors of the school district more than twice in any calendar year. If a board submits the question twice in any calendar year, one of the elections on the question shall be held on the date of the general election."

In line 82061, after "5747.99," insert "5748.01, 5748.02, 5748.03, 5748.04, 5748.08,"

In line 98026, after "5747.99," insert "5748.01, 5748.02, 5748.03, 5748.04, 5748.08,"

In line 147 of the title, after "5747.99," insert "5748.01, 5748.02, 5748.03, 5748.04, 5748.08,"

In line 274, after "9.24," insert "9.981,"

In line 284, after "131.23," insert "133.08, 133.081,"

Between lines 1249 and 1250, insert:

"**Sec. 9.981.** (A) Sections 9.98 to 9.983 of the Revised Code are applicable to bonds:

(1) The payment of the debt service on which is to be provided for directly or indirectly by payments contracted to be made in the bond proceedings by the absolute obligors, being persons other than the issuer; and

(2) Which are authorized to be issued under sections 122.39 to 122.62, Chapter 165., 902., 3377., 3706., division (A)(4) of section 4582.06, division (A)(8) of section 4582.31, section 4582.48, or Chapter 6121. or 6123. of the Revised Code, notwithstanding other provisions therein.

(B) Sections 9.98 to 9.983 of the Revised Code are applicable to bonds issued under sections 306.37 and 6119.12 of the Revised Code and Chapters ~~133.,~~ 140., 152., 154., 175., and 349. of the Revised Code, and to any bonds authorized under laws which expressly make those sections applicable.

(C) Subject to division (A) of this section, the authority provided in sections 9.98 to 9.983 of the Revised Code is supplemental to and not in

derogation of any similar authority provided by, derived from, or implied by, any law, the Ohio Constitution, or any charter, resolution, or ordinance, and no inference shall be drawn to negate the authority thereunder by reason of the express provisions of sections 9.98 to 9.983 of the Revised Code.

(D) Sections 9.98 to 9.983 of the Revised Code shall be liberally construed to permit flexibility in the arrangements therein provided to enhance the issuance of such bonds and provide for terms most beneficial and satisfactory to the persons which undertake to provide for their payment, security, and liquidity."

Between lines 10511 and 10512, insert:

"**Sec. 133.08.** (A) In addition to any power to issue securities under other provisions of the Revised Code for the purposes, a county may issue revenue securities as authorized in this section.

(B) A county may issue revenue securities to fund or refund revenue securities previously issued, or for any purposes for which it could issue self-supporting securities and, without limitation, any of the following general purposes:

(1) For one or more established sewer districts, any of the purposes provided in divisions (C)(2)(a) and (b) of section 133.07 of the Revised Code;

(2) Hospital facilities as defined in division (E) of section 140.01 of the Revised Code;

(3) Facilities described in division (C)(10) of section 133.07 of the Revised Code;

(4) Off-street parking facilities pursuant to section 307.02 of the Revised Code.

(C) The county shall establish rates or charges for the use, availability, or rental of the facilities to which the financing relates, being the improvement, enterprise, system, project, or categories of improvements or the operation or function that the facilities serve, which rates or charges shall be designed to provide revenues to the county sufficient to pay the costs of all current expenses of the facilities payable by the county and to pay the debt charges on the securities and to establish and maintain any contractually required special funds relating to the securities or the facilities.

(D) Revenue securities issued under this section shall not be general obligations of the county. Revenue securities issued under this section shall be secured only by a pledge of and lien upon the revenues of the county, derived from its ownership or operation of the facilities, including those rates or charges or rents and any interest subsidies or debt charges, grants, or other payments by federal or state agencies available therefor, and the covenants of the county to maintain sufficient rentals, rates, and charges to produce revenues sufficient to pay all current expenses of the facilities payable by the county and to pay the

debt charges on the securities and to establish and maintain any contractually required special funds relating to the securities or the facilities, and, if the securities are anticipatory securities, to issue the revenue securities in anticipation of the issuance of which the revenue securities are issued. Revenue securities may also be secured by a pledge of and lien on the proceeds of any securities issued to fund or refund those revenue securities.

(E) The county officers authorized by the county taxing authority shall execute the necessary documents, including but not limited to trust agreements and leases, to provide for the pledge, protection, and disposition of the pledged revenues from which debt charges and any special fund deposits are to be paid.

(F) As long as any of these revenue securities, in either original or refunded form, remain outstanding, except as otherwise provided in those documents, all parts of the facilities the revenues from which are pledged, shall remain under the control of the county taxing authority, whether any parts of the facilities are leased to or operated by others or are in or thereafter come within the boundaries of any municipal corporation, and the facilities shall remain subject to the power and duty of the taxing authority to fix and collect rates or charges or rents for the use of facilities.

(G) The authority to issue securities of the county under this section for permanent improvements described in division (B)(2) of this section or division (C)(2)(d) of section 133.07 of the Revised Code may separately and independently be exercised by a board of county hospital trustees established under section 339.02 of the Revised Code for those permanent improvements and related operations under the control of that board.

(H) Sections 9.98 to 9.983 of the Revised Code apply to securities issued under this section, notwithstanding any other provision in this chapter.

Sec. 133.081. (A) As used in this section:

(1) "Anticipation notes" means notes issued in anticipation of the sales tax supported bonds authorized by this section;

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

(3) "County sales tax" means any sales tax levied by the taxing authority of a county pursuant to section 5739.021 or 5739.026 of the Revised Code, and any tax levied by that taxing authority upon storage, use, or consumption under section 5741.021 or 5741.023 of the Revised Code. However, "county sales tax" does not include a sales tax subject to referendum or a sales tax that was adopted as an emergency measure and is subject to initiative petition under section 5739.022 of the Revised Code.

(4) "Sales tax supported bonds" means the sales tax supported bonds

authorized by this section, including anticipation notes;

(5) "Refunding bonds" means sales tax supported bonds issued to provide for the refunding of the sales tax supported bonds referred to in this section as refunded obligations.

(B) The taxing authority of a county which has levied a county sales tax for the purpose of providing additional general revenues of the county pursuant to Chapter 5739. of the Revised Code may anticipate the receipts of such tax and issue sales tax supported bonds of the county in the principal amount necessary to pay the costs of financing any permanent improvement as defined in division (CC) of section 133.01 of the Revised Code, or to refund any refunded obligations, provided that the taxing authority certifies that the annual debt charges on the sales tax supported bonds, or on the sales tax supported bonds being anticipated by anticipation notes, do not exceed the estimated annual county sales tax. The maximum aggregate amount of sales tax supported bonds that may be outstanding at any time in accordance with their terms shall not exceed an amount which requires or is estimated to require payments from sales tax receipts of debt charges on the sales tax supported bonds, or, in the case of anticipation notes, projected debt charges on the sales tax supported bonds anticipated, in any calendar year in an amount exceeding the county sales tax in anticipation of which the bonds or anticipation notes are issued as estimated by the fiscal officer based on general sales tax receipts averaged for the prior two calendar years prior to the year in which the sales tax supported bonds are issued, and annualized for any increase in the county sales tax which may have been levied in part during such period or levied after such period. A taxing authority may at any time issue renewal anticipation notes, issue sales tax supported bonds to pay renewal anticipation notes, and, if it considers refunding expedient, issue refunding sales tax supported bonds whether the refunded obligations have or have not matured. The refunding sales tax supported bonds shall be sold and the proceeds needed for such purpose applied in the manner provided in the authorizing proceedings of the taxing authority. The maximum maturity of sales tax supported bonds shall be calculated by the fiscal officer in accordance with section 133.20 of the Revised Code, and such calculation shall be filed with the taxing authority of the county prior to passage of a bond authorizing resolution. If the county sales tax pledged to the payment of the sales tax supported bonds has a stated expiration date, the final principal maturity date of the sales tax supported bonds shall not extend beyond the final year of collection of the county sales tax pledged to the payment of the sales tax supported bonds.

(C) Every issue of sales tax supported bonds outstanding in accordance with their terms shall be payable out of the sales tax receipts received by the county or proceeds of sales tax supported bonds, renewal anticipation notes, or refunding sales tax supported bonds which may be pledged for such payment in the authorizing proceedings. The pledge shall be valid and binding from the time the pledge is made, and the county sales tax receipts and proceeds so pledged and thereafter received by the county shall immediately be subject to the lien of

that pledge without any physical delivery of the county sales tax receipts or proceeds or further act. The lien of any pledge is valid and binding as against all parties having claims of any kind in tort, contract, or otherwise against the county, whether or not such parties have notice of the lien. Neither the resolution nor any trust agreement by which a pledge is created or further evidenced need be filed or recorded except in the records of the taxing authority.

(D) Sales tax supported bonds issued under this section do not constitute a debt, or a pledge of the faith and credit, of the state, the county, or any other political subdivision of the state, and the holders or owners of the notes have no right to have taxes levied by the general assembly or by the taxing authority of any political subdivision of the state, including the taxing authority of the county, for the payment of debt charges. Unless paid from other sources, sales tax supported bonds are payable from the sales tax receipts pledged for their payment as authorized by this section. All sales tax supported bonds shall contain on their face a statement to the effect that the sales tax supported bonds, as to debt charges, are not debts or obligations of the state and are not debts of any political subdivision of the state, but, unless paid from other sources, are payable from the sales tax receipts pledged for their payment. The utilization and pledge of the sales tax receipts and proceeds of sales tax supported bonds, renewal anticipation notes, or refunding sales tax supported bonds for the payment of debt charges is determined by the general assembly to create a special obligation which is not a bonded indebtedness subject to Section 11 of Article XII, Ohio Constitution.

(E) The sales tax supported bonds shall bear such date or dates, shall be executed in the manner, and shall mature at such time or times, in the case of any anticipation notes not exceeding ten years from the date of issue of the original anticipation notes and in the case of any sales tax supported bonds or of any refunding sales tax supported bonds, not exceeding the maximum maturity certified to the taxing authority pursuant to division (B) of this section, all as the authorizing proceedings may provide. The sales tax supported bonds shall bear interest at such rates, or at variable rate or rates changing from time to time, in accordance with provisions in the authorizing proceedings, be in such denominations and form, either coupon or registered, carry such registration privileges, be payable in such medium of payment and at such place or places, and be subject to such terms of redemption, as the taxing authority may authorize or provide. The sales tax supported bonds may be sold at public or private sale, and at, or at not less than, the price or prices as the taxing authority determines. If any officer whose signature or a facsimile of whose signature appears on any sales tax supported bonds or coupons ceases to be such officer before delivery of the sales tax supported bonds or anticipation notes, the signature or facsimile shall nevertheless be sufficient for all purposes as if that officer had remained in office until delivery of the sales tax supported bonds. Whether or not the sales tax supported bonds are of such form and character as to be negotiable instruments under Title XIII of the Revised Code, the sales tax supported bonds shall have all the qualities and incidents of negotiable

instruments, subject only to any provisions for registration. Neither the members of the board of the taxing authority nor any person executing the sales tax supported bonds shall be liable personally on the sales tax supported bonds or be subject to any personal liability or accountability by reason of their issuance.

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

(G) Any authorized proceedings may contain provisions, subject to any agreements with holders as may then exist, which shall be a part of the contract with the holders, as to the pledging of any or all of the county's anticipated sales tax receipts to secure the payment of the sales tax supported bonds; the use and disposition of the sales tax receipts of the county; the crediting of the proceeds of the sale of sales tax supported bonds to and among the funds referred to or provided for in the authorizing proceedings; limitations on the purpose to which the proceeds of the sales tax supported bonds may be applied and the pledging of portions of such proceeds to secure the payment of the sales tax supported bonds or of anticipation notes; the agreement of the county to do all things necessary for the authorization, issuance, and sale of those notes anticipated in such amounts as may be necessary for the timely payment of debt charges on any anticipation notes; limitations on the issuance of additional sales tax supported bonds; the terms upon which additional sales tax supported bonds may be issued and secured; the refunding of refunded obligations; the procedure by which the terms of any contract with holders may be amended, and the manner in which any required consent to amend may be given; securing any sales tax supported bonds by a trust agreement or other agreement; and any other matters, of like or different character, that in any way affect the security or protection of the sales tax supported bonds or anticipation notes.

(H) The taxing authority of a county may not repeal, rescind, or reduce any portion of a county sales tax pledged to the payment of debt charges on sales tax supported bonds issued by the county while such sales tax supported bonds remain outstanding, and no portion of a county sales tax pledged to the payment of debt charges on sales tax supported bonds shall be subject to repeal or reduction by the electorate of the county or by the taxing authority of the county while such sales tax supported bonds are outstanding."

In line 81954, after "9.24," insert "9.981,"

In line 81965, after "131.23," insert "133.08, 133.081,"

In line 97987, after "Sections" insert "9.981,"; after "125.05," insert "133.08, 133.081,"

In line 1 of the title, after "9.24," insert "9.981,"

In line 15 of the title, after "131.23," insert "133.08, 133.081,"

In line 23557, after "(A)" insert ""Chartered nonpublic school" means a nonpublic school that holds a valid charter issued by the state board of education under section 3301.16 of the Revised Code and meets the standards established for such schools in rules adopted by the state board.

(B)"

In line 23559, delete "(B)" and insert "(C)"

In line 23561, delete "(C)" and insert "(D)"

In line 23564, delete "(D)" and insert "(E)"

Delete lines 88634 through 88690

Between lines 89005 and 89006, insert:

"**Section ____.** FISCAL YEAR 2006 AND FISCAL YEAR 2007 MEDICAID REIMBURSEMENT SYSTEM FOR ICFs/MR

(A) As used in this section:

"2003 cost report" means a complete and adequate Medicaid cost report covering calendar year 2003 filed with the Department of Job and Family Services under section 5111.26 of the Revised Code.

"Intermediate care facility for the mentally retarded" has the same meaning as in section 5111.20 of the Revised Code.

"ICF/MR services" means intermediate care facility for the mentally retarded services covered by the Medicaid program that an intermediate care facility for the mentally retarded provides to a resident of the facility who is a Medicaid recipient eligible for Medicaid-covered intermediate care facility for the mentally retarded services.

(B) Except as provided in division (C) of this section, an intermediate care facility for the mentally retarded that has a valid Medicaid provider agreement on June 30, 2005, and a valid Medicaid provider agreement for fiscal years 2006 and 2007 shall be paid, for ICF/MR services the facility provides during fiscal years 2006 and 2007, the per diem rate the facility is paid for providing ICF/MR services on June 30, 2005.

(C) If an intermediate care facility for the mentally retarded undergoes a change of provider during fiscal year 2006 or 2007, the facility shall be paid, for ICF/MR services the facility provides during the period beginning on the effective date of the change of provider and ending June 30, 2007, the per diem rate paid to the previous provider for ICF/MR services that the previous provider provided on the day immediately before the effective date of the change of provider.

(D) If, during fiscal year 2006 or 2007, an intermediate care facility for the mentally retarded obtains certification as an intermediate care facility for the

mentally retarded from the Director of Health and begins participation in the Medicaid program, the facility shall be paid, for ICF/MR services the facility provides during the period beginning on the date the facility begins participation in the Medicaid program and ending June 30, 2007, a per diem rate that is the median of all per diem rates paid to intermediate care facilities for the mentally retarded on July 1, 2005.

(E) If, during fiscal year 2006 or 2007, one or more Medicaid certified beds are added to an intermediate care facility for the mentally retarded with a valid Medicaid provider agreement for the time that the beds are added, the facility shall be paid a per diem rate for the new beds that is the same as the facility's per diem rate for the Medicaid certified beds that are in the facility on the day before the new beds are added.

(F) An adjustment necessitated by an audit of an intermediate care facility for the mentally retarded's 2003 cost report may be applied to a per diem rate established under this section for the facility.

(G) The Department of Job and Family Services shall follow this section in determining the per diem rate to be paid an intermediate care facility for the mentally retarded under the Medicaid program for ICF/MR services provided during fiscal years 2006 and 2007 notwithstanding anything to the contrary in sections 5111.20 to 5111.33 of the Revised Code."

In line 89017, delete "under Section 206.66.28 of this act"

In line 89018, after "2007" insert "under the section of this act entitled "FISCAL YEAR 2006 AND FISCAL YEAR 2007 MEDICAID REIMBURSEMENT SYSTEM FOR ICFs/MR""

In line 33979, reinsert everything after "(D)"

Reinsert lines 33980 and 33981

In line 33982, reinsert "(E)"

In line 33986, reinsert "(F)"; delete "(E)"

In line 33990, reinsert "(G)"

In line 33995, delete "(F)"

In line 33998, delete "(G)" and insert "(H)"

In line 34006, delete "equal"

In line 34009, after the underlined period insert "The commission also shall administer programs to provide financial and other assistance to school districts and other educational institutions for the acquisition and utilization of educational technology."

In line 34013, delete "eleven" and insert "thirteen"; delete "seven" and insert "nine"

In line 34014, delete "Four" and insert "Six"

In line 34015, delete everything after "public"

In line 34016, delete everything before "shall" and insert ". Of the representatives of the public, four"

In line 34017, after "senate" insert ", one shall be appointed by the speaker of the house of representatives, and one shall be appointed by the president of the senate"

In line 34033, after the underlined period insert "Terms of office for voting members appointed by the speaker of the house of representatives and the president of the senate shall be for four years."

In line 34034, delete "appointed by the governor" and insert "who is a representative of the public"; after "reappointed" insert "by the member's respective appointing authority"

In line 34035, delete "Members"

In line 34036, delete "appointed by the governor" and insert "Such a member"; delete the second "governor" and insert "member's respective appointing authority"

In line 34038, after "Any" insert "legislative"

In line 34046, delete "by"

In line 34047, delete "the governor"

In line 34049, delete "member"

In line 34050, delete "by the governor" and insert "member"

In line 34055, delete "appointed by the governor" and insert "who are representatives of the public"

In line 34060, delete "representatives of the public" and insert "commission's voting members"

In line 34081, delete "equal"

In line 34085, after the second "and" insert ", if approved by the commission,"

In line 34104, after "~~(A)~~" insert "(1) Make grants to institutions and other organizations as prescribed by the general assembly for the provision of technical assistance, professional development, and other support services to enable school districts, community schools established under Chapter 3314. of the Revised Code, other educational institutions, and affiliates to utilize educational technology;

(2) Establish a reporting system for school districts, community schools, other educational institutions, affiliates, and educational technology

organizations that receive financial assistance from the commission. The system may require the reporting of information regarding the manner in which the assistance was expended, the manner in which the equipment or services purchased with the assistance is being utilized, the results or outcome of the utilization, the manner in which the utilization is compatible with the statewide academic standards adopted by the state board of education pursuant to section 3301.079 of the Revised Code, and any other information determined by the commission.

(3) Ensure that, where appropriate, products produced by any entity to which the commission provides financial assistance for use in elementary and secondary education are aligned with the statewide academic standards adopted by the state board pursuant to section 3301.079 of the Revised Code;

(4) Promote accessibility to educational products aligned with the statewide academic standards, adopted by the state board pursuant to section 3301.079 of the Revised Code, for school districts, community schools, and other entities serving grades kindergarten through twelve;

(5)"; reinsert "Own"; after the first "~~and~~" insert "or"; reinsert "operate transmission facilities and"; delete "(1) Make"

Delete lines 34105 through 34132

In line 34133, delete "(5) Operate"

In line 34134, reinsert "transmission facilities and"

In line 34137, reinsert "used"; after the reinserted "used" insert "by the commission"; reinsert the balance of the line

In line 34138, reinsert everything before "operated"; delete "operated"; strike through "by the commission"

In line 34139, after "~~(C)~~" insert "(7)"; reinsert the balance of the line

Reinsert line 34140

In line 34141, reinsert "services for the"

In line 34144, after the second "~~tapes~~" insert "operation of the interconnection"; reinsert the semicolon

In line 34145, delete "(7)" and insert "(8)"

In line 34151, delete "(8)" and insert "(9)"

In line 34159, delete "(9)" and insert "(10)"

In line 34164, delete "(10)" and insert "(11)"

In line 34169, delete "(11)" and insert "(12)"

In line 34173, delete "(12)" and insert "(13)"

In line 34177, delete "(13)" and insert "(14)"

In line 87656, after "Education" insert "and for teleconferences to support eTech Ohio"

In line 87711, delete the first "public" and insert "educational"

In line 87728, delete "centers" and insert "agencies"

In line 87731, after "technologies" insert ", with a preference given to a high speed integrated information network that can transport video, voice, data, and graphics simultaneously"

In line 95252, delete everything after the period

Delete lines 95253 through 95255

In line 95360, delete "Not later than" and insert "On"; after the second comma insert "or as soon as possible thereafter,"; after "the" insert "Speaker of the House of Representatives, the President of the Senate, and the"

In line 95362, delete everything after "Commission"

In line 95363, delete everything before "as"

In line 95364, after the period insert:

"On July 1, 2005, or as soon as possible thereafter, the Governor shall appoint a chairperson of the Commission as required by section 3353.02 of the Revised Code."

In line 95372, delete "not later than" and insert "on"; after "2005" insert ", or as soon as possible thereafter"

Between lines 95379 and 95380, insert:

"(C) Notwithstanding any provision of law to the contrary, the Director of Budget and Management, or the Director's designee, may do both of the following:

(1) Exercise any authority provided by law to the eTech Ohio Commission until Commission members hold their first meeting following their appointment under this section;

(2) Exercise any authority provided by law to the executive director of the Commission, or delegated to the Director of Budget and Management, or the Director's designee, by the Commission, until an interim executive director of the Commission is appointed under this section."

In line 55291, delete "to be followed"

In line 55292, delete "by" and insert "that"; after "services" insert "may consider"

In line 55297, delete "aging."

In line 55300, delete "for managed care contracts"

In line 55314, after "recommendations" delete the balance of the line

In line 55315, delete "services for creating" and insert "that the department may consider when developing and implementing"

In line 55317, after "through" insert "managed"; delete "management"

In line 55546, after the underlined period delete the balance of the line

In line 55547, delete "recommendations" and insert "In developing and implementing the program, the department may take into consideration the recommendations regarding the program"

In line 356, delete "5111.911,"

Delete lines 60404 through 60423

In line 82037, delete "5111.911,"

Delete lines 90051 through 90075 and insert:

"**Section 206.67.18.** COMMUNITY BEHAVIORAL HEALTH MEDICAID BUSINESS PLAN

(A) As used in this section, "State of Ohio Community Behavioral Health Medicaid Business Plan" means the plan of that title finalized in August 2004, by the Departments of Job and Family Services, Mental Health, and Alcohol and Drug Addiction Services and the Ohio Association of Behavioral Health Authorities.

(B) As soon as practicable, the Departments of Job and Family Services, Mental Health, and Alcohol and Drug Addiction Services, in conjunction with behavioral health providers and boards of alcohol, drug addiction, and mental health services, shall specify procedures that are consistent with federal law for implementation of the State of Ohio Community Behavioral Health Medicaid Business Plan. If it is determined that any portion of the Plan does not comply with federal law, the Departments, in conjunction with the providers and boards, shall specify procedures to work toward implementation of that portion of the Plan.

A report on the progress being made in implementing the Plan shall be submitted to the Speaker of the House of Representatives and the President of the Senate not later than the first day of March and first day of October of each year until all components of the Plan have been fully implemented."

In line 114 of the title, delete "5111.911,"

In line 274, after "102.06," insert "105.41,"

In line 402, delete "122.73," and insert "122.173,"

In line 582, delete "transferred" and insert "disbursed"

Delete lines 2743 through 2825 and insert:

"**Sec. 109.79.** (A) The Ohio peace officer training commission shall establish and conduct a training school for law enforcement officers of any political subdivision of the state or of the state public defender's office. The school shall be known as the Ohio peace officer training academy. No bailiff or deputy bailiff of a court of record of this state and no criminal investigator employed by the state public defender shall be permitted to attend the academy for training unless the employing court of the bailiff or deputy bailiff or the state public defender, whichever is applicable, has authorized the bailiff, deputy bailiff, or investigator to attend the academy.

The Ohio peace officer training commission shall develop the training program, which shall include courses in both the civil and criminal functions of law enforcement officers, a course in crisis intervention with six or more hours of training, and training in the handling of missing children and child abuse and neglect cases, and shall establish rules governing qualifications for admission to the academy. The commission may require competitive examinations to determine fitness of prospective trainees, so long as the examinations or other criteria for admission to the academy are consistent with the provisions of Chapter 124. of the Revised Code.

The Ohio peace officer training commission shall determine tuition costs which shall be sufficient in the aggregate to pay the costs of operating the academy. The costs of acquiring and equipping the academy shall be paid from appropriations made by the general assembly to the Ohio peace officer training commission for that purpose, ~~or~~ from gifts or grants received for that purpose, or from fees for goods related to the academy.

The law enforcement officers, during the period of their training, shall receive compensation as determined by the political subdivision that sponsors them or, if the officer is a criminal investigator employed by the state public defender, as determined by the state public defender. The political subdivision may pay the tuition costs of the law enforcement officers they sponsor and the state public defender may pay the tuition costs of criminal investigators of that office who attend the academy.

If trainee vacancies exist, the academy may train and issue certificates of satisfactory completion to peace officers who are employed by a campus police department pursuant to section 1713.50 of the Revised Code, by a qualified nonprofit corporation police department pursuant to section 1702.80 of the Revised Code, or by a railroad company, who are amusement park police officers appointed and commissioned by a judge of the appropriate municipal court or county court pursuant to section 4973.17 of the Revised Code, or who are hospital police officers appointed and commissioned by the governor pursuant to sections 4973.17 to 4973.22 of the Revised Code, provided that no such officer shall be trained at the academy unless the officer meets the qualifications established for admission to the academy and the qualified nonprofit corporation police department, railroad company, hospital, or amusement park or the private college or university that established the campus

police department prepays the entire cost of the training. A qualified nonprofit corporation police department, railroad company, hospital, or amusement park or a private college or university that has established a campus police department is not entitled to reimbursement from the state for any amount paid for the cost of training the railroad company's peace officers or the peace officers of the qualified nonprofit corporation police department, campus police department, hospital, or amusement park.

The academy shall permit investigators employed by the state medical board to take selected courses that the board determines are consistent with its responsibilities for initial and continuing training of investigators as required under sections 4730.26 and 4731.05 of the Revised Code. The board shall pay the entire cost of training that investigators receive at the academy.

(B) As used in this section:

(1) "Law enforcement officers" include any undercover drug agent, any bailiff or deputy bailiff of a court of record, and any criminal investigator who is employed by the state public defender.

(2) "Undercover drug agent" means any person who:

(a) Is employed by a county, township, or municipal corporation for the purposes set forth in division (B)(2)(b) of this section but who is not an employee of a county sheriff's department, of a township constable, or of the police department of a municipal corporation or township;

(b) In the course of the person's employment by a county, township, or municipal corporation, investigates and gathers information pertaining to persons who are suspected of violating Chapter 2925. or 3719. of the Revised Code, and generally does not wear a uniform in the performance of the person's duties.

(3) "Crisis intervention training" has the same meaning as in section 109.71 of the Revised Code.

(4) "Missing children" has the same meaning as in section 2901.30 of the Revised Code."

Move lines 9321 through 9331 to between lines 9097 and 9098

In line 20175, delete "clini2305.2341cs" and insert "clinics"

In line 44555, delete the underlined semicolon

Delete lines 44556 through 44563

In line 44564, delete "Revised Code"

Between lines 44564 and 44565, insert:

"(2) A third-party payer for coverage provided under the medicaid program operated under Title XIX of the Social Security Act, except that if a federal waiver applied for under section 5101.94 of the Revised Code is granted or the director of job and family services determines that this provision can be

implemented without a waiver, sections 3901.38 and 3901.381 to 3901.3813 of the Revised Code apply to coverage of medicaid recipients by health insuring corporations licensed under Chapter 1751. of the Revised Code."

Delete lines 47377 through 47467 and insert:

"**Sec. 4503.103.** (A)(1)(a)(i) The registrar of motor vehicles may adopt rules to permit any person or lessee, other than a person receiving an apportioned license plate under the international registration plan, who owns or leases one or more motor vehicles to file a written application for registration for no more than five succeeding registration years. The rules adopted by the registrar may designate the classes of motor vehicles that are eligible for such registration. At the time of application, all annual taxes and fees shall be paid for each year for which the person is registering.

(ii) The registrar shall adopt rules to permit any person or lessee who owns or leases two or more trailers or semitrailers that are subject to the tax rates prescribed in section 4503.042 of the Revised Code for such trailers or semitrailers to file a written application for registration for not more than five succeeding registration years. At the time of application, all annual taxes and fees shall be paid for each year for which the person is registering.

(b)(i) Except as provided in division (A)(1)(b)(ii) of this section, the registrar shall adopt rules to permit any person who owns a motor vehicle to file an application for registration for the next two succeeding registration years. At the time of application, the person shall pay the annual taxes and fees for each registration year, calculated in accordance with division (C) of section 4503.11 of the Revised Code. A person who is registering a vehicle under division (A)(1)(b) of this section shall pay for each year of registration the additional fee established under division (C)(1) of section 4503.10 of the Revised Code. The person shall also pay one and one-half times the amount of the deputy registrar service fee specified in division (D) of section 4503.10 of the Revised Code or the bureau of motor vehicles service fee specified in division (G) of that section, as applicable.

(ii) Division (A)(1)(b)(i) of this section does not apply to a person receiving an apportioned license plate under the international registration plan, or the owner of a commercial car used solely in intrastate commerce, or the owner of a bus as defined in section 4513.50 of the Revised Code.

(2) No person applying for a multi-year registration under division (A)(1) of this section is entitled to a refund of any taxes or fees paid.

(3) The registrar shall not issue to any applicant who has been issued a final, nonappealable order under division (B) of this section a multi-year registration or renewal thereof under this division or rules adopted under it for any motor vehicle that is required to be inspected under section 3704.14 of the Revised Code the district of registration of which, as determined under section 4503.10 of the Revised Code, is or is located in the county named in the order.

(B) Upon receipt from the director of environmental protection of a

notice issued under ~~division (J) of~~rules adopted under section 3704.14 of the Revised Code indicating that an owner of a motor vehicle that is required to be inspected under that section who obtained a multi-year registration for the vehicle under division (A) of this section or rules adopted under that division has not obtained ~~an~~a required inspection certificate for the vehicle ~~in accordance with that section in a year intervening between the years of issuance and expiration of the multi-year registration in which the owner is required to have the vehicle inspected and obtain an inspection certificate for it under division (F)(1)(a) of that section~~, the registrar in accordance with Chapter 119. of the Revised Code shall issue an order to the owner impounding the certificate of registration and identification license plates for the vehicle. The order also shall prohibit the owner from obtaining or renewing a multi-year registration for any vehicle that is required to be inspected under that section, the district of registration of which is or is located in the same county as the county named in the order during the number of years after expiration of the current multi-year registration that equals the number of years for which the current multi-year registration was issued.

An order issued under this division shall require the owner to surrender to the registrar the certificate of registration and license plates for the vehicle named in the order within five days after its issuance. If the owner fails to do so within that time, the registrar shall certify that fact to the county sheriff or local police officials who shall recover the certificate of registration and license plates for the vehicle.

(C) Upon the occurrence of either of the following circumstances, the registrar in accordance with Chapter 119. of the Revised Code shall issue to the owner a modified order rescinding the provisions of the order issued under division (B) of this section impounding the certificate of registration and license plates for the vehicle named in that original order:

(1) Receipt from the director of environmental protection of a subsequent notice under ~~division (J) of~~rules adopted undersection 3704.14 of the Revised Code that the owner has obtained the inspection certificate for the vehicle as required under ~~division (F)(1)(a) of that section~~those rules;

(2) Presentation to the registrar by the owner of the required inspection certificate for the vehicle.

(D) The owner of a motor vehicle for which the certificate of registration and license plates have been impounded pursuant to an order issued under division (B) of this section, upon issuance of a modified order under division (C) of this section, may apply to the registrar for their return. A fee of two dollars and fifty cents shall be charged for the return of the certificate of registration and license plates for each vehicle named in the application."

Delete lines 51341 through 51389 and insert:

"**Sec. 4973.171.** (A) As used in this section, "felony" has the same meaning as in section 109.511 of the Revised Code.

(B)(1) The ~~governor~~secretary of state shall not appoint or commission a person as a police officer for a railroad company under division (B) of section 4973.17 of the Revised Code and shall not appoint or commission a person as a police officer for a hospital under division (D) of section 4973.17 of the Revised Code on a permanent basis, on a temporary basis, for a probationary term, or on other than a permanent basis if the person previously has been convicted of or has pleaded guilty to a felony.

(2)(a) The ~~governor~~secretary of state shall revoke the appointment or commission of a person appointed or commissioned as a police officer for a railroad company or as a police officer for a hospital under division (B) or (D) of section 4973.17 of the Revised Code if that person does either of the following:

(i) Pleads guilty to a felony;

(ii) Pleads guilty to a misdemeanor pursuant to a negotiated plea agreement as provided in division (D) of section 2929.43 of the Revised Code in which the person agrees to surrender the certificate awarded to that person under section 109.77 of the Revised Code.

(b) The ~~governor~~secretary of state shall suspend the appointment or commission of a person appointed or commissioned as a police officer for a railroad company or as a police officer for a hospital under division (B) or (D) of section 4973.17 of the Revised Code if that person is convicted, after trial, of a felony. If the person files an appeal from that conviction and the conviction is upheld by the highest court to which the appeal is taken or if the person does not file a timely appeal, the ~~governor~~secretary of state shall revoke the appointment or commission of that person as a police officer for a railroad company or as a police officer for a hospital. If the person files an appeal that results in that person's acquittal of the felony or conviction of a misdemeanor, or in the dismissal of the felony charge against that person, the ~~governor~~secretary of state shall reinstate the appointment or commission of that person as a police officer for a railroad company or as a police officer for a hospital. A person whose appointment or commission is reinstated under division (B)(2)(b) of this section shall not receive any back pay unless that person's conviction of the felony was reversed on appeal, or the felony charge was dismissed, because the court found insufficient evidence to convict the person of the felony.

(3) Division (B) of this section does not apply regarding an offense that was committed prior to January 1, 1997.

(4) The suspension or revocation of the appointment or commission of a person as a police officer for a railroad company or as a police officer for a hospital under division (B)(2) of this section shall be in accordance with Chapter 119. of the Revised Code.

(C)(1) A judge of a municipal court or county court that has territorial jurisdiction over an amusement park shall not appoint or commission a person as a police officer for the amusement park under division (E) of section 4973.17 of the Revised Code on a permanent basis, on a temporary basis, for a probationary

term, or on other than a permanent basis if the person previously has been convicted of or has pleaded guilty to a felony.

(2) The judge shall revoke the appointment or commission of a person appointed or commissioned as a police officer for an amusement park under division (E) of section 4973.17 of the Revised Code if that person does either of the following:

(a) Pleads guilty to a felony;

(b) Pleads guilty to a misdemeanor pursuant to a negotiated plea agreement as provided in division (D) of section 2929.43 of the Revised Code in which the person agrees to surrender the certificate awarded to that person under section 109.77 of the Revised Code.

(3) The judge shall suspend the appointment or commission of a person appointed or commissioned as a police officer for an amusement park under division (E) of section 4973.17 of the Revised Code if that person is convicted, after trial, of a felony. If the person files an appeal from that conviction and that conviction is upheld by the highest court to which the appeal is taken or if the person does not file a timely appeal, the judge shall revoke the appointment or commission of that person as a police officer for an amusement park. If the person files an appeal that results in that person's acquittal of the felony or conviction of a misdemeanor or in the dismissal of the felony charge against that person, the judge shall reinstate the appointment or commission of that person as a police officer for an amusement park. A person whose appointment or commission is reinstated under division (C)(3) of this section shall not receive any back pay unless that person's conviction of the felony was reversed on appeal, or the felony charge was dismissed, because the court found insufficient evidence to convict the person of a felony.

(4) Division (C) of this section does not apply regarding an offense that was committed prior to January 1, 1997.

(5) The suspension or revocation of the appointment or commission of a person as a police officer for an amusement park under division (C)(2) of this section shall be in accordance with Chapter 119. of the Revised Code."

Delete lines 63361 through 63611 and insert:

"**Sec. 5126.01.** As used in this chapter:

(A) As used in this division, "adult" means an individual who is eighteen years of age or over and not enrolled in a program or service under Chapter 3323. of the Revised Code and an individual sixteen or seventeen years of age who is eligible for adult services under rules adopted by the director of mental retardation and developmental disabilities pursuant to Chapter 119. of the Revised Code.

(1) "Adult services" means services provided to an adult outside the home, except when they are provided within the home according to an

individual's assessed needs and identified in an individual service plan, that support learning and assistance in the area of self-care, sensory and motor development, socialization, daily living skills, communication, community living, social skills, or vocational skills.

(2) "Adult services" includes all of the following:

(a) Adult day habilitation services;

(b) Adult day care;

(c) Prevocational services;

(d) Sheltered employment;

(e) Educational experiences and training obtained through entities and activities that are not expressly intended for individuals with mental retardation and developmental disabilities, including trade schools, vocational or technical schools, adult education, job exploration and sampling, unpaid work experience in the community, volunteer activities, and spectator sports;

(f) Community employment services and supported employment services.

(B)(1) "Adult day habilitation services" means adult services that do the following:

(a) Provide access to and participation in typical activities and functions of community life that are desired and chosen by the general population, including such activities and functions as opportunities to experience and participate in community exploration, companionship with friends and peers, leisure activities, hobbies, maintaining family contacts, community events, and activities where individuals without disabilities are involved;

(b) Provide supports or a combination of training and supports that afford an individual a wide variety of opportunities to facilitate and build relationships and social supports in the community.

(2) "Adult day habilitation services" includes all of the following:

(a) Personal care services needed to ensure an individual's ability to experience and participate in vocational services, educational services, community activities, and any other adult day habilitation services;

(b) Skilled services provided while receiving adult day habilitation services, including such skilled services as behavior management intervention, occupational therapy, speech and language therapy, physical therapy, and nursing services;

(c) Training and education in self-determination designed to help the individual do one or more of the following: develop self-advocacy skills, exercise the individual's civil rights, acquire skills that enable the individual to exercise control and responsibility over the services received, and acquire skills

that enable the individual to become more independent, integrated, or productive in the community;

(d) Recreational and leisure activities identified in the individual's service plan as therapeutic in nature or assistive in developing or maintaining social supports;

(e) Counseling and assistance provided to obtain housing, including such counseling as identifying options for either rental or purchase, identifying financial resources, assessing needs for environmental modifications, locating housing, and planning for ongoing management and maintenance of the housing selected;

(f) Transportation necessary to access adult day habilitation services;

(g) Habilitation management, as described in section 5126.14 of the Revised Code.

(3) "Adult day habilitation services" does not include activities that are components of the provision of residential services, family support services, or supported living services.

(C) "Appointing authority" means the following:

(1) In the case of a member of a county board of mental retardation and developmental disabilities appointed by, or to be appointed by, a board of county commissioners, the board of county commissioners;

(2) In the case of a member of a county board appointed by, or to be appointed by, a senior probate judge, the senior probate judge.

(D) "Community employment services" or "supported employment services" means job training and other services related to employment outside a sheltered workshop. "Community employment services" or "supported employment services" include all of the following:

(1) Job training resulting in the attainment of competitive work, supported work in a typical work environment, or self-employment;

(2) Supervised work experience through an employer paid to provide the supervised work experience;

(3) Ongoing work in a competitive work environment at a wage commensurate with workers without disabilities;

(4) Ongoing supervision by an employer paid to provide the supervision.

(E) As used in this division, "substantial functional limitation," "developmental delay," and "established risk" have the meanings established pursuant to section 5123.011 of the Revised Code.

"Developmental disability" means a severe, chronic disability that is characterized by all of the following:

(1) It is attributable to a mental or physical impairment or a combination of mental and physical impairments, other than a mental or physical impairment solely caused by mental illness as defined in division (A) of section 5122.01 of the Revised Code;

(2) It is manifested before age twenty-two;

(3) It is likely to continue indefinitely;

(4) It results in one of the following:

(a) In the case of a person under age three, at least one developmental delay or an established risk;

(b) In the case of a person at least age three but under age six, at least two developmental delays or an established risk;

(c) In the case of a person age six or older, a substantial functional limitation in at least three of the following areas of major life activity, as appropriate for the person's age: self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, and, if the person is at least age sixteen, capacity for economic self-sufficiency.

(5) It causes the person to need a combination and sequence of special, interdisciplinary, or other type of care, treatment, or provision of services for an extended period of time that is individually planned and coordinated for the person.

(F) "Early childhood services" means a planned program of habilitation designed to meet the needs of individuals with mental retardation or other developmental disabilities who have not attained compulsory school age.

(G)(1) "Environmental modifications" means the physical adaptations to an individual's home, specified in the individual's service plan, that are necessary to ensure the individual's health, safety, and welfare or that enable the individual to function with greater independence in the home, and without which the individual would require institutionalization.

(2) "Environmental modifications" includes such adaptations as installation of ramps and grab-bars, widening of doorways, modification of bathroom facilities, and installation of specialized electric and plumbing systems necessary to accommodate the individual's medical equipment and supplies.

(3) "Environmental modifications" does not include physical adaptations or improvements to the home that are of general utility or not of direct medical or remedial benefit to the individual, including such adaptations or improvements as carpeting, roof repair, and central air conditioning.

(H) "Family support services" means the services provided under a family support services program operated under section 5126.11 of the Revised Code.

(I) "Habilitation" means the process by which the staff of the facility or

agency assists an individual with mental retardation or other developmental disability in acquiring and maintaining those life skills that enable the individual to cope more effectively with the demands of the individual's own person and environment, and in raising the level of the individual's personal, physical, mental, social, and vocational efficiency. Habilitation includes, but is not limited to, programs of formal, structured education and training.

(J) ~~"Habilitation center services" means services provided by a habilitation center certified by the department of mental retardation and developmental disabilities under section 5123.041 of the Revised Code and covered by the medicaid program pursuant to rules adopted under section 5111.041 of the Revised Code.~~

~~(K)~~ "Home and community-based services" means medicaid-funded home and community-based services specified in division (B)(1) of section 5111.87 of the Revised Code and provided under the medicaid waiver components the department of mental retardation and developmental disabilities administers pursuant to section 5111.871 of the Revised Code.

~~(L)~~(K) "Immediate family" means parents, brothers, sisters, spouses, sons, daughters, mothers-in-law, fathers-in-law, brothers-in-law, sisters-in-law, sons-in-law, and daughters-in-law.

~~(M)~~(L) "Medicaid" has the same meaning as in section 5111.01 of the Revised Code.

~~(N)~~(M) "Medicaid case management services" means case management services provided to an individual with mental retardation or other developmental disability that the state medicaid plan requires.

~~(O)~~(N) "Mental retardation" means a mental impairment manifested during the developmental period characterized by significantly subaverage general intellectual functioning existing concurrently with deficiencies in the effectiveness or degree with which an individual meets the standards of personal independence and social responsibility expected of the individual's age and cultural group.

~~(P)~~(O) "Residential services" means services to individuals with mental retardation or other developmental disabilities to provide housing, food, clothing, habilitation, staff support, and related support services necessary for the health, safety, and welfare of the individuals and the advancement of their quality of life. "Residential services" includes program management, as described in section 5126.14 of the Revised Code.

~~(Q)~~(P) "Resources" means available capital and other assets, including moneys received from the federal, state, and local governments, private grants, and donations; appropriately qualified personnel; and appropriate capital facilities and equipment.

~~(R)~~(Q) "Senior probate judge" means the current probate judge of a county who has served as probate judge of that county longer than any of the

other current probate judges of that county. If a county has only one probate judge, "senior probate judge" means that probate judge.

~~(S)~~(R) "Service and support administration" means the duties performed by a service and support administrator pursuant to section 5126.15 of the Revised Code.

~~(T)~~(S)(1) "Specialized medical, adaptive, and assistive equipment, supplies, and supports" means equipment, supplies, and supports that enable an individual to increase the ability to perform activities of daily living or to perceive, control, or communicate within the environment.

(2) "Specialized medical, adaptive, and assistive equipment, supplies, and supports" includes the following:

(a) Eating utensils, adaptive feeding dishes, plate guards, mylatex straps, hand splints, reaches, feeder seats, adjustable pointer sticks, interpreter services, telecommunication devices for the deaf, computerized communications boards, other communication devices, support animals, veterinary care for support animals, adaptive beds, supine boards, prone boards, wedges, sand bags, sidelayers, bolsters, adaptive electrical switches, hand-held shower heads, air conditioners, humidifiers, emergency response systems, folding shopping carts, vehicle lifts, vehicle hand controls, other adaptations of vehicles for accessibility, and repair of the equipment received.

(b) Nondisposable items not covered by medicaid that are intended to assist an individual in activities of daily living or instrumental activities of daily living.

~~(U)~~(T) "Supportive home services" means a range of services to families of individuals with mental retardation or other developmental disabilities to develop and maintain increased acceptance and understanding of such persons, increased ability of family members to teach the person, better coordination between school and home, skills in performing specific therapeutic and management techniques, and ability to cope with specific situations.

~~(V)~~(U)(1) "Supported living" means services provided for as long as twenty-four hours a day to an individual with mental retardation or other developmental disability through any public or private resources, including moneys from the individual, that enhance the individual's reputation in community life and advance the individual's quality of life by doing the following:

(a) Providing the support necessary to enable an individual to live in a residence of the individual's choice, with any number of individuals who are not disabled, or with not more than three individuals with mental retardation and developmental disabilities unless the individuals are related by blood or marriage;

(b) Encouraging the individual's participation in the community;

(c) Promoting the individual's rights and autonomy;

(d) Assisting the individual in acquiring, retaining, and improving the skills and competence necessary to live successfully in the individual's residence.

(2) "Supported living" includes the provision of all of the following:

(a) Housing, food, clothing, habilitation, staff support, professional services, and any related support services necessary to ensure the health, safety, and welfare of the individual receiving the services;

(b) A combination of life-long or extended-duration supervision, training, and other services essential to daily living, including assessment and evaluation and assistance with the cost of training materials, transportation, fees, and supplies;

(c) Personal care services and homemaker services;

(d) Household maintenance that does not include modifications to the physical structure of the residence;

(e) Respite care services;

(f) Program management, as described in section 5126.14 of the Revised Code."

Delete lines 64342 through 64442 and insert:

"**Sec. 5126.056.** (A) The department of mental retardation and developmental disabilities shall take action under division (B) of this section against a county board of mental retardation and developmental disabilities if any of the following are the case:

(1) The county board fails to submit to the department all the components of its three-year plan required by section 5126.054 of the Revised Code within the time required by division (B) of that section.

(2) The department disapproves the county board's three-year plan under section 5123.046 of the Revised Code.

(3) The county board fails, as required by division (C) of section 5126.054 of the Revised Code, to update and renew its three-year plan in accordance with a schedule the department develops under that section.

(4) The county board fails to implement its initial or renewed three-year plan approved by the department.

(5) The county board fails to correct a deficiency within the time required by division ~~(G)~~(F) of section 5126.055 of the Revised Code to the satisfaction of the department.

(6) The county board fails to submit an acceptable plan of correction to the department within the time required by division~~(G)~~(F)(2) of section 5126.055 of the Revised Code.

(B) If required by division (A) of this section to take action against a

county board, the department shall issue an order terminating the county board's medicaid local administrative authority over all or part of home and community-based services, medicaid case management services, ~~habilitation center services, all or part of two of those services,~~ or all or part of ~~all three~~both of those services. The department shall provide a copy of the order to the board of county commissioners, senior probate judge, county auditor, and president and superintendent of the county board. The department shall specify in the order the medicaid local administrative authority that the department is terminating, the reason for the termination, and the county board's option and responsibilities under this division.

A county board whose medicaid local administrative authority is terminated may, not later than thirty days after the department issues the termination order, recommend to the department that another county board that has not had any of its medicaid local administrative authority terminated or another entity the department approves administer the services for which the county board's medicaid local administrative authority is terminated. The department may contract with the other county board or entity to administer the services. If the department enters into such a contract, the county board shall adopt a resolution giving the other county board or entity full medicaid local administrative authority over the services that the other county board or entity is to administer. The other county board or entity shall be known as the contracting authority.

If the department rejects the county board's recommendation regarding a contracting authority, the county board may appeal the rejection under section 5123.043 of the Revised Code.

If the county board does not submit a recommendation to the department regarding a contracting authority within the required time or the department rejects the county board's recommendation and the rejection is upheld pursuant to an appeal, if any, under section 5123.043 of the Revised Code, the department shall appoint an administrative receiver to administer the services for which the county board's medicaid local administrative authority is terminated. To the extent necessary for the department to appoint an administrative receiver, the department may utilize employees of the department, management personnel from another county board, or other individuals who are not employed by or affiliated with in any manner a person that provides home and community-based services~~,~~or medicaid case management services~~, or habilitation center services~~ pursuant to a contract with any county board. The administrative receiver shall assume full administrative responsibility for the county board's services for which the county board's medicaid local administrative authority is terminated.

The contracting authority or administrative receiver shall develop and submit to the department a plan of correction to remediate the problems that caused the department to issue the termination order. If, after reviewing the plan, the department approves it, the contracting authority or administrative receiver shall implement the plan.

The county board shall transfer control of state and federal funds it is otherwise eligible to receive for the services for which the county board's medicaid local administrative authority is terminated and funds the county board may use under division (B) of section 5126.057 of the Revised Code to pay the nonfederal share of the services that the county board is required by division (A) of that section to pay. The county board shall transfer control of the funds to the contracting authority or administrative receiver administering the services. The amount the county board shall transfer shall be the amount necessary for the contracting authority or administrative receiver to fulfill its duties in administering the services, including its duties to pay its personnel for time worked, travel, and related matters. If the county board fails to make the transfer, the department may withhold the state and federal funds from the county board and bring a mandamus action against the county board in the court of common pleas of the county served by the county board or in the Franklin county court of common pleas. The mandamus action may not require that the county board transfer any funds other than the funds the county board is required by division (B) of this section to transfer.

The contracting authority or administrative receiver has the right to authorize the payment of bills in the same manner that the county board may authorize payment of bills under this chapter and section 319.16 of the Revised Code."

Delete lines 65578 through 66033 and insert:

"**Sec. 5531.10.** (A) As used in this chapter:

(1) "Bond proceedings" means the resolution, order, trust agreement, indenture, lease, lease-purchase agreements, and other agreements, amendments and supplements to the foregoing, or any one or more or combination thereof, authorizing or providing for the terms and conditions applicable to, or providing for the security or liquidity of, obligations issued pursuant to this section, and the provisions contained in such obligations.

(2) "Bond service charges" means principal, including mandatory sinking fund requirements for retirement of obligations, and interest, and redemption premium, if any, required to be paid by the state on obligations.

(3) "Bond service fund" means the applicable fund and accounts therein created for and pledged to the payment of bond service charges, which may be, or may be part of, the state infrastructure bank revenue bond service fund created by division (R) of this section including all moneys and investments, and earnings from investments, credited and to be credited thereto.

(4) "Issuing authority" means the treasurer of state, or the officer who by law performs the functions of the treasurer of state.

(5) "Obligations" means bonds, notes, or other evidence of obligation including interest coupons pertaining thereto, issued pursuant to this section.

(6) "Pledged receipts" means moneys accruing to the state from the lease,

lease-purchase, sale, or other disposition, or use, of qualified projects, and from the repayment, including interest, of loans made from proceeds received from the sale of obligations; accrued interest received from the sale of obligations; income from the investment of the special funds; any gifts, grants, donations, and pledges, and receipts therefrom, available for the payment of bond service charges; and any amounts in the state infrastructure bank pledged to the payment of such charges. If the amounts in the state infrastructure bank are insufficient for the payment of such charges, "pledged receipts" also means moneys that are apportioned by the United States secretary of transportation under United States Code, Title XXIII, as amended, or any successor legislation, or under any other federal law relating to aid for highways, and that are to be received as a grant by the state, to the extent the state is not prohibited by state or federal law from using such moneys and the moneys are pledged to the payment of such bond service charges.

(7) "Special funds" or "funds" means, except where the context does not permit, the bond service fund, and any other funds, including reserve funds, created under the bond proceedings, and the state infrastructure bank revenue bond service fund created by division (R) of this section to the extent provided in the bond proceedings, including all moneys and investments, and earnings from investment, credited and to be credited thereto.

(8) "State infrastructure project" means any public transportation project undertaken by the state, including, but not limited to, all components of any such project, as described in division (D) of section ~~5131.09~~5531.09 of the Revised Code.

(9) "District obligations" means bonds, notes, or other evidence of obligation including interest coupons pertaining thereto, issued to finance a qualified project by a transportation improvement district created pursuant to section 5540.02 of the Revised Code, of which the principal, including mandatory sinking fund requirements for retirement of such obligations, and interest and redemption premium, if any, are payable by the department of transportation.

(B) The issuing authority, after giving written notice to the director of budget and management and upon the certification by the director of transportation to the issuing authority of the amount of moneys or additional moneys needed either for state infrastructure projects or to provide financial assistance for any of the purposes for which the state infrastructure bank may be used under section 5531.09 of the Revised Code, or needed for capitalized interest, funding reserves, and paying costs and expenses incurred in connection with the issuance, carrying, securing, paying, redeeming, or retirement of the obligations or any obligations refunded thereby, including payment of costs and expenses relating to letters of credit, lines of credit, insurance, put agreements, standby purchase agreements, indexing, marketing, remarketing and administrative arrangements, interest swap or hedging agreements, and any other credit enhancement, liquidity, remarketing, renewal, or refunding arrangements,

all of which are authorized by this section, shall issue obligations of the state under this section in the required amount. The proceeds of such obligations, except for the portion to be deposited in special funds, including reserve funds, as may be provided in the bond proceedings, shall as provided in the bond proceedings be credited to the infrastructure bank obligations fund of the state infrastructure bank created by section 5531.09 of the Revised Code and disbursed as provided in the bond proceedings for such obligations. The issuing authority may appoint trustees, paying agents, transfer agents, and authenticating agents, and may retain the services of financial advisors, accounting experts, and attorneys, and retain or contract for the services of marketing, remarketing, indexing, and administrative agents, other consultants, and independent contractors, including printing services, as are necessary in the issuing authority's judgment to carry out this section. The costs of such services are payable from funds of the state infrastructure bank.

(C) Except as otherwise provided in this division, the holders or owners of such obligations shall have no right to have moneys raised by taxation by the state of Ohio obligated or pledged, and moneys so raised shall not be obligated or pledged, for the payment of bond service charges. The municipal corporations and counties may pledge and obligate moneys received pursuant to sections 4501.04, 5709.42, 5709.79, 5735.23, 5735.27, and 5735.291 of the Revised Code to the payment of amounts payable by those municipal corporations and counties to the state infrastructure bank pursuant to section 5531.09 of the Revised Code, and the bond proceedings for obligations may provide that such payments shall constitute pledged receipts, provided such moneys are obligated, pledged, and paid only with respect to obligations issued exclusively for public transportation projects. The right of such holders and owners to the payment of bond service charges is limited to all or that portion of the pledged receipts and those special funds pledged thereto pursuant to the bond proceedings for such obligations in accordance with this section, and each such obligation shall bear on its face a statement to that effect.

(D) Obligations shall be authorized by order of the issuing authority and the bond proceedings shall provide for the purpose thereof and the principal amount or amounts, and shall provide for or authorize the manner or agency for determining the principal maturity or maturities, not exceeding twenty-five years from the date of issuance, the interest rate or rates or the maximum interest rate, the date of the obligations and the dates of payment of interest thereon, their denomination, and the establishment within or without the state of a place or places of payment of bond service charges. Sections 9.98 to 9.983 of the Revised Code are applicable to obligations issued under this section. The purpose of such obligations may be stated in the bond proceedings in terms describing the general purpose or purposes to be served. The bond proceedings also shall provide, subject to the provisions of any other applicable bond proceedings, for the pledge of all, or such part as the issuing authority may determine, of the pledged receipts and the applicable special fund or funds to the payment of bond service charges, which pledges may be made either prior or subordinate to other

expenses, claims, or payments, and may be made to secure the obligations on a parity with obligations theretofore or thereafter issued, if and to the extent provided in the bond proceedings. The pledged receipts and special funds so pledged and thereafter received by the state immediately are subject to the lien of such pledge without any physical delivery thereof or further act, and the lien of any such pledges is valid and binding against all parties having claims of any kind against the state or any governmental agency of the state, irrespective of whether such parties have notice thereof, and shall create a perfected security interest for all purposes of Chapter 1309. of the Revised Code, without the necessity for separation or delivery of funds or for the filing or recording of the bond proceedings by which such pledge is created or any certificate, statement, or other document with respect thereto; and the pledge of such pledged receipts and special funds is effective and the money therefrom and thereof may be applied to the purposes for which pledged without necessity for any act of appropriation. Every pledge, and every covenant and agreement made with respect thereto, made in the bond proceedings may therein be extended to the benefit of the owners and holders of obligations authorized by this section, and to any trustee therefor, for the further security of the payment of the bond service charges.

(E) The bond proceedings may contain additional provisions as to:

(1) The redemption of obligations prior to maturity at the option of the issuing authority at such price or prices and under such terms and conditions as are provided in the bond proceedings;

(2) Other terms of the obligations;

(3) Limitations on the issuance of additional obligations;

(4) The terms of any trust agreement or indenture securing the obligations or under which the same may be issued;

(5) The deposit, investment, and application of special funds, and the safeguarding of moneys on hand or on deposit, without regard to Chapter 131. or 135. of the Revised Code, but subject to any special provisions of this section with respect to particular funds or moneys, provided that any bank or trust company which acts as depository of any moneys in the special funds may furnish such indemnifying bonds or may pledge such securities as required by the issuing authority;

(6) Any or every provision of the bond proceedings being binding upon such officer, board, commission, authority, agency, department, or other person or body as may from time to time have the authority under law to take such actions as may be necessary to perform all or any part of the duty required by such provision;

(7) Any provision that may be made in a trust agreement or indenture;

(8) Any other or additional agreements with the holders of the obligations, or the trustee therefor, relating to the obligations or the security

therefor, including the assignment of mortgages or other security relating to financial assistance for qualified projects under section 5531.09 of the Revised Code.

(F) The obligations may have the great seal of the state or a facsimile thereof affixed thereto or printed thereon. The obligations and any coupons pertaining to obligations shall be signed or bear the facsimile signature of the issuing authority. Any obligations or coupons may be executed by the person who, on the date of execution, is the proper issuing authority although on the date of such bonds or coupons such person was not the issuing authority. In case the issuing authority whose signature or a facsimile of whose signature appears on any such obligation or coupon ceases to be the issuing authority before delivery thereof, such signature or facsimile nevertheless is valid and sufficient for all purposes as if the former issuing authority had remained the issuing authority until such delivery; and in case the seal to be affixed to obligations has been changed after a facsimile of the seal has been imprinted on such obligations, such facsimile seal shall continue to be sufficient as to such obligations and obligations issued in substitution or exchange therefor.

(G) All obligations are negotiable instruments and securities under Chapter 1308. of the Revised Code, subject to the provisions of the bond proceedings as to registration. The obligations may be issued in coupon or in registered form, or both, as the issuing authority determines. Provision may be made for the registration of any obligations with coupons attached thereto as to principal alone or as to both principal and interest, their exchange for obligations so registered, and for the conversion or reconversion into obligations with coupons attached thereto of any obligations registered as to both principal and interest, and for reasonable charges for such registration, exchange, conversion, and reconversion.

(H) Obligations may be sold at public sale or at private sale, as determined in the bond proceedings.

(I) Pending preparation of definitive obligations, the issuing authority may issue interim receipts or certificates which shall be exchanged for such definitive obligations.

(J) In the discretion of the issuing authority, obligations may be secured additionally by a trust agreement or indenture between the issuing authority and a corporate trustee which may be any trust company or bank having its principal place of business within the state. Any such agreement or indenture may contain the order authorizing the issuance of the obligations, any provisions that may be contained in any bond proceedings, and other provisions which are customary or appropriate in an agreement or indenture of such type, including, but not limited to:

(1) Maintenance of each pledge, trust agreement, indenture, or other instrument comprising part of the bond proceedings until the state has fully paid the bond service charges on the obligations secured thereby, or provision

therefor has been made;

(2) In the event of default in any payments required to be made by the bond proceedings, or any other agreement of the issuing authority made as a part of the contract under which the obligations were issued, enforcement of such payments or agreement by mandamus, the appointment of a receiver, suit in equity, action at law, or any combination of the foregoing;

(3) The rights and remedies of the holders of obligations and of the trustee, and provisions for protecting and enforcing them, including limitations on the rights of individual holders of obligations;

(4) The replacement of any obligations that become mutilated or are destroyed, lost, or stolen;

(5) Such other provisions as the trustee and the issuing authority agree upon, including limitations, conditions, or qualifications relating to any of the foregoing.

(K) Any holder of obligations or a trustee under the bond proceedings, except to the extent that the holder's or trustee's rights are restricted by the bond proceedings, may by any suitable form of legal proceedings, protect and enforce any rights under the laws of this state or granted by such bond proceedings. Such rights include the right to compel the performance of all duties of the issuing authority and the director of transportation required by the bond proceedings or sections 5531.09 and 5531.10 of the Revised Code; to enjoin unlawful activities; and in the event of default with respect to the payment of any bond service charges on any obligations or in the performance of any covenant or agreement on the part of the issuing authority or the director of transportation in the bond proceedings, to apply to a court having jurisdiction of the cause to appoint a receiver to receive and administer the pledged receipts and special funds, other than those in the custody of the treasurer of state, which are pledged to the payment of the bond service charges on such obligations or which are the subject of the covenant or agreement, with full power to pay, and to provide for payment of bond service charges on, such obligations, and with such powers, subject to the direction of the court, as are accorded receivers in general equity cases, excluding any power to pledge additional revenues or receipts or other income or moneys of the state or local governmental entities, or agencies thereof, to the payment of such principal and interest and excluding the power to take possession of, mortgage, or cause the sale or otherwise dispose of any project facilities.

Each duty of the issuing authority and the issuing authority's officers and employees, and of each state or local governmental agency and its officers, members, or employees, undertaken pursuant to the bond proceedings or any loan, loan guarantee, lease, lease-purchase agreement, or other agreement made under authority of section 5531.09 of the Revised Code, and in every agreement by or with the issuing authority, is hereby established as a duty of the issuing authority, and of each such officer, member, or employee having authority to

perform such duty, specifically enjoined by the law resulting from an office, trust, or station within the meaning of section 2731.01 of the Revised Code.

The person who is at the time the issuing authority, or the issuing authority's officers or employees, are not liable in their personal capacities on any obligations issued by the issuing authority or any agreements of or with the issuing authority.

(L) The issuing authority may authorize and issue obligations for the refunding, including funding and retirement, and advance refunding with or without payment or redemption prior to maturity, of any obligations previously issued by the issuing authority or district obligations. Such refunding obligations may be issued in amounts sufficient for payment of the principal amount of the prior obligations or district obligations, any redemption premiums thereon, principal maturities of any such obligations or district obligations maturing prior to the redemption of the remaining obligations or district obligations on a parity therewith, interest accrued or to accrue to the maturity dates or dates of redemption of such obligations or district obligations, and any expenses incurred or to be incurred in connection with such issuance and such refunding, funding, and retirement. Subject to the bond proceedings therefor, the portion of proceeds of the sale of refunding obligations issued under this division to be applied to bond service charges on the prior obligations or district obligations shall be credited to an appropriate account held by the trustee for such prior or new obligations or to the appropriate account in the bond service fund for such obligations or district obligations. Obligations authorized under this division shall be deemed to be issued for those purposes for which such prior obligations or district obligations were issued and are subject to the provisions of this section pertaining to other obligations, except as otherwise provided in this section. The last maturity of obligations authorized under this division shall not be later than twenty-five years from the date of issuance of the original securities issued for the original purpose.

(M) The authority to issue obligations under this section includes authority to issue obligations in the form of bond anticipation notes and to renew the same from time to time by the issuance of new notes. The holders of such notes or interest coupons pertaining thereto shall have a right to be paid solely from the pledged receipts and special funds that may be pledged to the payment of the bonds anticipated, or from the proceeds of such bonds or renewal notes, or both, as the issuing authority provides in the order authorizing such notes. Such notes may be additionally secured by covenants of the issuing authority to the effect that the issuing authority and the state will do such or all things necessary for the issuance of such bonds or renewal notes in the appropriate amount, and apply the proceeds thereof to the extent necessary, to make full payment of the principal of and interest on such notes at the time or times contemplated, as provided in such order. For such purpose, the issuing authority may issue bonds or renewal notes in such principal amount and upon such terms as may be necessary to provide funds to pay when required the principal of and interest on such notes, notwithstanding any limitations prescribed by or for purposes of this

section. Subject to this division, all provisions for and references to obligations in this section are applicable to notes authorized under this division.

The issuing authority in the bond proceedings authorizing the issuance of bond anticipation notes shall set forth for such bonds an estimated interest rate and a schedule of principal payments for such bonds and the annual maturity dates thereof.

(N) Obligations issued under this section are lawful investments for banks, societies for savings, savings and loan associations, deposit guarantee associations, trust companies, trustees, fiduciaries, insurance companies, including domestic for life and domestic not for life, trustees or other officers having charge of sinking and bond retirement or other special funds of political subdivisions and taxing districts of this state, the commissioners of the sinking fund of the state, the administrator of workers' compensation, the state teachers retirement system, the public employees retirement system, the school employees retirement system, and the Ohio police and fire pension fund, notwithstanding any other provisions of the Revised Code or rules adopted pursuant thereto by any agency of the state with respect to investments by them, and are also acceptable as security for the deposit of public moneys.

(O) Unless otherwise provided in any applicable bond proceedings, moneys to the credit of or in the special funds established by or pursuant to this section may be invested by or on behalf of the issuing authority only in notes, bonds, or other obligations of the United States, or of any agency or instrumentality of the United States, obligations guaranteed as to principal and interest by the United States, obligations of this state or any political subdivision of this state, and certificates of deposit of any national bank located in this state and any bank, as defined in section 1101.01 of the Revised Code, subject to inspection by the superintendent of financial institutions. If the law or the instrument creating a trust pursuant to division (J) of this section expressly permits investment in direct obligations of the United States or an agency of the United States, unless expressly prohibited by the instrument, such moneys also may be invested in no-front-end-load money market mutual funds consisting exclusively of obligations of the United States or an agency of the United States and in repurchase agreements, including those issued by the fiduciary itself, secured by obligations of the United States or an agency of the United States; and in collective investment funds as defined in division (A) of section 1111.01 of the Revised Code and consisting exclusively of any such securities. The income from such investments shall be credited to such funds as the issuing authority determines, and such investments may be sold at such times as the issuing authority determines or authorizes.

(P) Provision may be made in the applicable bond proceedings for the establishment of separate accounts in the bond service fund and for the application of such accounts only to the specified bond service charges on obligations pertinent to such accounts and bond service fund and for other accounts therein within the general purposes of such fund. Unless otherwise

provided in any applicable bond proceedings, moneys to the credit of or in the several special funds established pursuant to this section shall be disbursed on the order of the treasurer of state, provided that no such order is required for the payment from the bond service fund when due of bond service charges on obligations.

(Q)(1) The issuing authority may pledge all, or such portion as the issuing authority determines, of the pledged receipts to the payment of bond service charges on obligations issued under this section, and for the establishment and maintenance of any reserves, as provided in the bond proceedings, and make other provisions therein with respect to pledged receipts as authorized by this chapter, which provisions are controlling notwithstanding any other provisions of law pertaining thereto.

(2) An action taken under division (Q)(2) of this section does not limit the generality of division (Q)(1) of this section, and is subject to division (C) of this section and, if and to the extent otherwise applicable, Section 13 of Article VIII, Ohio Constitution. The bond proceedings may contain a covenant that, in the event the pledged receipts primarily pledged and required to be used for the payment of bond service charges on obligations issued under this section, and for the establishment and maintenance of any reserves, as provided in the bond proceedings, are insufficient to make any such payment in full when due, or to maintain any such reserve, the director of transportation shall so notify the governor, and shall determine to what extent, if any, the payment may be made or moneys may be restored to the reserves from lawfully available moneys previously appropriated for that purpose to the department of transportation. The covenant also may provide that if the payments are not made or the moneys are not immediately and fully restored to the reserves from such moneys, the director shall promptly submit to the governor and to the director of budget and management a written request for either or both of the following:

(a) That the next biennial budget submitted by the governor to the general assembly include an amount to be appropriated from lawfully available moneys to the department for the purpose of and sufficient for the payment in full of bond service charges previously due and for the full replenishment of the reserves;

(b) That the general assembly be requested to increase appropriations from lawfully available moneys for the department in the current biennium sufficient for the purpose of and for the payment in full of bond service charges previously due and to come due in the biennium and for the full replenishment of the reserves.

The director of transportation shall include with such requests a recommendation that the payment of the bond service charges and the replenishment of the reserves be made in the interest of maximizing the benefits of the state infrastructure bank. Any such covenant shall not obligate or purport to obligate the state to pay the bond service charges on such bonds or notes or to deposit moneys in a reserve established for such payments other than from

moneys that may be lawfully available and appropriated for that purpose during the then-current biennium.

(R) There is hereby created the state infrastructure bank revenue bond service fund, which shall be in the custody of the treasurer of state but shall not be a part of the state treasury. All moneys received by or on account of the issuing authority or state agencies and required by the applicable bond proceedings, consistent with this section, to be deposited, transferred, or credited to the bond service fund, and all other moneys transferred or allocated to or received for the purposes of the fund, shall be deposited and credited to such fund and to any separate accounts therein, subject to applicable provisions of the bond proceedings, but without necessity for any act of appropriation. The state infrastructure bank revenue bond service fund is a trust fund and is hereby pledged to the payment of bond service charges to the extent provided in the applicable bond proceedings, and payment thereof from such fund shall be made or provided for by the treasurer of state in accordance with such bond proceedings without necessity for any act of appropriation.

(S) The obligations issued pursuant to this section, the transfer thereof, and the income therefrom, including any profit made on the sale thereof, shall at all times be free from taxation within this state."

In line 67599, after "any" insert "person"

In line 70030, delete "(1)" and insert "(30)"

In line 70031, delete "(29), (30), and"; after "(31)" insert ", (32), and (33)"

In line 70038, delete "(1)" and insert "(30)"

In line 70039, delete "(29), (30), and"; after "(31)" insert ", (32), and (33)"

In line 70044, delete the first "any" and insert "and"

In line 70046, delete "(1)" and insert "(30)"

In line 70047, delete "(29), (30), and"; after "(31)" insert ", (32), and (33)"

In line 70054, delete "(1)" and insert "(30)"

In line 70055, delete "(29), (30), and"; after "(31)" insert ", (32), and (33)"

In line 70061, delete "(1)" and insert "(30)"; delete "credit" and insert "credits"; delete "division" and insert "divisions"

In line 70062, delete "(29), (30), and"; after "(31)" insert ", (32), and (33)"

Delete lines 74095 through 74383 and insert:

"**Sec. 5739.026.** (A) A board of county commissioners may levy a tax of one-fourth or one-half of one per cent on every retail sale in the county, except sales of watercraft and outboard motors required to be titled pursuant to Chapter 1548. of the Revised Code and sales of motor vehicles, and may increase an existing rate of one-fourth of one per cent to one-half of one per cent, to pay the expenses of administering the tax and, except as provided in division (A)(6) of this section, for any one or more of the following purposes provided that the aggregate levy for all such purposes does not exceed one-half of one per cent:

(1) To provide additional revenues for the payment of bonds or notes issued in anticipation of bonds issued by a convention facilities authority established by the board of county commissioners under Chapter 351. of the Revised Code and to provide additional operating revenues for the convention facilities authority;

(2) To provide additional revenues for a transit authority operating in the county;

(3) To provide additional revenue for the county's general fund;

(4) To provide additional revenue for permanent improvements within the county to be distributed by the community improvements board in accordance with section 307.283 and to pay principal, interest, and premium on bonds issued under section 307.284 of the Revised Code;

(5) To provide additional revenue for the acquisition, construction, equipping, or repair of any specific permanent improvement or any class or group of permanent improvements, which improvement or class or group of improvements shall be enumerated in the resolution required by division (D) of this section, and to pay principal, interest, premium, and other costs associated with the issuance of bonds or notes in anticipation of bonds issued pursuant to Chapter 133. of the Revised Code for the acquisition, construction, equipping, or repair of the specific permanent improvement or class or group of permanent improvements;

(6) To provide revenue for the implementation and operation of a 9-1-1 system in the county. If the tax is levied or the rate increased exclusively for such purpose, the tax shall not be levied or the rate increased for more than five years. At the end of the last year the tax is levied or the rate increased, any balance remaining in the special fund established for such purpose shall remain in that fund and be used exclusively for such purpose until the fund is completely expended, and, notwithstanding section 5705.16 of the Revised Code, the board of county commissioners shall not petition for the transfer of money from such special fund, and the tax commissioner shall not approve such a petition.

If the tax is levied or the rate increased for such purpose for more than five years, the board of county commissioners also shall levy the tax or increase the rate of the tax for one or more of the purposes described in divisions (A)(1) to (5) of this section and shall prescribe the method for allocating the revenues

from the tax each year in the manner required by division (C) of this section.

(7) To provide additional revenue for the operation or maintenance of a detention facility, as that term is defined under division (F) of section 2921.01 of the Revised Code;

(8) To provide revenue to finance the construction or renovation of a sports facility, but only if the tax is levied for that purpose in the manner prescribed by section 5739.028 of the Revised Code.

As used in division (A)(8) of this section:

(a) "Sports facility" means a facility intended to house major league professional athletic teams.

(b) "Constructing" or "construction" includes providing fixtures, furnishings, and equipment.

(9) To provide additional revenue for the acquisition of agricultural easements, as defined in section 5301.67 of the Revised Code; to pay principal, interest, and premium on bonds issued under section 133.60 of the Revised Code; and for the supervision and enforcement of agricultural easements held by the county;

(10) To provide revenue for the provision of ambulance, paramedic, or other emergency medical services.

Pursuant to section 755.171 of the Revised Code, a board of county commissioners may pledge and contribute revenue from a tax levied for the purpose of division (A)(5) of this section to the payment of debt charges on bonds issued under section 755.17 of the Revised Code.

The rate of tax shall be a multiple of one-fourth of one per cent, unless a portion of the rate of an existing tax levied under section 5739.023 of the Revised Code has been reduced, and the rate of tax levied under this section has been increased, pursuant to section 5739.028 of the Revised Code, in which case the aggregate of the rates of tax levied under this section and section 5739.023 of the Revised Code shall be a multiple of one-fourth of one per cent. The tax shall be levied and the rate increased pursuant to a resolution adopted by a majority of the members of the board. The board shall deliver a certified copy of the resolution to the tax commissioner, not later than the sixty-fifth day prior to the date on which the tax is to become effective, which shall be the first day of a calendar quarter.

Prior to the adoption of any resolution to levy the tax or to increase the rate of tax exclusively for the purpose set forth in division (A)(3) of this section, the board of county commissioners shall conduct two public hearings on the resolution, the second hearing to be no fewer than three nor more than ten days after the first. Notice of the date, time, and place of the hearings shall be given by publication in a newspaper of general circulation in the county once a week on the same day of the week for two consecutive weeks, the second publication

being no fewer than ten nor more than thirty days prior to the first hearing. Except as provided in division (E) of this section, the resolution shall be subject to a referendum as provided in sections 305.31 to 305.41 of the Revised Code. Unless the resolution is adopted as an emergency measure, or is to be submitted to the electors of the county under division (D)(2)(a) of this section, the resolution shall be adopted at least one hundred twenty days prior to the date on which the tax or the increased rate of tax is to go into effect. If the resolution is adopted as an emergency measure necessary for the immediate preservation of the public peace, health, or safety, it must receive an affirmative vote of all of the members of the board of county commissioners and shall state the reasons for the necessity.

If the tax is for more than one of the purposes set forth in divisions (A)(1) to (7), (9), and (10) of this section, or is exclusively for one of the purposes set forth in division (A)(1), (2), (4), (5), (6), (7), (9), or (10) of this section, the resolution shall not go into effect unless it is approved by a majority of the electors voting on the question of the tax.

(B) The board of county commissioners shall adopt a resolution under section 351.02 of the Revised Code creating the convention facilities authority, or under section 307.283 of the Revised Code creating the community improvements board, before adopting a resolution levying a tax for the purpose of a convention facilities authority under division (A)(1) of this section or for the purpose of a community improvements board under division (A)(4) of this section.

(C)(1) If the tax is to be used for more than one of the purposes set forth in divisions (A)(1) to (7), (9), and (10) of this section, the board of county commissioners shall establish the method that will be used to determine the amount or proportion of the tax revenue received by the county during each year that will be distributed for each of those purposes, including, if applicable, provisions governing the reallocation of a convention facilities authority's allocation if the authority is dissolved while the tax is in effect. The allocation method may provide that different proportions or amounts of the tax shall be distributed among the purposes in different years, but it shall clearly describe the method that will be used for each year. Except as otherwise provided in division (C)(2) of this section, the allocation method established by the board is not subject to amendment during the life of the tax.

(2) Subsequent to holding a public hearing on the proposed amendment, the board of county commissioners may amend the allocation method established under division (C)(1) of this section for any year, if the amendment is approved by the governing board of each entity whose allocation for the year would be reduced by the proposed amendment. In the case of a tax that is levied for a continuing period of time, the board may not so amend the allocation method for any year before the sixth year that the tax is in effect.

(a) If the additional revenues provided to the convention facilities authority are pledged by the authority for the payment of convention facilities

authority revenue bonds for as long as such bonds are outstanding, no reduction of the authority's allocation of the tax shall be made for any year except to the extent that the reduced authority allocation, when combined with the authority's other revenues pledged for that purpose, is sufficient to meet the debt service requirements for that year on such bonds.

(b) If the additional revenues provided to the county are pledged by the county for the payment of bonds or notes described in division (A)(4) or (5) of this section, for as long as such bonds or notes are outstanding, no reduction of the county's or the community improvements board's allocation of the tax shall be made for any year, except to the extent that the reduced county or community improvements board allocation is sufficient to meet the debt service requirements for that year on such bonds or notes.

(c) If the additional revenues provided to the transit authority are pledged by the authority for the payment of revenue bonds issued under section 306.37 of the Revised Code, for as long as such bonds are outstanding, no reduction of the authority's allocation of tax shall be made for any year, except to the extent that the authority's reduced allocation, when combined with the authority's other revenues pledged for that purpose, is sufficient to meet the debt service requirements for that year on such bonds.

(d) If the additional revenues provided to the county are pledged by the county for the payment of bonds or notes issued under section 133.60 of the Revised Code, for so long as the bonds or notes are outstanding, no reduction of the county's allocation of the tax shall be made for any year, except to the extent that the reduced county allocation is sufficient to meet the debt service requirements for that year on the bonds or notes.

(D)(1) The resolution levying the tax or increasing the rate of tax shall state the rate of the tax or the rate of the increase; the purpose or purposes for which it is to be levied; the number of years for which it is to be levied or that it is for a continuing period of time; the allocation method required by division (C) of this section; and if required to be submitted to the electors of the county under division (A) of this section, the date of the election at which the proposal shall be submitted to the electors of the county, which shall be not less than seventy-five days after the certification of a copy of the resolution to the board of elections and, if the tax is to be levied exclusively for the purpose set forth in division (A)(3) of this section, shall not occur in February or August of any year. Upon certification of the resolution to the board of elections, the board of county commissioners shall notify the tax commissioner in writing of the levy question to be submitted to the electors. If approved by a majority of the electors, the tax shall become effective on the first day of a calendar quarter next following the sixty-fifth day following the date the board of county commissioners and tax commissioner receive from the board of elections the certification of the results of the election, except as provided in division (E) of this section.

(2)(a) A resolution specifying that the tax is to be used exclusively for the purpose set forth in division (A)(3) of this section that is not adopted as an

emergency measure may direct the board of elections to submit the question of levying the tax or increasing the rate of the tax to the electors of the county at a special election held on the date specified by the board of county commissioners in the resolution, provided that the election occurs not less than seventy-five days after the resolution is certified to the board of elections and the election is not held in February or August of any year. Upon certification of the resolution to the board of elections, the board of county commissioners shall notify the tax commissioner in writing of the levy question to be submitted to the electors. No resolution adopted under division (D)(2)(a) of this section shall go into effect unless approved by a majority of those voting upon it and, except as provided in division (E) of this section, not until the first day of a calendar quarter following the expiration of sixty-five days from the date the tax commissioner receives notice from the board of elections of the affirmative vote.

(b) A resolution specifying that the tax is to be used exclusively for the purpose set forth in division (A)(3) of this section that is adopted as an emergency measure shall become effective as provided in division (A) of this section, but may direct the board of elections to submit the question of repealing the tax or increase in the rate of the tax to the electors of the county at the next general election in the county occurring not less than seventy-five days after the resolution is certified to the board of elections. Upon certification of the resolution to the board of elections, the board of county commissioners shall notify the tax commissioner in writing of the levy question to be submitted to the electors. The ballot question shall be the same as that prescribed in section 5739.022 of the Revised Code. The board of elections shall notify the board of county commissioners and the tax commissioner of the result of the election immediately after the result has been declared. If a majority of the qualified electors voting on the question of repealing the tax or increase in the rate of the tax vote for repeal of the tax or repeal of the increase, the board of county commissioners, on the first day of a calendar quarter following the expiration of sixty-five days after the date the board and tax commissioner received notice of the result of the election, shall, in the case of a repeal of the tax, cease to levy the tax, or, in the case of a repeal of an increase in the rate of the tax, cease to levy the increased rate and levy the tax at the rate at which it was imposed immediately prior to the increase in rate.

(c) A board of county commissioners, by resolution, may reduce the rate of a tax levied exclusively for the purpose set forth in division (A)(3) of this section to a lower rate authorized by this section. Any such reduction shall be made effective on the first day of the calendar quarter next following the sixty-fifth day after the tax commissioner receives a certified copy of the resolution from the board.

(E) If a vendor that is registered with the central electronic registration system provided for in section 5740.05 of the Revised Code makes a sale in this state by printed catalog and the consumer computed the tax on the sale based on local rates published in the catalog, any tax levied or repealed or rate changed under this section shall not apply to such a sale until the first day of a calendar

quarter following the expiration of one hundred twenty days from the date of notice by the tax commissioner pursuant to division (G) of this section.

(F) The tax levied pursuant to this section shall be in addition to the tax levied by section 5739.02 of the Revised Code and any tax levied pursuant to section 5739.021 or 5739.023 of the Revised Code.

A county that levies a tax pursuant to this section shall levy a tax at the same rate pursuant to section 5741.023 of the Revised Code.

The additional tax levied by the county shall be collected pursuant to section 5739.025 of the Revised Code.

Any tax levied pursuant to this section is subject to the exemptions provided in section 5739.02 of the Revised Code and in addition shall not be applicable to sales not within the taxing power of a county under the Constitution of the United States or the Ohio Constitution.

(G) Upon receipt from a board of county commissioners of a certified copy of a resolution required by division (A) of this section, or from the board of elections a notice of the results of an election required by division (D)(1), (2)(a), (b), or (c) of this section, the tax commissioner shall provide notice of a tax rate change in a manner that is reasonably accessible to all affected vendors. The commissioner shall provide this notice at least sixty days prior to the effective date of the rate change. The commissioner, by rule, may establish the method by which notice will be provided."

Delete lines 78269 through 78485 and insert:

"**Sec. 5747.08.** An annual return with respect to the tax imposed by section 5747.02 of the Revised Code and each tax imposed under Chapter 5748. of the Revised Code shall be made by every taxpayer for any taxable year for which the taxpayer is liable for the tax imposed by that section or under that chapter, unless the total credits allowed under divisions (E), (F), and (G) of section 5747.05 of the Revised Code for the year are equal to or exceed the tax imposed by section 5747.02 of the Revised Code, in which case no return shall be required unless the taxpayer is liable for a tax imposed pursuant to Chapter 5748. of the Revised Code.

(A) If an individual is deceased, any return or notice required of that individual under this chapter shall be made and filed by that decedent's executor, administrator, or other person charged with the property of that decedent.

(B) If an individual is unable to make a return or notice required by this chapter, the return or notice required of that individual shall be made and filed by the individual's duly authorized agent, guardian, conservator, fiduciary, or other person charged with the care of the person or property of that individual.

(C) Returns or notices required of an estate or a trust shall be made and filed by the fiduciary of the estate or trust.

(D)(1)(a) Except as otherwise provided in division (D)(1)(b) of this

section, any pass-through entity may file a single return on behalf of one or more of the entity's investors other than an investor that is a person subject to the tax imposed under section 5733.06 of the Revised Code. The single return shall set forth the name, address, and social security number or other identifying number of each of those pass-through entity investors and shall indicate the distributive share of each of those pass-through entity investor's income taxable in this state in accordance with sections 5747.20 to 5747.231 of the Revised Code. Such pass-through entity investors for whom the pass-through entity elects to file a single return are not entitled to the exemption or credit provided for by sections 5747.02 and 5747.022 of the Revised Code; shall calculate the tax before business credits at the highest rate of tax set forth in section 5747.02 of the Revised Code for the taxable year for which the return is filed; and are entitled to only their distributive share of the business credits as defined in division (D)(2) of this section. A single check drawn by the pass-through entity shall accompany the return in full payment of the tax due, as shown on the single return, for such investors, other than investors who are persons subject to the tax imposed under section 5733.06 of the Revised Code.

(b)(i) A pass-through entity shall not include in such a single return any investor that is a trust to the extent that any direct or indirect current, future, or contingent beneficiary of the trust is a person subject to the tax imposed under section 5733.06 of the Revised Code.

(ii) A pass-through entity shall not include in such a single return any investor that is itself a pass-through entity to the extent that any direct or indirect investor in the second pass-through entity is a person subject to the tax imposed under section 5733.06 of the Revised Code.

(c) Nothing in division (D) of this section precludes the tax commissioner from requiring such investors to file the return and make the payment of taxes and related interest, penalty, and interest penalty required by this section or section 5747.02, 5747.09, or 5747.15 of the Revised Code. Nothing in division (D) of this section shall be construed to provide to such an investor or pass-through entity any additional deduction or credit, other than the credit provided by division (J) of this section, solely on account of the entity's filing a return in accordance with this section. Such a pass-through entity also shall make the filing and payment of estimated taxes on behalf of the pass-through entity investors other than an investor that is a person subject to the tax imposed under section 5733.06 of the Revised Code.

(2) For the purposes of this section, "business credits" means the credits listed in section 5747.98 of the Revised Code excluding the following credits:

(a) The retirement credit under division (B) of section 5747.055 of the Revised Code;

(b) The senior citizen credit under division (C) of section 5747.05 of the Revised Code;

(c) The lump sum distribution credit under division (D) of section

5747.05 of the Revised Code;

(d) The dependent care credit under section 5747.054 of the Revised Code;

(e) The lump sum retirement income credit under division (C) of section 5747.055 of the Revised Code;

(f) The lump sum retirement income credit under division (D) of section 5747.055 of the Revised Code;

(g) The lump sum retirement income credit under division (E) of section 5747.055 of the Revised Code;

(h) The credit for displaced workers who pay for job training under section 5747.27 of the Revised Code;

(i) The twenty-dollar personal exemption credit under section 5747.022 of the Revised Code;

(j) The joint filing credit under division (G) of section 5747.05 of the Revised Code;

(k) The nonresident credit under division (A) of section 5747.05 of the Revised Code;

(l) The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;

(m) The low-income credit under section 5747.056 of the Revised Code.

(3) The election provided for under division (D) of this section applies only to the taxable year for which the election is made by the pass-through entity. Unless the tax commissioner provides otherwise, this election, once made, is binding and irrevocable for the taxable year for which the election is made. Nothing in this division shall be construed to provide for any deduction or credit that would not be allowable if a nonresident pass-through entity investor were to file an annual return.

(4) If a pass-through entity makes the election provided for under division (D) of this section, the pass-through entity shall be liable for any additional taxes, interest, interest penalty, or penalties imposed by this chapter if the tax commissioner finds that the single return does not reflect the correct tax due by the pass-through entity investors covered by that return. Nothing in this division shall be construed to limit or alter the liability, if any, imposed on pass-through entity investors for unpaid or underpaid taxes, interest, interest penalty, or penalties as a result of the pass-through entity's making the election provided for under division (D) of this section. For the purposes of division (D) of this section, "correct tax due" means the tax that would have been paid by the pass-through entity had the single return been filed in a manner reflecting the tax commissioner's findings. Nothing in division (D) of this section shall be construed to make or hold a pass-through entity liable for tax attributable to a

pass-through entity investor's income from a source other than the pass-through entity electing to file the single return.

(E) If a husband and wife file a joint federal income tax return for a taxable year, they shall file a joint return under this section for that taxable year, and their liabilities are joint and several, but, if the federal income tax liability of either spouse is determined on a separate federal income tax return, they shall file separate returns under this section.

If either spouse is not required to file a federal income tax return and either or both are required to file a return pursuant to this chapter, they may elect to file separate or joint returns, and, pursuant to that election, their liabilities are separate or joint and several. If a husband and wife file separate returns pursuant to this chapter, each must claim the taxpayer's own exemption, but not both, as authorized under section 5747.02 of the Revised Code on the taxpayer's own return.

(F) Each return or notice required to be filed under this section shall contain the signature of the taxpayer or the taxpayer's duly authorized agent and of the person who prepared the return for the taxpayer, and shall include the taxpayer's social security number. Each return shall be verified by a declaration under the penalties of perjury. The tax commissioner shall prescribe the form that the signature and declaration shall take.

(G) Each return or notice required to be filed under this section shall be made and filed as required by section 5747.04 of the Revised Code, on or before the fifteenth day of April of each year, on forms that the tax commissioner shall prescribe, together with remittance made payable to the treasurer of state in the combined amount of the state and all school district income taxes shown to be due on the form, unless the combined amount shown to be due is one dollar or less, in which case that amount need not be remitted.

Upon good cause shown, the tax commissioner may extend the period for filing any notice or return required to be filed under this section and may adopt rules relating to extensions. If the extension results in an extension of time for the payment of any state or school district income tax liability with respect to which the return is filed, the taxpayer shall pay at the time the tax liability is paid an amount of interest computed at the rate per annum prescribed by section 5703.47 of the Revised Code on that liability from the time that payment is due without extension to the time of actual payment. Except as provided in section 5747.132 of the Revised Code, in addition to all other interest charges and penalties, all taxes imposed under this chapter or Chapter 5748. of the Revised Code and remaining unpaid after they become due, except combined amounts due of one dollar or less, bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code until paid or until the day an assessment is issued under section 5747.13 of the Revised Code, whichever occurs first.

If the tax commissioner considers it necessary in order to ensure the payment of the tax imposed by section 5747.02 of the Revised Code or any tax

imposed under Chapter 5748. of the Revised Code, the tax commissioner may require returns and payments to be made otherwise than as provided in this section.

To the extent that any provision in this division conflicts with any provision in section 5747.026 of the Revised Code, the provision in that section prevails.

(H) If any report, claim, statement, or other document required to be filed, or any payment required to be made, within a prescribed period or on or before a prescribed date under this chapter is delivered after that period or that date by United States mail to the agency, officer, or office with which the report, claim, statement, or other document is required to be filed, or to which the payment is required to be made, the date of the postmark stamped on the cover in which the report, claim, statement, or other document, or payment is mailed shall be deemed to be the date of delivery or the date of payment.

If a payment is required to be made by electronic funds transfer pursuant to section 5747.072 of the Revised Code, the payment is considered to be made when the payment is received by the treasurer of state or credited to an account designated by the treasurer of state for the receipt of tax payments.

"The date of the postmark" means, in the event there is more than one date on the cover, the earliest date imprinted on the cover by the United States postal service.

(I) The amounts withheld by the employer pursuant to section 5747.06 of the Revised Code shall be allowed to the recipient of the compensation as credits against payment of the appropriate taxes imposed on the recipient by section 5747.02 and under Chapter 5748. of the Revised Code.

(J) If, in accordance with division (D) of this section, a pass-through entity elects to file a single return and if any investor is required to file the return and make the payment of taxes required by this chapter on account of the investor's other income that is not included in a single return filed by a pass-through entity, the investor is entitled to a refundable credit equal to the investor's proportionate share of the tax paid by the pass-through entity on behalf of the investor. The investor shall claim the credit for the investor's taxable year in which or with which ends the taxable year of the pass-through entity. Nothing in this chapter shall be construed to allow any credit provided in this chapter to be claimed more than once. For the purposes of computing any interest, penalty, or interest penalty, the investor shall be deemed to have paid the refundable credit provided by this division on the day that the pass-through entity paid the estimated tax or the tax giving rise to the credit."

In line 81457, delete "or" and insert "of"

Delete lines 81666 through 81822

In line 81982, delete "2971.051," and insert "2971.05,"

In line 82031, after "5111.111," insert "5111.112,"

In line 82046, after "5705.391," insert "5711.16,"

In line 82442, delete "125.29" and insert "125.021"

In line 82445, delete "125.29" and insert "125.021"

In line 84235, delete "XXX 195-XXX" and insert "5CV 195-680"

In line 84717, delete "Fund XXX" and insert "Fund 5CV"

In line 84719, delete "195-XXX" and insert "195-680"

In line 84730, delete "XXX" and insert "5CV"

In line 84735, delete "195-XXX" and insert "195-680"

In line 85063, delete "200-900" and insert "200-909"

In line 85995, delete "$270,000"

In line 88992, delete "209.66.25" and insert "206.66.25"

In line 89207, delete "auditor of state" and insert "Auditor of State"

In line 89208, delete "medicaid" and insert "Medicaid"

In line 89609, after "Fund" insert "(Fund"; delete "job" and insert "Job"

In line 90018, delete "REIMBURSEMENT CEILINGS FOR" and insert "**Section 206.67.13**"

In line 90019, delete "PROVIDERS"

In line 90020, before "The" insert "(A) The Department of Job and Family Services shall increase, for fiscal years 2006 and 2007, the reimbursement ceilings for providers of publicly funded child care to sixty-five per cent of the market's usual and customary cost to the public based on the most recently conducted market rate survey required by 45 C.F.R. 98.16.

(B)"; delete "of Job and Family Services"

In line 90025, delete "estimated"; after "average" insert "of children expected to enroll"; delete "actual"

In line 90026, after "average" insert "of children actually enrolled"; after "thousand" insert "children"

In line 90028, delete "less" and insert "more"; delete "sixty-five" and insert "seventy"

In line 90030, delete "48" and insert "45"

Delete line 90032

In line 90033, before "The" insert "(C)"

In line 91745, delete "XXX 019-XXX" and insert "5CX 019-617"

In line 92078, delete "525-547" and insert "235-547"

In line 93958, delete "$612,195,011 $582,437,898" and insert "$231,076,000 $235,542,000"

In line 94478, delete "FSR" and insert "FED"

In line 94484, delete "County"

In line 94484a, delete "Maintenance"

In line 95252, delete "Employees of the Ohio Educational"

Delete lines 95253 through 95255

In line 97929, delete "3317.01,"

In line 97936, delete "3701.021,"

In line 98288, delete "goes" and insert "and the amendment striking through division (B)(35) of the section go"

Delete lines 98382 and 98383

In line 19 of the title, delete "307.36,"

In line 68 of the title, delete "3702.72," and insert "3702.71,"

In line 139 of the title, delete "5739.029,"

In line 196 of the title, delete "4501.07, 4506.101, 4506.161, 4713.441,"

In line 197 of the title, after "4123.445," insert "4501.07, 4506.101, 4506.161, 4713.441,"

Between lines 97126 and 97127, insert:

"**Section ___.** (A) Notwithstanding any provision of Chapter 5751. of the Revised Code as enacted by this act, "gross receipts," as defined in section 5751.01 of the Revised Code, excludes all of the following receipts if they are received prior to July 1, 2007:

(1) Receipts from the sale of fuel by a refinery to a terminal that is intended to be used as motor fuel;

(2) Receipts from the sale of motor fuel from a terminal to a motor fuel dealer, excluding motor fuel that is not subject to taxation under Chapter 5735. of the Revised Code;

(3) Receipts from the sale of motor fuel upon which the tax under Chapter 5735. of the Revised Code has been imposed.

For the purposes of this division, "motor fuel," "motor fuel dealer, and "terminal" have the same meanings as used in section 5735.01 of the Revised Code.

(B) For the purposes of division (A) of this section, the imposition of tax

on motor fuel for the illegal use of that fuel shall not be considered motor fuel subject to the tax under Chapter 5735. of the Revised Code.

(C) The Tax Commissioner may promulgate rules to administer this section, including prescribing the method to determine which fuel is intended to be used as motor fuel.

Between July 1, 2005, and March 1, 2007, the Tax Commissioner shall accept recommendations and comments on the taxation of receipts from the sale or other transfer of motor fuel under Chapter 5751. of the Revised Code, including from persons required to report and pay the tax under Chapter 5735. of the Revised Code, and shall prepare a report summarizing those recommendations and comments and presenting any recommendations of the Tax Commissioner. The Tax Commissioner and shall submit the report to the President of the Senate, the Speaker of the House of Representatives, and the leader of the minority caucus in each house on or before March 1, 2007.

Section ___. Notwithstanding anything in Chapter 5735. of the Revised Code as amended by this act, the discount or shrinkage allowance provided for in sections 5735.06 and 5735.141 of the Revised Code for the period July 1, 2005, through June 30, 2007, shall be based on divisions (A) and (B) of this section:

(A) For the discount under section 5735.06 of the Revised Code:

(1) For July 2005 through June 2006, if the monthly report is timely filed and the tax is timely paid, 2.5 per cent of the total number of gallons of motor fuel received by the motor fuel dealer within the state during the preceding calendar month less the total number of gallons deducted under divisions (B)(1)(a) and (b) of section 5735.06 of the Revised Code, less 0.83 per cent of the total number of gallons of motor fuel that were sold to a retail dealer during the preceding calendar month.

(2) For July 2006 through June 2007, if the monthly report is timely filed and the tax is timely paid, 1.95 per cent of the total number of gallons of motor fuel received by the motor fuel dealer within the state during the preceding calendar month less the total number of gallons deducted under divisions (B)(1)(a) and (b) of section 5735.06 of the Revised Code, less 0.65 per cent of the total number of gallons of motor fuel that were sold to a retail dealer during the preceding calendar month.

(B) For the refund provided retail dealers under section 5735.141 of the Revised Code:

(1) For the semiannual periods ending December 31, 2005, and June 30, 2006, the refund shall be 0.83 per cent of the Ohio motor fuel taxes paid on fuel purchased during those semiannual periods.

(2) For the semiannual periods ending December 31, 2006, and June 30, 2007, the refund shall be 0.65 per cent of the Ohio motor fuel taxes paid on fuel purchased during those semiannual periods.

The Tax Commissioner may adopt rules to administer this section."

In line 85222, after "teachers" insert "and principals"

In line 306, delete "3314.01,"

In line 307, delete "3314.033,"

In line 308, delete "3314.17,"

In line 384, delete "3314.033 (3314.23),"

In line 412, delete "3314.016," and insert "3314.014,"

In line 413, delete "3314.18, 3314.19,"

In line 23982, delete "the name of"

In line 23983, delete "student" and insert "student's data verification code, as assigned pursuant to section 3301.0714 of the Revised Code,"

In line 23986, delete "enroll" and insert "receive"; after "any" insert "state funds under Chapter 3317. of the Revised Code for any enrolled"

In line 23987, after "student" insert "whose data verification code appears"

In line 23988, after the underlined period insert "Notwithstanding any provision of the Revised Code to the contrary, the parent of any such student shall pay tuition to the school district that operates the school in an amount equal to the state funds the district otherwise would receive for that student, as determined by the department. A school to which this section applies may withdraw any student for whom the parent does not pay tuition as required by this division."

Delete lines 24483 through 24506

In line 24525, delete "After" and insert "Except as otherwise provided in section 3314.014 of the Revised Code, after"

In line 24527, delete "twenty-five" and insert "thirty"

In line 24528, delete everything after "contracts"

In line 24529, delete "amendment"

In line 24530, delete everything after the underlined period

Delete lines 24531 through 24534

In line 24535, after "a" insert "conversion school that is an internet- or computer-based community school or a"

In line 24538, delete "Until" and insert "Except as otherwise provided in section 3314.014 of the Revised Code, until"

In line 24540, delete "twenty-five" and insert "thirty"; delete "in"

In line 24541, delete everything before "with"

In line 24542, delete everything after the underlined period

Delete lines 24543 through 24546

In line 24547, after "(6)" insert "Until the effective date of any standards enacted by the general assembly governing the operation of internet- or computer-based community schools, no internet- or computer-based community school shall operate unless the school was open for instruction as of May 1, 2005."

In line 24548, delete "with" and insert "to sponsor"

In line 24549, after "school" insert ", including a conversion school,"; delete "one"

In line 24550, delete "year after"; delete "this amendment" and insert "any standards enacted by the general assembly governing the operation of internet- or computer-based community schools"

In line 24554, delete "the"

In line 24555, delete everything before the underlined period and insert "May 1, 2005, if the school was open for operation as of that date"

Between lines 24565 and 24566, insert:

"If a sponsor entered into a contract with an internet- or computer-based community school, including a conversion school, but the school was not open for operation as of May 1, 2005, the contract shall be void and the entity shall not enter into another contract with the school until the effective date of any standards enacted by the general assembly governing the operation of internet- or computer-based community schools."

In line 24573, delete "one year after" and insert "on"

In line 24574, delete "this amendment" and insert "any standards enacted by the general assembly governing the operation of internet- or computer-based community schools"

Between lines 24591 and 24592, insert:

"**Sec. 3314.014.** As used in this section, "operator" means an organization that manages the daily operations of a community school pursuant to a contract between the operator and the school's governing authority.

(A)(1) Notwithstanding the limit prescribed by division (A)(4) of section 3314.013 of the Revised Code, a start-up school sponsored by an entity described in divisions (C)(1)(b) to (f) of section 3314.02 of the Revised Code may be established after the date that limit is reached, provided the school's governing authority enters into a contract with an operator permitted to manage the school under division (B) of this section.

(2) Notwithstanding the limit prescribed by division (A)(5) of section 3314.013 of the Revised Code, a conversion school that is an internet- or computer-based community school or a start-up school sponsored by the school district in which the school is or is proposed to be located may be established after the date that limit is reached, provided the school's governing authority enters into a contract with an operator permitted to manage the school under division (B) of this section. However, a conversion school that is an internet- or computer-based community school may be established after that date only if the prohibition prescribed by division (A)(6) of section 3314.013 of the Revised Code is no longer in effect.

(B) An operator may enter into contracts with the governing authorities of community schools established after the date the limit prescribed by division (A)(4) or (5) of section 3314.013 of the Revised Code, as applicable, is reached, provided the total number of schools for which the operator enters into such contracts, excluding conversion schools that are not internet- or computer-based community schools, does not exceed the number of community schools managed by the operator on the applicable date that are rated excellent, effective, or in need of continuous improvement pursuant to section 3302.03 of the Revised Code."

Delete lines 24646 through 24672 and insert:

"(a) An entity that sponsored fifty or fewer schools that were open for operation as of May 1, 2005, may sponsor not more than fifty schools.

(b) An entity that sponsored more than fifty but not more than seventy-five schools that were open for operation as of May 1, 2005, may sponsor not more than the number of schools the entity sponsored that were open for operation as of May 1, 2005.

(c) Until June 30, 2006, an entity that sponsored more than seventy-five schools that were open for operation as of May 1, 2005, may sponsor not more than the number of schools the entity sponsored that were open for operation as of May 1, 2005. After June 30, 2006, such an entity may sponsor not more than seventy-five schools."

In line 24675, delete "The" and insert:

"The"

In line 24676, delete "(a),"; delete the second underlined comma

In line 24678, delete everything after "closes"

Delete lines 24679 through 24681

In line 24682, delete everything before the period and insert "until the number of schools sponsored by the entity is fifty.

If at any time an entity exceeds the number of schools it may sponsor under this division, the department shall assist the schools in excess of the

entity's limit in securing new sponsors. If a school is unable to secure a new sponsor, the department shall assume sponsorship of the school in accordance with division (C) of this section. Those schools for which another sponsor or the department assumes sponsorship shall be the schools that most recently entered into contracts with the entity under section 3314.03 of the Revised Code"

Delete lines 24730 through 24752

In line 24790, reinsert "that"

Reinsert lines 24791 through 24793

In line 24794, reinsert "opportunities"

In line 24881, delete everything after the period

Delete lines 24882 and 24883

In line 24884, delete everything before "Up"; strike through the balance of the line and insert "Beginning on the effective date of this amendment, adoption of the contract shall occur not later than the fifteenth day of March prior to the school year in which the school will open. Subject to sections"

In line 24885, after "3314.013" insert "and 3314.014"

In line 24906, after "(G)" insert "(1)"

Between lines 24916 and 24917, insert:

"(2) A community school that was established prior to June 29, 1999, and is located in a county contiguous to the pilot project area and in a school district that is not a challenged school district may continue to operate after that date, provided the school complies with all provisions of this chapter. The contract between the school's governing authority and the school's sponsor may be renewed, but no additional start-up community school may be established in that district unless the district is a challenged school district."

In line 24998, reinsert "The"; delete the balance of the line

In line 24999, delete "amendment, the"

In line 25001, reinsert the semicolon; delete the balance of the line

Delete lines 25002 through 25007

Delete lines 25165 through 25167

In line 25491, strike through "is the per pupil dollar"

In line 25492, strike through "amount prescribed"; strike through "in"; delete "divisions"; strike through "(C)(1)"

In line 25493, delete "to (3)"; strike through "of that section" and insert "shall be calculated by the department"

In line 25602, strike through "The" and insert "Prior to fiscal year 2007,

the"; strike through "following" and insert "amount calculated under division (D)(2)(a) or (b) of this section, and in fiscal year 2007 and thereafter, the amount calculated under division (D)(2)(b) of this section"

In line 25613, reinsert the stricken colon

In line 25963, delete "sections 3314.085 and" and insert "section"

Delete lines 25966 through 26026 and insert:

"**Sec. 3314.085.** (A) In each fiscal year beginning in fiscal year 2007, each internet- or computer-based community school shall spend for pupil instruction at least the amount per pupil designated in division (B)(1) of section 3317.012 of the Revised Code as the amount for base classroom teachers. For this purpose, expenditures for pupil instruction include expenditures for teachers, curriculum, academic materials other than computers, and any other instructional purposes designated in the rules adopted under this section. Expenditures to provide the computer hardware and filtering software required by sections 3314.21 and 3314.22 of the Revised Code do not qualify as pupil instruction for purposes of this section.

(B) Beginning in fiscal year 2007, each internet- or computer-based community school annually shall report data to the department of education concerning its expenditures for pupil instruction. Each school shall report the data in the form and manner required by the department.

(C) If the department determines, after offering the school an opportunity for a hearing in accordance with Chapter 119. of the Revised Code, that an internet- or computer-based community school has failed in any fiscal year to comply with division (A) or (B) of this section, the department shall assess a fine against the school equivalent to the greater of the following:

(1) Five per cent of the total state payments to the school under this chapter for the fiscal year in which the failure occurred;

(2) The difference between the amount the department determines the school was required to have spent for pupil instruction and the amount the department determines the school actually spent for pupil instruction.

The department's methods of collecting the fine may include withholding state payments under this chapter in the current or subsequent fiscal year.

The department may cancel a fine it has imposed under this section if the school submits a plan for coming into compliance with the requirements of this section that the department approves, and the school demonstrates to the department's satisfaction that it is implementing the plan.

(D) The superintendent of public instruction shall adopt rules in accordance with Chapter 119. of the Revised Code specifying expenditures that qualify as expenditures for pupil instruction for purposes of this section."

Delete lines 26068 through 26163

In line 26173, after "(B)" insert "(1)"; reinsert the balance of the line

Reinsert lines 26174 and 26175

In line 26176, delete "(1)" and insert ".

(2)"

In line 26179, delete everything after "Code"

Delete line 26180

In line 26181, delete everything before the underlined period

In line 26182, delete "(2)" and insert "(3)"

In line 26187, delete the underlined period

Delete lines 26188 through 26192

In line 26193, delete everything before the period

In line 26205, reinsert "intent of the general assembly"

In line 26206, delete "requirement"; delete "(3)" and insert "(1)"

In line 26250, delete "or remedial"

Delete lines 26256 through 26272

In line 26300, delete "the name of"; delete "student" and insert "student's data verification code, as assigned pursuant to section 3301.0714 of the Revised Code,"

In line 26301, delete "students" and insert "data verification codes"

In line 26307, delete "enroll" and insert "receive"; after "any" insert "state funds under this chapter for any enrolled"; after "student" insert "whose data verification code appears"

In line 26308, after the underlined period insert "Notwithstanding any provision of the Revised Code to the contrary, the parent of any such student shall pay tuition to the internet- or computer-based community school in an amount equal to the state funds the school otherwise would receive for that student, as determined by the department. An internet- or computer-based community school may withdraw any student for whom the parent does not pay tuition as required by this division."

In line 26393, delete everything after the underlined period

Delete lines 26394 through 26396

In line 26401, after "section" insert "beginning the next school year"

In line 26407, delete everything after "than"

Delete lines 26408 through 26412

In line 26413, delete everything before the underlined period and insert "fifty-five per cent"

In line 26420, after the underlined comma insert "if the school is an internet- or computer-based community school,"; delete "develop"

Delete lines 26421 through 26424

In line 26425, delete everything before the underlined period and insert "not enroll any students in excess of the number of students the school enrolled at the conclusion of the preceding school year"

In line 26427, after the underlined comma insert "if the school is an internet- or computer-based community school,"; delete "sponsor of"

Delete lines 26428 through 26431

In line 26432, delete "greater" and insert "school shall do both of the following:

(a) Continue to comply with division (C)(1) of this section;

(b) Withdraw from the school at the conclusion of the school year any student for whom any of the following conditions apply, unless the student's parent agrees to pay tuition to the school in an amount equal to the state funds the school otherwise would receive for that student as determined by the department of education:

(i) For two consecutive school years, the student has taken the reading and mathematics assessments administered under section 3314.35 of the Revised Code but has failed to show the expected gains in student achievement established under division (A) of this section for both reading and mathematics.

(ii) For two consecutive school years, the student has not taken one or more of the reading and mathematics assessments described in division (C)(2)(b)(i) of this section.

(iii) For one of two consecutive school years, the student took the reading and mathematics assessments described in division (C)(2)(b)(i) of this section but failed to show the expected gains in student achievement also described in that division for both reading and mathematics, and, for the other school year, the student did not take one or more of those assessments.

After the conclusion of the school year, the school shall not receive state funds for any student who is required to be withdrawn or for whom tuition is owed under division (C)(2)(b) of this section"

In line 26433, delete "a" and insert "any"

In line 26434, delete "all of"

In line 26435, delete "occur" and insert "apply"

In line 26436, after "(a)" insert "If the school is an internet- or

computer-based community school, the school shall continue to comply with division (C)(1)(a) of this section.

(b)"

Delete lines 26438 through 26444

In line 26466, delete "ninety-five" and insert "ninety"

In line 26469, delete "ninety-five" and insert "ninety"

In line 26471, delete "ninety-five" and insert "ninety"

In line 81987, delete "3314.01,"

In line 81988, delete "3314.033,"

In line 81989, delete "3314.17,"

In line 82067, after "3311.40," insert "3314.15,"

Between lines 86939 and 86940, insert:

"**Section ___.** (A) As used in this section:

(1) "IEP" has the same meaning as in section 3314.08 of the Revised Code.

(2) "SBH student" means a student receiving special education and related services for severe behavior handicap conditions pursuant to an IEP.

(B) This section applies only to a community school established under Chapter 3314. of the Revised Code that in each of fiscal years 2006 and 2007 enrolls a number of SBH students equal to at least fifty per cent of the total number of students enrolled in the school in the applicable fiscal year.

(C) In addition to any payments made under section 3314.08 of the Revised Code, in each of fiscal years 2006 and 2007, the Department of Education shall pay to a community school to which this section applies a subsidy equal to the difference between the aggregate amount calculated and paid in that fiscal year to the community school for special education and related services additional weighted costs for the SBH students enrolled in the school and the aggregate amount that would have been calculated for the school for special education and related services additional weighted costs for those same students in fiscal year 2001. If the difference is a negative number, the amount of the subsidy shall be zero.

(D) The amount of any subsidy paid to a community school under this section shall not be deducted from the school district in which any of the students enrolled in the community school are entitled to attend school under section 3313.64 or 3313.65 of the Revised Code. The amount of any subsidy paid to a community school under this section shall be paid from funds appropriated to the Department of Education in appropriation item 200-550, Foundation Funding."

Delete lines 87118 through 87121

Between lines 87219 and 87220, insert:

"**Section ___.** (A) Within thirty days after the effective date of this section, the Department of Education shall do both of the following:

(1) Conduct a random lottery to determine thirty community schools sponsored by entities described in division (C)(1)(b) to (f) of section 3314.02 of the Revised Code that will be permitted to open for operation in order to reach the limit on such schools prescribed by division (A)(4) of section 3314.013 of the Revised Code, as enacted by this act;

(2) Conduct a random lottery to determine thirty community schools sponsored by the school districts in which the schools are proposed to be located that will be permitted to open for operation in order to reach the limit on such schools prescribed by division (A)(5) of section 3314.013 of the Revised Code, as enacted by this act.

(B) Sponsors of community schools shall apply to the Department to include a community school in the lottery conducted under division (A)(1) or (2) of this section, as applicable. A sponsor may make application for any community school it sponsors for which the following conditions are met:

(1) The sponsor has entered into a contract with the governing authority of the school under section 3314.03 of the Revised Code.

(2) The school is prepared to open for its initial year of operation in the 2005-2006 school year.

However, no sponsor may apply to include a community school in a lottery if the selection of the school would cause the sponsor to exceed the sponsor's limit on the number of schools it may sponsor as prescribed by division (B)(1) of section 3314.015 of the Revised Code, as amended by this act.

(C) The Department shall establish the application method and deadline for sponsors to apply for the lotteries conducted under this section. The Department shall allow sufficient time between the date on which sponsors are notified of the number of schools they may sponsor, as required by Section 206.10.09 of this act, and the deadline for lottery applications to enable sponsors to complete the application process.

Section ___. No community school established under Chapter 3314. of the Revised Code that was not open for operation as of May 1, 2005, shall operate from a home, as defined in section 3313.64 of the Revised Code."

In line 97927, after "3314.013," insert "3314.014,"

In line 45 of the title, delete "3314.01,"

In line 46 of the title, delete "3314.033,"

In line 47 of the title, delete "3314.17,"

In line 154 of the title, delete "3314.033 (3314.23),"

In line 185 of the title, delete "3314.016," and insert "3314.014,"

In line 186 of the title, delete "3314.18, 3314.19,"

In line 234 of the title, after "3311.40," insert "3314.15,"

In line 422, delete "4713.441,"

Delete lines 49680 through 49702

In line 196 of the title, delete "4713.441,"

In line 80771, after "is" insert "the constitutionality of division (H)(3) of section 5751.01 of the Revised Code or"

In line 79172, after "broker" insert "that is not a dealer in intangibles"

In line 79475, delete "engaging" and insert "doing business"; after "state" insert ". For the purposes of this chapter, "doing business" means engaging"

In line 79477, delete "Such persons" and insert "Persons on which the commercial activity tax is levied"

In line 79484, after the underlined period insert "The tax imposed by this section is an annual privilege tax for the calendar year that, in the case of calendar year taxpayers, is the annual tax period and, in the case of calendar quarter taxpayers, contains all quarterly tax periods in the calendar year. A taxpayer is subject to the annual privilege tax for doing business during any portion of such calendar year."

In line 79833, after "(2)" insert "(a) Subject to division (C) of section 5751.05 of the Revised Code, a calendar quarter taxpayer shall report the taxable gross receipts for that calendar quarter.

(b) With respect to taxable gross receipts incorrectly reported in a calendar quarter that has a lower tax rate, the tax shall be computed at the tax rate in effect for the quarterly return in which such receipts should have been reported. Nothing in division (A)(2)(b) of this section prohibits a taxpayer from filing an application for refund under section 5751.08 of the Revised Code with regard to the incorrect reporting of taxable gross receipts discovered after filing the annual return described in division (A)(3) of this section.

A tax return shall not be deemed to be an incorrect reporting of taxable gross receipts for the purposes of division (A)(2)(b) of this section if the return reflects between ninety-five and one hundred five per cent of the actual taxable gross receipts for the calendar quarter.

(3) The tax return filed for the fourth calendar quarter of a calendar year is the annual return for the privilege tax imposed by this chapter. Such return shall report any additional taxable gross receipts not previously reported in the calendar year and shall adjust for any over-reported taxable gross receipts in the calendar year. If the taxpayer ceases to be a taxpayer before the end of the

calendar year, the last return the taxpayer is required to file shall be the annual return for the taxpayer and the taxpayer shall report any additional taxable gross receipts not previously reported in the calendar year and shall adjust for any over-reported taxable gross receipts in the calendar year.

(4) Because the tax imposed by this chapter is a privilege tax, the tax rate with respect to taxable gross receipts for a calendar quarter is not fixed until the end of the measurement period for each calendar quarter. Subject to division (A)(2)(b) of this section, the total amount of taxable gross receipts reported for a given calendar quarter shall be subject to the tax rate in effect in that quarter.

(5)"

Between lines 79894 and 79895, insert:

"(H) The tax commissioner may impose a penalty of up to ten per cent for any additional tax that is due under division (A)(2)(b) of section 5751.051 of the Revised Code from a taxpayer incorrectly reporting its taxable gross receipts."

In line 97105, after the period insert "The tax imposed by this section is a semiannual privilege tax measured for the semiannual period commencing July 1, 2005, that is the six-month tax period during which the tax is measured on receipts during that period."

In line 80962, after "items" insert "apportioned to this state"

In line 81053, delete "commercial activity tax"

In line 81061, after the underlined period insert "Unless extended by mutual consent, the tax commissioner may, until June 30, 2010, audit the accuracy of the amortizable amount available to each taxpayer that will claim the credit, and adjust the amortizable amount or, if appropriate, issue any assessment necessary to correct any errors found upon audit."

In line 81088, delete "(E)" and insert "(D)"

In line 79058, delete "in a transaction or"

In line 79059, delete "transactions"; delete "contribute" and insert "contributes"

In line 79078, delete "Dividend income," and insert "Dividends and"

In line 79079, delete "received"

In line 79311, delete ", but not limited to,"

In line 79373, delete "in intangibles"

In line 80063, delete "sales or" and insert "gross"

In line 79329, delete "all"

In line 79330, delete "persons"; delete "more than" and insert "at least"

In line 79339, after the underlined period insert "If fifty per cent of the value of a person's ownership interests is owned or controlled by each of two consolidated elected taxpayer groups formed under the fifty per cent ownership or control test, that person is a member of each group for the purposes of this section, and each group shall include in the group's taxable gross receipts fifty per cent of that person's taxable gross receipts. Otherwise, all of that person's taxable gross receipts shall be included in the taxable gross receipts of the consolidated elected taxpayer group of which the person is a member. In no event shall the ownership or control of fifty per cent of the value of a person's ownership interests by two otherwise unrelated groups form the basis for consolidating the groups into a single consolidated elected taxpayer group or permit any exclusion under division (C) of this section of taxable gross receipts between members of the two groups."

In line 91668, delete "$100,000 $100,000" and insert "$200,000 $200,000"

In line 91669, delete "$100,000 $100,000" and insert "$200,000 $200,000"

In line 91670, delete "$100,000 $100,000" and insert "$200,000 $200,000"

In line 23607, delete "both" and insert "all"

In line 23608, after "(1)" insert "The student's resident district remains the same;

(2)"

In line 23611, delete "(2)" and insert "(3)"

In line 427, delete "5111.164, 5111.165,"

Delete lines 55209 through 55251 and insert:

"**Sec. 5111.16.** (A) As part of the medicaid program, the department of job and family services shall establish a care management system. The department shall submit, if necessary, applications to the United States department of health and human services for waivers of federal medicaid requirements that would otherwise be violated in the implementation of the system.

(B) The department shall implement the care management system in some or all counties and shall designate the medicaid recipients who are required or permitted to participate in the system. In the department's implementation of the system and designation of participants, all of the following apply:

(1) In the case of individuals who receive medicaid on the basis of being included in the category identified by the department as covered families and children, the department shall implement the care management system in all counties. All individuals included in the category shall be designated for

participation [Insert from CC-3755]. The department shall designate the participants not later than January 1, 2006. Beginning not later than December 31, 2006, the department shall ensure that all participants are enrolled in health insuring corporations under contract with the department pursuant to section 5111.17 of the Revised Code.

(2) In the case of individuals who receive medicaid on the basis of being aged, blind, or disabled, as specified in division (A)(2) of section 5111.01 of the Revised Code, the department shall implement the care management system in all counties. All individuals included in the category shall be designated for participation, except for the individuals specified in divisions (B)(2)(a) to (e) of this section. Beginning not later than December 31, 2006, the department shall ensure that all participants are enrolled in health insuring corporations under contract with the department pursuant to section 5111.17 of the Revised Code.

In designating participants who receive medicaid on the basis of being aged, blind, or disabled, the department shall not include any of the following:

(a) Individuals who are under twenty-one years of age;

(b) Individuals who are institutionalized;

(c) Individuals who become eligible for medicaid by spending down their income or resources to a level that meets the medicaid program's financial eligibility requirements;

(d) Individuals who are dually eligible under the medicaid program and the medicare program established under Title XVIII of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1395, as amended;

(e) Individuals to the extent that they are receiving medicaid services through a medicaid waiver component, as defined in section 5111.85 of the Revised Code.

[Insert from CC-3756-1]

~~(B) Under the care management system~~(C) Subject to division (B) of this section, the department may do both of the following under the care management system:

(1) Require or permit participants in the system to obtain health care services from providers designated by the department;

(2) ~~require~~Require or permit participants in the system to obtain health care services through managed care organizations under contract with the department pursuant to section 5111.17 of the Revised Code.

~~(C)~~(D)(1) The department shall prepare an annual report on the care management system. The report shall address the department's ability to implement the system, including all of the following components:

(a) The required designation of participants included in the category identified by the department as covered families and children;

(b) The required designation of participants included in the aged, blind, or disabled category of medicaid recipients;

(c) The conduct of the pilot program for chronically ill children established under section 5111.163 of the Revised Code;

(d) The use of any programs for enhanced care management.

(2) The department shall submit each annual report to the general assembly. The first report shall be submitted not later than October 1, 2007.

(E) The director of job and family services may adopt rules in accordance with Chapter 119. of the Revised Code to implement this section."

Delete lines 55376 through 55460

In line 55461, delete "**5111.165**" and insert "**5111.163**"

In line 55467, delete "5111.163" and insert "5111.16"

In line 90078, delete "PILOT PROGRAMS" and insert "PROGRAM"

In line 90081, delete "amounts" and insert "amount"

In line 90082, delete "Pilot Programs" and insert "Program"

In line 90083, delete "sections 5111.163 and 5111.164" and insert "section 5111.16"

In line 90084, delete "(1)"

In line 90089, delete "Pilot Programs" and insert "Program"

In line 90099, delete "Pilot Programs" and insert "Program"

In line 90100, delete "amounts" and insert "amount"; delete "are" and insert "is"

In line 90102, delete "Pilot Programs" and insert "Program"

Delete lines 90103 through 90107

In line 90110, delete "Pilot Programs" and insert "Program"; delete "Pilot"

In line 90111, delete "Programs" and insert "Program"

In line 90113, delete "Pilot Programs" and insert "Program"

In line 97948, delete "5111.163, 5111.164,"

In line 204 of the title, delete "5111.164, 5111.165,"

In line 90073, delete "and" and insert a comma; after "Senate" insert ", the Minority Leader of the House of Representatives, and the Minority Leader of the Senate"

In line 366, after "5705.391," insert "5709.12, 5709.121,"

Between lines 66904 and 66905, insert:

"**Sec. 5709.12.** (A) As used in this section, "independent living facilities" means any residential housing facilities and related property that are not a nursing home, residential care facility, or adult care facility as defined in division (A) of section 5701.13 of the Revised Code.

(B) Lands, houses, and other buildings belonging to a county, township, or municipal corporation and used exclusively for the accommodation or support of the poor, or leased to the state or any political subdivision for public purposes shall be exempt from taxation. Real and tangible personal property belonging to institutions that is used exclusively for charitable purposes shall be exempt from taxation, including real property belonging to an institution that is a nonprofit corporation that receives a grant under the Thomas Alva Edison grant program authorized by division (C) of section 122.33 of the Revised Code at any time during the tax year and being held for leasing or resale to others. If, at any time during a tax year for which such property is exempted from taxation, the corporation ceases to qualify for such a grant, the director of development shall notify the tax commissioner, and the tax commissioner shall cause the property to be restored to the tax list beginning with the following tax year. All property owned and used by a nonprofit organization exclusively for a home for the aged, as defined in section 5701.13 of the Revised Code, also shall be exempt from taxation.

(C)(1) If a home for the aged described in division (B)(1) of section 5701.13 of the Revised Code is operated in conjunction with or at the same site as independent living facilities, the exemption granted in division (B) of this section shall include kitchen, dining room, clinic, entry ways, maintenance and storage areas, and land necessary for access commonly used by both residents of the home for the aged and residents of the independent living facilities. Other facilities commonly used by both residents of the home for the aged and residents of independent living units shall be exempt from taxation only if the other facilities are used primarily by the residents of the home for the aged. Vacant land currently unused by the home, and independent living facilities and the lands connected with them are not exempt from taxation. Except as provided in division (A)(1) of section 5709.121 of the Revised Code, property of a home leased for nonresidential purposes is not exempt from taxation.

(2) Independent living facilities are exempt from taxation if they are operated in conjunction with or at the same site as a home for the aged described in division (B)(2) of section 5701.13 of the Revised Code; operated by a corporation, association, or trust described in division (B)(1)(b) of that section; operated exclusively for the benefit of members of the corporation, association, or trust who are retired, aged, or infirm; and provided to those members without charge in consideration of their service, without compensation, to a charitable, religious, fraternal, or educational institution. For the purposes of division (C)(2) of this section, "compensation" does not include furnishing room and board, clothing, health care, or other necessities, or stipends or other de minimis

payments to defray the cost thereof.

(D)(1) A private corporation established under federal law, defined in 36 U.S.C. 1101, Pub. L. No. 102-199, 105 Stat. 1629, as amended, the objects of which include encouraging the advancement of science generally, or of a particular branch of science, the promotion of scientific research, the improvement of the qualifications and usefulness of scientists, or the increase and diffusion of scientific knowledge is conclusively presumed to be a charitable or educational institution. A private corporation established as a nonprofit corporation under the laws of a state, that is exempt from federal income taxation under section 501(c)(3) of the Internal Revenue Code of 1986, 100 Stat. 2085, 26 U.S.C.A. 1, as amended, and has as its principal purpose one or more of the foregoing objects, also is conclusively presumed to be a charitable or educational institution.

The fact that an organization described in this division operates in a manner that results in an excess of revenues over expenses shall not be used to deny the exemption granted by this section, provided such excess is used, or is held for use, for exempt purposes or to establish a reserve against future contingencies; and, provided further, that such excess may not be distributed to individual persons or to entities that would not be entitled to the tax exemptions provided by this chapter. Nor shall the fact that any scientific information diffused by the organization is of particular interest or benefit to any of its individual members be used to deny the exemption granted by this section, provided that such scientific information is available to the public for purchase or otherwise.

(2) Division (D)(2) of this section does not apply to real property exempted from taxation under this section and division ~~(C)~~(A)(3) of section 5709.121 of the Revised Code and belonging to a nonprofit corporation described in division (D)(1) of this section that has received a grant under the Thomas Alva Edison grant program authorized by division (C) of section 122.33 of the Revised Code during any of the tax years the property was exempted from taxation.

When a private corporation described in division (D)(1) of this section sells all or any portion of a tract, lot, or parcel of real estate that has been exempt from taxation under this section and section 5709.121 of the Revised Code, the portion sold shall be restored to the tax list for the year following the year of the sale and a charge shall be levied against the sold property in an amount equal to the tax savings on such property during the four tax years preceding the year the property is placed on the tax list. The tax savings equals the amount of the additional taxes that would have been levied if such property had not been exempt from taxation.

The charge constitutes a lien of the state upon such property as of the first day of January of the tax year in which the charge is levied and continues until discharged as provided by law. The charge may also be remitted for all or any portion of such property that the tax commissioner determines is entitled to

exemption from real property taxation for the year such property is restored to the tax list under any provision of the Revised Code, other than sections 725.02, 1728.10, 3735.67, 5709.40, 5709.41, 5709.62, 5709.63, 5709.71, 5709.73, 5709.78, and 5709.84, upon an application for exemption covering the year such property is restored to the tax list filed under section 5715.27 of the Revised Code.

(E) Real property held by an organization organized and operated exclusively for charitable purposes as described under section 501(c)(3) of the Internal Revenue Code and exempt from federal taxation under section 501(a) of the Internal Revenue Code, 26 U.S.C.A. 501(a) and (c)(3), as amended, for the purpose of constructing or rehabilitating residences for eventual transfer to qualified low-income families through sale, lease, or land installment contract, shall be exempt from taxation.

The exemption shall commence on the day title to the property is transferred to the organization and shall continue to the end of the tax year in which the organization transfers title to the property to a qualified low-income family. In no case shall the exemption extend beyond the second succeeding tax year following the year in which the title was transferred to the organization. If the title is transferred to the organization and from the organization to a qualified low-income family in the same tax year, the exemption shall continue to the end of that tax year. The proportionate amount of taxes that are a lien but not yet determined, assessed, and levied for the tax year in which title is transferred to the organization shall be remitted by the county auditor for each day of the year that title is held by the organization.

Upon transferring the title to another person, the organization shall file with the county auditor an affidavit affirming that the title was transferred to a qualified low-income family or that the title was not transferred to a qualified low-income family, as the case may be; if the title was transferred to a qualified low-income family, the affidavit shall identify the transferee by name. If the organization transfers title to the property to anyone other than a qualified low-income family, the exemption, if it has not previously expired, shall terminate, and the property shall be restored to the tax list for the year following the year of the transfer and a charge shall be levied against the property in an amount equal to the amount of additional taxes that would have been levied if such property had not been exempt from taxation. The charge constitutes a lien of the state upon such property as of the first day of January of the tax year in which the charge is levied and continues until discharged as provided by law.

The application for exemption shall be filed as otherwise required under section 5715.27 of the Revised Code, except that the organization holding the property shall file with its application documentation substantiating its status as an organization organized and operated exclusively for charitable purposes under section 501(c)(3) of the Internal Revenue Code and its qualification for exemption from federal taxation under section 501(a) of the Internal Revenue Code, and affirming its intention to construct or rehabilitate the property for the

eventual transfer to qualified low-income families.

As used in this division, "qualified low-income family" means a family whose income does not exceed two hundred per cent of the official federal poverty guidelines as revised annually in accordance with section 673(2) of the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C.A. 9902, as amended, for a family size equal to the size of the family whose income is being determined.

Sec. 5709.121. (A) Real property and tangible personal property belonging to a charitable or educational institution or to the state or a political subdivision, shall be considered as used exclusively for charitable or public purposes by such institution, the state, or political subdivision, if it meets one of the following requirements:

~~(A)~~(1) It is used by such institution, the state, or political subdivision, or by one or more other such institutions, the state, or political subdivisions under a lease, sublease, or other contractual arrangement:

~~(1)~~(a) As a community or area center in which presentations in music, dramatics, the arts, and related fields are made in order to foster public interest and education therein;

~~(2)~~(b) For other charitable, educational, or public purposes~~;~~.

~~(B)~~(2) It is made available under the direction or control of such institution, the state, or political subdivision for use in furtherance of or incidental to its charitable, educational, or public purposes and not with the view to profit.

~~(C)~~(3) It is used by an organization described in division (D) of section 5709.12 of the Revised Code. If the organization is a corporation that receives a grant under the Thomas Alva Edison grant program authorized by division (C) of section 122.33 of the Revised Code at any time during the tax year, "used," for the purposes of this division, includes holding property for lease or resale to others.

(B)(1) Property described in division (A)(1)(a) of this section shall continue to be considered as used exclusively for charitable or public purposes even if the property is conveyed through one conveyance or a series of conveyances to an entity that is not a charitable or educational institution and is not the state or a political subdivision, provided that all of the following conditions apply with respect to that property:

(a) The property has been listed as exempt on the county auditor's tax list and duplicate for the county in which it is located for the ten tax years immediately preceding the year in which the property is conveyed through one conveyance or a series of conveyances;

(b) The owner to which the property is conveyed through one conveyance or a series of conveyances leases the property through one lease or a

series of leases to the entity that owned or occupied the property for the ten tax years immediately preceding the year in which the property is conveyed or an affiliate of such prior owner or occupant;

(c) The property includes improvements that are at least fifty years old;

(d) The property is being renovated in connection with a claim for historic preservation tax credits available under federal law;

(e) The property continues to be used for the purposes described in division (A)(1)(a) of this section after its conveyance; and

(f) The property is certified by the United States secretary of the interior as a "certified historic structure" or certified as part of a certified historic structure.

(2) Notwithstanding section 5715.27 of the Revised Code, an application for exemption from taxation of property described in division (B)(1) of this section may be filed by either the owner of the property or its occupant."

In line 82046, after "5705.391," insert "5709.12, 5709.121,"

In line 98014, after "5709.112," insert "5709.12, 5709.121,"

In line 127 of the title, after "5705.391," insert "5709.12, 5709.121,"

In line 80766, delete "(A)"

Delete lines 80776 through 80786

Delete lines 79151 and 79152

In line 79153, delete "(u)" and insert "(t)"

In line 79160, delete "(v)" and insert "(u)"

In line 79168, delete "(w)" and insert "(v)"

In line 79172, delete "(x)" and insert "(w)"

In line 79181, delete "(y)" and insert "(x)"

In line 79186, delete "(z)" and insert "(y)"

In line 79191, delete "(aa)" and insert "(z)"

In line 79172, after "received" insert "or used"; delete "from a lender"

In line 304, delete "3311.059,"

Delete lines 23769 through 23855

In line 81985, delete "3311.059,"

In line 43 of the title, delete "3311.059,"

Delete lines 31503 through 31507 and insert:

"**Sec. 3323.20.** On July 1, 2006, and on each first day of July thereafter,

the department of education shall electronically report to the general assembly the number of handicapped preschool children who received services for which the department made a payment to any provider during the previous fiscal year, disaggregated according to each category of handicap described in divisions (A) to (F) of section 3317.013 of the Revised Code, regardless of whether payment for services was based on the multiples prescribed in those divisions."

In line 29439, reinsert "(a)"

In line 29445, delete "(a)" and insert "(i)"

In line 29449, delete "(b)" and insert "(ii)"

Reinsert lines 29454 through 29459

In line 29563, reinsert "For"; delete the balance of the line

Delete line 29564

In line 29565, delete "For"

In line 29724, reinsert "shall"; delete "may"

In line 29725, reinsert all after "education"

Reinsert lines 29726 through 29731

In line 29732, after "~~amendment~~" insert "July 1, 2001"; reinsert ", plus fifteen per cent of"

Reinsert line 29733

In line 29734, reinsert "dollars"; delete the balance of the line

Delete line 29735

In line 29736, delete "services"; delete "a grant" and insert "unit funds"

In line 85936, delete "grants for"; after "education" insert "units"

In line 85937, after "institutions" delete the balance of the line

In line 85938, delete "Code"

In line 309, delete "3317.021,"

In line 368, delete "5727.47,"

Delete lines 27327 through 27415

Delete lines 68044 through 68241

In line 81990, delete "3317.021,"

In line 82049, delete "5727.47,"

In line 98017, delete "5727.47,"

In line 49 of the title, delete "3317.021,"

In line 130 of the title, delete "5727.47,"

In line 366, after "5705.391," insert "5709.40, 5709.73, 5709.77, 5709.78,"

In line 440, delete "5540.032,"

In line 10555, delete "section 5540.032 of the Revised Code" and insert "Section 515.03 of H.B. 66 of the 126th General Assembly"

Between lines 27326 and 27327, insert:

"(X) "Incentive district tax-exempt value" means zero in fiscal year 2006, and in fiscal year 2007 and each fiscal year thereafter, the amount certified for a school district under division (A)(6) of section 3317.021 of the Revised Code."

In line 27366, after "available" insert ":

(6) The aggregate value of real property in the school district exempted from taxation pursuant to an ordinance adopted by the legislative authority of a municipal corporation under division (C) of section 5709.40 of the Revised Code or pursuant to a resolution adopted by a board of township trustees or board of county commissioners under division (C) of section 5709.73 or division (B) of section 5709.78 of the Revised Code, respectively, but not including payments in lieu of taxes provided under division (D)(1) of section 5709.40, division (D)(1) of section 5709.73, or division (C)(1) of section 5709.78 of the Revised Code, respectively, as indicated on the list of exempted property for the preceding tax year under section 5713.08 of the Revised Code and as if such property had been assessed for taxation that year, minus the following amounts:

(a) The aggregate value of the improvements to parcels of real property in the school district exempted from taxation pursuant to such ordinance or resolution, if the ordinance or resolution is adopted prior to January 1, 2006, and the legislative authority or board of township trustees or county commissioners, prior to January 1, 2006, executes a contract or agreement with a developer, whether for-profit or not-for-profit, with respect to the development of a project undertaken or to be undertaken and identified in the ordinance or resolution, and upon which parcels such project is being, or will be, undertaken;

(b) The product determined by multiplying (i) the aggregate value of the improvements to parcels of real property in the school district exempted from taxation pursuant to any such ordinance or resolution, minus the aggregate value of any improvement excluded pursuant to division (A)(6)(a) of this section, by (ii) a fraction, the numerator of which is the difference between (I) the amount of anticipated revenue such school district would have received in the preceding fiscal year if the real property exempted from taxation pursuant to such ordinance or resolution had not been exempted from taxation and (II) the aggregate amount of payments and other compensation received in the preceding fiscal year by the school district pursuant to all agreements between the school district and a legislative authority or board of township trustees or county commissioners that were entered into in relation to such ordinance or resolution,

and the denominator of which is the amount of anticipated revenue such school district would have received in the preceding fiscal year if the real property exempted from taxation pursuant to such ordinance or resolution had not been exempted from taxation;

(c) The aggregate value of the improvements to parcels of real property in the school district exempted from taxation pursuant to such ordinance or resolution, if and to the extent that, on or before April 1, 2006, the fiscal officer of the municipal corporation that adopted the ordinance, or of the township or county that adopted the resolution, certifies and provides appropriate supporting documentation to the tax commissioner and the director of development that, based on hold-harmless provisions in any agreement between the school district and the legislative authority of the municipal corporation, board of township trustees, or board of county commissioners that was entered into on or before June 1, 2005, the ability or obligation of the municipal corporation, township, or county to repay bonds, notes, or other financial obligations issued or entered into prior to January 1, 2006, will be impaired, including obligations to or of any other body corporate and politic with whom the legislative authority of the municipal corporation or board of township trustees or county commissioners has entered into an agreement pertaining to the use of service payments derived from the improvements exempted;

(d) The aggregate value of the improvements to parcels of real property in the school district exempted from taxation pursuant to such ordinance or resolution, if the ordinance or resolution is adopted prior to January 1, 2006, in a municipal corporation with a population that exceeds one hundred thousand, as shown by the most recent federal decennial census, that includes a major employment center and that is adjacent to historically distressed neighborhoods, if the legislative authority of the municipal corporation, the board of township trustees, or the board of county commissioners that exempted the property prepares an economic analysis that demonstrates that all taxes generated within the incentive district accruing to the state by reason of improvements constructed within the district during its existence exceed the amount the state pays the school district under section 3317.022 of the Revised Code attributable to such property exemption from the school district's recognized valuation. The analysis shall be submitted to and approved by the department of development prior to January 1, 2006, and the department shall not unreasonably withhold approval. Approval shall permit use of the aggregate value for the life of the incentive district as designated in the ordinance or resolution creating it.

(e) The aggregate value of the improvements to parcels of real property in the school district exempted from taxation under such ordinance or resolution, if the ordinance or resolution is adopted prior to January 1, 2006, and if service payments have been pledged to be used for mixed-use riverfront entertainment development in any county with a population that exceeds six hundred thousand, as shown by the most recent federal decennial census;

(f) The aggregate value of the improvements to parcels of real property in

the school district exempted from taxation under such ordinance or resolution, if, prior to January 1, 2006, the legislative authority of a municipal corporation, board of township trustees, or board of county commissioners has pledged service payments for a designated transportation capacity project approved by the transportation review advisory council under Chapter 5512. of the Revised Code;

(g) The aggregate value of the improvements to parcels of real property in the school district exempted from taxation under such ordinance or resolution if the legislative authority of a municipal corporation, board of township trustees, or board of county commissioners have, by January 1, 2006, pledged proceeds for designated transportation improvement projects that involve federal funds for which the proceeds are used to meet a local share match requirement for such funding.

As used in division (A)(6) of this section, "project" has the same meaning as in section 5709.40 of the Revised Code"

Between lines 27415 and 27416, insert:

"(E) On or before June 1, 2006, and the first day of June of each year thereafter, the director of development shall certify to the department of education the total amount of payments received by each city, local, exempted village, or joint vocational school district during the preceding tax year pursuant to an agreement entered into under division (B) of section 5709.82 of the Revised Code in relation to exemptions from taxation granted pursuant to an ordinance adopted by the legislative authority of a municipal corporation under division (C)(1) of section 5709.40 of the Revised Code, or a resolution adopted by a board of township trustees or board of county commissioners under division (C)(1) of section 5709.73 or division (B)(1) of section 5709.78 of the Revised Code, respectively. On or before April 1, 2006, and the first day of April of each year thereafter, the treasurer of each city, local, exempted village, or joint vocational school district that has entered into such an agreement shall report to the director of development the total amount of such payments the district received during the preceding tax year pursuant to each such agreement. The state board of education, in accordance with sections 3319.31 and 3319.311 of the Revised Code, may suspend or revoke the license of a treasurer found to have willfully reported erroneous, inaccurate, or incomplete data under this division."

Strike through line 27429 and insert "[.023 X (the sum of recognized valuation and incentive district tax-exempt value)]"

In line 28893, strike through all after "means"

In line 28894, strike through "multiplying"; after "cent" insert "multiplied"; after "by" insert "(the sum of"; after "valuation" insert "and incentive district tax-exempt value)"

In line 66091, delete "section 5540.032 of the Revised Code" and insert

Section 515.03 of H.B. 66 of the 126th General Assembly"

Delete lines 66193 through 66215

In line 66225, delete "section 5540.032 of the Revised Code" and insert "Section 515.03 of H.B. 66 of the 126th General Assembly"

Between lines 66904 and 66905 insert:

"**Sec. 5709.40.** (A) As used in this section:

(1) "Blighted area" and "impacted city" have the same meanings as in section 1728.01 of the Revised Code.

(2) "Business day" means a day of the week excluding Saturday, Sunday, and a legal holiday as defined under section 1.14 of the Revised Code.

(3) "Housing renovation" means a project carried out for residential purposes.

(4) "Improvement" means the increase in the assessed value of any real property that would first appear on the tax list and duplicate of real and public utility property after the effective date of an ordinance adopted under this section were it not for the exemption granted by that ordinance. ~~"Improvement" does not include a public infrastructure improvement.~~

(5) "Incentive district" means an area not more than three hundred acres in size enclosed by a continuous boundary in which a project is being, or will be, undertaken and having one or more of the following distress characteristics:

(a) At least fifty-one per cent of the residents of the district have incomes of less than eighty per cent of the median income of residents of the political subdivision in which the district is located, as determined in the same manner specified under section 119(b) of the "Housing and Community Development Act of 1974," 88 Stat. 633, 42 U.S.C. 5318, as amended;

(b) The average rate of unemployment in the district during the most recent twelve-month period for which data are available is equal to at least one hundred fifty per cent of the average rate of unemployment for this state for the same period.

(c) At least twenty per cent of the people residing in the district live at or below the poverty level as defined in the federal Housing and Community Development Act of 1974, 42 U.S.C. 5301, as amended, and regulations adopted pursuant to that act.

(d) The district is a blighted area.

(e) The district is in a situational distress area as designated by the director of development under division (F) of section 122.23 of the Revised Code.

(f) As certified by the engineer for the political subdivision, the public infrastructure serving the district is inadequate to meet the development needs of

the district as evidenced by a written economic development plan or urban renewal plan for the district that has been adopted by the legislative authority of the subdivision.

(g) The district is comprised entirely of unimproved land that is located in a distressed area as defined in section 122.23 of the Revised Code.

(6) "Project" means development activities undertaken on one or more parcels, including, but not limited to, construction, expansion, and alteration of buildings or structures, demolition, remediation, and site development, and any building or structure that results from those activities.

(7) "Public infrastructure improvement" includes, but is not limited to, public roads and highways; water and sewer lines; environmental remediation; land acquisition, including acquisition in aid of industry, commerce, distribution, or research; demolition, including demolition on private property when determined to be necessary for economic development purposes; stormwater and flood remediation projects, including such projects on private property when determined to be necessary for public health, safety, and welfare; the provision of gas, electric, and communications service facilities; and the enhancement of public waterways through improvements that allow for greater public access. "Public infrastructure improvement" does not include police or fire equipment.

(B) The legislative authority of a municipal corporation, by ordinance, may declare improvements to certain parcels of real property located in the municipal corporation to be a public purpose. Improvements with respect to a parcel that is used or to be used for residential purposes may be declared a public purpose under this division only if the parcel is located in a blighted area of an impacted city. Except as otherwise provided in division (D) of this section, not more than seventy-five per cent of an improvement thus declared to be a public purpose may be exempted from real property taxation~~; the percentage exempted shall not, except as otherwise provided in that division, exceed the estimated percentage of the incremental demand placed on the public infrastructure improvements that is directly attributable to the exempted improvement~~. The ordinance shall specify the percentage of the improvement to be exempted from taxation.

An ordinance adopted or amended under this division shall designate the specific public infrastructure improvements made, to be made, or in the process of being made by the municipal corporation that directly benefit, or that once made will directly benefit, the parcels for which improvements are declared to be a public purpose. ~~For the purposes of this division, a public infrastructure improvement directly benefits such a parcel only if a project on the parcel places direct, additional demand on the public infrastructure improvement or, if the public infrastructure improvement has not yet been completed, will place direct, additional demand on the public infrastructure improvement once it is completed.~~ The service payments provided for in section 5709.42 of the Revised Code shall be used to finance the public infrastructure improvements designated in the ordinance or for the purpose described in division (D)(1) of this section.

(C)(1) The legislative authority of a municipal corporation may adopt an ordinance creating an incentive district and declaring improvements to parcels within the district to be a public purpose and, except as provided in division (F) of this section, exempt from taxation as provided in this section, but no legislative authority of a municipal corporation that has a population that exceeds twenty-five thousand, as shown by the most recent federal decennial census, shall adopt an ordinance that creates an incentive district if, as a result of adopting the ordinance, more than twenty-five per cent of the municipal corporation's taxable value, as of the first day of January of the year in which the ordinance takes effect, is subject to an exemption because of an incentive district. The twenty-five per cent limitation does not apply to an incentive district that was created by an ordinance adopted prior to January 1, 2006, unless the legislative authority creates an additional incentive district after that date. The ordinance shall delineate the boundary of the district and specifically identify each parcel within the district. A district may not include any parcel that is or has been exempted from taxation under division (B) of this section or that is or has been within another district created under this division. An ordinance may create more than one such district, and more than one ordinance may be adopted under ~~this~~ division (C)(1) of this section.

(2) Not later than thirty days prior to adopting an ordinance under ~~this~~ division (C)(1) of this section, if the municipal corporation intends to apply for exemptions from taxation under section 5709.911 of the Revised Code on behalf of owners of real property located within the proposed incentive district, the legislative authority of a municipal corporation shall conduct a public hearing on the proposed ordinance. Not later than thirty days prior to the public hearing, the legislative authority shall give notice of the public hearing and the proposed ordinance by first class mail to every real property owner whose property is located within the boundaries of the proposed incentive district that is the subject of the proposed ordinance.

(3)(a) An ordinance adopted under ~~this~~ division (C)(1) of this section shall specify the life of the district and the percentage of the improvements to be exempted ~~and~~, shall designate the public infrastructure improvements made ~~or~~, to be made, or in the process of being made, that benefit or serve, or, once made, will benefit or serve parcels in the district. The ordinance also shall identify one or more specific projects being, or to be, undertaken in the district that place additional demand on the public infrastructure improvements designated in the ordinance. The project identified may, but need not be, the project under division (C)(3)(b) of this section that places real property in use for commercial or industrial purposes. Except as otherwise permitted under that division, the service payments provided for in section 5709.42 of the Revised Code shall be used to finance the designated public infrastructure improvements or for the purpose described in division (D)(1) of this section.

(b) An ordinance adopted under ~~this~~ division (C)(1) of this section may authorize the use of service payments provided for in section 5709.42 of the Revised Code for the purpose of housing renovations within the district,

provided that the ordinance also designates public infrastructure improvements that benefit or serve the district, and that a project within the district places real property in use for commercial or industrial purposes. Service payments may be used to finance or support loans, deferred loans, and grants to persons for the purpose of housing renovations within the district. The ordinance shall designate the parcels within the district that are eligible for housing renovation. The ordinance shall state separately the amounts or the percentages of the expected aggregate service payments that are designated for each public infrastructure improvement and for the general purpose of housing renovations.

(4) Except with the approval of the board of education of each city, local, or exempted village school district within the territory of which the district is or will be located, and subject to division (E) of this section, the life of ~~a~~an incentivedistrict shall not exceed ten years, and the percentage of improvements to be exempted shall not exceed seventy-five per cent. With ~~such~~ approval of the board of education, the life of a district may be not more than thirty years, and the percentage of improvements to be exempted may be not more than one hundred per cent.

(5) Approval of a board of education shall be obtained in the manner provided in division (D) of this section for exemptions under division (B) of this section, except that the notice to the board of education shall delineate the boundaries of the district, specifically identify each parcel within the district, identify each anticipated improvement in the district, provide an estimate of the true value in money of each such improvement, specify the life of the district and the percentage of improvements that would be exempted, and indicate the date on which the legislative authority intends to adopt the ordinance.

~~A municipal corporation shall not adopt an ordinance under this division after June 30, 2007.~~

(D)(1) If the ordinance declaring improvements to a parcel to be a public purpose or creating an incentive district specifies that payments in lieu of taxes provided for in section 5709.42 of the Revised Code shall be paid to the city, local, or exempted village school district in which the parcel is located in the amount of the taxes that would have been payable to the school district if the improvements had not been exempted from taxation, the percentage of the improvement that may be exempted from taxation may exceed seventy-five per cent, and the exemption may be granted for up to thirty years, without the approval of the board of education as otherwise required under division (D)(2) of this section.

(2) Improvements with respect to a parcel may be exempted from taxation under division (B) of this section for up to ten years or, with the approval under this paragraph of the board of education of the city, local, or exempted village school district within which the parcel is located, for up to thirty years. The percentage of the improvement exempted from taxation may, with such approval, exceed seventy-five per cent, but shall not exceed one hundred per cent. Not later than forty-five business days prior to adopting an

ordinance under this section declaring improvements to be a public purpose that is subject to approval by a board of education under this division, the legislative authority shall deliver to the board of education a notice stating its intent to adopt an ordinance making that declaration. The notice shall identify the parcels for which improvements are to be exempted from taxation, provide an estimate of the true value in money of the improvements, specify the period for which the improvements would be exempted from taxation and the percentage of the improvement that would be exempted, and indicate the date on which the legislative authority intends to adopt the ordinance. The board of education, by resolution adopted by a majority of the board, may approve the exemption for the period or for the exemption percentage specified in the notice, may disapprove the exemption for the number of years in excess of ten, may disapprove the exemption for the percentage of the improvement to be exempted in excess of seventy-five per cent, or both, or may approve the exemption on the condition that the legislative authority and the board negotiate an agreement providing for compensation to the school district equal in value to a percentage of the amount of taxes exempted in the eleventh and subsequent years of the exemption period or, in the case of exemption percentages in excess of seventy-five per cent, compensation equal in value to a percentage of the taxes that would be payable on the portion of the improvement in excess of seventy-five per cent were that portion to be subject to taxation, or other mutually agreeable compensation. The board of education shall certify its resolution to the legislative authority not later than fourteen days prior to the date the legislative authority intends to adopt the ordinance as indicated in the notice. ~~If the board of education approves the exemption on the condition that a compensation agreement be negotiated, the board in its resolution shall propose a compensation percentage.~~ If the board of education and the legislative authority negotiate a mutually acceptable compensation agreement, the ordinance may declare the improvements a public purpose for the number of years specified in the ordinance or, in the case of exemption percentages in excess of seventy-five per cent, for the exemption percentage specified in the ordinance. In either case, if the board and the legislative authority fail to negotiate a mutually acceptable compensation agreement, the ordinance may declare the improvements a public purpose for not more than ten years, but shall not exempt more than seventy-five per cent of the improvements from taxation~~,~~ ~~or, in the case of an ordinance adopted under division (B) of this section, not more than the estimated percentage of the incremental demand as otherwise prescribed by division (B) of this section if that percentage is less than seventy-five per cent~~. If the board fails to certify a resolution to the legislative authority within the time prescribed by this division, the legislative authority thereupon may adopt the ordinance and may declare the improvements a public purpose for up to thirty years, or, in the case of exemption percentages proposed in excess of seventy-five per cent, for the exemption percentage specified in the ordinance. The legislative authority may adopt the ordinance at any time after the board of education certifies its resolution approving the exemption to the legislative authority, or, if the board approves the exemption on the condition

that a mutually acceptable compensation agreement be negotiated, at any time after the compensation agreement is agreed to by the board and the legislative authority.

(3) If a board of education has adopted a resolution waiving its right to approve exemptions from taxation and the resolution remains in effect, approval of exemptions by the board is not required under this division. If a board of education has adopted a resolution allowing a legislative authority to deliver the notice required under ~~this~~ division (D)(2) of this section fewer than forty-five business days prior to the legislative authority's adoption of the ordinance, the legislative authority shall deliver the notice to the board not later than the number of days prior to such adoption as prescribed by the board in its resolution. If a board of education adopts a resolution waiving its right to approve agreements or shortening the notification period, the board shall certify a copy of the resolution to the legislative authority. If the board of education rescinds such a resolution, it shall certify notice of the rescission to the legislative authority.

(4) If the legislative authority is not required by division (D)(1), (2), or (3) of this section to notify the board of education of the legislative authority's intent to declare improvements to be a public purpose, the legislative authority shall comply with the notice requirements imposed under section 5709.83 of the Revised Code, unless the board has adopted a resolution under that section waiving its right to receive such a notice.

(E)(1) If a proposed ordinance under division (C)(1) of this section exempts improvements with respect to a parcel for more than ten years, or the percentage of the improvement exempted from taxation exceeds seventy-five per cent, not later than forty-five business days prior to adopting the ordinance the legislative authority of the municipal corporation shall deliver to the board of county commissioners of the county within which the incentive district is or will be located a notice that states its intent to adopt an ordinance creating an incentive district. The notice shall include a copy of the proposed ordinance.

(2) The board of county commissioners, by resolution adopted by a majority of the board, may object to the exemption for the number of years in excess of ten, may object to the exemption for the percentage of the improvement to be exempted in excess of seventy-five per cent, or both, or may accept either or both exemptions. If the board of county commissioners objects, the board may negotiate an agreement with the legislative authority that provides to the board in the eleventh and subsequent years of the exemption period compensation equal in value to not more than fifty per cent of the taxes that would be payable to the county on the portion of the improvement in excess of seventy-five per cent, were that portion to be subject to taxation. The board of county commissioners shall certify its resolution to the legislative authority not later than thirty days after receipt of the notice.

(3) If the board of county commissioners does not object or fails to certify its resolution objecting to an exemption within thirty days after receipt of

the notice, the legislative authority may adopt the ordinance, and no compensation shall be provided to the board of county commissioners. If the board timely certifies its resolution objecting to the ordinance, the legislative authority may adopt the ordinance at any time after the compensation agreement is agreed to by the board and the legislative authority, or, if no compensation agreement is negotiated, at any time after the legislative authority agrees to provide compensation to the board of fifty per cent of the taxes that would be payable to the county in the eleventh and subsequent years of the exemption period on the portion of the improvement in excess of seventy-five per cent, were that portion to be subject to taxation.

(F) Any of the following property tax levies that are enacted on or after January 1, 2006, and after the date an ordinance creating an incentive district is adopted on or after January 1, 2006, under division (C)(1) of this section shall be levied on property that was exempted from taxation under division (C) of this section, and revenues collected from such levies shall not be used to provide service payments under this section:

(1) A tax levied under division (L) of section 5705.19 of the Revised Code for community mental retardation and developmental disabilities programs and services pursuant to Chapter 5126. of the Revised Code;

(2) A tax levied under division (Y) of section 5705.19 of the Revised Code for providing or maintaining senior citizens services or facilities;

(3) A tax levied under section 5705.22 of the Revised Code for county hospitals;

(4) A tax levied under section 5705.221 of the Revised Code for alcohol, drug addiction, and mental health services;

(5) A tax levied under section 5705.23 of the Revised Code for library purposes;

(6) A tax levied under section 5705.24 of the Revised Code for the support of children services and the placement and care of children.

(G) An exemption from taxation granted under this section commences with the tax year ~~in which an improvement first appears on the tax list and duplicate of real and public utility property and that begins after the effective date of~~specified in the ordinance. Except as otherwise provided in this division, the exemption ends on the date specified in the ordinance as the date the improvement ceases to be a public purpose or the incentive district expires, or ends on the date on which the public infrastructure improvements and housing renovations are paid in full from the municipal public improvement tax increment equivalent fund established under division (A) of section 5709.43 of the Revised Code, whichever occurs first. The exemption of an improvement with respect to a parcel may end on a later date, as specified in the ordinance, if the legislative authority and the board of education of the city, local, or exempted village school district within which the parcel is located have entered

into a compensation agreement under section 5709.82 of the Revised Code with respect to the improvement or district and the board of education has approved the term of the exemption under division (D)(2) of this section, but in no case shall the improvement be exempted from taxation for more than thirty years. Exemptions shall be claimed and allowed in the same manner as in the case of other real property exemptions. If an exemption status changes during a year, the procedure for the apportionment of the taxes for that year is the same as in the case of other changes in tax exemption status during the year.

~~(F)~~(H) Additional municipal financing of public infrastructure improvements and housing renovations may be provided by any methods that the municipal corporation may otherwise use for financing such improvements. If the municipal corporation issues bonds or notes to finance the public infrastructure improvements and housing renovations and pledges money from the municipal public improvement tax increment equivalent fund to pay the interest on and principal of the bonds or notes, the bonds or notes are not subject to Chapter 133. of the Revised Code.

~~(G)~~(I) The municipal corporation, not later than fifteen days after the adoption of an ordinance under this section, shall submit to the director of development a copy of the ordinance. On or before the thirty-first day of March of each year, the municipal corporation shall submit a status report to the director of development. The report shall indicate, in the manner prescribed by the director, the progress of the project during each year that an exemption remains in effect, including a summary of the receipts from service payments in lieu of taxes; expenditures of money from the funds created under section 5709.43 of the Revised Code; a description of the public infrastructure improvements and housing renovations financed with such expenditures; and a quantitative summary of changes in employment and private investment resulting from each project.

~~(H)~~(J) Nothing in this section shall be construed to prohibit a legislative authority from declaring to be a public purpose improvements with respect to more than one parcel.

Sec. 5709.73. (A) As used in this section and section 5709.74 of the Revised Code:

(1) "Business day" means a day of the week excluding Saturday, Sunday, and a legal holiday as defined in section 1.14 of the Revised Code.

(2) "Further improvements" or "improvements" means the increase in the ~~true~~assessed value of real property that would first appear on the tax list and duplicate of real and public utility property after the effective date of a resolution adopted under this section were it not for the exemption granted by that resolution. For purposes of division (B) of this section, "improvements" do not include any property used or to be used for residential purposes.

(3) "Housing renovation" means a project carried out for residential purposes.

(4) "Incentive district" has the same meaning as in section 5709.40 of the Revised Code, except that a blighted area is in the unincorporated area of a township.

(5) "Project" and "public infrastructure improvement" have the same meanings as in section 5709.40 of the Revised Code.

(B) A board of township trustees may, by unanimous vote, adopt a resolution that declares to be a public purpose any public infrastructure improvements made that are necessary for the development of certain parcels of land located in the unincorporated area of the township. Except as otherwise provided in division (D) of this section, the resolution may exempt from real property taxation not more than seventy-five per cent of further improvements to a parcel of land ~~which~~that directly benefits from such public infrastructure improvements~~; the percentage exempted shall not, except as otherwise provided in division (D) of this section, exceed the estimated percentage of the incremental demand placed on the public infrastructure improvements that is directly attributable to the exempted improvement. For the purposes of this division, a public infrastructure improvement directly benefits a parcel of land only if a project on the parcel places direct, additional demand on the public infrastructure improvement, or, if the public infrastructure improvement has not yet been constructed, will place direct, additional demand on the public infrastructure improvement when completed~~. The resolution shall specify the percentage of the further improvements to be exempted.

(C)(1) A board of township trustees may adopt, by unanimous vote, a resolution creating an incentive district and declaring improvements to parcels within the district to be a public purpose and, except as provided in division (F) of this section, exempt from taxation as provided in this section, but no board of township trustees of a township that has a population that exceeds twenty-five thousand, as shown by the most recent federal decennial census, shall adopt a resolution that creates an incentive district if, as a result of adopting the resolution, more than twenty-five per cent of the township's taxable value, as of the first day of January of the year in which the resolution takes effect, is subject to exemption because of an incentive district. The twenty-five per cent limitation does not apply to an incentive district that was created by a resolution adopted prior to January 1, 2006, unless the board creates an additional incentive district after that date. The district shall be located within the unincorporated area of the township and shall not include any territory that is included within a district created under division (B) of section 5709.78 of the Revised Code. The resolution shall delineate the boundary of the district and specifically identify each parcel within the district. A district may not include any parcel that is or has been exempted from taxation under division (B) of this section or that is or has been within another district created under this division. A resolution may create more than one such district, and more than one resolution may be adopted under ~~this~~ division (C)(1) of this section.

(2) Not later than thirty days prior to adopting a resolution under ~~this~~

division (C)(1) of this section, if the township intends to apply for exemptions from taxation under section 5709.911 of the Revised Code on behalf of owners of real property located within the proposed incentive district, the board shall conduct a public hearing on the proposed resolution. Not later than thirty days prior to the public hearing, the board shall give notice of the public hearing and the proposed resolution by first class mail to every real property owner whose property is located within the boundaries of the proposed incentive district that is the subject of the proposed resolution.

(3)(a) A resolution under ~~this~~ division (C)(1) of this section shall specify the life of the district and the percentage of the improvements to be exempted ~~and~~, shall designate the public infrastructure improvements made ~~or~~, to be made, or in the process of being made, that benefit or serve, or, once made, will benefit or serve parcels in the district. The resolution also shall identify one or more specific projects being, or to be, undertaken in the district that place additional demand on the public infrastructure improvements designated in the resolution. The project identified may, but need not be, the project under division (C)(3)(b) of this section that places real property in use for commercial or industrial purposes.

(b) A resolution adopted under ~~this~~ division (C)(1) of this section may authorize the use of service payments provided for in section 5709.74 of the Revised Code for the purpose of housing renovations within the district, provided that the resolution also designates public infrastructure improvements that benefit or serve the district, and that a project within the district places real property in use for commercial or industrial purposes. Service payments may be used to finance or support loans, deferred loans, and grants to persons for the purpose of housing renovations within the district. The resolution shall designate the parcels within the district that are eligible for housing renovations. The resolution shall state separately the amount or the percentages of the expected aggregate service payments that are designated for each public infrastructure improvement and for the purpose of housing renovations.

(4) Except with the approval of the board of education of each city, local, or exempted village school district within the territory of which the district is or will be located, and subject to division (E) of this section, the life of ~~a~~an incentivedistrict shall not exceed ten years, and the percentage of improvements to be exempted shall not exceed seventy-five per cent. With ~~such~~ approval of the board of education, the life of a district may be not more than thirty years, and the percentage of improvements to be exempted may be not more than one hundred per cent.

(5) Approval of a board of education shall be obtained in the manner provided in division (D) of this section for exemptions under division (B) of this section, except that the notice to the board of education shall delineate the boundaries of the district, specifically identify each parcel within the district, identify each anticipated improvement in the district, provide an estimate of the true value in money of each such improvement, specify the life of the district and the percentage of improvements that would be exempted, and indicate the date

on which the board of township trustees intends to adopt the resolution.

~~A board of township trustees shall not adopt a resolution under this division after June 30, 2007.~~

(D) Improvements with respect to a parcel may be exempted from taxation under division (B) of this section for up to ten years or, with the approval of the board of education of the city, local, or exempted village school district within which the parcel is located, for up to thirty years. The percentage of the improvements exempted from taxation may, with such approval, exceed seventy-five per cent, but shall not exceed one hundred per cent. Not later than forty-five business days prior to adopting a resolution under this section declaring improvements to be a public purpose that is subject to approval by a board of education under this division, the board of trustees shall deliver to the board of education a notice stating its intent to adopt a resolution making that declaration. The notice shall identify the parcels for which improvements are to be exempted from taxation, provide an estimate of the true value in money of the improvements, specify the period for which the improvements would be exempted from taxation and the percentage of the improvements that would be exempted, and indicate the date on which the board of trustees intends to adopt the resolution. The board of education, by resolution adopted by a majority of the board, may approve the exemption for the period or for the exemption percentage specified in the notice, may disapprove the exemption for the number of years in excess of ten, may disapprove the exemption for the percentage of the improvements to be exempted in excess of seventy-five per cent, or both, or may approve the exemption on the condition that the board of trustees and the board of education negotiate an agreement providing for compensation to the school district equal in value to a percentage of the amount of taxes exempted in the eleventh and subsequent years of the exemption period or, in the case of exemption percentages in excess of seventy-five per cent, compensation equal in value to a percentage of the taxes that would be payable on the portion of the improvements in excess of seventy-five per cent were that portion to be subject to taxation, or other mutually agreeable compensation. The board of education shall certify its resolution to the board of trustees not later than fourteen days prior to the date the board of trustees intends to adopt the resolution as indicated in the notice. ~~If the board of education approves the exemption on the condition that a compensation agreement be negotiated, the board of education in its resolution shall propose a compensation percentage.~~ If the board of education and the board of trustees negotiate a mutually acceptable compensation agreement, the resolution may declare the improvements a public purpose for the number of years specified in the resolution or, in the case of exemption percentages in excess of seventy-five per cent, for the exemption percentage specified in the resolution. In either case, if the board of education and the board of trustees fail to negotiate a mutually acceptable compensation agreement, the resolution may declare the improvements a public purpose for not more than ten years, but shall not exempt more than seventy-five per cent of the improvements from taxation~~, or, in the case of a resolution adopted under division (B) of this section, not more than the estimated percentage of the incremental demand as~~

~~otherwise prescribed by division (B) of this section if that percentage is less than seventy-five per cent~~. If the board of education fails to certify a resolution to the board of trustees within the time prescribed by this section, the board of trustees thereupon may adopt the resolution and may declare the improvements a public purpose for up to thirty years or, in the case of exemption percentages proposed in excess of seventy-five per cent, for the exemption percentage specified in the resolution. The board of township trustees may adopt the resolution at any time after the board of education certifies its resolution approving the exemption to the board of township trustees, or, if the board of education approves the exemption on the condition that a mutually acceptable compensation agreement be negotiated, at any time after the compensation agreement is agreed to by the board of education and the board of township trustees.

If a board of education has adopted a resolution waiving its right to approve exemptions from taxation and the resolution remains in effect, approval of such exemptions by the board of education is not required under this division. If a board of education has adopted a resolution allowing a board of township trustees to deliver the notice required under this division fewer than forty-five business days prior to adoption of the resolution by the board of township trustees, the board of township trustees shall deliver the notice to the board of education not later than the number of days prior to such adoption as prescribed by the board of education in its resolution. If a board of education adopts a resolution waiving its right to approve exemptions or shortening the notification period, the board of education shall certify a copy of the resolution to the board of township trustees. If the board of education rescinds such a resolution, it shall certify notice of the rescission to the board of township trustees.

If the board of trustees is not required by this division to notify the board of education of the board of trustees' intent to declare improvements to be a public purpose, the board of trustees shall comply with the notice requirements imposed under section 5709.83 of the Revised Code before taking formal action to adopt the resolution making that declaration, unless the board of education has adopted a resolution under that section waiving its right to receive such a notice.

(E)(1) If a proposed resolution under division (C)(1) of this section exempts improvements with respect to a parcel for more than ten years, or the percentage of the improvement exempted from taxation exceeds seventy-five per cent, not later than forty-five business days prior to adopting the ordinance the board of township trustees shall deliver to the board of county commissioners of the county within which the incentive district is or will be located a notice that states its intent to adopt a resolution creating an incentive district. The notice shall include a copy of the proposed resolution.

(2) The board of county commissioners, by resolution adopted by a majority of the board, may object to the exemption for the number of years in excess of ten, may object to the exemption for the percentage of the improvement to be exempted in excess of seventy-five per cent, or both, or may accept either or both exemptions. If the board of county commissioners objects, the board may negotiate an agreement with the board of township trustees that

provides to the board of county commissioners in the eleventh and subsequent years of the exemption period compensation equal in value to not more than fifty per cent of the taxes that would be payable to the county on the portion of the improvement in excess of seventy-five per cent, were that portion to be subject to taxation. The board of county commissioners shall certify its resolution to the board of township trustees not later than thirty days after receipt of the notice.

(3) If the board of county commissioners does not object or fails to certify its resolution objecting to an exemption within thirty days after receipt of the notice, the board of township trustees may adopt its resolution, and no compensation shall be provided to the board of county commissioners. If the board of county commissioners timely certifies its resolution objecting to the trustees' resolution, the board of township trustees may adopt its resolution at any time after the compensation agreement is agreed to by the board of county commissioners and the board of township trustees, or, if no compensation agreement is negotiated, at any time after the board of township trustees agrees to provide compensation to the board of county commissioners of fifty per cent of the taxes that would be payable to the county in the eleventh and subsequent years of the exemption period on the portion of the improvement in excess of seventy-five per cent, were that portion to be subject to taxation.

(F) Any of the following property tax levies that are enacted on or after January 1, 2006, and after the date an ordinance creating an incentive district is adopted on or after January 1, 2006, under division (C)(1) of this section shall be levied on property that was exempted from taxation under division (C) of this section and revenues collected from such levies shall not be used to provide service payments under this section:

(1) A tax levied under division (L) of section 5705.19 of the Revised Code for community mental retardation and developmental disabilities programs and services pursuant to Chapter 5126. of the Revised Code;

(2) A tax levied under division (Y) of section 5705.19 of the Revised Code for providing or maintaining senior citizens services or facilities;

(3) A tax levied under section 5705.22 of the Revised Code for county hospitals;

(4) A tax levied under section 5705.221 of the Revised Code for alcohol, drug addiction, and mental health services;

(5) A tax levied under section 5705.23 of the Revised Code for library purposes;

(6) A tax levied under section 5705.24 of the Revised Code for the support of children services and the placement and care of children.

(G) An exemption from taxation granted under this section commences with the tax year ~~in which an improvement first appears on the tax list and duplicate of real and public utility property and~~specified in the resolution that begins after the effective date of the resolution. Except as otherwise provided in

this division, the exemption ends on the date specified in the resolution as the date the improvement ceases to be a public purpose or the incentive district expires, or ends on the date on which the public infrastructure improvements and housing renovations are paid in full from the township public improvement tax increment equivalent fund established under section 5709.75 of the Revised Code, whichever occurs first. The exemption of an improvement with respect to a parcel may end on a later date, as specified in the resolution, if the board of township trustees and the board of education of the city, local, or exempted village school district within which the parcel is located have entered into a compensation agreement under section 5709.82 of the Revised Code with respect to the improvement or district and the board of education has approved the term of the exemption under division (D) of this section, but in no case shall the improvement be exempted from taxation for more than thirty years. The board of township trustees may, by majority vote, adopt a resolution permitting the township to enter into such agreements as the board finds necessary or appropriate to provide for the construction or undertaking of public infrastructure improvements and housing renovations. Any exemption shall be claimed and allowed in the same or a similar manner as in the case of other real property exemptions. If an exemption status changes during a tax year, the procedure for the apportionment of the taxes for that year is the same as in the case of other changes in tax exemption status during the year.

~~(F)~~(H) The board of township trustees may issue the notes of the township to finance all costs pertaining to the construction or undertaking of public infrastructure improvements and housing renovations made pursuant to this section. The notes shall be signed by the board and attested by the signature of the township clerk, shall bear interest not to exceed the rate provided in section 9.95 of the Revised Code, and are not subject to Chapter 133. of the Revised Code. The resolution authorizing the issuance of the notes shall pledge the funds of the township public improvement tax increment equivalent fund established pursuant to section 5709.75 of the Revised Code to pay the interest on and principal of the notes. The notes, which may contain a clause permitting prepayment at the option of the board, shall be offered for sale on the open market or given to the vendor or contractor if no sale is made.

~~(G)~~(I) The township, not later than fifteen days after the adoption of a resolution under this section, shall submit to the director of development a copy of the resolution. On or before the thirty-first day of March of each year, the township shall submit a status report to the director of development. The report shall indicate, in the manner prescribed by the director, the progress of the project during each year that the exemption remains in effect, including a summary of the receipts from service payments in lieu of taxes; expenditures of money from funds created under section 5709.75 of the Revised Code; a description of the public infrastructure improvements and housing renovations financed with such expenditures; and a quantitative summary of changes in private investment resulting from each project.

~~(H)~~(J) Nothing in this section shall be construed to prohibit a board of

township trustees from declaring to be a public purpose improvements with respect to more than one parcel.

~~(H)~~(K) A board of township trustees that adopted a resolution under this section prior to July 21, 1994, may amend that resolution to include any additional public infrastructure improvement. A board of township trustees that seeks by such an amendment to utilize money from its township public improvement tax increment equivalent fund for land acquisition in aid of industry, commerce, distribution, or research, demolition on private property, or stormwater and flood remediation projects may do so provided that the board currently is a party to a hold-harmless agreement with the board of education of the city, local, or exempted village school district within the territory of which are located the parcels that are subject to an exemption. For the purposes of this division, a "hold-harmless agreement" means an agreement under which the board of township trustees agrees to compensate the school district for one hundred per cent of the tax revenue that the school district would have received from further improvements to parcels designated in the resolution were it not for the exemption granted by the resolution.

Sec. 5709.77. As used in sections 5709.77 to 5709.81 of the Revised Code:

(A) "Business day" means a day of the week excluding Saturday, Sunday, and a legal holiday as defined in section 1.14 of the Revised Code.

(B) "Fund" means to provide for the payment of the debt service on and the expenses relating to an outstanding obligation of the county.

(C) "Housing renovation" means a project carried out for residential purposes.

(D) "Improvement" means the increase in the ~~true~~assessedvalue of real property that would first appear on the tax list and duplicate of real and public utility property after the effective date of a resolution adopted under section 5709.78 of the Revised Code were it not for the exemption granted by that resolution. ~~"Improvement" does not include a public infrastructure improvement.~~ For purposes of division (A) of section 5709.78 of the Revised Code, "improvement" does not include any property used or to be used for residential purposes.

(E) "Incentive district" has the same meaning as in section 5709.40 of the Revised Code, except that a blighted area is in the unincorporated territory of a county.

(F) "Refund" means to fund and retire an outstanding obligation of the county.

(G) "Project" and "public infrastructure improvement" have the same meanings as in section 5709.40 of the Revised Code.

Sec. 5709.78. (A) A board of county commissioners may, by resolution, declare improvements to certain parcels of real property located in the

unincorporated territory of the county to be a public purpose. Except as otherwise provided in division (C) of this section, not more than seventy-five per cent of an improvement thus declared to be a public purpose may be exempted from real property taxation~~; the percentage exempted shall not, except as otherwise provided in those divisions, exceed the estimated percentage of the incremental demand placed on the public infrastructure improvements that is directly attributable to the exempted improvement~~. The resolution shall specify the percentage of the improvement to be exempted.

A resolution adopted under this division shall designate the specific public infrastructure improvements made, to be made, or in the process of being made by the county that directly benefit, or that once made will directly benefit, the parcels for which improvements are declared to be a public purpose. ~~For the purposes of this division, a public infrastructure improvement directly benefits such a parcel only if a project on the parcel places direct, additional demand on the public infrastructure improvement or, if the public infrastructure improvement has not yet been completed, will place direct, additional demand on the public infrastructure improvement once it is completed.~~ The service payments provided for in section 5709.79 of the Revised Code shall be used to finance the public infrastructure improvements designated in the resolution.

(B)(1) A board of county commissioners may adopt a resolution creating an incentive district and declaring improvements to parcels within the district to be a public purpose and, except as provided in division (E) of this section, exempt from taxation as provided in this section, but no board of county commissioners of a county that has a population that exceeds twenty-five thousand, as shown by the most recent federal decennial census, shall adopt a resolution that creates an incentive district if, as a result of adopting the resolution, more than twenty-five per cent of the county's taxable value, as of the first day of January of the year in which the resolution takes effect, is subject to exemption because of an incentive district. The twenty-five per cent limitation does not apply to an incentive district that was created by a resolution adopted prior to January 1, 2006, unless the board creates an additional incentive district after that date. The district shall be located within the unincorporated territory of the county and shall not include any territory that is included within a district created under division (C) of section 5709.73 of the Revised Code. The resolution shall delineate the boundary of the district and specifically identify each parcel within the district. A district may not include any parcel that is or has been exempted from taxation under division (A) of this section or that is or has been within another district created under this division. A resolution may create more than one such district, and more than one resolution may be adopted under ~~this~~ division (B)(1) of this section.

(2) Not later than thirty days prior to adopting a resolution under ~~this~~ division (B)(1) of this section, if the county intends to apply for exemptions from taxation under section 5709.911 of the Revised Code on behalf of owners of real property located within the proposed incentive district, the board of county commissioners shall conduct a public hearing on the proposed resolution. Not

later than thirty days prior to the public hearing, the board shall give notice of the public hearing and the proposed resolution by first class mail to every real property owner whose property is located within the boundaries of the proposed incentive district that is the subject of the proposed resolution. The board also shall provide the notice by first class mail to the clerk of each township in which the proposed incentive district will be located.

(3)(a) A resolution under ~~this~~ division (B)(1) of this section shall specify the life of the district and the percentage of the improvements to be exempted ~~and~~, shall designate the public infrastructure improvements made ~~or~~, to be made, or in the process of being made, that benefit or serve, or, once made, will benefit or serve parcels in the district. The resolution also shall identify one or more specific projects being, or to be, undertaken in the district that place additional demand on the public infrastructure improvements designated in the resolution. The project identified may, but need not be, the project under division (B)(3)(b) of this section that places real property in use for commercial or industrial purposes.

(b) A resolution adopted under ~~this~~ division (B)(1) of this section may authorize the use of service payments provided for in section 5709.79 of the Revised Code for the purpose of housing renovations within the district, provided that the resolution also designates public infrastructure improvements that benefit or serve the district, and that a project within the district places real property in use for commercial or industrial purposes. Service payments may be used to finance or support loans, deferred loans, and grants to persons for the purpose of housing renovations within the district. The resolution shall designate the parcels within the district that are eligible for housing renovations. The resolution shall state separately the amount or the percentages of the expected aggregate service payments that are designated for each public infrastructure improvement and for the purpose of housing renovations.

(4) Except with the approval of the board of education of each city, local, or exempted village school district within the territory of which the district is or will be located, and subject to division (D) of this section, the life of ~~a~~an incentivedistrict shall not exceed ten years, and the percentage of improvements to be exempted shall not exceed seventy-five per cent. With ~~such~~ approval of the board of education, the life of a district may be not more than thirty years, and the percentage of improvements to be exempted may be not more than one hundred per cent.

(5) Approval of a board of education shall be obtained in the manner provided in division (C) of this section for exemptions under division (A) of this section, except that the notice to the board of education shall delineate the boundaries of the district, specifically identify each parcel within the district, identify each anticipated improvement in the district, provide an estimate of the true value in money of each such improvement, specify the life of the district and the percentage of improvements that would be exempted, and indicate the date on which the board of county commissioners intends to adopt the resolution.

~~A board of county commissioners shall not adopt a resolution under this division after June 30, 2007.~~

(C)(1) Improvements with respect to a parcel may be exempted from taxation under division (A) of this section for up to ten years or, with the approval of the board of education of the city, local, or exempted village school district within which the parcel is located, for up to thirty years. The percentage of the improvements exempted from taxation may, with such approval, exceed seventy-five per cent, but shall not exceed one hundred per cent. Not later than forty-five business days prior to adopting a resolution under this section declaring improvements to be a public purpose that is subject to the approval of a board of education under this division, the board of county commissioners shall deliver to the board of education a notice stating its intent to adopt a resolution making that declaration. The notice shall identify the parcels for which improvements are to be exempted from taxation, provide an estimate of the true value in money of the improvements, specify the period for which the improvements would be exempted from taxation and the percentage of the improvements that would be exempted, and indicate the date on which the board of county commissioners intends to adopt the resolution. The board of education, by resolution adopted by a majority of the board, may approve the exemption for the period or for the exemption percentage specified in the notice, may disapprove the exemption for the number of years in excess of ten, may disapprove the exemption for the percentage of the improvements to be exempted in excess of seventy-five per cent, or both, or may approve the exemption on the condition that the board of county commissioners and the board of education negotiate an agreement providing for compensation to the school district equal in value to a percentage of the amount of taxes exempted in the eleventh and subsequent years of the exemption period or, in the case of exemption percentages in excess of seventy-five per cent, compensation equal in value to a percentage of the taxes that would be payable on the portion of the improvements in excess of seventy-five per cent were that portion to be subject to taxation, or other mutually agreeable compensation. The board of education shall certify its resolution to the board of county commissioners not later than fourteen days prior to the date the board of county commissioners intends to adopt its resolution as indicated in the notice. ~~If the board of education approves the exemption on the condition that a compensation agreement be negotiated, the board of education in its resolution shall propose a compensation percentage.~~ If the board of education and the board of county commissioners negotiate a mutually acceptable compensation agreement, the resolution of the board of county commissioners may declare the improvements a public purpose for the number of years specified in that resolution or, in the case of exemption percentages in excess of seventy-five per cent, for the exemption percentage specified in the resolution. In either case, if the board of education and the board of county commissioners fail to negotiate a mutually acceptable compensation agreement, the resolution may declare the improvements a public purpose for not more than ten years, but shall not exempt more than seventy-five per cent of the improvements from taxation~~, or, in the case of a resolution adopted under~~

~~division (A) of this section, not more than the estimated percentage of the incremental demand as otherwise prescribed by division (A) of this section if that percentage is less than seventy-five per cent~~. If the board of education fails to certify a resolution to the board of county commissioners within the time prescribed by this section, the board of county commissioners thereupon may adopt the resolution and may declare the improvements a public purpose for up to thirty years or, in the case of exemption percentages proposed in excess of seventy-five per cent, for the exemption percentage specified in the resolution. The board of county commissioners may adopt the resolution at any time after the board of education certifies its resolution approving the exemption to the board of county commissioners, or, if the board of education approves the exemption on the condition that a mutually acceptable compensation agreement be negotiated, at any time after the compensation agreement is agreed to by the board of education and the board of county commissioners.

(2) If a board of education has adopted a resolution waiving its right to approve exemptions from taxation and the resolution remains in effect, approval of such exemptions by the board of education is not required under division (C)(1) of this section. If a board of education has adopted a resolution allowing a board of county commissioners to deliver the notice required under division (C)(1) of this section fewer than forty-five business days prior to approval of the resolution by the board of county commissioners, the board of county commissioners shall deliver the notice to the board of education not later than the number of days prior to such approval as prescribed by the board of education in its resolution. If a board of education adopts a resolution waiving its right to approve exemptions or shortening the notification period, the board of education shall certify a copy of the resolution to the board of county commissioners. If the board of education rescinds such a resolution, it shall certify notice of the rescission to the board of county commissioners.

(D)(1) If a proposed resolution under division (B)(1) of this section exempts improvements with respect to a parcel for more than ten years, or the percentage of the improvement exempted from taxation exceeds seventy-five per cent, not later than forty-five business days prior to adopting the ordinance the board of county commissioners shall deliver to the board of township trustees of any township or legislative authority of any municipal corporation within which the incentive district is or will be located a notice that states its intent to adopt a resolution creating an incentive district. The notice shall include a copy of the proposed resolution.

(2) The board of township trustees or legislative authority of the municipal corporation, or both, by resolution, may object to the exemption for the number of years in excess of ten, may object to the exemption for the percentage of the improvement to be exempted in excess of seventy-five per cent, or both, or may accept either or both exemptions. If the board of township trustees or legislative authority, or both, objects, the board of township trustees or legislative authority may negotiate an agreement with the board of county commissioners that provides to the board of township trustees or legislative

authority, or both, in the eleventh and subsequent years of the exemption period compensation equal in value to not more than fifty per cent of the taxes that would be payable to the township or municipal corporation on the portion of the improvement in excess of seventy-five per cent, were that portion to be subject to taxation. The board of township trustees and legislative authority shall certify its resolution to the board of county commissioners not later than thirty days after receipt of the notice.

(3) If the board of township trustees and the legislative authority of the municipal corporation does not object or fails to certify a resolution objecting to an exemption within thirty days after receipt of the notice, the board of county commissioners may adopt its resolution, and no compensation shall be provided to the board of township trustees or legislative authority. If both the board of township trustees or legislative authority of the municipal corporation certify resolutions objecting to the commissioners' resolution, the board of county commissioners may adopt its resolution at any time after both compensation agreements are agreed to by the board of county commissioners and the respective party to the agreement. If either the board of township trustees or legislative authority of the municipal corporation certify a resolution objecting to the commissioners' resolution, the board of county commissioners may adopt its resolution at any time after the compensation agreement is agreed to by the board of county commissioners and the board or legislative authority, or, if no compensation agreement is negotiated, at any time after the board of county commissioners agrees to provide compensation to the board of township trustees or legislative authority, or to both, of fifty per cent of the taxes that would be payable to the township or municipal corporation in the eleventh and subsequent years of the exemption period on the portion of the improvement in excess of seventy-five per cent, were that portion to be subject to taxation.

(E) Any of the following property tax levies that are enacted on or after January 1, 2006, and after the date an ordinance creating an incentive district is adopted on or after January 1, 2006, under division (C)(1) of this section shall be levied on property that was exempted from taxation under division (C) of this section and revenues collected from such levies shall not be used to provide service payments under this section:

(1) A tax levied under division (L) of section 5705.19 of the Revised Code for community mental retardation and developmental disabilities programs and services pursuant to Chapter 5126. of the Revised Code;

(2) A tax levied under division (Y) of section 5705.19 of the Revised Code for providing or maintaining senior citizens services or facilities;

(3) A tax levied under section 5705.22 of the Revised Code for county hospitals;

(4) A tax levied under section 5705.221 of the Revised Code for alcohol, drug addiction, and mental health services;

(5) A tax levied under section 5705.23 of the Revised Code for library

purposes;

(6) A tax levied under section 5705.24 of the Revised Code for the support of children services and the placement and care of children.

(F) An exemption from taxation granted under this section commences with the tax year ~~in which an improvement first appears on the tax list and duplicate of real and public utility property and~~specified in the resolution that begins after the effective date of the resolution. Except as otherwise provided in this division, the exemption ends on the date specified in the resolution as the date the improvement ceases to be a public purpose or the incentive district expires, or ends on the date on which the county can no longer require annual service payments in lieu of taxes under section 5709.79 of the Revised Code, whichever occurs first. The exemption of an improvement with respect to a parcel may end on a later date, as specified in the resolution, if the board of commissioners and the board of education of the city, local, or exempted village school district within which the parcel is located have entered into a compensation agreement under section 5709.82 of the Revised Code with respect to the improvement or district and the board of education has approved the term of the exemption under division (C)(1) of this section, but in no case shall the improvement be exempted from taxation for more than thirty years. Exemptions shall be claimed and allowed in the same or a similar manner as in the case of other real property exemptions. If an exemption status changes during a tax year, the procedure for the apportionment of the taxes for that year is the same as in the case of other changes in tax exemption status during the year.

~~(E)~~(G) If the board of county commissioners is not required by this section to notify the board of education of the board of county commissioners' intent to declare improvements to be a public purpose, the board of county commissioners shall comply with the notice requirements imposed under section 5709.83 of the Revised Code before taking formal action to adopt the resolution making that declaration, unless the board of education has adopted a resolution under that section waiving its right to receive such a notice.

~~(F)~~(H) The county, not later than fifteen days after the adoption of a resolution under this section, shall submit to the director of development a copy of the resolution. On or before the thirty-first day of March of each year, the county shall submit a status report to the director of development. The report shall indicate, in the manner prescribed by the director, the progress of the project during each year that an exemption remains in effect, including a summary of the receipts from service payments in lieu of taxes; expenditures of money from funds created under section 5709.75 of the Revised Code; a description of the public infrastructure improvements and housing renovations financed with such expenditures; and a quantitative summary of changes in employment and private investment resulting from each project.

~~(G)~~(I) Nothing in this section shall be construed to prohibit a board of county commissioners from declaring to be a public purpose improvements with respect to more than one parcel."

In line 82046, after "5705.391," insert "5709.40, 5709.73, 5709.77, 5709.78,"

Between lines 96908 and 96909, insert:

"**Section 515.03.** (A) On or before December 31, 2005, a transportation improvement district and any two or more governmental agencies may enter into an agreement providing for the joint financing of any street, highway, interchange, or other transportation project. Any such agreement shall be approved by resolution or ordinance passed by the legislative authority of each of the parties to such agreement, which resolution or ordinance shall authorize the execution thereof by a designated official or officials of each of such parties, and such agreement, when so approved and executed, shall be in full force and effect.

(B)(1) Subject to division (B)(2) of this section, any party to such an agreement may issue and, notwithstanding any other provision of the Revised Code, a district may purchase directly from the party as an investment, securities to evidence the obligations of that party to the district pursuant to the agreement for its portion of the cost of the project pursuant to Chapter 133. or other applicable provisions of the Revised Code.

(2) More than half of the property necessary for any project undertaken pursuant to an agreement under this section for which a district is purchasing securities under division (B)(1) of this section shall be located within the territory of the transportation improvement district.

(C) Any term used in this section has the same meaning as defined in section 5540.01 of the Revised Code, as amended by this act, unless the context clearly requires another meaning."

Between lines 97023 and 97024, insert:

"**Section ____.** Notwithstanding section 5709.40, 5709.41, 5709.73, or 5709.78 of the Revised Code to the contrary, exemptions from taxation granted pursuant to an ordinance or resolution adopted under any of those sections on or after July 1, 2005, and on or before December 31, 2005, shall commence with the tax year specified in the ordinance or resolution."

In line 97930, after "3317.02," insert "3317.021,"

In line 97950, delete "5540.032,"

Between lines 97743 and 97744, insert:

"**Section ___.** The amendments to sections 5709.40, 5709.73, 5709.77, and 5709.78 of the Revised Code by this act do not apply, but those sections as they were in effect prior January 1, 2006, do apply, to any project, as defined in section 5709.40 of the Revised Code, if the project meets either of the following requirements:

(A) A project agreement has been completed on or before December 31,

2005, for the project.

(B) Bonds have been issued on or before December 31, 2005, for the project."

Between lines 98009 and 98010, insert:

"The amendment by this act of sections 5709.40, 5709.73, 5709.77, and 5709.78 of the Revised Code takes effect January 1, 2006."

In line 127 of the title, after "5705.391," insert "5709.40, 5709.73, 5709.77, 5709.78,"

In line 221 of the title, delete "5540.032,"

In line 309, after "3316.16," insert "3317.01,"

In line 440, after "5703.057," insert "5705.211,"

Between lines 26793 and 26794, insert:

"**Sec. 3317.01.** As used in this section and section 3317.011 of the Revised Code, "school district," unless otherwise specified, means any city, local, exempted village, joint vocational, or cooperative education school district and any educational service center.

This chapter shall be administered by the state board of education. The superintendent of public instruction shall calculate the amounts payable to each school district and shall certify the amounts payable to each eligible district to the treasurer of the district as provided by this chapter. As soon as possible after such amounts are calculated, the superintendent shall certify to the treasurer of each school district the district's adjusted charge-off amount, as defined in section 5705.211 of the Revised Code, for the fiscal year for which those amounts are computed and for the fiscal year preceding that fiscal year. A separate certification of the adjusted charge-off amounts is not required if the certification of other amounts computed under this chapter indicates those adjusted charge-off amounts. No moneys shall be distributed pursuant to this chapter without the approval of the controlling board.

The state board of education shall, in accordance with appropriations made by the general assembly, meet the financial obligations of this chapter.

Annually, the department of education shall calculate and report to each school district the district's total state and local funds for providing an adequate basic education to the district's nonhandicapped students, utilizing the determination in section 3317.012 of the Revised Code. In addition, the department shall calculate and report separately for each school district the district's total state and local funds for providing an adequate education for its handicapped students, utilizing the determinations in both sections 3317.012 and 3317.013 of the Revised Code.

Not later than the thirty-first day of August of each fiscal year, the department of education shall provide to each school district and county MR/DD

board a preliminary estimate of the amount of funding that the department calculates the district will receive under each of divisions (C)(1) and (4) of section 3317.022 of the Revised Code. No later than the first day of December of each fiscal year, the department shall update that preliminary estimate.

Moneys distributed pursuant to this chapter shall be calculated and paid on a fiscal year basis, beginning with the first day of July and extending through the thirtieth day of June. The moneys appropriated for each fiscal year shall be distributed at least monthly to each school district unless otherwise provided for. The state board shall submit a yearly distribution plan to the controlling board at its first meeting in July. The state board shall submit any proposed midyear revision of the plan to the controlling board in January. Any year-end revision of the plan shall be submitted to the controlling board in June. If moneys appropriated for each fiscal year are distributed other than monthly, such distribution shall be on the same basis for each school district.

The total amounts paid each month shall constitute, as nearly as possible, one-twelfth of the total amount payable for the entire year. Payments made during the first six months of the fiscal year may be based on an estimate of the amounts payable for the entire year. Payments made in the last six months shall be based on the final calculation of the amounts payable to each school district for that fiscal year. Payments made in the last six months may be adjusted, if necessary, to correct the amounts distributed in the first six months, and to reflect enrollment increases when such are at least three per cent. Except as otherwise provided, payments under this chapter shall be made only to those school districts in which:

(A) The school district, except for any educational service center and any joint vocational or cooperative education school district, levies for current operating expenses at least twenty mills. Levies for joint vocational or cooperative education school districts or county school financing districts, limited to or to the extent apportioned to current expenses, shall be included in this qualification requirement. School district income tax levies under Chapter 5748. of the Revised Code, limited to or to the extent apportioned to current operating expenses, shall be included in this qualification requirement to the extent determined by the tax commissioner under division (D) of section 3317.021 of the Revised Code.

(B) The school year next preceding the fiscal year for which such payments are authorized meets the requirement of section 3313.48 or 3313.481 of the Revised Code, with regard to the minimum number of days or hours school must be open for instruction with pupils in attendance, for individualized parent-teacher conference and reporting periods, and for professional meetings of teachers. This requirement shall be waived by the superintendent of public instruction if it had been necessary for a school to be closed because of disease epidemic, hazardous weather conditions, inoperability of school buses or other equipment necessary to the school's operation, damage to a school building, or other temporary circumstances due to utility failure rendering the school

building unfit for school use, provided that for those school districts operating pursuant to section 3313.48 of the Revised Code the number of days the school was actually open for instruction with pupils in attendance and for individualized parent-teacher conference and reporting periods is not less than one hundred seventy-five, or for those school districts operating on a trimester plan the number of days the school was actually open for instruction with pupils in attendance not less than seventy-nine days in any trimester, for those school districts operating on a quarterly plan the number of days the school was actually open for instruction with pupils in attendance not less than fifty-nine days in any quarter, or for those school districts operating on a pentamester plan the number of days the school was actually open for instruction with pupils in attendance not less than forty-four days in any pentamester.

A school district shall not be considered to have failed to comply with this division or section 3313.481 of the Revised Code because schools were open for instruction but either twelfth grade students were excused from attendance for up to three days or only a portion of the kindergarten students were in attendance for up to three days in order to allow for the gradual orientation to school of such students.

The superintendent of public instruction shall waive the requirements of this section with reference to the minimum number of days or hours school must be in session with pupils in attendance for the school year succeeding the school year in which a board of education initiates a plan of operation pursuant to section 3313.481 of the Revised Code. The minimum requirements of this section shall again be applicable to such a district beginning with the school year commencing the second July succeeding the initiation of one such plan, and for each school year thereafter.

A school district shall not be considered to have failed to comply with this division or section 3313.48 or 3313.481 of the Revised Code because schools were open for instruction but the length of the regularly scheduled school day, for any number of days during the school year, was reduced by not more than two hours due to hazardous weather conditions.

(C) The school district has on file, and is paying in accordance with, a teachers' salary schedule which complies with section 3317.13 of the Revised Code.

A board of education or governing board of an educational service center which has not conformed with other law and the rules pursuant thereto, shall not participate in the distribution of funds authorized by sections 3317.022 to 3317.0211, 3317.11, 3317.16, 3317.17, and 3317.19 of the Revised Code, except for good and sufficient reason established to the satisfaction of the state board of education and the state controlling board.

All funds allocated to school districts under this chapter, except those specifically allocated for other purposes, shall be used to pay current operating expenses only."

Between lines 66799 and 66800, insert:

"**Sec. 5705.211.** (A) As used in this section:

(1) "Adjusted charge-off amount" for a fiscal year means two and three-tenths per cent of a school district's recognized valuation, as defined in section 3317.02 of the Revised Code, for the fiscal year.

(2) "Charge-off increase" for a tax year means the dollar amount, if any, by which the adjusted charge-off amount for the fiscal year ending in the preceding tax year exceeds the adjusted charge-off amount for the fiscal year ending in the current tax year.

(3) "Levies for current expenses" means any tax levied in excess of the ten-mill limitation for the current operating expenses of the district and any tax levied under sections 5705.194 to 5709.197 of the Revised Code.

(4) "Taxes charged and payable" means the taxes charged and payable from a tax levy extended on the real and public utility property tax list and the general list of personal property after any reduction under section 319.301 of the Revised Code but before any reduction under section 319.302, 323.152, or 323.158 of the Revised Code.

(B) The board of education of a city, local, or exempted village school district may adopt a resolution proposing the levy of a tax in excess of the ten-mill limitation for the purpose of paying the current operating expenses of the district. If the resolution is approved as provided in division (D) of this section, the tax may be levied at such a rate each year that the total taxes charged and payable from the levy equals the charge-off increase for the fiscal year or equals a lesser amount as prescribed under division (C) of this section. The tax may be levied for a continuing period of time or for a specific number of years, but not fewer than five years, as provided in the resolution. The tax may not be placed on the tax list for a tax year beginning before the first day of January following adoption of the resolution. A board of education may not adopt a resolution under this section proposing to levy a tax under this section concurrently with any other tax levied by the board under this section.

(C) After the first year a tax is levied under this section, the rate of the tax in any year shall not exceed the rate, estimated by the county auditor, that would cause the total taxes charged and payable from all the school district's property tax levies for current expenses, including the tax levied under this section, to exceed, if levied upon the total taxable value of real and personal property listed and assessed for taxation in the preceding year, one hundred four per cent of the taxes charged and payable from the same levies imposed in the preceding year. A board of education imposing a tax under this section may specify in the resolution imposing the tax that the percentage shall be less than one hundred four per cent, but the percentage shall not be less than one hundred per cent. At any time after a resolution adopted under this section is approved by a majority of electors as provided in division (D) of this section, the board of education, by resolution, may decrease the percentage specified in the resolution

levying the tax.

For the purposes of this division, a renewal of a levy that was imposed in the preceding year is the same as the levy being renewed to the extent the rate of the renewal levy does not exceed the rate of the levy being renewed. A replacement of a levy that was imposed in the preceding year is the same as the replaced levy to the extent the effective rate of the replacement levy does not exceed the effective rate of the replaced levy in the last year the replaced levy was imposed. For the purposes of this division, "effective rate" of a levy equals the total of the taxes charged and payable from the levy divided by the taxable value of all real and tangible personal property subject to the levy.

(D) A resolution adopted under this section shall state that the purpose of the tax is to pay current operating expenses of the district, and shall specify the first year in which the tax is to be levied, the number of years the tax will be levied or that it will be levied for a continuing period of time, and the election at which the question of the tax is to appear on the ballot, which shall be a general or special election consistent with the requirements of section 3501.01 of the Revised Code. If the board of education specifies a percentage less than one hundred four per cent pursuant to division (C) of this section, the percentage shall be specified in the resolution.

Upon adoption of the resolution, the board of education may certify a copy of the resolution to the proper county board of elections. The copy of the resolution shall be certified to the board of elections not later than seventy-five days before the day of the election at which the question of the tax is to appear on the ballot. Upon receiving a timely certified copy of such a resolution, the board of elections shall make the necessary arrangements for the submission of the question to the electors of the school district, and the election shall be conducted, canvassed, and certified in the same manner as regular elections in the school district for the election of members of the board of education. Notice of the election shall be published in one or more newspapers of general circulation in the school district once per week for four consecutive weeks. The notice shall state that the purpose of the tax is for the current operating expenses of the school district, the first year the tax is to be levied, the number of years the tax is to be levied or that it is to be levied for a continuing period of time, that the tax is to be levied each year in an amount estimated to offset decreases in state base cost funding caused by increases in the district's taxable property valuation, and that the estimated additional tax in any year of the levy shall not cause the taxes charged and payable for school operating expenses to exceed the previous year's by more than one hundred four per cent, or a lesser percentage specified in the resolution levying the tax, except for increases caused by the addition of new taxable property.

The question shall be submitted as a separate proposition but may be printed on the same ballot with any other proposition submitted at the same election other than the election of officers.

The form of the ballot shall be substantially as follows:

"An additional tax for the benefit of (name of school district) for the purpose of paying the current operating expenses of the district, for ..... (number of years or for continuing period of time), at a rate sufficient to offset any reduction in basic state funding caused by increases in the district's taxable property valuation, but limited to prevent total revenue for the district's operating expenses from increasing by more than ..... per cent per year?

	For the tax levy
	Against the tax levy

"

If a majority of the electors of the school district voting on the question vote in favor of the question, the board of elections shall certify the results of the election to the board of education and to the tax commissioner immediately after the canvass.

(E) When preparing any estimate of the contemplated receipts from a tax levied pursuant to this section for the purposes of sections 5705.28 to 5705.40 of the Revised Code, and in preparing to certify the tax under section 5705.34 of the Revised Code, a board of education authorized to levy such a tax shall use information supplied by the department of education to determine the charge-off increase for the tax year for which that certification is made. If the board levied a tax under this section in the preceding tax year, the sum to be certified for collection from the tax shall not exceed the sum that would exceed the limitation imposed under division (C) of this section. At the request of the board of education or the treasurer of the school district, the county auditor shall assist the board of education in determining the rate or sum that may be levied under this section.

The board of education shall certify the sum authorized to be levied to the county auditor, and, for the purpose of the county auditor determining the rate at which the tax is to be levied in the tax year, the sum so certified shall be the sum to be raised by the tax unless the sum exceeds the limitation imposed by division (C) of this section. A tax levied pursuant to this section shall not be levied at a rate in excess of the rate estimated by the county auditor to produce the sum certified by the board of education after the reduction required under section 319.301 of the Revised Code but before the reductions under sections 319.302, 323.152, and 323.158 of the Revised Code. Notwithstanding section 5705.34 of the Revised Code, a board of education authorized to levy a tax under this section shall certify the tax to the county auditor before the first day of October of the tax year in which the tax is to be levied, or at a later date as approved by the tax commissioner."

In line 81989, after "3316.16," insert "3317.01,"

In line 48 of the title, after "3316.16," insert "3317.01,"

In line 221 of the title, after "5703.057," insert "5705.211,"

In line 23335, strike through "(1)" and insert "Except as otherwise provided in division (B)(6) of this section:

(1)"

Between lines 23378 and 23379, insert:

"(6) When designating performance ratings for school districts and buildings under divisions (B)(1) to (5) of this section, the department shall not assign a school district or building a lower designation from its previous year's designation based solely on one subgroup not making adequate yearly progress."

Delete lines 87309 through 87315

In line 97924, after "3301.88," insert "3302.03,"

In line 25378, delete "and"; after "(N)" insert ", and (O)"

In line 27325, delete the first "and"; after "(N)" insert ", and (O)"

In line 27790, delete "(N)" and insert "(O)"

Between lines 27973 and 27974, insert:

"(O) If the department of job and family services presents to the department of education a payment request through an intrastate transfer voucher for the nonfederal share of reimbursements made to a school district for medicaid services provided by the district, the department of education shall pay the amount of that request to the department of job and family services and shall deduct the amount of that payment from the district."

In line 88406, delete "$62,709,350 $59,977,736" and insert "$63,709,350 $60,477,736"

In line 88408, delete "$70,812,400 $68,419,938" and insert "$71,812,400 $68,919,938"

In line 88437, delete "$4,801,922,357 $5,005,719,903" and insert "$4,802,922,357 $5,006,219,903"

In line 88439, delete "$10,567,126,243 $10,848,943,040" and insert "$10,568,126,243 $10,849,443,040"

In line 88511, delete "$17,078,547,447 $17,401,414,127" and insert "$17,079,547,447 $17,401,914,127"

Between lines 88552 and 88553, insert:

"MEDICAID ADMINISTRATIVE STUDY COUNCIL FUNDING

Of the foregoing appropriation item 600-321, Support Services, $1,000,000 in fiscal year 2006 and $500,000 in fiscal year 2007 shall be provided to the Medicaid Administrative Study Council to carry out the duties of the Council as specified under the section of this act entitled "MEDICAID ADMINISTRATIVE STUDY COUNCIL.""

Delete lines 89240 through 89316 and insert:

"**Section ___.** LEGISLATIVE INTENT TO CREATE NEW MEDICAID

DEPARTMENT

It is the intent of the General Assembly that a new cabinet level department to administer the Medicaid program is to be established by July 1, 2007.

Section ___. MEDICAID ADMINISTRATIVE STUDY COUNCIL

(A) There is hereby created the Medicaid Administrative Study Council composed of the following:

(1) One member of the Ohio Commission to Reform Medicaid, appointed by the Governor;

(2) One member of the staff of the Governor's office, appointed by the Governor;

(3) One individual with expertise in health-care finance, appointed by the Governor;

(4) One individual with expertise in health-care management, appointed by the Governor;

(5) One individual with expertise in health-care information technology, appointed by the Governor;

(6) One individual with expertise in health insurance, appointed by the Governor;

(7) One individual with expertise in health care quality assurance, appointed by the Governor;

(8) Two individuals with expertise in organizational change representing the business community, one appointed by the President of the Senate and one appointed by the Speaker of the House of Representatives;

(9) The Director of Budget and Management or the Director's designee;

(10) The State Chief Information Officer or the Officer's designee;

(11) The Administrator of Workers' Compensation or the Administrator's designee;

(12) The following non-voting members:

(a) The Director of Job and Family Services or the Director's designee;

(b) The Director of Aging or the Director's designee;

(c) The Director of Drug and Alcohol Addiction Services or the Director's designee;

(d) The Director of Health or the Director's designee;

(e) The Director of Mental Health or the Director's designee;

(f) The Director of Mental Retardation and Developmental Disabilities or

the Director's designee.

(B) The Governor shall appoint a member of the Council to serve as the chairperson of the Council.

(C) The Council shall study the administration of the Medicaid program. In conducting the study, the Council shall operate under the assumption that the General Assembly will enact by July 1, 2007, a law establishing a new cabinet level department to administer the program. The Council shall examine and consider all of the following as part of the study:

(1) Structuring the program's administration in a manner that optimizes the program's fiscal and operational objectives;

(2) Centralizing financing and information technology functions to coordinate the new department's activities with other state agencies, if any, that assist in the program's administration;

(3) Creating a unified budget for Medicaid-funded long-term care services;

(4) The fiscal and operating impact that a new administrative structure for the program would have on the Department of Job and Family Services and other state agencies that currently assist in the program's administration;

(5) The role of government entities that administer the Medicaid program on the local level and the fiscal and operating impact that a new administrative structure for the program would have on those entities;

(6) The recommendations of the Ohio Commission to Reform Medicaid.

(D) Beginning ninety days after the effective date of this section, the Council shall submit written, quarterly reports on the Council's progress to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The Council shall submit a final written report of its study to the Governor, the President of the Senate, and the Speaker of the House of Representatives not later than December 31, 2006. The final report shall include all of the following:

(1) Recommendations regarding the scope and structure of the new department;

(2) A business plan that directs the transition of the Medicaid program's administration from the Department of Job and Family Services and the other state agencies that assist the Department to the new department and addresses the transition's fiscal and operational impact;

(3) Identification of the resources needed to implement the business plan.

(E) The Council may hire staff, enter into contracts, and take other actions the Council deems necessary to fulfill its duties."

Delete lines 60473 through 60503 and insert:

"**Sec. 5111.915.** (A) The department of job and family services shall enter into an agreement with the department of administrative services for the department of administrative services to contract through competitive selection pursuant to section 125.07 of the Revised Code with a vendor to perform an assessment of the data collection and data warehouse functions of the medicaid data warehouse system, including the ability to link the data sets of all agencies serving medicaid recipients.

The assessment of the data system shall include functions related to fraud and abuse detection, program management and budgeting, and performance measurement capabilities of all agencies serving medicaid recipients, including the departments of aging, alcohol and drug addiction services, health, job and family services, mental health, and mental retardation and developmental disabilities.

The department of administrative services shall enter into this contract within thirty days after the effective date of this section. The contract shall require the vendor to complete the assessment within ninety days after the effective date of this section.

A qualified vendor with whom the department of administrative services contracts to assess the data system shall also assist the medicaid agencies in the definition of the requirements for an enhanced data system or a new data system and assist the department of administrative services in the preparation of a request for proposal to enhance or develop a data system.

(B) Based on the assessment performed pursuant to division (A) of this section, the department of administrative services shall seek a qualified vendor through competitive selection pursuant to section 125.07 of the Revised Code to develop or enhance a data collection and data warehouse system for the department of job and family services and all agencies serving medicaid recipients.

Within ninety days after the effective date of this section, the department of job and family services shall seek enhanced federal funding for ninety per cent of the funds required to establish or enhance the data system. The department of administrative services shall not award a contract for establishing or enhancing the data system until the department of job and family services receives approval from the secretary of the United States department of health and human services for the ninety per cent federal match."

In line 88564, delete "Upon" and insert "The Department of Job and Family Services shall fund the cost of the assessment specified in division (A) of section 5111.915 of the Revised Code and upon"

In line 88565, delete ", up to $6,000,000 in state and"

Delete line 88566

In line 88567, delete "and federal funds in fiscal year 2007 shall be used to"

In line 88568, delete "computer" and insert "development or enhancement of a data collection or data warehouse"; after "in" insert "division (B) of"

In line 79039, after "(6)," insert "or"; delete ", or (9)"

In line 79041, after "1843(k)" insert "or is a person directly or indirectly owned by one or more insurance companies described in division (E)(9) of this section that is authorized to do the business of insurance in this state"

In line 79370, after "members" insert "and taxable gross receipts received by a person enumerated in divisions (E)(2) to (10) of section 5751.01 of the Revised Code,"

In line 79486, after "and" insert ", except as otherwise provided in this section,"

In line 79492, after "section" insert "or from recovering the amount of the tax imposed by this section as a combined or separately stated overhead charge or other charge as part of any legal contract, including an existing, an amended, or a future contract"

In line 78958, delete "two" and insert "one"; after "hundred" insert "fifty"

In line 79502, delete "seventy-five" and insert "fifty"

In line 79727, delete "two" and insert "one"

In line 79728, after "hundred" insert "fifty"

In line 79782, delete the first "two" and insert "one"; after the first "hundred" insert "fifty"; delete the second "two" and insert "one"; after the second "hundred" insert "fifty"

In line 79848, delete "fifty" and insert "seventy-five"

In line 97107, delete "eighty-eight" and insert "seventy-five"

In line 97118, delete "two" insert "one"; after "hundred" insert "fifty"

In line 309, after "3316.16," insert "3317.01,"

Between lines 26793 and 26794, insert:

"**Sec. 3317.01.** As used in this section and section 3317.011 of the Revised Code, "school district," unless otherwise specified, means any city, local, exempted village, joint vocational, or cooperative education school district and any educational service center.

This chapter shall be administered by the state board of education. The superintendent of public instruction shall calculate the amounts payable to each school district and shall certify the amounts payable to each eligible district to the treasurer of the district as provided by this chapter. No moneys shall be distributed pursuant to this chapter without the approval of the controlling board.

The state board of education shall, in accordance with appropriations made by the general assembly, meet the financial obligations of this chapter.

Annually, the department of education shall calculate and report to each school district the district's total state and local funds for providing an adequate basic education to the district's nonhandicapped students, utilizing the determination in section 3317.012 of the Revised Code. In addition, the department shall calculate and report separately for each school district the district's total state and local funds for providing an adequate education for its handicapped students, utilizing the determinations in both sections 3317.012 and 3317.013 of the Revised Code.

Not later than the thirty-first day of August of each fiscal year, the department of education shall provide to each school district and county MR/DD board a preliminary estimate of the amount of funding that the department calculates the district will receive under each of divisions (C)(1) and (4) of section 3317.022 of the Revised Code. No later than the first day of December of each fiscal year, the department shall update that preliminary estimate.

Moneys distributed pursuant to this chapter shall be calculated and paid on a fiscal year basis, beginning with the first day of July and extending through the thirtieth day of June. The moneys appropriated for each fiscal year shall be distributed at least monthly to each school district unless otherwise provided for. The state board shall submit a yearly distribution plan to the controlling board at its first meeting in July. The state board shall submit any proposed midyear revision of the plan to the controlling board in January. Any year-end revision of the plan shall be submitted to the controlling board in June. If moneys appropriated for each fiscal year are distributed other than monthly, such distribution shall be on the same basis for each school district.

The total amounts paid each month shall constitute, as nearly as possible, one-twelfth of the total amount payable for the entire year. ~~Payments~~

Until fiscal year 2006, payments made during the first six months of the fiscal year may be based on an estimate of the amounts payable for the entire year. Payments made in the last six months shall be based on the final calculation of the amounts payable to each school district for that fiscal year. Payments made in the last six months may be adjusted, if necessary, to correct the amounts distributed in the first six months, and to reflect enrollment increases when such are at least three per cent. ~~Except~~

Beginning in fiscal year 2006, payments shall be calculated to reflect the biannual reporting of average daily membership. In fiscal year 2006 and in each fiscal year thereafter, payments for July through December shall be based on student counts certified pursuant to section 3317.03 of the Revised Code for the first full week in October, and payments for January through June shall be based on the average of student counts certified pursuant to that section for the first full week of the previous October and the third full week in February.

Except as otherwise provided, payments under this chapter shall be made

only to those school districts in which:

(A) The school district, except for any educational service center and any joint vocational or cooperative education school district, levies for current operating expenses at least twenty mills. Levies for joint vocational or cooperative education school districts or county school financing districts, limited to or to the extent apportioned to current expenses, shall be included in this qualification requirement. School district income tax levies under Chapter 5748. of the Revised Code, limited to or to the extent apportioned to current operating expenses, shall be included in this qualification requirement to the extent determined by the tax commissioner under division (D) of section 3317.021 of the Revised Code.

(B) The school year next preceding the fiscal year for which such payments are authorized meets the requirement of section 3313.48 or 3313.481 of the Revised Code, with regard to the minimum number of days or hours school must be open for instruction with pupils in attendance, for individualized parent-teacher conference and reporting periods, and for professional meetings of teachers. This requirement shall be waived by the superintendent of public instruction if it had been necessary for a school to be closed because of disease epidemic, hazardous weather conditions, inoperability of school buses or other equipment necessary to the school's operation, damage to a school building, or other temporary circumstances due to utility failure rendering the school building unfit for school use, provided that for those school districts operating pursuant to section 3313.48 of the Revised Code the number of days the school was actually open for instruction with pupils in attendance and for individualized parent-teacher conference and reporting periods is not less than one hundred seventy-five, or for those school districts operating on a trimester plan the number of days the school was actually open for instruction with pupils in attendance not less than seventy-nine days in any trimester, for those school districts operating on a quarterly plan the number of days the school was actually open for instruction with pupils in attendance not less than fifty-nine days in any quarter, or for those school districts operating on a pentamester plan the number of days the school was actually open for instruction with pupils in attendance not less than forty-four days in any pentamester.

A school district shall not be considered to have failed to comply with this division or section 3313.481 of the Revised Code because schools were open for instruction but either twelfth grade students were excused from attendance for up to three days or only a portion of the kindergarten students were in attendance for up to three days in order to allow for the gradual orientation to school of such students.

The superintendent of public instruction shall waive the requirements of this section with reference to the minimum number of days or hours school must be in session with pupils in attendance for the school year succeeding the school year in which a board of education initiates a plan of operation pursuant to section 3313.481 of the Revised Code. The minimum requirements of this section shall again be applicable to such a district beginning with the school year

commencing the second July succeeding the initiation of one such plan, and for each school year thereafter.

A school district shall not be considered to have failed to comply with this division or section 3313.48 or 3313.481 of the Revised Code because schools were open for instruction but the length of the regularly scheduled school day, for any number of days during the school year, was reduced by not more than two hours due to hazardous weather conditions.

(C) The school district has on file, and is paying in accordance with, a teachers' salary schedule which complies with section 3317.13 of the Revised Code.

A board of education or governing board of an educational service center which has not conformed with other law and the rules pursuant thereto, shall not participate in the distribution of funds authorized by sections 3317.022 to 3317.0211, 3317.11, 3317.16, 3317.17, and 3317.19 of the Revised Code, except for good and sufficient reason established to the satisfaction of the state board of education and the state controlling board.

All funds allocated to school districts under this chapter, except those specifically allocated for other purposes, shall be used to pay current operating expenses only."

In line 26870, delete "0.50" and insert "0.75"

In line 27054, after the period insert "Beginning in fiscal year 2006, for payments in which formula ADM is a factor, for the months of July through December, formula ADM means the number reported in October of that year, and for the months of January through June, formula ADM means the average of the numbers reported in the previous October and in February."

Between lines 27127 and 27128, insert:

"Beginning in fiscal year 2006, for payments in which category one through six special education ADM or category one or two vocational education ADM is a factor, for the months of July through December, those terms mean the numbers as described in division (F)(1) through (8) of this section, respectively, reported in October of that year, and for the months of January through June, those terms mean the average of the numbers as described in division (F)(1) through (8) of this section, respectively, reported in the previous October and in February."

In line 27152, delete "(1)"

In line 27153, strike through "this"; after "division" insert "(N)(1) or (2) of this section"

In line 27154, delete the underlined comma

In line 27155, delete all before the period

Delete lines 27163 through 27265 and insert:

"(1) In fiscal year 2006, the cost-of-doing-business factor for each county is:

COUNTY	COST-OF-DOING-BUSINESS FACTOR AMOUNT
Adams	~~1.0035~~1.00233
Allen	~~1.0206~~1.01373
Ashland	~~1.0297~~1.01980
Ashtabula	~~1.0397~~1.02647
Athens	~~1.0014~~1.00093
Auglaize	~~1.0247~~1.01647
Belmont	~~1.0064~~1.00427
Brown	~~1.0177~~1.01180
Butler	~~1.0646~~1.04307
Carroll	~~1.0137~~1.00913
Champaign	~~1.0446~~1.02973
Clark	~~1.0447~~1.02980
Clermont	~~1.0541~~1.03607
Clinton	~~1.0329~~1.02193
Columbiana	~~1.0214~~1.01427
Coshocton	~~1.0173~~1.01153
Crawford	~~1.0164~~1.01093
Cuyahoga	~~1.0626~~1.04173
Darke	~~1.0338~~1.02253
Defiance	~~1.0146~~1.00973
Delaware	~~1.0528~~1.03520
Erie	~~1.0388~~1.02587
Fairfield	~~1.0366~~1.02440
Fayette	~~1.0319~~1.02127
Franklin	~~1.0608~~1.04053
Fulton	~~1.0330~~1.0220
Gallia	~~1.0000~~1.00000
Geauga	~~1.0501~~1.03340
Greene	~~1.0444~~1.02960
Guernsey	~~1.0066~~1.00440
Hamilton	~~1.0750~~1.05000
Hancock	~~1.0215~~1.01433
Hardin	~~1.0356~~1.02373
Harrison	~~1.0074~~1.00493
Henry	~~1.0318~~1.02120
Highland	~~1.0148~~1.00987
Hocking	~~1.0188~~1.01253
Holmes	~~1.0178~~1.01187
Huron	~~1.0293~~1.01953
Jackson	~~1.0138~~1.00920
Jefferson	~~1.0073~~1.00487
Knox	~~1.0279~~1.01860

Lake	~~1.0524~~1.03493
Lawrence	~~1.0081~~1.00540
Licking	~~1.0381~~1.02540
Logan	~~1.0385~~1.02567
Lorain	~~1.0515~~1.03433
Lucas	~~1.0390~~1.02600
Madison	~~1.0488~~1.03253
Mahoning	~~1.0346~~1.02307
Marion	~~1.0306~~1.02040
Medina	~~1.0536~~1.03573
Meigs	~~1.0026~~1.00173
Mercer	~~1.0203~~1.01353
Miami	~~1.0411~~1.02740
Monroe	~~1.0050~~1.00333
Montgomery	~~1.0453~~1.03020
Morgan	~~1.0089~~1.00593
Morrow	~~1.0301~~1.02007
Muskingum	~~1.0127~~1.00847
Noble	~~1.0073~~1.00487
Ottawa	~~1.0486~~1.03240
Paulding	~~1.0115~~1.00767
Perry	~~1.0160~~1.01067
Pickaway	~~1.0391~~1.02607
Pike	~~1.0103~~1.00687
Portage	~~1.0472~~1.03147
Preble	~~1.0442~~1.02947
Putnam	~~1.0216~~1.01440
Richland	~~1.0199~~1.01327
Ross	~~1.0151~~1.01007
Sandusky	~~1.0321~~1.02140
Scioto	~~1.0012~~1.00080
Seneca	~~1.0223~~1.01487
Shelby	~~1.0278~~1.01853
Stark	~~1.0255~~1.01700
Summit	~~1.0542~~1.03613
Trumbull	~~1.0351~~1.02340
Tuscarawas	~~1.0089~~1.00593
Union	~~1.0500~~1.03333
Van Wert	~~1.0133~~1.00887
Vinton	~~1.0095~~1.00633
Warren	~~1.0658~~1.04387
Washington	~~1.0060~~1.00400
Wayne	~~1.0348~~1.02320
Williams	~~1.0228~~1.01520
Wood	~~1.0360~~1.02400
Wyandot	~~1.0171~~1.01140

(2) In fiscal year 2007, the cost-of-doing-business factor for each county is:

COUNTY	COST-OF-DOING-BUSINESS FACTOR AMOUNT
Adams	1.00117
Allen	1.00687
Ashland	1.00990
Ashtabula	1.01323
Athens	1.00047
Auglaize	1.00823
Belmont	1.00213
Brown	1.00590
Butler	1.02153
Carroll	1.00457
Champaign	1.01487
Clark	1.01490
Clermont	1.01803
Clinton	1.01097
Columbiana	1.00713
Coshocton	1.00577
Crawford	1.00547
Cuyahoga	1.02087
Darke	1.01127
Defiance	1.00487
Delaware	1.01760
Erie	1.01293
Fairfield	1.01220
Fayette	1.01063
Franklin	1.02027
Fulton	1.01100
Gallia	1.00000
Geauga	1.01670
Greene	1.01480
Guernsey	1.00220
Hamilton	1.02500
Hancock	1.00717
Hardin	1.01187
Harrison	1.00247
Henry	1.01060
Highland	1.00493
Hocking	1.00627
Holmes	1.00593
Huron	1.00977
Jackson	1.00460
Jefferson	1.00243
Knox	1.00930

Lake	1.01747
Lawrence	1.00270
Licking	1.01270
Logan	1.01283
Lorain	1.01717
Lucas	1.01300
Madison	1.01627
Mahoning	1.01153
Marion	1.01020
Medina	1.01787
Meigs	1.00087
Mercer	1.00677
Miami	1.01370
Monroe	1.00167
Montgomery	1.01510
Morgan	1.00297
Morrow	1.01003
Muskingum	1.00423
Noble	1.00243
Ottawa	1.01620
Paulding	1.00383
Perry	1.00533
Pickaway	1.01303
Pike	1.00343
Portage	1.01573
Preble	1.01473
Putnam	1.00720
Richland	1.00663
Ross	1.00503
Sandusky	1.01070
Scioto	1.00040
Seneca	1.00743
Shelby	1.00927
Stark	1.00850
Summit	1.01807
Trumbull	1.01170
Tuscarawas	1.00297
Union	1.01667
Van Wert	1.00443
Vinton	1.00317
Warren	1.02193
Washington	1.00200
Wayne	1.01160
Williams	1.00760
Wood	1.01200
Wyandot	1.00570"

In line 28439, delete all after "25"

In line 28440, delete "in fiscal year 2007" and insert "hours"

In line 28442, delete "0.85" and insert "1.00"

In line 28452, delete "impoverished" and insert "all"

In line 28457, delete "75" and insert "25"

In line 28461, delete "poverty student count" and insert "formula ADM"; delete "10" and insert "15"

In line 28475, delete "100" and insert "50"; delete all after "hours"

In line 28476, delete all before the underlined period

In line 28487, after "the" insert "quotient of (the"

In line 28488, after "count" insert "times 3)"; delete "five" and insert "10"

In line 28492, delete "350" and insert "135"; delete all after "hours"

In line 28493, delete all before the underlined period

In line 28503, delete "375" and insert "160"; delete all after "hours"

In line 28504, delete all before the underlined period

In line 29052, strike through ", which" and insert ". Beginning in fiscal year 2006, each superintendent also shall certify to the state board, for the schools under the superintendent's supervision, the formula ADM for the third full week in February. If a school under the superintendent's supervision is closed for one or more days during that week due to hazardous weather conditions or other circumstances described in the first paragraph of division (B) of section 3317.01 of the Revised Code, the superintendent may apply to the superintendent of public instruction for a waiver, under which the superintendent of public instruction may exempt the district superintendent from certifying the formula ADM for that school for that week and specify an alternate week for certifying the formula ADM of that school.

The formula ADM"

Between lines 29107 and 29108, insert:

"(5) In the case of the report submitted for the third full week in February, or the alternative week if specified by the superintendent of public instruction, the number of students reported under division (A)(1) or (2) of this section for the first full week of the preceding October but who since that week have received high school diplomas."

In line 29276, strike through ", which" and insert ". Beginning in fiscal year 2006, each superintendent also shall certify to the state superintendent the formula ADM for the third full week in February. If a school operated by the joint vocational school district is closed for one or more days during that week

due to hazardous weather conditions or other circumstances described in the first paragraph of division (B) of section 3317.01 of the Revised Code, the superintendent may apply to the superintendent of public instruction for a waiver, under which the superintendent of public instruction may exempt the district superintendent from certifying the formula ADM for that school for that week and specify an alternate week for certifying the formula ADM of that school.

The formula ADM"

In line 29286, after the period insert "In the case of the report submitted for the third week in February, or the alternative week if specified by the superintendent of public instruction, the superintendent of the joint vocational school district may include the number of students reported under division (D)(1) of this section for the first full week of the preceding October but who since that week have received high school diplomas."

In line 29409, after the period insert "Division (F)(1) of this section does not apply after fiscal year 2005."

In line 29428, strike through "for the first full school week of October"

In line 81989, after "3316.16," insert "3317.01,"

In line 84963, delete "$19,513,057 $20,088,057" and insert "$19,302,057 $19,802,057"

In line 84992, delete "$5,585,820,663 $5,701,771,366" and insert "$5,579,031,663 $5,709,057,366"

In line 84998, delete "$7,485,405,773 $7,583,267,819" and insert "$7,478,405,773 $7,590,267,819"

In line 85067, delete "$10,182,637,895 $10,650,103,623" and insert "$10,175,637,895 $10,657,103,623"

In line 86022, delete "(2)" and insert "(3)"

In line 86234, delete all after "year"

In line 86235, delete "funding"

In line 86236, after "amount" insert "equal"

In line 86237, delete "reduce"; delete "to 2% of" and insert "in"

In line 87297, delete "Not" and insert "Regardless of the changes made by this act regarding the reporting of formula ADM by school districts, not"

In line 48 of the title, after "3316.16," insert "3317.01,"

Between lines 87121 and 87122, insert:

"**Section _____.** There is hereby established a committee to study the consolidation of school districts. The committee shall consist of three members of the House of Representatives, appointed by the Speaker of the House of

Representatives, and three members of the Senate, appointed by the President of the Senate. From each house, two members shall be of the majority party and one member shall be of the minority party. The Speaker of the House of Representatives shall designate the chairman of the committee. Members shall not receive compensation for their services.

The committee shall study the feasibility of city, local, and exempted village school district consolidation and the economic impact, including possible cost savings, of consolidation for the state and school districts. If the committee determines school district consolidation is feasible, the committee shall recommend legislation to accomplish the consolidation.

The committee shall report its findings to the General Assembly not later than one year after the effective date of this section. Copies of the findings shall be provided to the Governor, the President and Minority Leader of the Senate, the Speaker and Minority Leader of the House of Representatives, and the chairpersons, vice-chairpersons, and ranking minority members of the education committees of the House of Representatives and the Senate. Following its report of findings, the committee shall cease to exist."

In line 87115, delete "10,000" and insert "14,000"

In line 86930, after "Assembly" insert "and this act"

In line 86939, after the period insert "If these unspent and unencumbered funds are not sufficient to fully fund the assessment requirements in fiscal year 2007, the Superintendent of Public Instruction may request that the Controlling Board transfer up to $5,000,000 cash from the Lottery Profits Education Reserve Fund (Fund 018) to the General Revenue Fund and appropriate these transfered funds to appropriation item 200-437, Student Assessment."

In line 320, after "3365.02," insert "3365.04, 3365.041, 3365.05, 3365.08,"

In line 417, after "3354.25," insert "3365.11,"

In line 34356, after the period insert "The purpose of the program is to provide enriched education opportunities to secondary grade students that are beyond the opportunities offered by the high school in which they are enrolled."

In line 34418, after "courses" insert ";

"(G) A requirement that a student or the student's parent will reimburse the state for the amount of state funds paid to a college for a course in which the student is enrolled under this chapter if the student does not attain a passing final grade in that course"

Between lines 34418 and 34419, insert:

"**Sec. 3365.04.** The rules adopted under section 3365.02 of the Revised Code shall provide for students to enroll in courses under either of the following options:

(A) The student may elect at the time of enrollment to ~~receive only college credit for~~be responsible for payment of all tuition and the cost of all textbooks, materials, and fees associated with the course. The college shall notify the student about payment of tuition and fees in the customary manner followed by the college~~, and the student shall be responsible for payment of all tuition and the cost of all textbooks, materials, and fees associated with the course~~. ~~If~~A student electing this option also shall elect, at the time of enrollment, whether to receive only college credit or high school credit and college credit for the course.

(1) The student may elect to receive only college credit for the course. Except as provided in section 3365.041 of the Revised Code, if the student successfully completes the course, the college shall award the student full credit for the course, but the board of education, community school governing authority, or nonpublic participating school shall not award the high school credit.

(2) The student may elect to receive both high school credit and college credit for the course. Except as provided in section 3365.041 of the Revised Code, if the student successfully completes the course, the college shall award the student full credit for the course and the board of education, community school governing authority, or nonpublic school shall award the student high school credit.

(B) The student may elect at the time of enrollment for each course to ~~receive both~~have the college ~~credit and high school credit~~reimbursed under section 3365.07 of the Revised Code. Except as provided in section 3365.041 of the Revised Code, if the student successfully completes the course, the college shall award the student full credit for the course, the board of education, community school governing authority, or nonpublic school shall award the student high school credit, and the college shall be reimbursed in accordance with section 3365.07 of the Revised Code.

When determining a school district's formula ADM under section 3317.03 of the Revised Code, the time a participant is attending courses under division (A) of this section shall be considered as time the participant is not attending or enrolled in school anywhere, and the time a participant is attending courses under division (B) of this section shall be considered as time the participant is attending or enrolled in the district's schools.

Sec. 3365.041. (A) When a school district superintendent or governing authority of a community school expels a student under division (B) of section 3313.66 of the Revised Code, the district superintendent or board shall send a written notice of the expulsion to any college in which the expelled student is enrolled under section 3365.03 of the Revised Code at the time the expulsion is imposed. The notice shall indicate the date the expulsion is scheduled to expire. The notice also shall indicate whether the district board of education or community school governing authority has adopted a policy under section 3313.613 of the Revised Code to deny high school credit for post-secondary

courses taken during an expulsion. If the expulsion is extended under division (F) of section 3313.66 of the Revised Code, the district superintendent or governing authority shall notify the college of the extension.

(B) A college may withdraw its acceptance under section 3365.03 of the Revised Code of a student who is expelled from school under division (B) of section 3313.66 of the Revised Code. As provided in section 3365.03 of the Revised Code, regardless of whether the college withdraws its acceptance of the student for the college term in which the student is expelled, the student is ineligible to enroll in a college under that section for subsequent college terms during the period of the expulsion, unless the student enrolls in another school district or community school, or participating nonpublic school during that period.

If a college withdraws its acceptance of an expelled student who elected ~~the~~either option of division (A)(1) or (2) of section 3365.04 of the Revised Code, the college shall refund tuition and fees paid by the student in the same proportion that it refunds tuition and fees to students who voluntarily withdraw from the college at the same time in the term.

If a college withdraws its acceptance of an expelled student who elected the option of division (B) of section 3365.04 of the Revised Code, the school district or community school shall not award high school credit for the college courses in which the student was enrolled at the time the college withdrew its acceptance, and any reimbursement under section 3365.07 of the Revised Code for the student's attendance prior to the withdrawal shall be the same as would be paid for a student who voluntarily withdrew from the college at the same time in the term. If the withdrawal results in the college's receiving no reimbursement, the college may require the student to return or pay for the textbooks and materials it provided the student free of charge under section 3365.08 of the Revised Code.

(C) When a student who elected the option of division (B) of section 3365.04 of the Revised Code is expelled under division (B) of section 3313.66 of the Revised Code from a school district or community school that has adopted a policy under section 3313.613 of the Revised Code, that election is automatically revoked for all college courses in which the student is enrolled during the college term in which the expulsion is imposed. Any reimbursement under section 3365.07 of the Revised Code for the student's attendance prior to the expulsion shall be the same as would be paid for a student who voluntarily withdrew from the college at the same time in the term. If the revocation results in the college's receiving no reimbursement, the college may require the student to return or pay for the textbooks and materials it provided the student free of charge under section 3365.08 of the Revised Code.

No later than five days after receiving an expulsion notice from the superintendent of a district or the governing authority of a community school that has adopted a policy under section 3313.613 of the Revised Code, the college shall send a written notice to the expelled student that the student's

election of division (B) of section 3365.04 of the Revised Code is revoked. If the college elects not to withdraw its acceptance of the student, the student shall pay all applicable tuition and fees for the college courses and shall pay for the textbooks and materials that the college provided under section 3365.08 of the Revised Code.

Sec. 3365.05. High school credit awarded for courses successfully completed under this chapter shall count toward the graduation requirements and subject area requirements of the school district, community school, or nonpublic school. If a course comparable to one a student completed at a college is offered by the district, community school, or nonpublic school, the board or school shall award comparable credit for the course completed at the college. If no comparable course is offered by the district, community school, or nonpublic school, the board or school shall grant an appropriate number of credits in a similar subject area to the student.

If there is a dispute between a school district board or a community school governing authority and a student regarding high school credits granted for a course, the student may appeal the board's or governing authority's decision to the state board of education. The state board's decision regarding any high school credits granted under this ~~division~~section is final.

Evidence of successful completion of each course and the high school credits awarded by the district, community school, or participating nonpublic school shall be included in the student's record. The record shall indicate that the credits were earned as a participant under this chapter and shall include the name of the college at which the credits were earned. The district board, community school governing authority, or nonpublic school shall determine whether and the manner in which the grade achieved in a course completed at a college under division (A)(2) or (B) of section 3365.04 of the Revised Code will be counted in any cumulative grade point average maintained for the student.

Sec. 3365.08. (A) A college that expects to receive or receives reimbursement under section 3365.07 of the Revised Code shall furnish to a participant all textbooks and materials directly related to a course taken by the participant under division (B) of section 3365.04 of the Revised Code. No college shall charge such participant for tuition, textbooks, materials, or other fees directly related to any such course.

(B) No student enrolled under this chapter in a course for which credit toward high school graduation is awarded shall receive direct financial aid through any state or federal program.

(C) If a school district provides transportation for resident school students in grades eleven and twelve under section 3327.01 of the Revised Code, a parent of a pupil enrolled in a course under division (A)(2) or (B) of section 3365.04 of the Revised Code may apply to the board of education for full or partial reimbursement for the necessary costs of transporting the student between the secondary school the student attends and the college in which the student is

enrolled. Reimbursement may be paid solely from funds received by the district under division (D) of section 3317.022 of the Revised Code. The state board of education shall establish guidelines, based on financial need, under which a district may provide such reimbursement.

(D) If a community school provides or arranges transportation for its pupils in grades nine through twelve under section 3314.091 of the Revised Code, a parent of a pupil of the community school who is enrolled in a course under division (A)(2) or (B) of section 3365.04 of the Revised Code may apply to the governing authority of the community school for full or partial reimbursement of the necessary costs of transporting the student between the community school and the college. The governing authority may pay the reimbursement in accordance with the state board's rules adopted under division (C) of this section solely from funds paid to it under section 3314.091 of the Revised Code.

Sec. 3365.11. If the superintendent of the school district or the chief administrator of the community school or nonpublic school in which the student is enrolled notifies the superintendent of public instruction that the student has not attained a passing final grade in a college course in which the student is enrolled under this chapter, the superintendent of public instruction shall initiate proceedings to seek reimbursement from the student or the student's parent for the amount of state funds calculated for payment to the college on behalf of the student for enrollment in that college course. In seeking reimbursement, the superintendent of public instruction may request that the attorney general bring a civil action in the court of common pleas of the county in which the school district, community school, or nonpublic school is located, if the superintendent of public instruction determines it appropriate to bring such an action.

Upon the collection of any funds from a student or student's parent under this section, the superintendent of public instruction shall credit the amount collected to the school district or community school from which an amount was deducted under division (D) of section 3365.07 of the Revised Code for the course or, if the student is enrolled in a nonpublic school, to the general revenue fund."

In line 82000, after "3365.02," insert "3365.04, 3365.041, 3365.05, 3365.08,"

Between lines 87099 and 87100, insert:

"(C) The statement in section 3365.02 of the Revised Code, as amended by this act, concerning the purpose of the program applies to courses taken beginning in the 2005-2006 school year.

(D) The requirement to seek reimbursement for college courses that a student failed, as specified in section 3365.02 of the Revised Code, as amended by this act, and section 3365.11 of the Revised Code, shall apply to courses taken beginning in the 2005-2006 school year.

(E) The opportunity to elect high school credit under Option A of the

program, as specified in sections 3365.04, 3365.041, 3365.05, and 3365.08 of the Revised Code, as amended by this act, shall apply beginning in the 2005-2006 academic year."

In line 97936, after "3365.02," insert "3365.04, 3365.041, 3365.05, 3365.08, 3365.11,"

In line 63 of the title, after "3365.02," insert "3365.04, 3365.041, 3365.05, 3365.08,"

In line 192 of the title, after "3354.25," insert "3365.11,"

Between lines 87277 and 87278, insert:

"**Section _____.** For fiscal years 2006 and 2007, the Department of Education shall provide funding to the Ohio Wyami Appalachian Teacher Cohorts Program under the Columbiana County Educational Service Center to provide teacher professional development in Ohio's Appalachian counties. The program shall provide professional development that is based on a review of scientifically based research and is expected to improve student academic achievement as required by Title II of the "No Child Left Behind Act of 2001," 115 Stat. 1425, 20 U.S.C. 6612 et seq., for approximately eighty public and charter nonpublic teachers from Ohio's Appalachian counties each year. The Department of Education shall provide $1,500,000 each fiscal year in federal grant funds from the State Grants For Improving Teacher Quality Program to the Columbiana County Educational Service Center for this purpose. The Center shall not expend these funds outside of Ohio."

Between lines 95168 and 95169, insert:

"**Section ___.** RECOMMENDATIONS FOR A STATE GOVERNMENT REORGANIZATION PLAN

Within thirty days after the effective date of this section, the Department of Administrative Services shall begin developing recommendations for a state government reorganization plan focused on increased efficiencies in the operation of state government and a reduced number of state agencies. The Department shall present its recommendations to the Speaker of the House of Representatives, the President of the Senate, the Minority Leader of the House of Representatives, and the Minority Leader of the Senate by not later than January 1, 2007."

Between lines 26498 and 26499, insert:

"(3) Notwithstanding division (A) of this section, in any fiscal year that a school district is either in fiscal watch status, as declared pursuant to section 3316.03 of the Revised Code, or in fiscal caution status, as declared pursuant to section 3316.031 of the Revised Code, the district may apply to the superintendent of public instruction for a waiver from the requirements of division (A) of this section, under which the district may be permitted to deposit an amount less than required by that division or permitted to make no deposit

into the district textbook and instructional materials fund for that year. The superintendent may grant a waiver under division (B)(3) of this section if the district demonstrates to the satisfaction of the superintendent that compliance with division (A) of this section that year will create an undue financial hardship on the district.

(4) Notwithstanding division (A) of this section, not more often than one fiscal year in every three consecutive fiscal years, any school district that does not satisfy the conditions for the exemption described in division (B)(2) of this section or the conditions to apply for the waiver described in division (B)(3) of this section may apply to the superintendent of public instruction for a waiver from the requirements of division (A) of this section, under which the district may be permitted to deposit an amount less than required by that division or permitted to make no deposit into the district textbook and instructional materials fund for that year. The superintendent may grant a waiver under division (B)(4) of this section if the district demonstrates to the satisfaction of the superintendent that compliance with division (A) of this section that year will necessitate the reduction or elimination of a program currently offered by the district that is critical to the academic success of students of the district and that no reasonable alternatives exist for spending reductions in other areas of operation within the district that negate the necessity of the reduction or elimination of that program."

In line 26591, after "(D)" insert "(1)"

Between lines 26596 and 26597, insert:

"(2) Notwithstanding division (A) of this section, in any fiscal year that a school district is either in fiscal watch status, as declared pursuant to section 3316.03 of the Revised Code, or in fiscal caution status, as declared pursuant to section 3316.031 of the Revised Code, the district may apply to the superintendent of public instruction for a waiver from the requirements of division (A) of this section, under which the district may be permitted to deposit an amount less than required by that division or permitted to make no deposit into the district capital and maintenance fund for that year. The superintendent may grant a waiver under division (D)(2) of this section if the district demonstrates to the satisfaction of the superintendent that compliance with division (A) of this section that year will create an undue financial hardship on the district.

(3) Notwithstanding division (A) of this section, not more often than one fiscal year in every three consecutive fiscal years, any school district that does not satisfy the conditions for the exemption described in division (D)(1) of this section or the conditions to apply for the waiver described in division (D)(2) of this section may apply to the superintendent of public instruction for a waiver from the requirements of division (A) of this section, under which the district may be permitted to deposit an amount less than required by that division or permitted to make no deposit into the district capital and maintenance fund for that year. The superintendent may grant a waiver under division (D)(3) of this

section if the district demonstrates to the satisfaction of the superintendent that compliance with division (A) of this section that year will necessitate the reduction or elimination of a program currently offered by the district that is critical to the academic success of students of the district and that no reasonable alternatives exist for spending reductions in other areas of operation within the district that negate the necessity of the reduction or elimination of that program."

In line 366, after "5705.391," insert "5711.01,"

Between lines 66904 and 66905, insert:

"**Sec. 5711.01.** As used in this chapter:

(A) "Taxable property" includes all the kinds of property mentioned in division (B) of section 5709.01 and section 5709.02 of the Revised Code, and also the amount or value as of the date of conversion of all taxable property converted into bonds or other securities not taxed on or after the first day of November in the year preceding the date of listing, and of all other taxable property converted into deposits after the date as of which deposits are required to be listed in such year, except in the usual course of the taxpayer's business, to the extent ~~he~~the taxpayer may hold or control such bonds, securities, or deposits on such day, without deduction for indebtedness created in the purchase of such bonds or securities from ~~his~~the taxpayer'scredits. ~~However, taxable~~"Taxable property" does not include such investments and deposits as are taxable at the source as provided in sections 5725.01 to 5725.26 of the Revised Code~~,~~ surrender values under policies of insurance, or any tangible personal property acquired from a public utility or interexchange telecommunications company as defined in section 5727.01 of the Revised Code, and leased back to the public utility or interexchange telecommunications company pursuant to a sale and leaseback transaction as defined in division (I) of section 5727.01 of the Revised Code.

For tax year 2007 and thereafter, taxable property leased to a telephone, telegraph, or interexchange telecommunications company, as defined in section 5727.01 of the Revised Code, shall be listed and assessed by the owner of the property at the percentage of true value in money required under division (H) of section 5711.22 of the Revised Code.

(B) "Taxpayer" means any owner of taxable property, including property exempt under division (C) of section 5709.01 of the Revised Code, and includes every person residing in, or incorporated or organized by or under the laws of this state, or doing business in this state, or owning or having a beneficial interest in taxable personal property in this state and every fiduciary required by sections 5711.01 to 5711.36 of the Revised Code, to make a return for or on behalf of another. For tax year 2007 and thereafter, "taxpayer" includes telephone companies, telegraph companies, and interexchange telecommunications company as defined in section 5727.01 of the Revised Code. The tax commissioner may by rule define and designate the taxpayer, as to any taxable property which would not otherwise be required by this section to be

returned; and any such rule shall be considered supplementary to the enumeration of kinds of taxpayers following:

(1) Individuals of full age and sound mind residing in this state;

(2) Partnerships, corporations, associations, and joint-stock companies, under whatever laws organized or existing, doing business or having taxable property in this state; and corporations incorporated by or organized under the laws of this state, wherever their actual business is conducted;

(3) Fiduciaries appointed by any court in this state or having title, possession, or custody of taxable personal property in this state or engaged in business in this state;

(4) Unincorporated mutual funds.

Taxpayer excludes all individuals, partnerships, corporations, associations, and joint-stock companies, their executors, administrators, and receivers who are defined in Title LVII of the Revised Code as financial institutions, dealers in intangibles, domestic insurance companies, or public utilities, except to the extent they may be required by sections 5711.01 to 5711.36 of the Revised Code, to make returns as fiduciaries, or by section 5725.26 of the Revised Code, to make returns of property leased, or held for the purpose of leasing, to others if the owner or lessor of the property acquired it for the sole purpose of leasing it to others or to the extent that property is taxable under section 5725.25 of the Revised Code.

(C) "Return" means the taxpayer's annual report of taxable property.

(D) "List" means the designation, in a return, of the description of taxable property, the valuation or amount thereof, the name of the owner, and the taxing district where assessable.

(E) "Taxing district" means, in the case of property assessable on the classified tax list and duplicate, a municipal corporation or the territory in a county outside the limits of all municipal corporations therein; in the case of property assessable on the general tax list and duplicate, a municipal corporation or township, or part thereof, in which the aggregate rate of taxation is uniform.

(F) "Assessor" includes the tax commissioner and the county auditor as deputy of the commissioner.

(G) "Fiduciary" includes executors, administrators, parents, guardians, receivers, assignees, official custodians, factors, bailees, lessees, agents, attorneys, and employees, but does not include trustees unless the sense so requires.

(H) "General tax list and duplicate" means the books or records containing the assessments of property subject to local tax levies.

(I) "Classified tax list and duplicate" means the books or records containing the assessments of property not subject to local tax levies.

(J) "Investment company" means any corporation, the shares of which are regularly offered for sale to the public, engaged solely in the business of investing and reinvesting funds in real property or investments, or holding or selling real property or investments for the purpose of realizing income or profit which is distributed to its shareholders. Investment company does not include any dealer in intangibles, as defined in section 5725.01 of the Revised Code.

(K) "Unincorporated mutual fund" means any partnership, each partner of which is a corporation, engaged solely in the business of investing and reinvesting funds in investments, or holding or selling investments for the purpose of realizing income or profit which is distributed to its partners and which is subject to Chapter 1707. of the Revised Code. An unincorporated mutual fund does not include any dealer in intangibles as defined in section 5725.01 of the Revised Code."

In line 67213, after "(H)" insert "(1) For tax year 2007 and thereafter, all personal property used by a telephone company, telegraph company, or interexchange telecommunications company shall be listed as provided in this chapter and assessed at the following percentages of true value in money:

(a) For tax year 2007, twenty per cent of true value;

(b) For tax year 2008, fifteen per cent of true value;

(c) For tax year 2009, ten per cent of true value;

(d) For tax year 2010, five per cent of true value;

(e) For tax year 2011 and each tax year thereafter, zero per cent of true value.

(2) The property owned by a telephone, telegraph, or telecommunications company shall be apportioned to each appropriate taxing district as provided in section 5727.15 of the Revised Code.

(I)"

In line 67215, delete "or"; after "(G)" insert ", or (H)"

In line 67216, delete "(I)" and insert "(J)" ;delete "and"; after "(G)" insert ", and (H)"

In line 67218, delete "(I)" and insert "(J)"

In line 67599, after "any" insert "person"

In line 67602, delete "or" and insert an underlined comma

In line 67603, after "transportation" insert ", telephone, or telegraph"; delete everything after the underlined comma

In line 67604, delete "company,"

In line 67605, delete "or interexchange telecommunications company"

In line 67608, delete everything after "utility" and insert "other than a telephone or telegraph"

In line 67610, delete "or an interexchange telecommunications" and insert "other than a telephone or telegraph"

In line 67611, delete "or interexchange telecommunications company"

In line 67613, delete "or company"

In line 67709, delete "and"

In line 67710, delete "interexchange telecommunications" and insert "except telephone and telegraph"

In line 67713, delete "or interexchange telecommunications company"

In line 67714, delete "or interexchange telecommunications company"

In line 67727, delete "and"

In line 67728, delete "interexchange telecommunications" and insert "except telephone and telegraph"

In line 67731, delete "or interexchange telecommunications company"

In line 67732, delete "or interexchange telecommunications company"

Between lines 67742 and 67743, insert:

"(4) For tax years 2005 and 2006, in the case of telephone, telegraph, or interexchange telecommunications companies, all tangible personal property that on the thirty-first day of December of the preceding year was both located in this state and either owned by the telephone, telegraph, or interexchange telecommunications company or leased by the telephone, telegraph, or interexchange telecommunications company under a sale and leaseback transaction.

(5) For tax year 2007 and thereafter, in the case of telephone, telegraph, or interexchange telecommunications companies, all tangible personal property shall be listed and assessed for taxation under Chapter 5711. of the Revised Code."

In line 67743, strike through "In" and insert "This division applies to tax years before tax year 2007.

In"

In line 67775, after "utility" insert an underlined comma

In line 67778, after "utility" insert ", interexchange telecommunications"

In line 67909, after "thereafter" insert "for tax years before tax year 2007, and pursuant to division (H) of section 5711.22 of the Revised Code for tax year 2007 and thereafter"

In line 67914, strike through "twenty-five per cent" and insert "pursuant to division (H) of section 5711.22 of the Revised Code"

In line 67935, after "(F)" insert "(1)"

In line 67936, after "company" insert "for tax years before tax year 2007"

Between lines 67936 and 67937, insert:

"(2) Pursuant to division (H) of section 5711.22 of the Revised Code for tax year 2007 and thereafter."

In line 80218, delete "and"

In line 80219, after "loss" insert ", and the telephone company fixed-rate levy loss"

Between lines 80234 and 80235, insert:

"(15) "Telephone property" means tangible personal property of a telephone, telegraph, or interexchange telecommunications company subject to an assessment rate specified in section 5727.111 of the Revised Code in tax year 2004.

(16) "Telephone property tax value loss" means the amount determined under division (C)(4) of this section.

(17) "Telephone property fixed-rate levy loss" means the amount determined under division (D)(4) of this section."

In line 80265, delete the first "and"; after the second "property" insert ", and telephone property"

In line 80267, delete "and"; after "(3)" insert ", and (4)"

Between lines 80296 and 80297, insert:

"(4) Telephone property tax value loss is the taxable value of telephone property as taxpayers would have reported that property for tax year 2004 if the assessment rate for all telephone property for that year were twenty-five per cent, multiplied by:

(a) For tax year 2006, zero per cent;

(b) For tax year 2007, zero per cent;

(c) For tax year 2008, zero per cent;

(d) For tax year 2009, sixty per cent;

(e) For tax year 2010, eighty per cent;

(f) For tax year 2011 and thereafter, one hundred per cent."

In line 80306, after the underlined comma insert "and for each tax year from 2006 through 2011 its telephone property fixed-rate levy loss,"

In line 80307, delete "and"; after "(3)" insert ", and (4)"

Between lines 80317 and 80318, insert:

"(4) The telephone property fixed-rate levy loss is the telephone property tax value loss multiplied by the sum of the tax rates of fixed-rate qualifying levies."

In line 80326, after "loss" insert ", and, for 2008 through 2017 the telephone property tax value loss"

In line 80341, delete the second "and"; after "fixtures" insert ", and telephone"

In line 80348, after "section" insert "and for tax year 2011 under division (C)(4) of this section"

In line 80362, delete "(2)" and insert "(3)"

In line 80371, delete the first "and"; after "fixtures" insert ", and telephone"

In line 80373, delete the second "and"; after "fixtures" insert ", and telephone"

In line 80400, delete the first "and"; after "fixtures" insert ", and telephone"

In line 80407, delete the first "and"; after "loss" insert ", and telephone property fixed-rate levy loss"

In line 80459, after the first "2010," insert "and"

In line 80460, delete "and May 31, 2011,"

In line 80462, after "zero" insert ", plus one-half of six-sevenths of the difference between the telephone property fixed-rate levy loss for tax year 2010 and the telephone property fixed-rate levy loss for tax year 2009.

(11) On or before May 31, 2011, fourteen per cent of the amount determined under division (A)(2) of this section for fiscal year 2011, but not less than zero, plus one-seventh of the difference between the telephone property fixed-rate levy loss for tax year 2011 and the telephone property fixed-rate levy loss for tax year 2009"

In line 80463, delete "(11)" and insert "(12)"

In line 80467, after "one-fourth" insert ", plus one-half of six-sevenths of the difference between the telephone property fixed-rate levy loss for tax year 2011 and the telephone property fixed-rate levy loss for tax year 2010.

(13) On or before May 31, 2012, fourteen per cent of the amount determined under division (A)(2) of this section for fiscal year 2012, multiplied by a fraction, the numerator of which is fourteen and the denominator of which is seventeen, plus one-seventh of the difference between the telephone property

fixed-rate levy loss for tax year 2011 and the telephone property fixed-rate levy loss for tax year 2010"

In line 80586, delete the first "and"; delete "fixture" and insert "fixtures, and telephone property"

In line 80589, delete the first "and"; after "fixtures" insert ", and telephone property"

In line 80594, delete the first "and"; after "fixtures" insert ", and telephone property"

In line 80597, delete the first "and"; after "fixtures" insert ", and telephone property"

In line 80607, delete "or"

In line 80608, after "fixtures" insert ", or telephone property"

In line 80610, delete the second "and"

In line 80611, after "fixtures" insert ", and telephone property"

In line 80621, delete "and"

In line 80622, after "(3)" insert ", and (4)"

In line 80628, delete"(3)" and insert "(4)"

In line 80653, after "(2)" insert "Except as provided in division (A)(4) of this section, for telephone property fixed-rate levy losses determined under division (D)(4) of section 5751.20 of the Revised Code, payments shall be made in an amount equal to each of those losses multiplied by the following:

(a) For tax years 2009 through 2011, one hundred per cent;

(b) For tax year 2012, seven-eighths;

(c) For tax year 2013, six-eighths;

(d) For tax year 2014, five-eighths;

(e) For tax year 2015, four-eighths;

(f) For tax year 2016, three-eighths;

(g) For tax year 2017, two-eighths;

(h) For tax year 2018, one-eighth;

(i) For tax years 2019 and thereafter, no fixed-rate payments shall be made.

Any qualifying levy that is a fixed-rate levy that is not applicable to a tax year after 2011 shall not qualify for any reimbursement after the tax year to which it is last applicable.

(3)"

In line 80657, delete "(3)" and insert "(4)"

In line 80688, delete "2018" and insert "2019"

In line 80696, delete "2018" and insert "2019"

In line 82046, after "5705.391," insert "5711.01,"

Between lines 97134 and 97135, insert:

"**Section ____.** For tax years 2007 and thereafter, telephone, telegraph, and interexchange telecommunications companies, as defined in section 5727.01 of the Revised Code, shall list taxable property at the percentage of true value required in Chapter 5711. of the Revised Code. For purposes of assigning taxable valuation to each taxing district for those years, the Tax Commissioner shall continue to use the apportionment provisions of Chapter 5727. of the Revised Code. However, such property shall be listed by the county auditor and certified to the county treasurer for collection under the provisions applicable to the general list of taxable property and not upon the tax list and duplicate of real and public utility personal property."

Delete lines 97721 through 97741

In line 98014, after "5709.112," insert "5711.01,"

In line 127 of the title, after "5705.391," insert "5711.01,"

In line 442, after "5743.072," insert "5743.331,"

Between lines 76146 and 76147, insert:

"(9) Cigarettes that have a wholesale value of three hundred dollars or less used, stored, or consumed, but not for resale, in any month."

In line 76951, strike through "Every" and insert "Except as provided in section 5747.331 of the Revised Code, every"

In line 76957, reinsert the comma

In line 76958, reinsert "cigarettes that have a wholesale value in excess of"; after "~~sixty~~" insert "three hundred"; reinsert "dollars"

In line 76959, delete everything before the comma

Between lines 76973 and 76974, insert:

"**Sec. 5743.331.** Notwithstanding any other section in this chapter to the contrary, a person may use, store, or consume cigarettes with a wholesale value of not more than three hundred dollars in any month and not for resale without incurring liability for any tax levied under this chapter, and is not required to file any return that otherwise would be required under this chapter."

In line 98025, after "5743.20," insert "5743.331,"

In line 223 of the title, after "5743.072," insert "5743.331,"

Between lines 97126 and 97127, insert:

"**Section ___.** It is the intent of the General Assembly that section 5751.033 of the Revised Code, as enacted by this act, be applied in a manner that is consistent with and identical to the situsing provisions that apply to the corporation franchise tax. That section shall be interpreted and applied by the Tax Commissioner in a manner that is consistent with the body of case law addressing the situsing of sales for purposes of the sales factor as determined under Chapter 5733. of the Revised Code, and in a manner that is consistent with the Tax Commissioner's prior treatment of the corporation franchise tax sales factor situsing law for taxpayers under that chapter."

In line 80102, delete "(A)"

In line 80105, delete "tax" and insert "attorney general, on the request of the tax commissioner, shall commence an action in quo warranto in the court of appeals of the county in which the person has its principal place of business to forfeit and annul its privileges or franchise within this state. If the court finds that the person is in default for the amount claimed, it shall render judgment revoking the person's privileges or franchise within this state and shall otherwise proceed as provided in Chapter 2733. of the Revised Code."

Delete lines 80106 through 80169

Delete lines 79198 through 79216

In line 79217, delete "(4)" and insert "(3)"

In line 79225, delete "(5)" and insert "(4)"

Between lines 97126 and 97127, insert:

"**Section ___.** Notwithstanding any provision of Chapter 5751. of the Revised Code as enacted by this act, for purposes of Chapter 5751. of the Revised Code, "gross receipts" excludes amounts received from the sale of tangible personal property that is delivered into or shipped from a qualified foreign trade zone area that includes a qualified intermodal facility.

As used in this section:

(A) "Qualified foreign trade zone area" means a warehouse or other place of delivery or shipment that is:

(1) Located within one mile of the nearest boundary of an international airport; and

(2) Located, in whole or in part, within a foreign trade zone as defined in division (A)(2) of section 5709.44 of the Revised Code.

(B) "Qualified intermodal facility" means a transshipment station that is capable of receiving and shipping freight through rail transportation, highway transportation, and air transportation. A transshipment station is "capable of receiving and shipping freight" after the commencement of the construction of

each of the rail, highway, and air transportation components of the facility."

In line 88406, delete "$62,709,350 $59,977,736" and insert "$62,797,907 $60,065,397"

In line 88407, delete "$8,103,050 $8,442,202" and insert "$8,114,493 $8,454,541"

In line 88408, delete "$70,812,400 $68,419,938" and insert "$70,912,400 $68,519,938"

In line 88437, delete "$4,801,922,357 $5,005,719,903" and insert "$4,802,010,914 $5,005,807,564"

In line 88438, delete "$5,765,203,886 $5,843,223,137" and insert "$5,765,215,329 $5,843,235,476"

In line 88439, delete "$10,567,126,243 $10,848,943,040" and insert "$10,567,226,243 $10,849,043,040"

In line 88511, delete "$17,078,547,447 $17,401,414,127" and insert "$17,078,647,447 $17,401,514,127"

In line 90355, delete "$14,870,000 $14,870,000" and insert "$15,398,213 $16,026,427"

In line 90357, delete "$1,256,427 $1,256,427" and insert "$628,214 $0"

In line 90361, delete "$21,583,427 $21,609,427" and insert "$21,483,427 $21,509,427"

In line 90367, delete "$21,760,427 $21,786,927" and insert "$21,660,427 $21,686,927"

Between lines 90373 and 90374, insert:

"ELIMINATION OF LEGISLATIVE OFFICE OF EDUCATION OVERSIGHT

The Legislative Office of Education Oversight shall complete statutorily required studies by December 31, 2005. On January 1, 2006, the Director of Budget and Management shall transfer the unencumbered cash balance from GRF appropriation item 035-404, Legislative Office of Education Oversight, to GRF appropriation item 035-321, Operating Expenses.

It is the intent of the General Assembly to reconstitute the Legislative Budget Office within the Legislative Service Commission to focus on revenue forecasting. The Legislative Service Commission shall employ a Legislative Budget Officer. The Legislative Service Commission shall also employ a person to focus on Medicaid, TANF, and other federally-funded, caseload-driven programs. It is the intent of the General Assembly to retain current fiscal staff within the Legislative Service Commission."

In line 34097, delete "The" and insert:

"(D)(1) Except as provided in division (D)(2) of this section, the"; after "employees" insert "of the commission"

Between lines 34099 and 34100, insert:

"(2) All employees of the commission who transferred to the commission from one of the commission's predecessor agencies upon the commission's creation and, when employed by the predecessor agency were included in a bargaining unit established under Chapter 4117. of the Revised Code, shall continue to be included in that bargaining unit, are public employees as defined in section 4117.01 of the Revised Code, and may collectively bargain with the commission in accordance with that chapter. Otherwise, any employee hired by the commission after the effective date of this section, either to fill vacancies or to fill new positions, shall be exempt from Chapter 4117. of the Revised Code and shall not be public employees as defined in section 4117.10 of the Revised Code."

In line 95248, delete all after the period

Delete lines 95249 through 95255

In line 398, after "5111.257," insert "5111.34,"

In line 55751, reinsert "5111.34"; delete "5111.33"

In line 56404, delete "transitioning payments from" and insert "phasing in"

In line 56405, delete "2007" and insert "2006"

In line 58322, delete "2007" and insert "2006"

Between lines 59268 and 59269, insert:

"**Sec. 5111.34.** The director of job and family services shall prepare an annual report containing recommendations on the methodology that should be used to transition paying providers of nursing facilities the rate determined for nursing facilities for one fiscal year to the immediately succeeding fiscal year. The director shall submit a copy of the annual report to the governor, the president and minority leader of the senate, and the speaker and minority leader of the house of representatives not later than the first day of each October."

Delete lines 88634 through 89005 and insert:

"**Section ____.** FISCAL YEAR 2006 MEDICAID REIMBURSEMENT SYSTEM FOR NURSING FACILITIES

(A) As used in this section:

"2003 cost report" means a complete and adequate Medicaid cost report covering calendar year 2003 filed with the Department of Job and Family Services under section 5111.26 of the Revised Code.

"Change of operator," "entering operator," and "exiting operator" have

the same meanings as in section 5111.65 of the Revised Code.

"Franchise permit fee" means the fee imposed by sections 3721.50 to 3721.58 of the Revised Code.

"Nursing facility" and "provider" have the same meaning as in section 5111.20 of the Revised Code.

"Nursing facility services" means nursing facility services covered by the Medicaid program that a nursing facility provides to a resident of the nursing facility who is a Medicaid recipient eligible for Medicaid-covered nursing facility services.

"Reviewable activity" has the same meaning as in section 3702.51 of the Revised Code.

(B) Except as otherwise provided in this section, the provider of a nursing facility that has a valid Medicaid provider agreement on June 30, 2005, and a valid Medicaid provider agreement for fiscal year 2006 shall be paid, for nursing facility services the nursing facility provides during fiscal year 2006, the sum of the following:

(1) The rate the provider is paid for nursing facility services the nursing facility provides on June 30, 2005;

(2) Unless the nursing facility is exempt from paying the franchise permit fee, one dollar and ninety-five cents.

(C) If a nursing facility undergoes a change of operator on July 1, 2005, the entering operator shall be paid, for nursing facility services the nursing facility provides during fiscal year 2006, the rate paid to the exiting operator for nursing facility services that the nursing facility provided on June 30, 2005, plus, if the entering operator pays the franchise permit fee, one dollar and ninety-five cents. If a nursing facility undergoes a change of operator during the period beginning July 2, 2005, and ending June 30, 2006, the entering operator shall be paid, for nursing facility services the nursing facility provides during the period beginning on the effective date of the change of operator and ending June 30, 2006, the rate paid to the exiting operator for nursing facility services that the nursing facility provided on the day immediately before the effective date of the change of operator.

(D) If, during fiscal year 2006, a nursing facility obtains certification as a nursing facility from the Director of Health and begins participation in the Medicaid program, the provider of the nursing facility shall be paid, for nursing facility services the nursing facility provides during the period beginning on the date the nursing facility begins participation in the Medicaid program and ending June 30, 2006, a rate that is the median of all rates paid to providers of nursing facilities on July 1, 2005.

(E) If, during fiscal year 2007, one or more Medicaid certified beds are added to a nursing facility with a valid Medicaid provider agreement for fiscal

year 2006, the provider of the nursing facility shall be paid a rate for the new beds that is the same as the nursing facility's rate for the Medicaid certified beds that are in the nursing facility on the day before the new beds are added.

(F) If the United States Centers for Medicare and Medicaid Services requires that the franchise permit fee be reduced or eliminated, the Department of Job and Family Services shall reduce the amount it pays providers of nursing facilities under this section as necessary to reflect the loss to the state of the revenue and federal financial participation generated from the franchise permit fee.

(G)(1) A nursing facility's rate established under this section shall not be subject to any adjustments except as follows:

(a) An adjustment resulting from an audit of the nursing facility's 2003 cost report may be applied to a rate established under this section for the nursing facility not later than three years after the first day of the fiscal year for which the rate is established.

(b) Subject to division (G)(2) of this section, the nursing facility's rate established under this section may be adjusted pursuant to a process established in rules adopted under section 5111.02 of the Revised Code to reflect a change in the nursing facility's capital costs due to any of the following:

(i) A change of provider agreement that goes into effect before July 1, 2005, and for which a rate adjustment is not implemented before June 30, 2005;

(ii) A reviewable activity for which a certificate of need application is filed with the Director of Health before July 1, 2005, costs are incurred before June 30, 2005, and a rate adjustment is not implemented before June 30, 2005;

(iii) An activity that the Director of Health, before July 1, 2005, rules is not a reviewable activity and for which costs are incurred before June 30, 2005, and a rate adjustment is not implemented before June 30, 2005.

(2) A nursing facility's rate established under this section may be adjusted pursuant to division (G)(1)(b)(ii) or (iii) of this section only if, after all other Medicaid obligations have been met, there are appropriations in appropriation item 600-525, Health Care/Medicaid, that would otherwise lapse to the General Revenue Fund. The Department of Job and Family Services may make adjustments pursuant to division (G)(1)(b)(ii) and (iii) of this section to the extent possible using the remaining appropriations that would otherwise lapse.

(H) The Department of Job and Family Services shall follow this section in determining the rate to be paid to the provider of a nursing facility under the Medicaid program for nursing facility services provided during fiscal year 2006 notwithstanding anything to the contrary in sections 5111.20 to 5111.33 of the Revised Code.

Section ___. FISCAL YEAR 2007 MEDICAID REIMBURSEMENT SYSTEM FOR NURSING FACILITIES

(A) As used in this section:

"Franchise permit fee" means the fee imposed by sections 3721.50 to 3721.58 of the Revised Code.

"Nursing facility" and "provider" have the same meanings as in section 5111.20 of the Revised Code.

"Nursing facility services" means nursing facility services covered by the Medicaid program that a nursing facility provides to a resident of the nursing facility who is a Medicaid recipient eligible for Medicaid-covered nursing facility services.

(B) Except as provided in division (C) of this section, the provider of a nursing facility that has a valid Medicaid provider agreement on June 30, 2006, and a valid Medicaid provider agreement for fiscal year 2007 shall be paid, for nursing facility services the nursing facility provides during fiscal year 2007, the rate determined for the nursing facility under sections 5111.20 to 5111.33 of the Revised Code.

(C) If the rate determined for a nursing facility under sections 5111.20 to 5111.33 of the Revised Code for nursing facility services provided during fiscal year 2007 is more than one hundred two per cent of the rate the provider is paid for nursing facility services the nursing facility provides on June 30, 2006, the Department of Job and Family Services shall reduce the nursing facility's fiscal year 2007 rate so that the rate is no more than one hundred two per cent of the nursing facility's rate for June 30, 2006. If the rate determined for a nursing facility under sections 5111.20 to 5111.33 of the Revised Code for nursing facility services provided during fiscal year 2007 is less than ninety-eight per cent of the rate the provider was paid for nursing facility services the nursing facility provides on June 30, 2006, the Department shall increase the nursing facility's fiscal year 2007 rate so that the rate is no less than ninety-eight per cent of the nursing facility's rate for June 30, 2006.

(D) If the United States Centers for Medicare and Medicaid Services requires that the franchise permit fee be reduced or eliminated, the Department of Job and Family Services shall reduce the amount it pays providers of nursing facilities under this section as necessary to reflect the loss to the state of the revenue and federal financial participation generated from the franchise permit fee.

(E) The Department of Job and Family Services shall follow this section in determining the rate to be paid to the provider of a nursing facility that has a valid Medicaid provider agreement on June 30, 2006, and a valid Medicaid provider agreement for fiscal year 2007 notwithstanding anything to the contrary in sections 5111.20 to 5111.33 of the Revised Code.

Section _____. TRANSITION METHODOLOGY FOR MEDICAID REIMBURSEMENT FOR NURSING FACILITIES

(A) There is hereby created the Nursing Facility Rate Transition

Advisory Council. The Council shall consist of all of the following:

(1) The Director of Job and Family Services or the Director's designee;

(2) The Deputy Director of the Office of Ohio Health Plans of the Department of Job and Family Services or the Deputy Director's designee;

(3) The Director of Health or the Director's designee;

(4) One representative of Medicaid recipients residing in nursing facilities appointed by the Governor;

(5) One representative of each of the following organizations appointed by the organization:

(a) The Ohio Academy of Nursing Homes;

(b) The Association of Ohio Philanthropic Homes and Housing for the Aging;

(c) The Ohio Health Care Association.

(B) Members of the Nursing Facility Rate Transition Advisory Council shall receive no compensation for serving on the Council.

(C) The Director of Job and Family Services shall serve as chair of the Nursing Facility Rate Transition Advisory Council.

(D) The Nursing Facility Rate Transition Advisory Council shall develop recommendations on the methodology to be used to phase in the nursing facility reimbursement formula established under sections 5111.20 to 5111.33 of the Revised Code. The Council shall prepare quarterly progress reports and, not later than nine months after the effective date of this section, a final report. The Council shall submit copies of the report to the Governor, the President and Minority Leader of the Senate, and the Speaker and Minority Leader of the House of Representatives. The Council shall cease to exist on the issuance of the final report.

Section ___. FISCAL YEAR 2006 AND FISCAL YEAR 2007 MEDICAID REIMBURSEMENT SYSTEM FOR ICFs/MR

(A) As used in this section:

"2003 cost report" means a complete and adequate Medicaid cost report covering calendar year 2003 filed with the Department of Job and Family Services under section 5111.26 of the Revised Code.

"Change of operator," "entering operator," and "exiting operator" have the same meanings as in section 5111.65 of the Revised Code.

"Intermediate care facility for the mentally retarded" and "provider" home have the same meanings as in section 5111.20 of the Revised Code.

"ICF/MR services" means intermediate care facility for the mentally retarded services covered by the Medicaid program that an intermediate care

facility for the mentally retarded provides to a resident of the facility who is a Medicaid recipient eligible for Medicaid-covered intermediate care facility for the mentally retarded services.

(B) Except as otherwise provided in this section, the provider of an intermediate care facility for the mentally retarded that has a valid Medicaid provider agreement on June 30, 2005, and a valid Medicaid provider agreement for fiscal years 2006 and 2007 shall be paid, for ICF/MR services the facility provides during fiscal years 2006 and 2007, the rate the provider is paid for ICF/MR services the facility provides on June 30, 2005.

(C) If an intermediate care facility for the mentally retarded undergoes a change of operator during fiscal year 2006 or 2007, the entering operator shall be paid, for ICF/MR services the facility provides during the period beginning on the effective date of the change of provider and ending June 30, 2007, the rate paid to the exiting operator for ICF/MR services that the facility provided on the day immediately before the effective date of the change of operator.

(D) If, during fiscal year 2006 or 2007, an intermediate care facility for the mentally retarded obtains certification as an intermediate care facility for the mentally retarded from the Director of Health and begins participation in the Medicaid program, the provider of the facility shall be paid, for ICF/MR services the facility provides during the period beginning on the date the facility begins participation in the Medicaid program and ending June 30, 2007, a rate that is the median of all rates paid to intermediate care facilities for the mentally retarded on July 1, 2005.

(E) If, during fiscal year 2006 or 2007, one or more Medicaid certified beds are added to an intermediate care facility for the mentally retarded with a valid Medicaid provider agreement for the time that the beds are added, the provider of the facility shall be paid a rate for the new beds that is the same as the facility's rate for the Medicaid certified beds that are in the facility on the day before the new beds are added.

(F) An adjustment necessitated by an audit of an intermediate care facility for the mentally retarded's 2003 cost report may be applied to a rate established under this section for the facility.

(G) The Department of Job and Family Services shall follow this section in determining the rate to be paid to the provider of an intermediate care facility for the mentally retarded under the Medicaid program for ICF/MR services provided during fiscal years 2006 and 2007 notwithstanding anything to the contrary in sections 5111.20 to 5111.33 of the Revised Code."

In line 89017, delete "under Section 206.66.28 of this act"

In line 89018, after "2007" insert "under the section of this act entitled "FISCAL YEAR 2006 AND FISCAL YEAR 2007 MEDICAID REIMBURSEMENT SYSTEM FOR ICFs/MR""

In line 98008, after "5111.257," insert "5111.34,"

In line 166 of the title, delete "5111.262," and insert "5111.34,"

In line 8 of the amendment CC-3818-2, delete "Incentive district tax-exempt" and insert "Property exemption"

In line 11 of the amendment CC-3818-2, delete "division" and insert "divisions"; after "(6)" insert "and (7)"

In line 124 of the amendment CC-3818-2, after "Code" insert ".

(7) The aggregate value of real property in the school district for which an exemption from taxation is granted on or after January 1, 2006, under Chapter 725. or 1728., sections 3735.65 to 3735.70, or section 5709.62, 5709.63, 5709.632, 5709.84, or 5709.88 of the Revised Code, as indicated on the list of exempted property for the preceding tax year under section 5713.08 of the Revised Code and as if such property had been assessed for taxation that year, but not including compensation for tax revenue foregone pursuant to an agreement entered into on or after January 1, 2006, under section 5709.82 of the Revised Code, and minus the product determined by multiplying (a) the aggregate value of the real property in the school district exempted from taxation under any of the chapters or sections specified in this division, by (b) a fraction, the numerator of which is the difference between (i) the amount of anticipated revenue such school district would have received in the preceding fiscal year if the real property exempted from taxation had not been exempted from taxation and (ii) the aggregate amount of payments and other compensation received in the preceding fiscal year by the school district pursuant to any agreements between the school district and the legislative authority of a political subdivision that acted under the authority of a chapter or statute specified in this division, that were entered into in relation to such exemption, and the denominator of which is the amount of anticipated revenue such school district would have received in the preceding fiscal year if the real property exempted from taxation had not been exempted"

In line 149 of the amendment CC-3818-2, delete "incentive district tax-exempt" and insert "property exemption"

In line 153 of the amendment CC-3818-2, delete "incentive district tax-exempt" and insert "property exemption"

In line 285, delete "140.08,"

Delete lines 10705 through 10743

In line 78940, delete "and nonprofit"

In line 78944, after "include" insert "nonprofit organizations or"

In line 79062, after "consideration" delete the balance of the line and insert an underlined period

Delete lines 79063 and 79064

Delete lines 79072 and 79073

In line 79074, delete "(e)" and insert "(d)"

In line 79117, delete "except those" and insert "including"

In line 81965, delete "140.08,"

In line 98011, delete "140.08,"

In line 15 of the title, delete "140.08,"

In line 79076, delete everything after "income"

In line 79077, delete "business"

In line 79081, delete everything after "Code"

In line 79082, delete "of business"

In line 79086, delete ", except when generated in ordinary course of business"

Delete lines 79194 through 79197

In line 322, after "3383.09," insert "3501.141,"

In line 366, after "5705.391," insert "5705.40,"

Delete lines 34851 through 34963 and insert:

"**Sec. 3501.141.** (A) The board of elections of any county may contract, purchase, or otherwise procure and pay all or any part of the cost of group insurance policies that may provide benefits for hospitalization, surgical care, major medical care, disability, dental care, eye care, medical care, hearing aids, or prescription drugs, and that may provide sickness and accident insurance, or group life insurance, or a combination of any of the foregoing types of insurance or coverage for the full-time employees of such board and their immediate dependents, whether issued by an insurance company or a health insuring corporation, duly authorized to do business in this state. The authority granted under this division applies only when the board of county commissioners, by resolution, denies coverage described in this division to full-time employees of the board of elections.

(B) The board of elections of any county, with the approval of the board of county commissioners, may procure and pay all or any part of the cost of group hospitalization, surgical, major medical, or sickness and accident insurance or a combination of any of the foregoing types of insurance or coverage for the members appointed to the board of elections under section 3501.06 of the Revised Code and their immediate dependents when each member's term begins, whether issued by an insurance company or a health insuring corporation, duly authorized to do business in this state.

Sec. 3501.17. (A) The expenses of the board of elections shall be paid from the county treasury, in pursuance of appropriations by the board of county commissioners, in the same manner as other county expenses are paid. If the

board of county commissioners fails to appropriate an amount sufficient to provide for the necessary and proper expenses of the board of elections pertaining to the conduct of elections, other than expenses for employee compensation and benefits incurred in the conduct of elections, ~~such~~the board of elections may apply to the court of common pleas within the county, which shall fix the amount necessary to be appropriated and ~~such~~the amount shall be appropriated. Payments shall be made upon vouchers of the board of elections certified to by its chairperson or acting chairperson and the director or deputy director, upon warrants of the county auditor. ~~The~~

The board of elections shall not incur any obligation involving the expenditure of money unless there are moneys sufficient in the funds appropriated therefor to meet ~~such obligations~~the obligation as required in division (D) of section 5705.41 of the Revised Code. ~~Such~~If the board of elections requests a transfer of funds from one of its appropriation items to another, the board of county commissioners shall adopt a resolution providing for the transfer except as otherwise provided in section 5705.40 of the Revised Code.The expenses of the board of elections shall be apportioned among the county and the various subdivisions as provided in this section, and the amount chargeable to each subdivision shall be withheld by the auditor from the moneys payable thereto at the time of the next tax settlement. At the time of submitting budget estimates in each year, the board of elections shall submit to the taxing authority of each subdivision, upon the request of the subdivision, an estimate of the amount to be withheld ~~therefrom~~from the subdivision during the next fiscal year.

(B) Except as otherwise provided in division (F) of this section, the entire compensation of the members of the board of elections and of the director, deputy director, and other employees in the board's offices; the expenditures for the rental, furnishing, and equipping of the office of the board and for the necessary office supplies for the use of the board; the expenditures for the acquisition, repair, care, and custody of the polling places, booths, guardrails, and other equipment for polling places; the cost of pollbooks, tally sheets, maps, flags, ballot boxes, and all other permanent records and equipment; the cost of all elections held in and for the state and county; and all other expenses of the board which are not chargeable to a political subdivision in accordance with this section shall be paid in the same manner as other county expenses are paid.

(C) The compensation of judges and clerks of elections; the cost of renting, moving, heating, and lighting polling places and of placing and removing ballot boxes and other fixtures and equipment thereof; the cost of printing and delivering ballots, cards of instructions, and other election supplies; and all other expenses of conducting primaries and elections in the odd-numbered years shall be charged to the subdivisions in and for which such primaries or elections are held. The charge for each primary or general election in odd-numbered years for each subdivision shall be determined in the following manner: first, the total cost of all chargeable items used in conducting such elections shall be ascertained; second, the total charge shall be divided by the

number of precincts participating in such election, in order to fix the cost per precinct; third, the cost per precinct shall be prorated by the board of elections to the subdivisions conducting elections for the nomination or election of offices in such precinct; fourth, the total cost for each subdivision shall be determined by adding the charges prorated to it in each precinct within the subdivision.

(D) The entire cost of special elections held on a day other than the day of a primary or general election, both in odd-numbered or in even-numbered years, shall be charged to the subdivision. Where a special election is held on the same day as a primary or general election in an even-numbered year, the subdivision submitting the special election shall be charged only for the cost of ballots and advertising. Where a special election is held on the same day as a primary or general election in an odd-numbered year, the subdivision submitting the special election shall be charged for the cost of ballots and advertising for such special election, in addition to the charges prorated to such subdivision for the election or nomination of candidates in each precinct within the subdivision, as set forth in the preceding paragraph.

(E) Where a special election is held on the day specified by division (E) of section 3501.01 of the Revised Code for the holding of a primary election, for the purpose of submitting to the voters of the state constitutional amendments proposed by the general assembly, and a subdivision conducts a special election on the same day, the entire cost of the special election shall be divided proportionally between the state and the subdivision based upon a ratio determined by the number of issues placed on the ballot by each, except as otherwise provided in division (G) of this section. Such proportional division of cost shall be made only to the extent funds are available for such purpose from amounts appropriated by the general assembly to the secretary of state. If a primary election is also being conducted in the subdivision, the costs shall be apportioned as otherwise provided in this section.

(F) When a precinct is open during a general, primary, or special election solely for the purpose of submitting to the voters a statewide ballot issue, the state shall bear the entire cost of the election in that precinct and shall reimburse the county for all expenses incurred in opening the precinct.

(G) The state shall bear the entire cost of advertising in newspapers statewide ballot issues, explanations of those issues, and arguments for or against those issues, as required by Section 1g of Article II and Section 1 of Article XVI, Ohio Constitution, and any other section of law and shall reimburse the counties for all expenses they incur for such advertising.

(H) The cost of renting, heating, and lighting registration places; the cost of the necessary books, forms, and supplies for the conduct of registration; and the cost of printing and posting precinct registration lists shall be charged to the subdivision in which such registration is held.

(I) As used in this section, "statewide ballot issue" means any ballot issue, whether proposed by the general assembly or by initiative or referendum,

that is submitted to the voters throughout the state."

Between lines 66852 and 66853, insert:

"**Sec. 5705.40.** Any appropriation ordinance or measure may be amended or supplemented, provided that such amendment or supplement shall comply with all provisions of law governing the taxing authority in making an original appropriation and that no appropriation for any purpose shall be reduced below an amount sufficient to cover all unliquidated and outstanding contracts or obligations certified from or against the appropriation. Transfers may be made by resolution or ordinance from one appropriation item to another, except that a board of county commissioners shall, at the request of the county board of elections, adopt a resolution to transfer funds from one appropriation item of the board of elections to another appropriation item of the board of elections unless the board of county commissioners determines that the transfer is sought for the purpose of providing employee bonuses or salary increases other than increases necessary to reimburse employees for overtime worked. At the close of each fiscal year, the unencumbered balance of each appropriation shall revert to the respective fund from which it was appropriated and shall be subject to future appropriations, provided that funds unexpended at the end of such fiscal year previously appropriated for the payment of obligations unliquidated and outstanding, or previously appropriated pursuant to section 321.261 of the Revised Code for the collection of delinquent taxes, need not be reappropriated, but such unexpended funds shall not be included by any budget-making body or board or any county budget commission in estimating the balance available for the purposes of the next or any succeeding fiscal year.

The annual appropriation measure, or an amendment or supplement thereto, may contain an appropriation for contingencies not to exceed the amount authorized by section 5705.29 of the Revised Code and in the case of a school district may also include a voluntary contingency reserve balance in the amount authorized by such section. By a two-thirds vote of all members of the taxing authority of a subdivision or taxing unit, expenditures may be authorized in pursuance of such contingency appropriation or voluntary contingency reserve balance for any lawful purpose for which public funds may be expended, if such purpose could not have reasonably been foreseen at the time of the adoption of the appropriation measure or, in the case of a voluntary contingency reserve balance, if the board of education requests payment of any portion of such balance."

In line 82002, after "3383.09," insert "3501.141,"

In line 82046, after "5705.391," insert "5705.40,"

In line 82068, delete "3501.141,"

In line 66 of the title, after "3383.09," insert "3501.141,"

In line 127 of the title, after "5705.391," insert "5705.40,"

In line 235 of the title, delete "3501.141,"

In line 84179, delete "$2,688,908 $2,688,908" and insert "$2,738,908 $2,723,908"

In line 84180, delete "$15,554,838 $15,454,838" and insert "$17,554,838 $17,454,838"

In line 84197, delete "$1,282,500 $1,157,500" and insert "$1,287,500 $1,162,500"

In line 84,200, delete "$95,992,446 $99,577,446" and insert "$98,047,446 $101,617,446"

In line 84226, delete "$4,978,210 $4,978,210" and insert "$5,228,210 $5,228,210"

In line 84243, delete "$292,826,556 $291,826,556" and insert "$293,076,556 $292,076,556"

In line 84258, delete "$859,374,578 $872,049,264" and insert "$861,679,578 $874,339,264"

Between lines 84258 and 84260, insert:

Section ___. OPERATING EXPENSES

"Of the foregoing appropriation item 195-321, Operating Expenses, $50,000 in fiscal year 2006 and $35,000 in fiscal year 2007 shall be used for Crawford County to hire an employee to act as a local economic development coordinator for Crawford, Hancock, Richland, and Marion Counties."

Between lines 84564 and 84565, insert:

"Of the foregoing appropriation item 195-507, Travel and Tourism Grants, $5,000 in each fiscal year shall be used for the Canton Football Hall of Fame."

In line 84926, delete "$4,978,210" and insert "$5,228,210"

In line 84933, delete "$4,978,210" and insert "$5,228,210"

In line 84972, delete "$20,763,649 and insert "$21,763,649"

In line 84990, delete "$133,754,606 $135,015,125"

and insert "$134,169,606 $135,430,125"

In line 84998, delete "$7,485,405,773 $7,583,267,819" and insert "$7,486,820,773 $7,583,682,819"

In line 85067, delete "$10,182,637,895 $10,650,103,623" and insert "$10,184,052,895 $10,650,518,623"

Between lines 85553 and 85554, insert:

"Of the foregoing appropriation item 200-431, School Improvement Initiatives, $1,000,000 shall be used in fiscal year 2006 to support Improved

Solutions for Urban Students (ISUS) in Dayton."

In line 85894, delete "$100,000" and insert "$200,000"

Between lines 85925 and 85926, insert:

"Of the foregoing appropriation item 200-540, Special Education Enhancements, up to $315,000 in each fiscal year shall be used for the Collaborative Language and Literacy Instruction Project."

In line 88264, delete the first "$1,172,500" and insert "$1,197,500"

In line 88265, delete the first "$14,394,655" and insert "$14,419,655"

In line 88266, delete the first "$14,394,655" and insert "$14,419,655"

Between lines 88317 and 88318, insert:

"Of the foregoing appropriation item 360-508, Historical Grants, $25,000 in fiscal year 2006 shall be distributed to the Springboro Historical Society Heritage Triangle."

In line 92045, delete "$2,597,506 $2,597,506" and insert "$2,697,506 $2,697,506"

In line 92055, delete "$4,021,195 $4,021,195" and insert "$4,271,195 $4,271,195"

In line 92094, delete "$2,468,585,757 $2,517,472,869" and insert "$2,468,935,757 $2,517,822,869"

In line 92122, delete "$2,492,091,641 $2,541,178,753" and insert "$2,492,441,641 $2,541,528,753"

Between lines 92489 and 92490, insert:

"Of the foregoing appropriation item 235-435, Teacher Improvement Initiatives, $75,000 in each fiscal year shall be used to support the Ohio Resource Center for Mathematics, Science, and Reading.

Of the foregoing appropriation item 235-435, Teacher Improvement Initiatives, $25,000 in each fiscal year shall be used to support the Ohio Mathematics and Science Coalition."

In line 92990, delete "center" and insert "Ohio Supercomputer Center"

Between lines 93002 and 93003, insert:

"Of the foregoing appropriation item 235-510, Ohio Supercomputer Center, $250,000 in each fiscal year shall be used to support the Super Computer Center in Beavercreek."

In line 95616a, delete "$1,900,000" and insert "$1,950,000"

In line 95619, strikethrough "$9,950,000" and insert "$10,000,000"

In line 95624, strike through "$100,000" and insert "$150,000"

In line 62735, delete "if"

Delete line 62736

In line 62737, delete "to be available statewide"

In line 351, delete "5111.172,"

Delete lines 55552 through 55576

In line 82032, delete "5111.172,"

Between lines 89197 and 89198 insert:

"**Section 206.66.__.** MEDICAID MANAGED CARE COVERAGE OF RESPIRATORY ANTI-VIRAL DRUGS FOR FY 2006 AND 2007

For fiscal years 2006 and 2007, the Department of Job and Family Services shall require a health insuring corporation with which the Department contracts under section 5111.17 of the Revised Code to provide coverage of prescription drugs that protect against respiratory syncytial virus for Medicaid recipients enrolled in the health insuring corporation who, as an infant born premature or other pediatric patient, are at risk for respiratory syncytial virus. In covering the drugs for these Medicaid recipients, the health insuring corporation shall do both of the following:

(A) Cover the drugs in at least the same amount, duration, and scope as the Medicaid program's coverage of the drugs for Medicaid recipients who receive state Medicaid plan services under the fee-for-service system;

(B) Establish access requirements for the drugs that are less or no more restrictive than the access requirements for the drugs under the fee-for-service system."

In line 107 of the title, delete "5111.172,"

In line 79493, delete "division" and insert "divisions"; after "(B)" insert "and (D)"

In line 79494, delete the second "section" and insert "sections"; after "5751.031" insert "and 5751.032"

Between lines 79522 and 79523, insert:

"(D) There is hereby allowed a credit against the tax imposed under this chapter for each of the following calendar years if a transfer was made in the preceding calendar year from the general revenue fund to the commercial activity tax refund fund under division (D) of section 5751.032 of the Revised Code: calendar years 2008, 2010, and 2012. The credit is allowed for taxpayers that paid in full the tax imposed under this chapter for the calendar year in which the transfer was made. The amount of a taxpayer's credit equals the amount computed under division (D) of section 5751.032 of the Revised Code."

In line 79538, delete everything after "(A)" and insert "As used in this

section:

(1) "CAT" refers to the tax levied by this chapter.

(2) "CAT collected" means, with regard to a CAT test period, the net amount of CAT, exclusive of registration fees, received in the period after subtracting any CAT refunded in the period.

(3) "First CAT test period" means the twenty-four month period beginning July 1, 2005, and ending June 30, 2007.

(4) "Second CAT test period" means the twelve-month period beginning July 1, 2008, and ending June 30, 2009.

(5) "Third CAT test period" means the twelve-month period beginning July 1, 2010, and ending June 30, 2011.

(B) Not later than the last day of September immediately following the end of each CAT test period, the tax commissioner shall compute the amount of CAT collected during that test period. If the amount is less than ninety per cent or greater than one hundred ten per cent of the prescribed CAT collections for that period, the commissioner shall proceed as provided in division (C) or (D) of this section, as applicable. For the purposes of division (B) of this section, the prescribed CAT collections for the CAT test periods are as follows:

(1) For the first CAT test period, eight hundred fifteen million dollars;

(2) For the second CAT test period, one billion one hundred ninety million dollars less any amount credited to the commercial activity tax reduction fund with regard to the first CAT test period;

(3) For the third CAT test period, one billion six hundred ten million dollars less any amount credited to the commercial activity tax reduction fund with regard to the second CAT test period.

(C)(1) If the amount of CAT collected during a CAT test period is less than ninety per cent of the prescribed CAT collections for that test period, the tax commissioner shall determine a new tax rate equal to the tax rate that would have yielded the prescribed CAT collections during that test period. The tax rate shall be the rate that would have to be imposed under division (A) of section 5751.03 of the Revised Code before any applicable phase-in percentages under section 5751.031 of the Revised Code or otherwise provided by law to yield the prescribed CAT collection after applying any applicable phase-in percentages.

(2) If the amount of CAT collected during a CAT test period exceeds one hundred ten per cent of the prescribed CAT collections for that test period, the tax commissioner shall determine a new tax rate equal to the tax rate that would have yielded the prescribed CAT collections during that test period less one-half of the amount of the excess that was certified to the director of budget and management for the test period under division (D) of this section. The tax rate shall be the rate that would have to be imposed under division (A) of section 5751.03 of the Revised Code before any applicable phase-in percentages under

section 5751.031 of the Revised Code or otherwise provided by law to yield the prescribed CAT collection after applying any applicable phase-in percentages.

(3) A new tax rate computed under division (C)(1) or (2) of this section shall be expressed as a number of mills per dollar, rounded to the nearest one-hundredth of one mill. The rate shall be rounded upward by one-hundredth of one mill only if the next decimal digit is five or more.

(4) Not later than the last day of September following the end of the CAT test period on the basis of which a new tax rate is computed, the tax commissioner shall certify the new tax rate to the governor, the president of the senate, the speaker of the house of representatives, and all other members of the general assembly. The commissioner shall publish the new tax rate by journal entry and provide notice of the new tax rate to taxpayers. The new tax rate shall be the rate imposed under division (A) of section 5751.03 of the Revised Code beginning with the ensuing calendar year, and is subject to any applicable phase-in percentages provided for under section 5751.031 of the Revised Code.

(D) If the amount of CAT collected during a CAT test period exceeds one hundred ten per cent of the prescribed CAT collections for that test period, the tax commissioner shall certify the excess amount to the director of budget and management not later than the last day of September immediately following the end of that test period. The director shall forthwith transfer from the general revenue fund one-half of the amount of the excess so certified to the commercial activity tax refund fund, which is hereby created in the state treasury, and the remaining one-half of the amount of the excess to the budget stabilization fund. All money credited to the commercial activity tax refund fund shall be applied to reimburse the general revenue fund, school district tangible property tax replacement fund, and local government tangible property tax replacement fund for the diminution in revenue caused by the credit provided under division (D) of section 5751.03 of the Revised Code. On or before the last day of May, August, and October of the calendar year that begins after the end of the test period, and on or before the last day of February of the following calendar year, the director of budget and management shall transfer one-fourth of the amount that had been transferred to the commercial activity tax refund fund to each of those funds in the proportions specified under division (B) of section 5751.21 of the Revised Code.

In the calendar year that begins immediately after the year in which a transfer is made to the commercial activity tax refund fund, the tax commissioner shall compute the amount to be credited, under division (D) of section 5751.03 of the Revised Code, to each taxpayer that paid in full the tax imposed under this chapter for the calendar year in which the transfer was made. The credit allowed to each such taxpayer shall equal the amount transferred to the commercial activity tax refund fund multiplied by a fraction, the numerator of which is the amount of tax paid by that taxpayer for that calendar year and the denominator of which is the total of the taxes paid by all such taxpayers for which the credit is allowed. The credit applies only to the calendar year that

begins immediately after the year in which a transfer is made to the commercial activity tax refund fund under this division."

Delete lines 79539 through 79629

In line 79630, delete "(G)" and insert "(E)"

In line 79631, delete "dollar revenue limitations" and insert "prescribed CAT collections"; delete "reductions" and insert "adjustments"

In line 79632, delete "(E)" and insert "(D)"

In line 79634, delete "dollar revenue limitations" and insert "prescribed CAT collections"

In line 79635, delete "section 5751.023 of the Revised Code" and insert "this chapter"

In line 88428, delete "$3,777,442,629" and insert "$3,751,848,959"

In line 88429, delete "$5,652,650,287" and insert "$5,612,109,788"

In line 88430, delete "$9,430,092,916" and insert "$9,363,958,747"

In line 88437, delete "$4,801,922,357" and insert "$4,776,328,687"

In line 88438, delete "$5,765,203,886" and insert "$5,724,663,387"

In line 88439, delete "$10,567,126,243" and insert "$10,500,992,074"

In line 88511, delete "$17,078,547,447" and insert "$17,012,413,278"

Between lines 89197 and 89198, insert:

"The Director of Job and Family Services may request that the Director of Budget and Management increase the appropriation in appropriation item 600-525, Health Care/Medicaid, by up to $107,272,266 state share in fiscal year 2007. If the Director of Budget and Management approves the request, the Director of Budget and Management shall also increase the appropriation in appropriation item 600-525, Health Care/Medicaid, by the appropriate corresponding federal share. The increased amounts are hereby appropriated. The Department of Job and Family Services shall use this appropriation to pay for Medicaid services.

The Director of Budget and Management may consider the appropriation authorized in this section for the purposes of the calculations required in section 131.44 of the Revised Code."

In line 406, after "306.331," insert "307.676,"

Between lines 12343 and 12344, insert:

Sec. 307.676. (A) As used in this section:

(1) "Food and beverages" means any raw, cooked, or processed edible substance used or intended for use in whole or in part for human consumption,

including ice, water, spirituous liquors, wine, mixed beverages, beer, soft drinks, soda, and other beverages.

(2) "Convention facilities authority" has the same meaning as in section 351.01 of the Revised Code.

(3) "Convention center" has the same meaning as in section 307.695 of the Revised Code.

(B) The legislative authority of a county with a population of one million two hundred thousand or more according to the most recent federal decennial census or the most recent annual population estimate published or released by the United States census bureau at the time the resolution is adopted placing the levy on the ballot, may, by resolution adopted on or before July 1, 2008, by a majority of the members of the legislative authority and with the subsequent approval of a majority of the electors of the county voting upon it, levy a tax of not more than two per cent on every retail sale in the county of food and beverages to be consumed on the premises where sold to pay the expenses of administering the tax and to provide revenues for paying the direct and indirect costs of constructing, improving, expanding, equipping, financing, or operating a convention center. The resolution shall direct the board of elections to submit the question of levying the tax to the electors of the county at the next primary or general election in the county occurring not less than seventy-five days after the resolution is certified to the board of elections. The legislative authority shall establish all rules necessary to provide for the administration and allocation of the tax. The rules may prescribe the time for payment of the tax and may provide for imposition of a penalty, interest, or both for late payments, but any such penalty shall not exceed ten per cent of the amount of tax due and the rate at which interest accrues shall not exceed the rate per annum required under section 5703.47 of the Revised Code.

(C) A tax levied under this section shall remain in effect for the period of time specified in the resolution or ordinance levying the tax, but not for a longer period than forty years.

(D) A tax levied under this section is in addition to any other tax levied under Chapter 307., 4301., 4305., 5739., 5741., or any other chapter of the Revised Code. "Price," as defined in sections 5739.01 and 5741.01 of the Revised Code, does not include any tax levied under this section and any tax levied under this section does not include any tax imposed under Chapter 5739. or 5741. of the Revised Code.

(E) Any amount collected from a tax levied under this section may be contributed to a convention facilities authority created before July 1, 2005, but no amount collected from a tax levied under this section may be contributed to a convention facilities authority, corporation, or other entity created after July 1, 2005, unless the mayor of the municipal corporation in which the convention center is to be operated by that convention facilities authority, corporation, or other entity has consented to the creation of that convention facilities authority,

corporation, or entity.

(F) The levy of any taxes under Chapter 5739. of the Revised Code on the same transactions subject to a tax under this section does not prevent the levy of a tax under this section.

Between lines 75475 and 75476, insert:

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

(a) "Convention facilities authority" has the same meaning as in section 351.01 of the Revised Code.

(b) "Convention center" has the same meaning as in section 307.695 of the Revised Code.

(2) Notwithstanding any contrary provision of division (D) of this section, the legislative authority of a county with a population of one million two hundred thousand or more according to the most recent federal decennial census or the most recent annual population estimate published or released by the United States census bureau at the time the resolution is adopted placing the levy on the ballot, that has levied a tax under division (D) of this section may, by resolution adopted by a majority of the members of the legislative authority, provide for the extension of such levy and may provide that the proceeds of that tax, to the extent that the proceeds are no longer needed for their original purpose as defined by a cooperative agreement entered into under section 307.671 of the Revised Code and after deducting the real and actual costs of administering the tax, shall be used for paying the direct and indirect costs of constructing, improving, expanding, equipping, financing, or operating a convention center. The resolution shall provide for the extension of the tax at a rate not to exceed the rate specified in division (D) of this section for a period of time determined by the legislative authority of the county, but not to exceed an additional forty years.

(3) The legislative authority of a county with a population of one million two hundred thousand or more that has levied a tax under division (A)(1) of this section may, by resolution adopted by a majority of the members of the legislative authority, increase the rate of the tax levied by such county under division (A)(1) of this section to a rate not to exceed five per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests. Notwithstanding any contrary provision of division (A)(1) of this section, the resolution shall provide that all collections resulting from the rate levied in excess of three per cent, after deducting the real and actual costs of administering the tax, shall be used for paying the direct and indirect costs of constructing, improving, expanding, equipping, financing, or operating a convention center.

(4) The legislative authority of a county with a population of one million two hundred thousand or more that has levied a tax under division (A)(1) of this section may, by resolution adopted on or before July 1, 2008, by a majority of

the members of the legislative authority, provide that all or a portion of the proceeds of the tax levied under division (A)(1) of this section, after deducting the real and actual costs of administering the tax and the amounts required to be returned to townships and municipal corporations with respect to the first three per cent levied under division (A)(1) of this section, shall be used to satisfy any pledges made in connection with an agreement entered into under section 307.695 of the Revised Code or shall otherwise be used for paying the direct and indirect costs of constructing, improving, expanding, equipping, financing, or operating a convention center.

(5) Any amount collected from a tax levied or extended under division (I) of this section may be contributed to a convention facilities authority created before July 1, 2005, but no amount collected from a tax levied or extended under division (I) of this section may be contributed to a convention facilities authority, corporation, or other entity created after July 1, 2005, unless the mayor of the municipal corporation in which the convention center is to be operated by that convention facilities authority, corporation. Or other entity has consented to the creation of that convention facilities authority, corporation, or entity.

In line 177 of the title, after "306.331," insert "307.676,"

Adjust totals accordingly.

Number and renumber uncodified sections accordingly.

Managers on the Part of the House of Representatives	Managers on the Part of the Senate
/S/ CHARLES CALVERT CHARLES CALVERT	/S/ JOHN A. CAREY, JR. JOHN A. CAREY, JR.
/S/ THOMAS A. RAGA THOMAS A. RAGA	/S/ RON AMSTUTZ RON AMSTUTZ
_____ DALE MILLER	_____ TOM ROBERTS

The question being, "Shall the report of the Committee of Conference be agreed to?"

The yeas and nays were taken and resulted - yeas 19, nays 13, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Carey
Cates	Clancy	Coughlin	Gardner
Goodman	Grendell	Hottinger	Jacobson
Mumper	Niehaus	Padgett	Schuler
Schuring	Spada		Harris-19.

Those who voted in the negative were: Senators

Brady	Dann	Fedor	Fingerhut
Hagan	Jordan	Mallory	Miller
Prentiss	Roberts	Wachtmann	Wilson
			Zurz-13.

So the report of the Committee of Conference was agreed to.

RESOLUTIONS REPORTED BY COMMITTEE

H. C. R. No. 9-Representatives Trakas, Ujvagi, McGregor, Kearns, DeGeeter, Martin, Miller, Carano, Willamowski, Skindell, Distel, Buehrer, Boccieri, Cassell, Collier, Combs, DeBose, Dolan, Domenick, C. Evans, D. Evans, Faber, Flowers, Hagan, Hoops, Hughes, Key, Law, Mason, Reidelbach, Schaffer, Schlichter, Schneider, Seaver, Seitz, Setzer, G. Smith, White, Widowfield Senators Mumper, Grendell.

To urge the President of the United States and the Congress of the United States to include in the United States Department of State's Visa Waiver Program those members of the North Atlantic Treaty Organization that are not currently participating in the Program.

WHEREAS, Bulgaria, Canada, the Czech Republic, Estonia, Greece, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia, and Turkey are free, democratic, and independent nations and are formal allies of the United States as members in the North Atlantic Treaty Organization; and

WHEREAS, All have proven to be indispensable allies, participating either in Operation Enduring Freedom in Afghanistan, Operation Iraqi Freedom and the Iraqi reconstruction, or both. Many of their soldiers have shed blood along with American soldiers; and

WHEREAS, The United States Department of State's Visa Waiver Program currently allows approximately 23 million citizens from 27 countries to travel to the United States for tourism or business for as long as 90 days without first having to obtain visas for entry. The countries that currently participate in the Program are Andorra, Australia, Austria, Belgium, Brunei, Denmark, Finland, France, Germany, Iceland, Ireland, Italy, Japan, Liechtenstein, Luxembourg, Monaco, the Netherlands, New Zealand, Norway, Portugal, San Marino, Singapore, Slovenia, Spain, Sweden, Switzerland, and the United Kingdom; and

WHEREAS, The United States has an excellent opportunity to show its gratitude for the support of its allies during Operations Enduring Freedom and Iraqi Freedom by including them in this country's Visa Waiver Program. In addition, this gesture will promote good will between the citizens of our country and each of those allies; now therefore be it

RESOLVED, That we, the members of the 126th General Assembly of the State of Ohio, respectfully urge the President of the United States and the Congress of the United States to make Bulgaria, Canada, the Czech Republic, Estonia, Greece, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia, and Turkey eligible for the United States Department of State's Visa Waiver Program; and be it further

RESOLVED, That the Clerk of the House of Representatives transmit copies of this resolution to the President of the United States, to the Secretary of the United States Department of State, to the Speaker and Clerk of the United States House of Representatives, to the President Pro Tempore and Secretary of the United States Senate, to the members of the Ohio Congressional delegation, and to the news media of Ohio.

The question being, "Shall the concurrent resolution, **H. C. R. No. 9**, be adopted?"

The yeas and nays were taken and resulted - yeas 32, nays 0, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Brady
Carey	Cates	Clancy	Coughlin
Dann	Fedor	Fingerhut	Gardner
Goodman	Grendell	Hagan	Hottinger
Jacobson	Jordan	Mallory	Miller
Mumper	Niehaus	Padgett	Prentiss
Roberts	Schuler	Schuring	Spada
Wachtmann	Wilson	Zurz	Harris-32.

So the concurrent resolution was adopted.

The question being, "Shall the title be agreed to?"

Senator Coughlin moved to amend the title as follows:

Add the names: "Coughlin, Amstutz, Clancy, Gardner, Harris, Jacobson, Niehaus, Schuler, Spada."

The question being, "Shall the motion be agreed to?"

The motion was agreed to and the title so amended.

BILLS FOR THIRD CONSIDERATION

Sub. H. B. No. 122-Representatives Wagoner, McGregor, Martin, Wagner, T. Patton, Hoops, Uecker, Seitz, Combs, Gibbs, Flowers, Collier, D. Evans, Calvert, Reidelbach, Setzer, Strahorn, Garrison, Latta, C. Evans, Kearns, Blasdel, Law, Gilb, Webster, Ujvagi, Harwood, Daniels, Carmichael, Walcher, Hartnett, D. Stewart, Book, Allen, Barrett, Brinkman, Brown, Cassell, Chandler, Coley, DeBose, Distel, Dolan, Domenick, Faber, Hughes, Key, Miller, Sayre, Schaffer, Schneider, J. Stewart, Yuko Senator Mumper.

To amend sections 3770.07, 3770.071, 3770.072, and 5747.062 and to enact section 3123.89 of the Revised Code to prohibit the claiming and payment of a lottery prize award with a value in excess of $599 until the beneficial owner's name, address, and Social Security number are disclosed to the State Lottery Commission, to make changes in the procedure for the deduction of support from lottery prize awards, to change the income tax withholding percentage

for certain lottery prize award payments, and to modify the basis upon which the withholding computation is made, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 122**, pass?"

On motion of Senator Coughlin, **Sub. H. B. No. 122** was informally passed and retained its place on the calendar.

Sub. H. B. No. 34-Representatives Setzer, Flowers, Kearns, Allen, Webster, DeGeeter, Carano, Taylor, Latta, D. Evans, Gilb, Hughes, Seitz, Willamowski, Perry, Barrett, Boccieri, Brown, Buehrer, Calvert, Cassell, Collier, Daniels, DeBose, Distel, Domenick, C. Evans, Gibbs, Harwood, Martin, McGregor, T. Patton, Raga, Reidelbach, Schaffer, Seaver, G. Smith, Uecker, Williams.

To amend section 2933.24 of the Revised Code to specify that a search warrant must be returned promptly, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 34**, pass?"

The yeas and nays were taken and resulted - yeas 32, nays 0, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Brady
Carey	Cates	Clancy	Coughlin
Dann	Fedor	Fingerhut	Gardner
Goodman	Grendell	Hagan	Hottinger
Jacobson	Jordan	Mallory	Miller
Mumper	Niehaus	Padgett	Prentiss
Roberts	Schuler	Schuring	Spada
Wachtmann	Wilson	Zurz	Harris-32.

So the bill passed.

The question being, "Shall the title be agreed to?"

Senator Jordan moved to amend the title as follows:

Add the names: "Clancy, Mumper, Schuler."

The question being, "Shall the motion be agreed to?"

The motion was agreed to and the title so amended.

H. B. No. 36-Representatives Carmichael, Blasdel, J. Stewart, Daniels, McGregor, C. Evans, Kearns, Hoops, T. Patton, Seitz, Skindell, Flowers, Oelslager, Combs, Hughes, D. Evans, Carano, Hartnett, Aslanides, DeWine, Raga, DeGeeter, Allen, Ujvagi, Setzer, Barrett, Reidelbach, Perry, Miller,

Strahorn, Taylor, Chandler, Reinhard, Hagan, Schlichter, Brown, Buehrer, D. Stewart, Book, Walcher, Uecker, Beatty, Boccieri, Brinkman, Bubp, Calvert, Cassell, Coley, Collier, DeBose, Distel, Dolan, Domenick, Driehaus, Faber, Fende, Fessler, Gibbs, Gilb, Harwood, Key, Kilbane, Latta, Law, Martin, Mason, Otterman, S. Patton, Raussen, Redfern, Sayre, Schaffer, Schneider, Seaver, G. Smith, Sykes, Wagoner, Webster, Widener, Willamowski, Williams, Wolpert, Yates, Yuko Senators Hagan, Mumper, Coughlin, Clancy.

To enact section 5.2230 of the Revised Code to designate September as "Leukemia, Lymphoma, and Myeloma Awareness Month, was considered the third time."

The question being, "Shall the bill, **H. B. No. 36**, pass?"

The yeas and nays were taken and resulted - yeas 32, nays 0, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Brady
Carey	Cates	Clancy	Coughlin
Dann	Fedor	Fingerhut	Gardner
Goodman	Grendell	Hagan	Hottinger
Jacobson	Jordan	Mallory	Miller
Mumper	Niehaus	Padgett	Prentiss
Roberts	Schuler	Schuring	Spada
Wachtmann	Wilson	Zurz	Harris-32.

So the bill passed.

The question being, "Shall the title be agreed to?"

Senator Niehaus moved to amend the title as follows:

Add the names: "Amstutz, Armbruster, Austria, Carey, Cates, Fedor, Gardner, Goodman, Grendell, Niehaus, Padgett, Roberts, Schuler, Schuring, Harris, Dann, Fingerhut, Brady, Hottinger, Jacobson, Jordan, Mallory, Miller, Prentiss, Spada, Wachtmann, Wilson, Zurz."

The question being, "Shall the motion be agreed to?"

The motion was agreed to and the title so amended.

H. B. No. 185-Representatives Latta, McGregor, C. Evans, Perry, Carano, T. Patton, Daniels, J. Stewart, Coley, Gibbs, Allen, Buehrer, DeBose, Dolan, Domenick, D. Evans, Flowers, Gilb, Hughes, Oelslager, Reidelbach, Seaver, G. Smith, Wagoner, Yuko Senators Clancy, Dann, Zurz.

To amend section 4705.10 of the Revised Code to require a depository institution maintaining an interest-bearing trust account (IOLTA) for a lawyer, law firm, or legal professional association to notify the Ohio Supreme Court when a properly payable item is presented for payment from an IOLTA

having insufficient funds, was considered the third time.

The question being, "Shall the bill, **H. B. No. 185**, pass?"

The yeas and nays were taken and resulted - yeas 32, nays 0, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Brady
Carey	Cates	Clancy	Coughlin
Dann	Fedor	Fingerhut	Gardner
Goodman	Grendell	Hagan	Hottinger
Jacobson	Jordan	Mallory	Miller
Mumper	Niehaus	Padgett	Prentiss
Roberts	Schuler	Schuring	Spada
Wachtmann	Wilson	Zurz	Harris-32.

So the bill passed.

The question being, "Shall the title be agreed to?"

The title was agreed to.

Sub. H. B. No. 193-Representatives Daniels, G. Smith, Fessler, Combs, Wolpert, C. Evans, Martin, Gibbs, D. Evans, Setzer, Barrett, Perry, DeBose, Boccieri, Hughes, Koziura, Brown, Chandler, Domenick, Reidelbach, Schlichter, Webster Senator Hottinger.

To amend sections 9.90, 1751.12, 3917.01, 3917.06, and 3917.07, to enact new section 3917.03 and section 3917.02, and to repeal section 3917.03 of the Revised Code to permit the sale of group life insurance to specified groups and provide the Superintendent of Insurance with the discretion to authorize the sale of group life insurance to additional groups, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 193**, pass?"

The yeas and nays were taken and resulted - yeas 32, nays 0, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Brady
Carey	Cates	Clancy	Coughlin
Dann	Fedor	Fingerhut	Gardner
Goodman	Grendell	Hagan	Hottinger
Jacobson	Jordan	Mallory	Miller
Mumper	Niehaus	Padgett	Prentiss
Roberts	Schuler	Schuring	Spada
Wachtmann	Wilson	Zurz	Harris-32.

So the bill passed.

The question being, "Shall the title be agreed to?"

Senator Hottinger moved to amend the title as follows:

Add the names: "Wachtmann, Clancy, Spada."

The question being, "Shall the motion be agreed to?"

The motion was agreed to and the title so amended.

On the motion of Senator Gardner the Senate recessed.

The Senate met pursuant to the recess.

Sub. S. B. No. 82-Senators Grendell, Jacobson, Brady, Mumper.

To enact section 9.481 of the Revised Code to generally prohibit political subdivisions from imposing residency requirements on certain employees, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 82**, pass?"

Senator Armbruster moved to amend as follows:

Between lines 38 and 39, insert:

"(D) Notwithstanding anything to the contrary in section 4117.10 of the Revised Code, this section does not apply to any agreement entered into pursuant to Chapter 4117. of the Revised Code."

The question being, "Shall the motion be agreed to?"

The yeas and nays were taken and resulted - yeas 10, nays 22, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Clancy	Fingerhut
Hagan	Mallory	Miller	Schuler
Spada			Zurz-10.

Those who voted in the negative were: Senators

Austria	Brady	Carey	Cates
Coughlin	Dann	Fedor	Gardner
Goodman	Grendell	Hottinger	Jacobson
Jordan	Mumper	Niehaus	Padgett
Prentiss	Roberts	Schuring	Wachtmann
Wilson			Harris-22.

The motion was not agreed to.

The question recurred, "Shall the bill, **Sub. S. B. No. 82**, pass?"

The yeas and nays were taken and resulted - yeas 19, nays 13, as follows:

Those who voted in the affirmative were: Senators

Austria	Brady	Carey	Cates
Coughlin	Dann	Fedor	Grendell
Hottinger	Jacobson	Jordan	Mumper
Niehaus	Padgett	Prentiss	Schuring
Wachtmann	Wilson		Harris-19.

Those who voted in the negative were: Senators

Amstutz	Armbruster	Clancy	Fingerhut
Gardner	Goodman	Hagan	Mallory
Miller	Roberts	Schuler	Spada
			Zurz-13.

So the bill passed.

The question being, "Shall the title be agreed to?"

The title was agreed to.

Sub. S. B. No. 87-Senators Wachtmann, Hagan, Gardner, Mumper, Clancy.

To amend sections 3721.011 and 3721.04 of the Revised Code regarding the provision of hospice care in residential care facilities, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 87**, pass?"

The yeas and nays were taken and resulted - yeas 32, nays 0, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Brady
Carey	Cates	Clancy	Coughlin
Dann	Fedor	Fingerhut	Gardner
Goodman	Grendell	Hagan	Hottinger
Jacobson	Jordan	Mallory	Miller
Mumper	Niehaus	Padgett	Prentiss
Roberts	Schuler	Schuring	Spada
Wachtmann	Wilson	Zurz	Harris-32.

So the bill passed.

The question being, "Shall the title be agreed to?"

Senator Wachtmann moved to amend the title as follows:

Add the names: "Amstutz, Austria, Carey, Niehaus, Padgett, Schuring,

Jordan, Harris, Zurz, Schuler, Armbruster, Brady, Cates, Coughlin, Dann, Fedor, Fingerhut, Goodman, Grendell, Hottinger, Jacobson, Mallory, Miller, Prentiss, Roberts, Spada, Wilson."

The question being, "Shall the motion be agreed to?"

The motion was agreed to and the title so amended.

On motion of Senator Jacobson, **Sub. H. B. No. 122**, having been informally passed, was taken up for immediate consideration.

The question being, "Shall the bill, **Sub. H. B. No. 122**, pass?"

Senator Mallory moved to amend as follows:

In line 14, delete "section" and insert "sections"; after "3123.89" insert "and 3770.074"

In line 144, strike through the first "or" and insert an underlined comma; after "3770.073" insert ", or 3770.074"

In line 168, after the period insert "Installment payments of lottery prize awards shall be paid by official check or warrant, and they shall be sent by mail delivery to the prize winner's address within the United States or by electronic funds transfer to an established bank account located within the United States, or the prize winner may pick them up at an office of the commission."

Between lines 320 and 321, insert:

"**Sec. 3770.074.** (A) Except as otherwise provided in this section, if the state lottery commission has not yet paid in full a lottery prize award whose remaining unpaid amount is one hundred thousand dollars or more, if the winner of the lottery prize award is a judgment debtor, if a certified copy of the entry of a final, nonappealable judgment of a court of record of this state, another state, or the United States pertaining to that judgment debtor is transmitted to the commission by the clerk of that court upon the request of the judgment creditor, and if that judgment has not yet been paid in full, the director of the commission or the director's designee, subject to the procedures specified in division (B) of this section and to the priorities specified in division (G) of this section, shall deduct and pay to the judgment creditor from the remaining amount of the unpaid prize award, or from any annual installment or installments of the remaining amount of unpaid prize award, either of the following:

(1) An amount sufficient to pay in full the amount of the unpaid judgment, if the remaining amount of the unpaid prize award equals or exceeds the amount of the judgment;

(2) The remaining amount of the unpaid prize award, if that remaining amount is less than the amount of the unpaid judgment.

(B) (1) The commission shall receive certified copies of entries of final,

nonappealable judgments for payments from a lottery prize award as described in division (A) of this section for a period of three weeks after the commission receives a claim for that lottery prize award. If the commission receives a certified copy of an entry of such a judgment during that period, the commission shall continue to receive certified copies of entries of final, nonappealable judgments for an additional week. At the end of this four-week period, if more than one certified copy of an entry of a final, nonappealable judgment is received and the amount of the lottery prize award equals or exceeds the total amount of the judgments, the director or the director's designee shall pay the amount of the judgments in full and pay the remaining amount of the lottery prize award to the judgment debtor. But, at that time, if the amount of the lottery prize award is less than the total amount of the judgments for which certified copies of entries were received, the commission shall file a civil action in the court of common pleas of the county in which the prize winner resides or, if the prize winner is not a resident of this state, in the court of common pleas of Cuyahoga county, for a declaratory judgment on the distribution of the amount of the lottery prize award to each of the applicable judgment creditors.

(2) If a lottery prize award winner elects to receive the payment of the prize award in annual installments, the commission shall receive certified copies of entries of final, nonappealable judgments for payments from an annual installment of a lottery prize award as described in division (A) of this section for a period of three weeks before the date of payment of that annual installment. If the commission receives a certified copy of an entry of a final, nonappealable judgment during that period, the commission shall pay the judgment from that annual installment in the manner described in division (B)(1) of this section.

(3) The commission shall pay judgments under divisions (B)(1) and (2) of this section in the following order of priority:

(a) Judgments entered before the date that the claim for a lottery prize award is received if certified copies of the entries are received within the four-week period after the date that the claim for the prize award is received;

(b) Judgments entered before the date that the claim for a lottery prize award is received if certified copies of the entries are received after the end of the four-week period after the date the claim for the prize award is received;

(c) Judgments entered after the date that the claim for a lottery prize award is received.

(C) The state lottery commission may establish and charge a judgment creditor described in division (A) of this section a fee to reimburse the commission for the costs it incurs for deducting amounts and paying them to the judgment creditor.

(D)(1) If a judgment debtor described in division (A) of this section is a member of a trust, the commission shall notify each of the members of the trust of the deductions from the lottery prize award made under that division. The judgment creditor shall be responsible for providing the commission with

information as to the existence of such a trust and as to its members other than the judgment debtor.

(2) This section does not apply to or affect the payment of a lottery prize award to a blind trust, as defined by rule of the commission.

(E) Division (A) and (B) of this section do not require the commission, before paying a lottery prize award, to inquire of lottery prize award winners regarding any unpaid judgments that have been or may be entered against them or to conduct an independent inquiry as to the existence or nonexistence of such judgments, nor do they prevent the commission from making annual installment payments of a lottery prize award.

(F) The commission may adopt and amend rules pursuant to Chapter 119. of the Revised Code as necessary to implement this section and to comply with any applicable requirements of federal law.

(G) The deductions and payments from lottery prize awards the commission is required to make under sections 3770.071, 3770.072, and 3770.073 of the Revised Code take priority over deductions and payments it is required to make under this section.

(H) Upon making payments from a lottery prize award as required by divisions (A) and (B) of this section, the director and the commission are discharged from all further liability for those payments, whether to the judgment creditor or to the lottery prize award winner."

The question being, "Shall the motion be agreed to?"

The motion was agreed to.

The question recurred, "Shall the bill, **Sub. H. B. No. 122**, pass?"

The yeas and nays were taken and resulted - yeas 32, nays 0, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Brady
Carey	Cates	Clancy	Coughlin
Dann	Fedor	Fingerhut	Gardner
Goodman	Grendell	Hagan	Hottinger
Jacobson	Jordan	Mallory	Miller
Mumper	Niehaus	Padgett	Prentiss
Roberts	Schuler	Schuring	Spada
Wachtmann	Wilson	Zurz	Harris-32.

So the bill passed.

The question being, "Shall the title be agreed to?"

Senator Mallory moved to amend as follows:

In line 2 of the title, delete "section" and insert "sections"; after "3123.89" insert "and 3770.074"

In line 11 of the title, delete "and"

In line 12 of the title, after "made" insert ", to require that final, nonappealable unpaid judgments be deducted from certain unpaid lottery prize award payments pursuant to a specified procedure, and to specify the method of payment of lottery prize award installments"

The question being, "Shall the motion be agreed to?"

The motion was agreed to.

The question recurred, "Shall the title be agreed to?"

Senator Coughlin moved to amend the title as follows:

Add the names: "Niehaus, Zurz, Mallory, Clancy."

The question being, "Shall the motion be agreed to?"

The motion was agreed to and the title so amended.

INTRODUCTION AND FIRST CONSIDERATION OF BILLS

The following bills were introduced and considered the first time:

S. B. No. 156-Senator Mumper.

To amend sections 125.831, 5733.98, and 5747.98 and to enact sections 122.86, 125.834, 125.835, 125.836, 901.14, 5733.47, 5733.48, 5735.40, 5747.76, and 5747.77 of the Revised Code to establish certain requirements related to the use and taxing of alternative fuels and to establish an idle reduction retrofit revolving loan program.

S. B. No. 157-Senator Fedor.

To amend section 4510.036 and to enact sections 4511.204 and 4511.205 of the Revised Code to prohibit any person from operating a moving vehicle and simultaneously using a mobile telephone that is not capable of being operated in a hands-free manner other than to report an emergency, to prohibit without exception any person with a temporary instruction permit from operating a moving vehicle and simultaneously using a mobile telephone, to create the offense of inattentive driving, and to require the State Highway Patrol to compile monthly data and statistics on motor vehicle accidents in which mobile telephone use was a material factor.

OFFERING OF RESOLUTIONS

Pursuant to Senate Rule No. 54, the following resolutions were offered:

S. R. No. 83-Senators Harris, Amstutz, Armbruster, Austria, Brady, Carey, Cates, Clancy, Coughlin, Dann, Fedor, Fingerhut, Gardner, Goodman, Grendell, Hagan, Hottinger, Jacobson, Jordan, Mallory, Miller, Mumper, Niehaus, Padgett, Prentiss, Roberts, Schuler, Schuring, Spada, Stivers, Wachtmann, Wilson, Zurz.

Honoring Deb Jeffers for outstanding service to the Ohio Senate.

S. R. No. 84-Senators Harris, Amstutz, Armbruster, Austria, Brady, Carey, Cates, Clancy, Coughlin, Dann, Fedor, Fingerhut, Gardner, Goodman, Grendell, Hagan, Hottinger, Jacobson, Jordan, Mallory, Miller, Mumper, Niehaus, Padgett, Prentiss, Roberts, Schuler, Schuring, Spada, Stivers, Wachtmann, Wilson, Zurz.

Honoring Sharon Callahan Bee for outstanding service to the Ohio Senate.

S. R. No. 85-Senators Harris, Zurz, Prentiss, Grendell, Mumper, Gardner, Clancy, Spada, Wachtmann, Amstutz, Armbruster, Jordan, Coughlin, Schuring, Padgett, Stivers, Jacobson, Cates, Carey, Schuler, Goodman, Austria, Hottinger, Fingerhut, Mallory, Dann, Fedor, Miller, Hagan, Brady, Wilson, Niehaus, Roberts.

Honoring Carol Pierce Mix on her retirement.

The question being, "Shall the resolutions listed under the President's prerogative be adopted?"

So the resolutions were adopted.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the House of Representatives has concurred in the passage of the following bill:

Sub. S. B. No. 107 - Senators Schuler, Padgett, Clancy, Schuring, Mumper, Grendell, Coughlin, Fedor, Miller, Niehaus, Roberts, Wilson, Zurz, Mallory Representatives Chandler, Combs, Daniels, Uecker, Wolpert, Fende, Domenick, Carano, Cassell, D. Evans, Flowers, Hagan, Reidelbach, Sayre, Schaffer, Seaver

To amend sections 111.21, 111.22, 117.44, 133.01, 133.27, 149.42, 301.01, 306.32, 306.321, 319.51, 321.31, 321.32, 321.34, 345.01, 503.162, 503.25, 503.26, 503.29, 503.41, 503.52, 504.06, 504.07, 504.11, 504.12, 504.14, 504.19, 504.20, 505.03, 505.04, 505.07, 505.108, 505.11, 505.17, 505.24, 505.262, 505.31, 505.32, 505.33, 505.35, 505.37, 505.373, 505.47, 505.511,

505.73, 505.86, 507.01, 507.02, 507.021, 507.03, 507.04, 507.05, 507.051, 507.06, 507.07, 507.08, 507.09, 507.11, 509.02, 511.21, 511.22, 511.33, 513.04, 515.02, 515.04, 515.081, 515.12, 517.05, 517.06, 517.07, 519.12, 519.16, 519.161, 519.211, 521.02, 521.03, 703.201, 707.28, 709.023, 709.024, 709.03, 709.033, 709.46, 711.05, 711.10, 715.691, 715.70, 715.71, 715.75, 715.76, 971.05, 971.06, 971.08, 971.09, 971.12, 971.35, 971.36, 1341.16, 1533.13, 1710.02, 2927.21, 3381.03, 3501.37, 3513.253, 3517.10, 3709.30, 3734.025, 3734.026, 3734.57, 4301.80, 4303.26, 4928.20, 4929.26, 4929.27, 5123.19, 5126.021, 5541.02, 5543.05, 5552.10, 5571.04, 5571.16, 5573.13, 5573.211, 5575.04, 5575.09, 5579.08, 5705.01, 5709.73, 5735.27, and 5747.061 of the Revised Code to replace the name "township clerk" with the name "township fiscal officer" and to require a township zoning referendum to be voted upon at a special election to be held on the day of the next primary or general election that occurs at least 75 days after the referendum petition is filed, regardless of whether any election will be held to nominate or elect candidates on that day.

As a substitute bill, in which the concurrence of the Senate is requested:

Attest: Laura P. Clemens,
Clerk.

Said amendments were laid over under the rule.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the House of Representatives has passed the following bills in which the concurrence of the Senate is requested:

Sub. H. B. No. 136 - Representatives Gilb, Hood, McGregor, Allen, Harwood

To amend sections 3111.07, 3111.381, and 3123.171 of the Revised Code relative to paternity actions and interest on child support arrearages.

H. B. No. 184 - Representatives Faber, Taylor, Willamowski, Wagner, Seaver, Fessler, Hoops, Webster, Flowers, Reinhard, Collier, Gibbs, Martin, Hagan, Seitz, Peterson, Reidelbach, Schlichter

To amend section 3314.03 and to enact section 3313.801 of the Revised Code to require school districts and community schools that receive donated copies of the mottoes of the United States of America or the State of Ohio to display the mottoes in school buildings.

Sub. H. B. No. 87 - Representatives Willamowski, C. Evans, McGregor, Seitz, Perry, S. Smith, Hartnett, Taylor, Martin, Hagan, Reidelbach, Hood, Barrett, Brown, DeBose, Fessler, Kearns, Otterman, Schneider, Seaver, Allen, Aslanides, Blessing, Book, Bubp, Carano, Cassell, Chandler, Collier, Combs, Core, Domenick, Faber, Flowers, Gibbs, Gilb, Harwood, Hughes, Key, Mason, Oelslager, S. Patton, T. Patton, Schaffer, Schlichter, Setzer, D. Stewart, J. Stewart, Strahorn, Uecker, Webster, Yates, Yuko, Reinhard

To amend section 5120.55 of the Revised Code to permit the Department of Rehabilitation and Correction to extend the physician recruitment program it is authorized to establish to registered nurses and licensed practical nurses.

Attest: Laura P. Clemens,
Clerk.

Said bills were considered the first time.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the House of Representatives has concurred in the Senate amendments to:

Am. Sub. H. B. No. 218 - Representative Daniels - et al.

Attest: Laura P. Clemens,
Clerk.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the House of Representatives insists on its amendments to:

Am. S. B. No. 128 - Senator Cates- et al.

and asks for a Committee of Conference.

Attest: Laura P. Clemens,
Clerk.

On the motion of Senator Jacobson, the Senate acceded to the request of the House of Representatives.

MESSAGE FROM THE PRESIDENT

Pursuant to Senate Rule 30, the President of the Senate appoints the following members to serve on the Conference Committee on Am. S. B. No. 128 of the 126th General Assembly:

Senator Cates
Senator Jordan
Senator Mallory

Message from the House of Representatives

Mr. President:

I am directed to inform you that the House of Representatives has adopted the following concurrent resolution in which the concurrence of the Senate is requested:

Sub. H. C. R. No. 13 - Representatives Hoops, Calvert, C. Evans, D. Evans, Flowers, Kearns, McGregor, Seaver, Widener, Distel, Hartnett, Beatty, Reidelbach, Aslanides, Boccieri, Book, Buehrer, Cassell, Coley, Collier, Daniels, DeWine, Dolan, Gibbs, Gilb, Hagan, Latta, S. Patton, T. Patton, Raga, Raussen, Reinhard, Schaffer, Schlichter, Schneider, Seitz, Setzer, G. Smith, Taylor, Wagoner, Webster, White, Widowfield, Willamowski, Faber

To memorialize the Congress of the United States and the United States Secretary of Health and Human Services to reform the Medicaid program to ensure the program's solvency for future generations.

Attest: Laura P. Clemens,
Clerk.

The question being, "Shall the concurrent resolution, **Sub. H. C. R. No. 13** , be adopted?"

On the motion of Senator Jacobson, **Sub. H. C. R. No. 13** was referred to the Committee on Reference.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the Speaker of the House has appointed as managers on the part of the House on matters of difference between the two

Houses on:

Am. S. B. No. 128 - Senator Cates- et al.

Representatives Coley, Willamowski and Harwood.

Attest: Laura P. Clemens,
Clerk.

On the motion of Senator Jacobson the Senate recessed.

The Senate met pursuant to the recess.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the House of Representatives has agreed to the report of the Committee of Conference on matters of difference between the two houses on:

Am. Sub. H. B. No. 66 - Representative Calvert - et al.

Attest: Laura P. Clemens,
Clerk.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the House of Representatives has passed the following bills in which the concurrence of the Senate is requested:

Sub. H. B. No. 108 - Representatives Hagan, Willamowski, C. Evans, D. Evans, Webster, McGregor, DeGeeter, Harwood, Beatty, Latta, Gilb, Hughes, Seaver, Allen, Barrett, Brown, Bubp, Carano, Cassell, Chandler, Coley, DeBose, Domenick, Flowers, Gibbs, Healy, Mason, Miller, Otterman, T. Patton, Perry, Reidelbach, Schaffer, S. Smith, J. Stewart, Strahorn, Ujvagi, Williams, Yuko

To amend section 2930.01 and to enact section 2930.062 of the Revised Code to allow certain victims of a motor vehicle accident to receive the rights of a victim under the Victim's Rights Law and to allow motor vehicle accident

victims to send notice of injury to the prosecutor.

Am. H. B. No. 209 - Representatives Combs, Carano, Chandler, C. Evans, Harwood, Martin, Perry, Trakas, Daniels, Fende, Yuko, Wolpert, Allen, Barrett, Blessing, Boccieri, Brown, Distel, Domenick, D. Evans, Flowers, Hughes, Kearns, Key, Otterman, Reidelbach, Schneider, Seaver, Seitz, Webster, Yates

To amend section 4303.181 of the Revised Code to qualify the owner or operator of a community arts center for issuance of a D-5h liquor permit and to create an additional qualification under which a D-5j liquor permit may be issued within a community entertainment district.

Am. H. B. No. 226 - Representatives Hoops, C. Evans, Flowers, Kearns, Martin, McGregor, Seitz, Setzer, Wagoner, Brown, Hartnett, Koziura, Willamowski, Barrett, Coley, Combs, Daniels, Domenick, Harwood, Otterman

To amend section 1901.26 of the Revised Code to authorize the legislative authority of a municipal corporation to establish a schedule of fees to be taxed as costs in a civil, criminal, or traffic proceeding in a municipal court for services performed by officers or employees of the municipal corporation's police department or marshal's office.

Am. Sub. H. B. No. 234 - Representatives Wolpert, Kearns, C. Evans, D. Evans, Beatty, Miller, Brown, Distel, S. Smith, Widowfield, Trakas, Boccieri, Hood, Allen, D. Stewart, Law, Uecker, Barrett, Book, Calvert, Carano, Cassell, Chandler, Combs, DeBose, Dolan, Domenick, Flowers, Hartnett, Harwood, Healy, Hoops, Hughes, Key, Koziura, Mason, McGregor, Otterman, T. Patton, Perry, Schneider, Seaver, G. Smith, J. Stewart, Ujvagi, White, Williams, Yuko

To amend sections 3501.22 and 3501.27 of the Revised Code to permit a board of elections, in conjunction with a board of education, the governing authority of a community school, or the chief administrator of a nonpublic school, to establish a program permitting certain high school seniors to serve as precinct officers on the day of an election.

Sub. H. B. No. 241 - Representatives Latta, McGregor, C. Evans, D. Evans, Hughes, Perry, Blessing, Combs, Domenick, Faber, Schneider, Seitz, Taylor, Wagoner, Willamowski, Yuko

To amend sections 9.92, 109.85, 309.08, 311.07, 1506.35, 2152.20, 2901.01, 2909.08, 2913.34, 2913.421, 2923.01, 2923.31, 2923.32, 2923.34, 2923.36, 2923.41, 2923.42, 2923.44, 2925.03, 2925.14, 2925.42, 2927.02, 2929.18, 2930.11, 2933.75, 2935.03, 2945.44, 3719.11, 3719.141, 3719.21,

3729.13, 3743.68, 3745.13, 4301.29, 4301.45, 4301.53, 4305.13, 4503.233, 4503.234, 4510.41, 4511.195, 4549.62, 4549.63, 4728.04, 4729.65, 5735.121, 5739.15, 5743.082, and 5743.112, to enact sections 2941.1417, 2981.01, 2981.02, 2981.03, 2981.04, 2981.05, 2981.06, 2981.07, 2981.08, 2981.09, 2981.11, 2981.12, 2981.13, and 2981.14, and to repeal sections 2923.33, 2923.35, 2923.45, 2923.46, 2923.47, 2925.41, 2925.43, 2925.44, 2925.45, 2933.41, 2933.42, 2933.43, 2933.44, 2933.71, 2933.72, 2933.73, and 2933.74 of the Revised Code to adopt the Criminal Sentencing Commission's recommendations regarding revision of the Forfeiture Laws.

H. B. No. 246 - Representatives Oelslager, Willamowski, Aslanides, Barrett, Beatty, Book, Buehrer, Carano, Coley, Collier, Combs, Daniels, DeGeeter, Domenick, C. Evans, Gilb, Hagan, Harwood, Healy, Hughes, Latta, McGregor, Otterman, T. Patton, Reidelbach, Sayre, Schaffer, Schlichter, Seaver, Setzer, Skindell, G. Smith, J. Stewart, Williams

To amend section 2106.18 and to enact sections 1337.18, 1337.19, and 1337.20 of the Revised Code to permit a surviving spouse to take a motorcycle as one of the two automobiles the surviving spouse may receive outside of probate, to create a statutory form for the creation of a power of attorney, to set forth the general powers of an attorney in fact under a power of attorney, and to provide for the construction of the powers of an attorney in fact under a power of attorney created by use of the statutory form.

H. B. No. 265 - Representatives Seitz, T. Patton, Fende, Wagoner, McGregor, Fessler, D. Evans, C. Evans, Gilb, Core, Harwood, Walcher, Cassell, Martin, Buehrer, Willamowski, Barrett, Collier, Oelslager, Daniels, Brown, Raga, Schneider, Combs, Hartnett, Reidelbach, Gibbs, Sayre, Latta, Dolan, DeGeeter, Blessing, Miller, Coley, Allen, Book, Bubp, Hughes, Seaver, Setzer, J. Stewart, Taylor, Webster

To amend section 2107.27 and to enact section 2107.24 of the Revised Code to provide a procedure for a probate court to treat a document as a will notwithstanding its noncompliance with the statutory formalities for executing wills.

Attest: Laura P. Clemens,
Clerk.

Said bills were considered the first time.

On the motion Senator Mallory, the Senate reverted to the Fourth Order of

Business, Reports of Conference Committees.

Senator Cates submitted the following report:

The Committee of Conference to which the matters of difference between the two houses were referred on S.B. 128, Senator Cates - et al., having had the same under consideration, recommends to the respective houses as follows:

The bill as passed by the Senate with the following amendments:

In line 5, delete "section" and insert "sections 2101.01,"; after "2301.02" insert ", and 2301.03"

Between lines 6 and 7, insert:

"**Sec. 2101.01.** (A) A probate division of the court of common pleas shall be held at the county seat in each county in an office furnished by the board of county commissioners, in which the books, records, and papers pertaining to the probate division shall be deposited and safely kept by the probate judge. The board shall provide suitable cases or other necessary items for the safekeeping and preservation of the books, records, and papers of the court and shall furnish any blankbooks, blanks, and stationery, and any machines, equipment, and materials for the keeping or examining of records, that the probate judge requires in the discharge of official duties. The board also shall authorize expenditures for accountants, financial consultants, and other agents required for auditing or financial consulting by the probate division whenever the probate judge considers these services and expenditures necessary for the efficient performance of the division's duties. The probate judge shall employ and supervise all clerks, deputies, magistrates, and other employees of the probate division. The probate judge shall supervise all probate court investigators and assessors in the performance of their duties as investigators and assessors and shall employ, appoint, or designate all probate court investigators and assessors in the manner described in divisions (A)(2) and (3) of section 2101.11 of the Revised Code.

(B) As used in the Revised Code~~,~~:

(1) Except as provided in division (B)(2) of this section,"probate court" means the probate division of the court of common pleas, and "probate judge" means the judge of the court of common pleas who is judge of the probate division. ~~All~~

(2) With respect to Lorain county:

(a) From January 1, 2006, through February 8, 2009, "probate court" means both the probate division and the domestic relations division of the court of common pleas, and "probate judge" means both the judge of the court of common pleas who is judge of the probate division and each of the judges of the court of common pleas who are judges of the domestic relations division.

(b) On and after February 9, 2009, "probate court" means the domestic

relations division of the court of common pleas, and "probate judge" means each of the judges of the court of common pleas who are judges of the domestic relations division.

(C) Except as otherwise provided in this division, allpleadings, forms, journals, and other records filed or used in the probate division shall be entitled "In the Court of Common Pleas, Probate Division," but are not defective if entitled "In the Probate Court." In Lorain county, on and after February 9, 2009, all pleadings, forms, journals, and other records filed or used in probate matters shall be entitled "In the Court of Common Pleas, Domestic Relations Division," but are not defective if entitled "In the Probate Division" or "In the Probate Court.""

In line 19, strike through "Morrow,"

Between lines 21 and 22, insert:

"In Morrow county, two judges, one to be elected in 1956, term to begin January 1, 1957, and one to be elected in 2006, term to begin January 1, 2007;"

In line 149, strike through "eight" and insert "ten"

In line 154, strike through "and"

In line 155, after "respectively" insert "; one to be elected in 2006, term to begin January 6, 2007; and one to be elected in 2008, term to begin February 9, 2009, as described in division (C)(1)(c) of section 2301.03 of the Revised Code"

In line 290, strike through "Morrow,"

In line 293, after "division" insert ", except in Lorain county in which the judges of the domestic relations division of the Lorain county court of common pleas elected pursuant to this section also shall perform the duties and functions of the judge of the probate division, and except in Morrow county in which the successors to the judge of the court of common pleas elected in 1956 pursuant to this section also shall serve as judge of the probate division"

Between lines 293 and 294, insert:

"**Sec. 2301.03.** (A) In Franklin county, the judges of the court of common pleas whose terms begin on January 1, 1953, January 2, 1953, January 5, 1969, January 5, 1977, and January 2, 1997, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as other judges of the court of common pleas of Franklin county and shall be elected and designated as judges of the court of common pleas, division of domestic relations. They shall have all the powers relating to juvenile courts, and all cases under Chapters 2151. and 2152. of the Revised Code, all parentage proceedings under Chapter 3111. of the Revised Code over which the juvenile court has jurisdiction, and all divorce, dissolution of marriage, legal separation, and annulment cases shall be assigned to them. In addition to the judge's regular duties, the judge who is senior in point of service shall serve on

the children services board and the county advisory board and shall be the administrator of the domestic relations division and its subdivisions and departments.

(B) In Hamilton county:

(1) The judge of the court of common pleas, whose term begins on January 1, 1957, and successors, and the judge of the court of common pleas, whose term begins on February 14, 1967, and successors, shall be the juvenile judges as provided in Chapters 2151. and 2152. of the Revised Code, with the powers and jurisdiction conferred by those chapters.

(2) The judges of the court of common pleas whose terms begin on January 5, 1957, January 16, 1981, and July 1, 1991, and successors, shall be elected and designated as judges of the court of common pleas, division of domestic relations, and shall have assigned to them all divorce, dissolution of marriage, legal separation, and annulment cases coming before the court. On or after the first day of July and before the first day of August of 1991 and each year thereafter, a majority of the judges of the division of domestic relations shall elect one of the judges of the division as administrative judge of that division. If a majority of the judges of the division of domestic relations are unable for any reason to elect an administrative judge for the division before the first day of August, a majority of the judges of the Hamilton county court of common pleas, as soon as possible after that date, shall elect one of the judges of the division of domestic relations as administrative judge of that division. The term of the administrative judge shall begin on the earlier of the first day of August of the year in which the administrative judge is elected or the date on which the administrative judge is elected by a majority of the judges of the Hamilton county court of common pleas and shall terminate on the date on which the administrative judge's successor is elected in the following year.

In addition to the judge's regular duties, the administrative judge of the division of domestic relations shall be the administrator of the domestic relations division and its subdivisions and departments and shall have charge of the employment, assignment, and supervision of the personnel of the division engaged in handling, servicing, or investigating divorce, dissolution of marriage, legal separation, and annulment cases, including any referees considered necessary by the judges in the discharge of their various duties.

The administrative judge of the division of domestic relations also shall designate the title, compensation, expense allowances, hours, leaves of absence, and vacations of the personnel of the division, and shall fix the duties of its personnel. The duties of the personnel, in addition to those provided for in other sections of the Revised Code, shall include the handling, servicing, and investigation of divorce, dissolution of marriage, legal separation, and annulment cases and counseling and conciliation services that may be made available to persons requesting them, whether or not the persons are parties to an action pending in the division.

The board of county commissioners shall appropriate the sum of money

each year as will meet all the administrative expenses of the division of domestic relations, including reasonable expenses of the domestic relations judges and the division counselors and other employees designated to conduct the handling, servicing, and investigation of divorce, dissolution of marriage, legal separation, and annulment cases, conciliation and counseling, and all matters relating to those cases and counseling, and the expenses involved in the attendance of division personnel at domestic relations and welfare conferences designated by the division, and the further sum each year as will provide for the adequate operation of the division of domestic relations.

The compensation and expenses of all employees and the salary and expenses of the judges shall be paid by the county treasurer from the money appropriated for the operation of the division, upon the warrant of the county auditor, certified to by the administrative judge of the division of domestic relations.

The summonses, warrants, citations, subpoenas, and other writs of the division may issue to a bailiff, constable, or staff investigator of the division or to the sheriff of any county or any marshal, constable, or police officer, and the provisions of law relating to the subpoenaing of witnesses in other cases shall apply insofar as they are applicable. When a summons, warrant, citation, subpoena, or other writ is issued to an officer, other than a bailiff, constable, or staff investigator of the division, the expense of serving it shall be assessed as a part of the costs in the case involved.

(3) The judge of the court of common pleas of Hamilton county whose term begins on January 3, 1997, and the successor to that judge whose term begins on January 3, 2003, shall each be elected and designated for one term only as the drug court judge of the court of common pleas of Hamilton county. The successors to the judge whose term begins on January 3, 2003, shall be elected and designated as judges of the general division of the court of common pleas of Hamilton county and shall not have the authority granted by division (B)(3) of this section. The drug court judge may accept or reject any case referred to the drug court judge under division (B)(3) of this section. After the drug court judge accepts a referred case, the drug court judge has full authority over the case, including the authority to conduct arraignment, accept pleas, enter findings and dispositions, conduct trials, order treatment, and if treatment is not successfully completed pronounce and enter sentence.

A judge of the general division of the court of common pleas of Hamilton county and a judge of the Hamilton county municipal court may refer to the drug court judge any case, and any companion cases, the judge determines meet the criteria described under divisions (B)(3)(a) and (b) of this section. If the drug court judge accepts referral of a referred case, the case, and any companion cases, shall be transferred to the drug court judge. A judge may refer a case meeting the criteria described in divisions (B)(3)(a) and (b) of this section that involves a violation of a condition of a community control sanction to the drug court judge, and, if the drug court judge accepts the referral, the referring judge

and the drug court judge have concurrent jurisdiction over the case.

A judge of the general division of the court of common pleas of Hamilton county and a judge of the Hamilton county municipal court may refer a case to the drug court judge under division (B)(3) of this section if the judge determines that both of the following apply:

(a) One of the following applies:

(i) The case involves a drug abuse offense, as defined in section 2925.01 of the Revised Code, that is a felony of the third or fourth degree if the offense is committed prior to July 1, 1996, a felony of the third, fourth, or fifth degree if the offense is committed on or after July 1, 1996, or a misdemeanor.

(ii) The case involves a theft offense, as defined in section 2913.01 of the Revised Code, that is a felony of the third or fourth degree if the offense is committed prior to July 1, 1996, a felony of the third, fourth, or fifth degree if the offense is committed on or after July 1, 1996, or a misdemeanor, and the defendant is drug or alcohol dependent or in danger of becoming drug or alcohol dependent and would benefit from treatment.

(b) All of the following apply:

(i) The case involves an offense for which a community control sanction may be imposed or is a case in which a mandatory prison term or a mandatory jail term is not required to be imposed.

(ii) The defendant has no history of violent behavior.

(iii) The defendant has no history of mental illness.

(iv) The defendant's current or past behavior, or both, is drug or alcohol driven.

(v) The defendant demonstrates a sincere willingness to participate in a fifteen-month treatment process.

(vi) The defendant has no acute health condition.

(vii) If the defendant is incarcerated, the county prosecutor approves of the referral.

(4) If the administrative judge of the court of common pleas of Hamilton county determines that the volume of cases pending before the drug court judge does not constitute a sufficient caseload for the drug court judge, the administrative judge, in accordance with the Rules of Superintendence for Courts of Common Pleas, shall assign individual cases to the drug court judge from the general docket of the court. If the assignments so occur, the administrative judge shall cease the assignments when the administrative judge determines that the volume of cases pending before the drug court judge constitutes a sufficient caseload for the drug court judge.

(5) As used in division (B) of this section, "community control sanction,"

"mandatory prison term," and "mandatory jail term" have the same meanings as in section 2929.01 of the Revised Code.

(C)(1) In Lorain county~~, the~~:

(a) The judges of the court of common pleas whose terms begin on January 3, 1959, January 4, 1989, ~~and~~ January 2, 1999, and February 9, 2009, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as the other judges of the court of common pleas of Lorain county and shall be elected and designated as the judges of the court of common pleas, division of domestic relations. They shall have all of the powers relating to juvenile courts, and all cases under Chapters 2151. and 2152. of the Revised Code, all parentage proceedings over which the juvenile court has jurisdiction, and all divorce, dissolution of marriage, legal separation, and annulment cases shall be assigned to them, except cases that for some special reason are assigned to some other judge of the court of common pleas.

(b) On and after January 1, 2006, the judges of the court of common pleas, division of domestic relations, in addition to the powers and jurisdiction set forth in division (C)(1)(a) of this section, shall have jurisdiction over matters that are within the jurisdiction of the probate court under Chapter 2101. and other provisions of the Revised Code. From January 1, 2006, through February 8, 2009, the judges of the court of common pleas, division of domestic relations, shall exercise probate jurisdiction concurrently with the probate judge.

(c) The judge of the court of common pleas, division of domestic relations, whose term begins on February 9, 2009, is the successor to the probate judge who was elected in 2002 for a term that began on February 9, 2003.

(2)(a) From January 1, 2006, through February 8, 2009, with respect to Lorain county, all references in law to the probate court shall be construed as references to both the probate court and the court of common pleas, division of domestic relations, and all references in law to the probate judge shall be construed as references to both the probate judge and the judges of the court of common pleas, division of domestic relations. On and after February 9, 2009, with respect to Lorain county, all references in law to the probate court shall be construed as references to the court of common pleas, division of domestic relations, and all references to the probate judge shall be construed as references to the judges of the court of common pleas, division of domestic relations.

(b) On and after February 9, 2009, with respect to Lorain county, all references in law to the clerk of the probate court shall be construed as references to the judge who is serving pursuant to Rule 4 of the Rules of Superintendence for the Courts of Ohio as the administrative judge of the court of common pleas, division of domestic relations.

(D) In Lucas county:

(1) The judges of the court of common pleas whose terms begin on

January 1, 1955, and January 3, 1965, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as other judges of the court of common pleas of Lucas county and shall be elected and designated as judges of the court of common pleas, division of domestic relations. All divorce, dissolution of marriage, legal separation, and annulment cases shall be assigned to them.

The judge of the division of domestic relations, senior in point of service, shall be considered as the presiding judge of the court of common pleas, division of domestic relations, and shall be charged exclusively with the assignment and division of the work of the division and the employment and supervision of all other personnel of the domestic relations division.

(2) The judges of the court of common pleas whose terms begin on January 5, 1977, and January 2, 1991, and successors shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as other judges of the court of common pleas of Lucas county, shall be elected and designated as judges of the court of common pleas, juvenile division, and shall be the juvenile judges as provided in Chapters 2151. and 2152. of the Revised Code with the powers and jurisdictions conferred by those chapters. In addition to the judge's regular duties, the judge of the court of common pleas, juvenile division, senior in point of service, shall be the administrator of the juvenile division and its subdivisions and departments and shall have charge of the employment, assignment, and supervision of the personnel of the division engaged in handling, servicing, or investigating juvenile cases, including any referees considered necessary by the judges of the division in the discharge of their various duties.

The judge of the court of common pleas, juvenile division, senior in point of service, also shall designate the title, compensation, expense allowance, hours, leaves of absence, and vacation of the personnel of the division and shall fix the duties of the personnel of the division. The duties of the personnel, in addition to other statutory duties include the handling, servicing, and investigation of juvenile cases and counseling and conciliation services that may be made available to persons requesting them, whether or not the persons are parties to an action pending in the division.

(3) If one of the judges of the court of common pleas, division of domestic relations, or one of the judges of the juvenile division is sick, absent, or unable to perform that judge's judicial duties or the volume of cases pending in that judge's division necessitates it, the duties shall be performed by the judges of the other of those divisions.

(E) In Mahoning county:

(1) The judge of the court of common pleas whose term began on January 1, 1955, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as other judges of the court of common pleas of Mahoning county, shall be elected and

designated as judge of the court of common pleas, division of domestic relations, and shall be assigned all the divorce, dissolution of marriage, legal separation, and annulment cases coming before the court. In addition to the judge's regular duties, the judge of the court of common pleas, division of domestic relations, shall be the administrator of the domestic relations division and its subdivisions and departments and shall have charge of the employment, assignment, and supervision of the personnel of the division engaged in handling, servicing, or investigating divorce, dissolution of marriage, legal separation, and annulment cases, including any referees considered necessary in the discharge of the various duties of the judge's office.

The judge also shall designate the title, compensation, expense allowances, hours, leaves of absence, and vacations of the personnel of the division and shall fix the duties of the personnel of the division. The duties of the personnel, in addition to other statutory duties, include the handling, servicing, and investigation of divorce, dissolution of marriage, legal separation, and annulment cases and counseling and conciliation services that may be made available to persons requesting them, whether or not the persons are parties to an action pending in the division.

(2) The judge of the court of common pleas whose term began on January 2, 1969, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as other judges of the court of common pleas of Mahoning county, shall be elected and designated as judge of the court of common pleas, juvenile division, and shall be the juvenile judge as provided in Chapters 2151. and 2152. of the Revised Code, with the powers and jurisdictions conferred by those chapters. In addition to the judge's regular duties, the judge of the court of common pleas, juvenile division, shall be the administrator of the juvenile division and its subdivisions and departments and shall have charge of the employment, assignment, and supervision of the personnel of the division engaged in handling, servicing, or investigating juvenile cases, including any referees considered necessary by the judge in the discharge of the judge's various duties.

The judge also shall designate the title, compensation, expense allowances, hours, leaves of absence, and vacation of the personnel of the division and shall fix the duties of the personnel of the division. The duties of the personnel, in addition to other statutory duties, include the handling, servicing, and investigation of juvenile cases and counseling and conciliation services that may be made available to persons requesting them, whether or not the persons are parties to an action pending in the division.

(3) If a judge of the court of common pleas, division of domestic relations or juvenile division, is sick, absent, or unable to perform that judge's judicial duties, or the volume of cases pending in that judge's division necessitates it, that judge's duties shall be performed by another judge of the court of common pleas.

(F) In Montgomery county:

(1) The judges of the court of common pleas whose terms begin on January 2, 1953, and January 4, 1977, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as other judges of the court of common pleas of Montgomery county and shall be elected and designated as judges of the court of common pleas, division of domestic relations. These judges shall have assigned to them all divorce, dissolution of marriage, legal separation, and annulment cases.

The judge of the division of domestic relations, senior in point of service, shall be charged exclusively with the assignment and division of the work of the division and shall have charge of the employment and supervision of the personnel of the division engaged in handling, servicing, or investigating divorce, dissolution of marriage, legal separation, and annulment cases, including any necessary referees, except those employees who may be appointed by the judge, junior in point of service, under this section and sections 2301.12, 2301.18, and 2301.19 of the Revised Code. The judge of the division of domestic relations, senior in point of service, also shall designate the title, compensation, expense allowances, hours, leaves of absence, and vacation of the personnel of the division and shall fix their duties.

(2) The judges of the court of common pleas whose terms begin on January 1, 1953, and January 1, 1993, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as other judges of the court of common pleas of Montgomery county, shall be elected and designated as judges of the court of common pleas, juvenile division, and shall be, and have the powers and jurisdiction of, the juvenile judge as provided in Chapters 2151. and 2152. of the Revised Code.

In addition to the judge's regular duties, the judge of the court of common pleas, juvenile division, senior in point of service, shall be the administrator of the juvenile division and its subdivisions and departments and shall have charge of the employment, assignment, and supervision of the personnel of the juvenile division, including any necessary referees, who are engaged in handling, servicing, or investigating juvenile cases. The judge, senior in point of service, also shall designate the title, compensation, expense allowances, hours, leaves of absence, and vacation of the personnel of the division and shall fix their duties. The duties of the personnel, in addition to other statutory duties, shall include the handling, servicing, and investigation of juvenile cases and of any counseling and conciliation services that are available upon request to persons, whether or not they are parties to an action pending in the division.

If one of the judges of the court of common pleas, division of domestic relations, or one of the judges of the court of common pleas, juvenile division, is sick, absent, or unable to perform that judge's duties or the volume of cases pending in that judge's division necessitates it, the duties of that judge may be performed by the judge or judges of the other of those divisions.

(G) In Richland county:

(1) The judge of the court of common pleas whose term begins on January 1, 1957, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as the other judges of the court of common pleas of Richland county and shall be elected and designated as judge of the court of common pleas, division of domestic relations. That judge shall be assigned and hear all divorce, dissolution of marriage, legal separation, and annulment cases, all domestic violence cases arising under section 3113.31 of the Revised Code, and all post-decree proceedings arising from any case pertaining to any of those matters. The division of domestic relations has concurrent jurisdiction with the juvenile division of the court of common pleas of Richland county to determine the care, custody, or control of any child not a ward of another court of this state, and to hear and determine a request for an order for the support of any child if the request is not ancillary to an action for divorce, dissolution of marriage, annulment, or legal separation, a criminal or civil action involving an allegation of domestic violence, or an action for support brought under Chapter 3115. of the Revised Code. Except in cases that are subject to the exclusive original jurisdiction of the juvenile court, the judge of the division of domestic relations shall be assigned and hear all cases pertaining to paternity or parentage, the care, custody, or control of children, parenting time or visitation, child support, or the allocation of parental rights and responsibilities for the care of children, all proceedings arising under Chapter 3111. of the Revised Code, all proceedings arising under the uniform interstate family support act contained in Chapter 3115. of the Revised Code, and all post-decree proceedings arising from any case pertaining to any of those matters.

In addition to the judge's regular duties, the judge of the court of common pleas, division of domestic relations, shall be the administrator of the domestic relations division and its subdivisions and departments. The judge shall have charge of the employment, assignment, and supervision of the personnel of the domestic relations division, including any magistrates the judge considers necessary for the discharge of the judge's duties. The judge shall also designate the title, compensation, expense allowances, hours, leaves of absence, vacation, and other employment-related matters of the personnel of the division and shall fix their duties.

(2) The judge of the court of common pleas whose term begins on January 3, 2005, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as other judges of the court of common pleas of Richland county, shall be elected and designated as judge of the court of common pleas, juvenile division, and shall be, and have the powers and jurisdiction of, the juvenile judge as provided in Chapters 2151. and 2152. of the Revised Code. Except in cases that are subject to the exclusive original jurisdiction of the juvenile court, the judge of the juvenile division shall not have jurisdiction or the power to hear, and shall not be assigned, any case pertaining to paternity or parentage, the care, custody, or control of children, parenting time or visitation, child support, or the allocation of parental rights and responsibilities for the care of children or any post-decree

proceeding arising from any case pertaining to any of those matters. The judge of the juvenile division shall not have jurisdiction or the power to hear, and shall not be assigned, any proceeding under the uniform interstate family support act contained in Chapter 3115. of the Revised Code.

In addition to the judge's regular duties, the judge of the juvenile division shall be the administrator of the juvenile division and its subdivisions and departments. The judge shall have charge of the employment, assignment, and supervision of the personnel of the juvenile division who are engaged in handling, servicing, or investigating juvenile cases, including any magistrates whom the judge considers necessary for the discharge of the judge's various duties.

The judge of the juvenile division also shall designate the title, compensation, expense allowances, hours, leaves of absence, and vacation of the personnel of the division and shall fix their duties. The duties of the personnel, in addition to other statutory duties, include the handling, servicing, and investigation of juvenile cases and providing any counseling, conciliation, and mediation services that the court makes available to persons, whether or not the persons are parties to an action pending in the court, who request the services.

(H) In Stark county, the judges of the court of common pleas whose terms begin on January 1, 1953, January 2, 1959, and January 1, 1993, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as other judges of the court of common pleas of Stark county and shall be elected and designated as judges of the court of common pleas, division of domestic relations. They shall have all the powers relating to juvenile courts, and all cases under Chapters 2151. and 2152. of the Revised Code, all parentage proceedings over which the juvenile court has jurisdiction, and all divorce, dissolution of marriage, legal separation, and annulment cases, except cases that are assigned to some other judge of the court of common pleas for some special reason, shall be assigned to the judges.

The judge of the division of domestic relations, second most senior in point of service, shall have charge of the employment and supervision of the personnel of the division engaged in handling, servicing, or investigating divorce, dissolution of marriage, legal separation, and annulment cases, and necessary referees required for the judge's respective court.

The judge of the division of domestic relations, senior in point of service, shall be charged exclusively with the administration of sections 2151.13, 2151.16, 2151.17, and 2152.71 of the Revised Code and with the assignment and division of the work of the division and the employment and supervision of all other personnel of the division, including, but not limited to, that judge's necessary referees, but excepting those employees who may be appointed by the judge second most senior in point of service. The senior judge further shall serve in every other position in which the statutes permit or require a juvenile judge to serve.

(I) In Summit county:

(1) The judges of the court of common pleas whose terms begin on January 4, 1967, and January 6, 1993, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as other judges of the court of common pleas of Summit county and shall be elected and designated as judges of the court of common pleas, division of domestic relations. The judges of the division of domestic relations shall have assigned to them and hear all divorce, dissolution of marriage, legal separation, and annulment cases that come before the court. Except in cases that are subject to the exclusive original jurisdiction of the juvenile court, the judges of the division of domestic relations shall have assigned to them and hear all cases pertaining to paternity, custody, visitation, child support, or the allocation of parental rights and responsibilities for the care of children and all post-decree proceedings arising from any case pertaining to any of those matters. The judges of the division of domestic relations shall have assigned to them and hear all proceedings under the uniform interstate family support act contained in Chapter 3115. of the Revised Code.

The judge of the division of domestic relations, senior in point of service, shall be the administrator of the domestic relations division and its subdivisions and departments and shall have charge of the employment, assignment, and supervision of the personnel of the division, including any necessary referees, who are engaged in handling, servicing, or investigating divorce, dissolution of marriage, legal separation, and annulment cases. That judge also shall designate the title, compensation, expense allowances, hours, leaves of absence, and vacations of the personnel of the division and shall fix their duties. The duties of the personnel, in addition to other statutory duties, shall include the handling, servicing, and investigation of divorce, dissolution of marriage, legal separation, and annulment cases and of any counseling and conciliation services that are available upon request to all persons, whether or not they are parties to an action pending in the division.

(2) The judge of the court of common pleas whose term begins on January 1, 1955, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as other judges of the court of common pleas of Summit county, shall be elected and designated as judge of the court of common pleas, juvenile division, and shall be, and have the powers and jurisdiction of, the juvenile judge as provided in Chapters 2151. and 2152. of the Revised Code. Except in cases that are subject to the exclusive original jurisdiction of the juvenile court, the judge of the juvenile division shall not have jurisdiction or the power to hear, and shall not be assigned, any case pertaining to paternity, custody, visitation, child support, or the allocation of parental rights and responsibilities for the care of children or any post-decree proceeding arising from any case pertaining to any of those matters. The judge of the juvenile division shall not have jurisdiction or the power to hear, and shall not be assigned, any proceeding under the uniform interstate family support act contained in Chapter 3115. of the Revised Code.

The juvenile judge shall be the administrator of the juvenile division and its subdivisions and departments and shall have charge of the employment, assignment, and supervision of the personnel of the juvenile division, including any necessary referees, who are engaged in handling, servicing, or investigating juvenile cases. The judge also shall designate the title, compensation, expense allowances, hours, leaves of absence, and vacation of the personnel of the division and shall fix their duties. The duties of the personnel, in addition to other statutory duties, shall include the handling, servicing, and investigation of juvenile cases and of any counseling and conciliation services that are available upon request to persons, whether or not they are parties to an action pending in the division.

(J) In Trumbull county, the judges of the court of common pleas whose terms begin on January 1, 1953, and January 2, 1977, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as other judges of the court of common pleas of Trumbull county and shall be elected and designated as judges of the court of common pleas, division of domestic relations. They shall have all the powers relating to juvenile courts, and all cases under Chapters 2151. and 2152. of the Revised Code, all parentage proceedings over which the juvenile court has jurisdiction, and all divorce, dissolution of marriage, legal separation, and annulment cases shall be assigned to them, except cases that for some special reason are assigned to some other judge of the court of common pleas.

(K) In Butler county:

(1) The judges of the court of common pleas whose terms begin on January 1, 1957, and January 4, 1993, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as other judges of the court of common pleas of Butler county and shall be elected and designated as judges of the court of common pleas, division of domestic relations. The judges of the division of domestic relations shall have assigned to them all divorce, dissolution of marriage, legal separation, and annulment cases coming before the court, except in cases that for some special reason are assigned to some other judge of the court of common pleas. The judge senior in point of service shall be charged with the assignment and division of the work of the division and with the employment and supervision of all other personnel of the domestic relations division.

The judge senior in point of service also shall designate the title, compensation, expense allowances, hours, leaves of absence, and vacations of the personnel of the division and shall fix their duties. The duties of the personnel, in addition to other statutory duties, shall include the handling, servicing, and investigation of divorce, dissolution of marriage, legal separation, and annulment cases and providing any counseling and conciliation services that the division makes available to persons, whether or not the persons are parties to an action pending in the division, who request the services.

(2) The judges of the court of common pleas whose terms begin on

January 3, 1987, and January 2, 2003, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as other judges of the court of common pleas of Butler county, shall be elected and designated as judges of the court of common pleas, juvenile division, and shall be the juvenile judges as provided in Chapters 2151. and 2152. of the Revised Code, with the powers and jurisdictions conferred by those chapters. The judge of the court of common pleas, juvenile division, who is senior in point of service, shall be the administrator of the juvenile division and its subdivisions and departments. The judge, senior in point of service, shall have charge of the employment, assignment, and supervision of the personnel of the juvenile division who are engaged in handling, servicing, or investigating juvenile cases, including any referees whom the judge considers necessary for the discharge of the judge's various duties.

The judge, senior in point of service, also shall designate the title, compensation, expense allowances, hours, leaves of absence, and vacation of the personnel of the division and shall fix their duties. The duties of the personnel, in addition to other statutory duties, include the handling, servicing, and investigation of juvenile cases and providing any counseling and conciliation services that the division makes available to persons, whether or not the persons are parties to an action pending in the division, who request the services.

(3) If a judge of the court of common pleas, division of domestic relations or juvenile division, is sick, absent, or unable to perform that judge's judicial duties or the volume of cases pending in the judge's division necessitates it, the duties of that judge shall be performed by the other judges of the domestic relations and juvenile divisions.

(L)(1) In Cuyahoga county, the judges of the court of common pleas whose terms begin on January 8, 1961, January 9, 1961, January 18, 1975, January 19, 1975, and January 13, 1987, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as other judges of the court of common pleas of Cuyahoga county and shall be elected and designated as judges of the court of common pleas, division of domestic relations. They shall have all the powers relating to all divorce, dissolution of marriage, legal separation, and annulment cases, except in cases that are assigned to some other judge of the court of common pleas for some special reason.

(2) The administrative judge is administrator of the domestic relations division and its subdivisions and departments and has the following powers concerning division personnel:

(a) Full charge of the employment, assignment, and supervision;

(b) Sole determination of compensation, duties, expenses, allowances, hours, leaves, and vacations.

(3) "Division personnel" include persons employed or referees engaged in hearing, servicing, investigating, counseling, or conciliating divorce,

dissolution of marriage, legal separation and annulment matters.

(M) In Lake county:

(1) The judge of the court of common pleas whose term begins on January 2, 1961, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as the other judges of the court of common pleas of Lake county and shall be elected and designated as judge of the court of common pleas, division of domestic relations. The judge shall be assigned all the divorce, dissolution of marriage, legal separation, and annulment cases coming before the court, except in cases that for some special reason are assigned to some other judge of the court of common pleas. The judge shall be charged with the assignment and division of the work of the division and with the employment and supervision of all other personnel of the domestic relations division.

The judge also shall designate the title, compensation, expense allowances, hours, leaves of absence, and vacations of the personnel of the division and shall fix their duties. The duties of the personnel, in addition to other statutory duties, shall include the handling, servicing, and investigation of divorce, dissolution of marriage, legal separation, and annulment cases and providing any counseling and conciliation services that the division makes available to persons, whether or not the persons are parties to an action pending in the division, who request the services.

(2) The judge of the court of common pleas whose term begins on January 4, 1979, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as other judges of the court of common pleas of Lake county, shall be elected and designated as judge of the court of common pleas, juvenile division, and shall be the juvenile judge as provided in Chapters 2151. and 2152. of the Revised Code, with the powers and jurisdictions conferred by those chapters. The judge of the court of common pleas, juvenile division, shall be the administrator of the juvenile division and its subdivisions and departments. The judge shall have charge of the employment, assignment, and supervision of the personnel of the juvenile division who are engaged in handling, servicing, or investigating juvenile cases, including any referees whom the judge considers necessary for the discharge of the judge's various duties.

The judge also shall designate the title, compensation, expense allowances, hours, leaves of absence, and vacation of the personnel of the division and shall fix their duties. The duties of the personnel, in addition to other statutory duties, include the handling, servicing, and investigation of juvenile cases and providing any counseling and conciliation services that the division makes available to persons, whether or not the persons are parties to an action pending in the division, who request the services.

(3) If a judge of the court of common pleas, division of domestic relations or juvenile division, is sick, absent, or unable to perform that judge's

judicial duties or the volume of cases pending in the judge's division necessitates it, the duties of that judge shall be performed by the other judges of the domestic relations and juvenile divisions.

(N) In Erie county:

(1) The judge of the court of common pleas whose term begins on January 2, 1971, and the successors to that judge whose terms begin before January 2, 2007, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as the other judge of the court of common pleas of Erie county and shall be elected and designated as judge of the court of common pleas, division of domestic relations. The judge shall have all the powers relating to juvenile courts, and shall be assigned all cases under Chapters 2151. and 2152. of the Revised Code, parentage proceedings over which the juvenile court has jurisdiction, and divorce, dissolution of marriage, legal separation, and annulment cases, except cases that for some special reason are assigned to some other judge.

On or after January 2, 2007, the judge of the court of common pleas who is elected in 2006 shall be the successor to the judge of the domestic relations division whose term expires on January 1, 2007, shall be designated as judge of the court of common pleas, juvenile division, and shall be the juvenile judge as provided in Chapters 2151. and 2152. of the Revised Code with the powers and jurisdictions conferred by those chapters.

(2) The judge of the court of common pleas, general division, whose term begins on January 1, 2005, and successors, the judge of the court of common pleas, general division whose term begins on January 2, 2005, and successors, and the judge of the court of common pleas, general division, whose term begins February 9, 2009, and successors, shall have assigned to them, in addition to all matters that are within the jurisdiction of the general division of the court of common pleas, all divorce, dissolution of marriage, legal separation, and annulment cases coming before the court, and all matters that are within the jurisdiction of the probate court under Chapter 2101., and other provisions, of the Revised Code.

(O) In Greene county:

(1) The judge of the court of common pleas whose term begins on January 1, 1961, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as the other judges of the court of common pleas of Greene county and shall be elected and designated as the judge of the court of common pleas, division of domestic relations. The judge shall be assigned all divorce, dissolution of marriage, legal separation, annulment, uniform reciprocal support enforcement, and domestic violence cases and all other cases related to domestic relations, except cases that for some special reason are assigned to some other judge of the court of common pleas.

The judge shall be charged with the assignment and division of the work

of the division and with the employment and supervision of all other personnel of the division. The judge also shall designate the title, compensation, hours, leaves of absence, and vacations of the personnel of the division and shall fix their duties. The duties of the personnel of the division, in addition to other statutory duties, shall include the handling, servicing, and investigation of divorce, dissolution of marriage, legal separation, and annulment cases and the provision of counseling and conciliation services that the division considers necessary and makes available to persons who request the services, whether or not the persons are parties in an action pending in the division. The compensation for the personnel shall be paid from the overall court budget and shall be included in the appropriations for the existing judges of the general division of the court of common pleas.

(2) The judge of the court of common pleas whose term begins on January 1, 1995, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as the other judges of the court of common pleas of Greene county, shall be elected and designated as judge of the court of common pleas, juvenile division, and, on or after January 1, 1995, shall be the juvenile judge as provided in Chapters 2151. and 2152. of the Revised Code with the powers and jurisdiction conferred by those chapters. The judge of the court of common pleas, juvenile division, shall be the administrator of the juvenile division and its subdivisions and departments. The judge shall have charge of the employment, assignment, and supervision of the personnel of the juvenile division who are engaged in handling, servicing, or investigating juvenile cases, including any referees whom the judge considers necessary for the discharge of the judge's various duties.

The judge also shall designate the title, compensation, expense allowances, hours, leaves of absence, and vacation of the personnel of the division and shall fix their duties. The duties of the personnel, in addition to other statutory duties, include the handling, servicing, and investigation of juvenile cases and providing any counseling and conciliation services that the court makes available to persons, whether or not the persons are parties to an action pending in the court, who request the services.

(3) If one of the judges of the court of common pleas, general division, is sick, absent, or unable to perform that judge's judicial duties or the volume of cases pending in the general division necessitates it, the duties of that judge of the general division shall be performed by the judge of the division of domestic relations and the judge of the juvenile division.

(P) In Portage county, the judge of the court of common pleas, whose term begins January 2, 1987, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as the other judges of the court of common pleas of Portage county and shall be elected and designated as judge of the court of common pleas, division of domestic relations. The judge shall be assigned all divorce, dissolution of marriage, legal separation, and annulment cases coming before the court, except

in cases that for some special reason are assigned to some other judge of the court of common pleas. The judge shall be charged with the assignment and division of the work of the division and with the employment and supervision of all other personnel of the domestic relations division.

The judge also shall designate the title, compensation, expense allowances, hours, leaves of absence, and vacations of the personnel of the division and shall fix their duties. The duties of the personnel, in addition to other statutory duties, shall include the handling, servicing, and investigation of divorce, dissolution of marriage, legal separation, and annulment cases and providing any counseling and conciliation services that the division makes available to persons, whether or not the persons are parties to an action pending in the division, who request the services.

(Q) In Clermont county, the judge of the court of common pleas, whose term begins January 2, 1987, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as the other judges of the court of common pleas of Clermont county and shall be elected and designated as judge of the court of common pleas, division of domestic relations. The judge shall be assigned all divorce, dissolution of marriage, legal separation, and annulment cases coming before the court, except in cases that for some special reason are assigned to some other judge of the court of common pleas. The judge shall be charged with the assignment and division of the work of the division and with the employment and supervision of all other personnel of the domestic relations division.

The judge also shall designate the title, compensation, expense allowances, hours, leaves of absence, and vacations of the personnel of the division and shall fix their duties. The duties of the personnel, in addition to other statutory duties, shall include the handling, servicing, and investigation of divorce, dissolution of marriage, legal separation, and annulment cases and providing any counseling and conciliation services that the division makes available to persons, whether or not the persons are parties to an action pending in the division, who request the services.

(R) In Warren county, the judge of the court of common pleas, whose term begins January 1, 1987, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as the other judges of the court of common pleas of Warren county and shall be elected and designated as judge of the court of common pleas, division of domestic relations. The judge shall be assigned all divorce, dissolution of marriage, legal separation, and annulment cases coming before the court, except in cases that for some special reason are assigned to some other judge of the court of common pleas. The judge shall be charged with the assignment and division of the work of the division and with the employment and supervision of all other personnel of the domestic relations division.

The judge also shall designate the title, compensation, expense allowances, hours, leaves of absence, and vacations of the personnel of the

division and shall fix their duties. The duties of the personnel, in addition to other statutory duties, shall include the handling, servicing, and investigation of divorce, dissolution of marriage, legal separation, and annulment cases and providing any counseling and conciliation services that the division makes available to persons, whether or not the persons are parties to an action pending in the division, who request the services.

(S) In Licking county, the judges of the court of common pleas, whose terms begin on January 1, 1991, and January 1, 2005, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as the other judges of the court of common pleas of Licking county and shall be elected and designated as judges of the court of common pleas, division of domestic relations. The judges shall be assigned all divorce, dissolution of marriage, legal separation, and annulment cases, all cases arising under Chapter 3111. of the Revised Code, all proceedings involving child support, the allocation of parental rights and responsibilities for the care of children and the designation for the children of a place of residence and legal custodian, parenting time, and visitation, and all post-decree proceedings and matters arising from those cases and proceedings, except in cases that for some special reason are assigned to another judge of the court of common pleas. The administrative judge of the division of domestic relations shall be charged with the assignment and division of the work of the division and with the employment and supervision of the personnel of the division.

The administrative judge of the division of domestic relations shall designate the title, compensation, expense allowances, hours, leaves of absence, and vacations of the personnel of the division and shall fix the duties of the personnel of the division. The duties of the personnel of the division, in addition to other statutory duties, shall include the handling, servicing, and investigation of divorce, dissolution of marriage, legal separation, and annulment cases, cases arising under Chapter 3111. of the Revised Code, and proceedings involving child support, the allocation of parental rights and responsibilities for the care of children and the designation for the children of a place of residence and legal custodian, parenting time, and visitation and providing any counseling and conciliation services that the division makes available to persons, whether or not the persons are parties to an action pending in the division, who request the services.

(T) In Allen county, the judge of the court of common pleas, whose term begins January 1, 1993, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as the other judges of the court of common pleas of Allen county and shall be elected and designated as judge of the court of common pleas, division of domestic relations. The judge shall be assigned all divorce, dissolution of marriage, legal separation, and annulment cases, all cases arising under Chapter 3111. of the Revised Code, all proceedings involving child support, the allocation of parental rights and responsibilities for the care of children and the designation for the children of a place of residence and legal custodian, parenting

time, and visitation, and all post-decree proceedings and matters arising from those cases and proceedings, except in cases that for some special reason are assigned to another judge of the court of common pleas. The judge shall be charged with the assignment and division of the work of the division and with the employment and supervision of the personnel of the division.

The judge shall designate the title, compensation, expense allowances, hours, leaves of absence, and vacations of the personnel of the division and shall fix the duties of the personnel of the division. The duties of the personnel of the division, in addition to other statutory duties, shall include the handling, servicing, and investigation of divorce, dissolution of marriage, legal separation, and annulment cases, cases arising under Chapter 3111. of the Revised Code, and proceedings involving child support, the allocation of parental rights and responsibilities for the care of children and the designation for the children of a place of residence and legal custodian, parenting time, and visitation, and providing any counseling and conciliation services that the division makes available to persons, whether or not the persons are parties to an action pending in the division, who request the services.

(U) In Medina county, the judge of the court of common pleas whose term begins January 1, 1995, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as other judges of the court of common pleas of Medina county and shall be elected and designated as judge of the court of common pleas, division of domestic relations. The judge shall be assigned all divorce, dissolution of marriage, legal separation, and annulment cases, all cases arising under Chapter 3111. of the Revised Code, all proceedings involving child support, the allocation of parental rights and responsibilities for the care of children and the designation for the children of a place of residence and legal custodian, parenting time, and visitation, and all post-decree proceedings and matters arising from those cases and proceedings, except in cases that for some special reason are assigned to another judge of the court of common pleas. The judge shall be charged with the assignment and division of the work of the division and with the employment and supervision of the personnel of the division.

The judge shall designate the title, compensation, expense allowances, hours, leaves of absence, and vacations of the personnel of the division and shall fix the duties of the personnel of the division. The duties of the personnel, in addition to other statutory duties, include the handling, servicing, and investigation of divorce, dissolution of marriage, legal separation, and annulment cases, cases arising under Chapter 3111. of the Revised Code, and proceedings involving child support, the allocation of parental rights and responsibilities for the care of children and the designation for the children of a place of residence and legal custodian, parenting time, and visitation, and providing counseling and conciliation services that the division makes available to persons, whether or not the persons are parties to an action pending in the division, who request the services.

(V) In Fairfield county, the judge of the court of common pleas whose term begins January 2, 1995, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as the other judges of the court of common pleas of Fairfield county and shall be elected and designated as judge of the court of common pleas, division of domestic relations. The judge shall be assigned all divorce, dissolution of marriage, legal separation, and annulment cases, all cases arising under Chapter 3111. of the Revised Code, all proceedings involving child support, the allocation of parental rights and responsibilities for the care of children and the designation for the children of a place of residence and legal custodian, parenting time, and visitation, and all post-decree proceedings and matters arising from those cases and proceedings, except in cases that for some special reason are assigned to another judge of the court of common pleas. The judge also has concurrent jurisdiction with the probate-juvenile division of the court of common pleas of Fairfield county with respect to and may hear cases to determine the custody of a child, as defined in section 2151.011 of the Revised Code, who is not the ward of another court of this state, cases that are commenced by a parent, guardian, or custodian of a child, as defined in section 2151.011 of the Revised Code, to obtain an order requiring a parent of the child to pay child support for that child when the request for that order is not ancillary to an action for divorce, dissolution of marriage, annulment, or legal separation, a criminal or civil action involving an allegation of domestic violence, an action for support under Chapter 3115. of the Revised Code, or an action that is within the exclusive original jurisdiction of the probate-juvenile division of the court of common pleas of Fairfield county and that involves an allegation that the child is an abused, neglected, or dependent child, and post-decree proceedings and matters arising from those types of cases.

The judge of the domestic relations division shall be charged with the assignment and division of the work of the division and with the employment and supervision of the personnel of the division.

The judge shall designate the title, compensation, expense allowances, hours, leaves of absence, and vacations of the personnel of the division and shall fix the duties of the personnel of the division. The duties of the personnel of the division, in addition to other statutory duties, shall include the handling, servicing, and investigation of divorce, dissolution of marriage, legal separation, and annulment cases, cases arising under Chapter 3111. of the Revised Code, and proceedings involving child support, the allocation of parental rights and responsibilities for the care of children and the designation for the children of a place of residence and legal custodian, parenting time, and visitation, and providing any counseling and conciliation services that the division makes available to persons, regardless of whether the persons are parties to an action pending in the division, who request the services. When the judge hears a case to determine the custody of a child, as defined in section 2151.011 of the Revised Code, who is not the ward of another court of this state or a case that is commenced by a parent, guardian, or custodian of a child, as defined in section

2151.011 of the Revised Code, to obtain an order requiring a parent of the child to pay child support for that child when the request for that order is not ancillary to an action for divorce, dissolution of marriage, annulment, or legal separation, a criminal or civil action involving an allegation of domestic violence, an action for support under Chapter 3115. of the Revised Code, or an action that is within the exclusive original jurisdiction of the probate-juvenile division of the court of common pleas of Fairfield county and that involves an allegation that the child is an abused, neglected, or dependent child, the duties of the personnel of the domestic relations division also include the handling, servicing, and investigation of those types of cases.

(W)(1) In Clark county, the judge of the court of common pleas whose term begins on January 2, 1995, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as other judges of the court of common pleas of Clark county and shall be elected and designated as judge of the court of common pleas, domestic relations division. The judge shall have all the powers relating to juvenile courts, and all cases under Chapters 2151. and 2152. of the Revised Code and all parentage proceedings under Chapter 3111. of the Revised Code over which the juvenile court has jurisdiction shall be assigned to the judge of the division of domestic relations. All divorce, dissolution of marriage, legal separation, annulment, uniform reciprocal support enforcement, and other cases related to domestic relations shall be assigned to the domestic relations division, and the presiding judge of the court of common pleas shall assign the cases to the judge of the domestic relations division and the judges of the general division.

(2) In addition to the judge's regular duties, the judge of the division of domestic relations shall serve on the children services board and the county advisory board.

(3) If the judge of the court of common pleas of Clark county, division of domestic relations, is sick, absent, or unable to perform that judge's judicial duties or if the presiding judge of the court of common pleas of Clark county determines that the volume of cases pending in the division of domestic relations necessitates it, the duties of the judge of the division of domestic relations shall be performed by the judges of the general division or probate division of the court of common pleas of Clark county, as assigned for that purpose by the presiding judge of that court, and the judges so assigned shall act in conjunction with the judge of the division of domestic relations of that court.

(X) In Scioto county, the judge of the court of common pleas whose term begins January 2, 1995, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as other judges of the court of common pleas of Scioto county and shall be elected and designated as judge of the court of common pleas, division of domestic relations. The judge shall be assigned all divorce, dissolution of marriage, legal separation, and annulment cases, all cases arising under Chapter 3111. of the Revised Code, all proceedings involving child support, the allocation of parental

rights and responsibilities for the care of children and the designation for the children of a place of residence and legal custodian, parenting time, visitation, and all post-decree proceedings and matters arising from those cases and proceedings, except in cases that for some special reason are assigned to another judge of the court of common pleas. The judge shall be charged with the assignment and division of the work of the division and with the employment and supervision of the personnel of the division.

The judge shall designate the title, compensation, expense allowances, hours, leaves of absence, and vacations of the personnel of the division and shall fix the duties of the personnel of the division. The duties of the personnel, in addition to other statutory duties, include the handling, servicing, and investigation of divorce, dissolution of marriage, legal separation, and annulment cases, cases arising under Chapter 3111. of the Revised Code, and proceedings involving child support, the allocation of parental rights and responsibilities for the care of children and the designation for the children of a place of residence and legal custodian, parenting time, and visitation, and providing counseling and conciliation services that the division makes available to persons, whether or not the persons are parties to an action pending in the division, who request the services.

(Y) In Auglaize county, the judge of the probate and juvenile divisions of the Auglaize county court of common pleas also shall be the administrative judge of the domestic relations division of the court and shall be assigned all divorce, dissolution of marriage, legal separation, and annulment cases coming before the court. The judge shall have all powers as administrator of the domestic relations division and shall have charge of the personnel engaged in handling, servicing, or investigating divorce, dissolution of marriage, legal separation, and annulment cases, including any referees considered necessary for the discharge of the judge's various duties.

(Z)(1) In Marion county, the judge of the court of common pleas whose term begins on February 9, 1999, and the successors to that judge, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as the other judges of the court of common pleas of Marion county and shall be elected and designated as judge of the court of common pleas, domestic relations-juvenile-probate division. Except as otherwise specified in this division, that judge, and the successors to that judge, shall have all the powers relating to juvenile courts, and all cases under Chapters 2151. and 2152. of the Revised Code, all cases arising under Chapter 3111. of the Revised Code, all divorce, dissolution of marriage, legal separation, and annulment cases, all proceedings involving child support, the allocation of parental rights and responsibilities for the care of children and the designation for the children of a place of residence and legal custodian, parenting time, and visitation, and all post-decree proceedings and matters arising from those cases and proceedings shall be assigned to that judge and the successors to that judge. Except as provided in division (Z)(2) of this section and notwithstanding any other provision of any section of the Revised Code, on and after February 9, 2003, the

judge of the court of common pleas of Marion county whose term begins on February 9, 1999, and the successors to that judge, shall have all the powers relating to the probate division of the court of common pleas of Marion county in addition to the powers previously specified in this division, and shall exercise concurrent jurisdiction with the judge of the probate division of that court over all matters that are within the jurisdiction of the probate division of that court under Chapter 2101., and other provisions, of the Revised Code in addition to the jurisdiction of the domestic relations-juvenile-probate division of that court otherwise specified in division (Z)(1) of this section.

(2) The judge of the domestic relations-juvenile-probate division of the court of common pleas of Marion county or the judge of the probate division of the court of common pleas of Marion county, whichever of those judges is senior in total length of service on the court of common pleas of Marion county, regardless of the division or divisions of service, shall serve as the clerk of the probate division of the court of common pleas of Marion county.

(3) On and after February 9, 2003, all references in law to "the probate court," "the probate judge," "the juvenile court," or "the judge of the juvenile court" shall be construed, with respect to Marion county, as being references to both "the probate division" and "the domestic relations-juvenile-probate division" and as being references to both "the judge of the probate division" and "the judge of the domestic relations- juvenile-probate division." On and after February 9, 2003, all references in law to "the clerk of the probate court" shall be construed, with respect to Marion county, as being references to the judge who is serving pursuant to division (Z)(2) of this section as the clerk of the probate division of the court of common pleas of Marion county.

(AA) In Muskingum county, the judge of the court of common pleas whose term begins on January 2, 2003, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as the other judges of the court of common pleas of Muskingum county and shall be elected and designated as the judge of the court of common pleas, division of domestic relations. The judge shall be assigned all divorce, dissolution of marriage, legal separation, and annulment cases, all cases arising under Chapter 3111. of the Revised Code, all proceedings involving child support, the allocation of parental rights and responsibilities for the care of children and the designation for the children of a place of residence and legal custodian, parenting time, and visitation, and all post-decree proceedings and matters arising from those cases and proceedings, except in cases that for some special reason are assigned to another judge of the court of common pleas. The judge shall be charged with the assignment and division of the work of the division and with the employment and supervision of the personnel of the division.

The judge shall designate the title, compensation, expense allowances, hours, leaves of absence, and vacations of the personnel of the division and shall fix the duties of the personnel of the division. The duties of the personnel of the

division, in addition to other statutory duties, shall include the handling, servicing, and investigation of divorce, dissolution of marriage, legal separation, and annulment cases, cases arising under Chapter 3111. of the Revised Code, and proceedings involving child support, the allocation of parental rights and responsibilities for the care of children and the designation for the children of a place of residence and legal custodian, parenting time, and visitation and providing any counseling and conciliation services that the division makes available to persons, whether or not the persons are parties to an action pending in the division, who request the services.

(BB) In Henry county, the judge of the court of common pleas whose term begins on January 1, 2005, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as the other judge of the court of common pleas of Henry county and shall be elected and designated as the judge of the court of common pleas, division of domestic relations. The judge shall have all of the powers relating to juvenile courts, and all cases under Chapter 2151. or 2152. of the Revised Code, all parentage proceedings arising under Chapter 3111. of the Revised Code over which the juvenile court has jurisdiction, all divorce, dissolution of marriage, legal separation, and annulment cases, all proceedings involving child support, the allocation of parental rights and responsibilities for the care of children and the designation for the children of a place of residence and legal custodian, parenting time, and visitation, and all post-decree proceedings and matters arising from those cases and proceedings shall be assigned to that judge, except in cases that for some special reason are assigned to the other judge of the court of common pleas.

(CC)(1) In Logan county, the judge of the court of common pleas whose term begins January 2, 2005, and the successors to that judge, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as the other judges of the court of common pleas of Logan county and shall be elected and designated as judge of the court of common pleas, domestic relations-juvenile-probate division. Except as otherwise specified in this division, that judge, and the successors to that judge, shall have all the powers relating to juvenile courts, and all cases under Chapters 2151. and 2152. of the Revised Code, all cases arising under Chapter 3111. of the Revised Code, all divorce, dissolution of marriage, legal separation, and annulment cases, all proceedings involving child support, the allocation of parental rights and responsibilities for the care of children and designation for the children of a place of residence and legal custodian, parenting time, and visitation, and all post-decree proceedings and matters arising from those cases and proceedings shall be assigned to that judge and the successors to that judge. Notwithstanding any other provision of any section of the Revised Code, on and after January 2, 2005, the judge of the court of common pleas of Logan county whose term begins on January 2, 2005, and the successors to that judge, shall have all the powers relating to the probate division of the court of common pleas of Logan county in addition to the powers previously specified in this division and shall

exercise concurrent jurisdiction with the judge of the probate division of that court over all matters that are within the jurisdiction of the probate division of that court under Chapter 2101., and other provisions, of the Revised Code in addition to the jurisdiction of the domestic relations-juvenile-probate division of that court otherwise specified in division (CC)(1) of this section.

(2) The judge of the domestic relations-juvenile-probate division of the court of common pleas of Logan county or the probate judge of the court of common pleas of Logan county who is elected as the administrative judge of the probate division of the court of common pleas of Logan county pursuant to Rule 4 of the Rules of Superintendence shall be the clerk of the probate division and juvenile division of the court of common pleas of Logan county. The clerk of the court of common pleas who is elected pursuant to section 2303.01 of the Revised Code shall keep all of the journals, records, books, papers, and files pertaining to the domestic relations cases.

(3) On and after January 2, 2005, all references in law to "the probate court," "the probate judge," "the juvenile court," or "the judge of the juvenile court" shall be construed, with respect to Logan county, as being references to both "the probate division" and the "domestic relations-juvenile-probate division" and as being references to both "the judge of the probate division" and the "judge of the domestic relations-juvenile-probate division." On and after January 2, 2005, all references in law to "the clerk of the probate court" shall be construed, with respect to Logan county, as being references to the judge who is serving pursuant to division (CC)(2) of this section as the clerk of the probate division of the court of common pleas of Logan county.

(DD) If a judge of the court of common pleas, division of domestic relations, or juvenile judge, of any of the counties mentioned in this section is sick, absent, or unable to perform that judge's judicial duties or the volume of cases pending in the judge's division necessitates it, the duties of that judge shall be performed by another judge of the court of common pleas of that county, assigned for that purpose by the presiding judge of the court of common pleas of that county to act in place of or in conjunction with that judge, as the case may require."

In line 294, delete "section" and insert "sections 2101.01,"; after "2301.02" insert ", and 2301.03"

In line 295, delete "is" and insert "are"

In line 1 of the title, delete "section" and insert "sections 2101.01,"; after "2301.02" insert ", and 2301.03"

In line 4 of the title, after "2006" insert ", to give the judges of the Domestic Relations Division of the Lorain County Court of Common Pleas jurisdiction over probate matters, to designate the successors to the Lorain County probate judge as judges of the Domestic Relations Division of the Lorain County Court of Common Pleas, to create an additional General Division judgeship for the Lorain County Court of Common Pleas to be filled initially at

the 2006 general election, and to create an additional judgeship for the Morrow County Court of Common Pleas to be filled initially at the 2006 general election"

Managers on the Part of the Senate	Managers on the Part of the House of Representatives
/S/ GARY CATES GARY CATES	/S/ JOHN WILLAMOWSKI JOHN WILLAMOWSKI
/S/ JAMES JORDAN JAMES JORDAN	/S/ BILL COLEY BILL COLEY
/S/ MARK MALLORY MARK MALLORY	/S/ SANDRA HARWOOD SANDRA HARWOOD

Said report was laid over under the rule.

On the motion of Senator Mallory, the Senate adjourned until Wednesday, June 22, 2005 at 11:00 o'clock a.m.

Attest: MATTHEW T. SCHULER,
Clerk.