

OHIO

House

of

Representatives

JOURNAL

WEDNESDAY, APRIL 9, 2003

THIRTY-EIGHTH DAY

Hall of the House of Representatives, Columbus, Ohio
Wednesday, April 9, 2003 at 1:30 o'clock p.m.

The House met pursuant to adjournment.

Prayer was offered by Reverend William Collett of the West Fork Baptist Church in Georgetown, Ohio, followed by the Pledge of Allegiance to the Flag.

The journal of yesterday was read and approved.

The following guests of the House of Representatives were recognized by Speaker Householder prior to the commencement of business:

Robert and Joyce Strommen, guests of Representative Skindell-13th district.

Heather Klump, Carol and Emily Collett, guests of Representative Niehaus-88th district.

Katie, Karen and Neal Leimbach, guests of Representative Redfern-80th district.

Susan Wish, a guest of Representative Core-83rd district.

INTRODUCTION OF BILLS

The following bills were introduced:

H. B. No. 163-Representatives Oelslager, Olman, Hagan, Raussen, Barrett, D. Evans, C. Evans, Fessler, Latta, McGregor, Perry, Hollister.

To amend sections 2929.01, 2929.13, 2929.21, and 4511.99 and to enact sections 2941.1413 and 2941.1414 of the Revised Code to provide an additional prison term or term of imprisonment for certain repeat OMVI or OMVUAC offenders and to maintain the provisions of this act on and after January 1, 2004, by amending the versions of sections 2929.01, 2929.13, and 4511.19 of the Revised Code that take effect on that date.

H. B. No. 164-Representatives Setzer, Husted, Seitz, Hollister, Koziura.

To amend sections 731.29 and 3501.38 of the Revised Code to permit the resigning of an election petition after the elector's signature is stricken and to increase the number of signatures needed on a municipal referendum petition.

Said bills were considered the first time.

CONSIDERATION OF SENATE AMENDMENTS

The Senate amendments to **Sub. H. B. No. 26**-Representative Raga, et al.,

were taken up for consideration.

Sub. H. B. No. 26-REPRESENTATIVES Raga, Schneider, Willamowski, Widowfield, Oelslager, Driehaus, Harwood, Schmidt SENATORS Blessing, Wachtmann, Schuler.

To amend sections 2151.07, 2301.02, and 2301.03 of the Revised Code to add one additional judge for the general division of the Warren County Court of Common Pleas to be elected in 2004 and to add one additional judge to the Henry County Court of Common Pleas to be elected in 2004 as judge of the domestic relations division.

The question being, "Shall the Senate amendments be concurred in?"

The yeas and nays were taken and resulted - yeas 99, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Beatty
Blasdel	Bocchieri	Book	Brinkman
Brown	Buehrer	Callender	Calvert
Carano	Carmichael	Cates	Chandler
Cirelli	Clancy	Collier	Core
Daniels	DeBose	DePiero	DeWine
Distel	Domenick	Driehaus	C. Evans
D. Evans	Faber	Fessler	Flowers
Gibbs	Gilb	Grendell	Hagan
Hartnett	Harwood	Hollister	Hoops
Hughes	Husted	Jerse	Jolivette
Kearns	Key	Kilbane	Koziura
Latta	Martin	Mason	McGregor
Miller	Niehaus	Oelslager	Olman
Otterman	S. Patton	T. Patton	Perry
Peterson	Price	Raga	Rausen
Redfern	Reidelbach	Reinhard	Schaffer
Schlichter	Schmidt	Schneider	Seaver
Seitz	Setzer	Sferra	Skindell
G. Smith	S. Smith	D. Stewart	J. Stewart
Strahorn	Sykes	Taylor	Trakas
Ujvagi	Wagner	Walcher	Webster
White	Widener	Widowfield	Willamowski
Williams	Wilson	Wolpert	Woodard
Yates	Young		Householder-99.

The Senate amendments were concurred in.

The Senate amendments to **Am. H. B. No. 92**-Representative Young, et al., were taken up for consideration.

Am. H. B. No. 92-REPRESENTATIVES Young, Core, Grendell, Hoops, Calvert, Willamowski SENATORS Nein, Harris.

To make appropriations for the Industrial Commission for the biennium beginning July 1, 2003, and ending June 30, 2005, and to provide authorization and conditions for the operation of Commission programs.

The question being, "Shall the Senate amendments be concurred in?"

The yeas and nays were taken and resulted - yeas 99, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Beatty
Blasdel	Bocchieri	Book	Brinkman
Brown	Buehrer	Callender	Calvert
Carano	Carmichael	Cates	Chandler
Cirelli	Clancy	Collier	Core
Daniels	DeBose	DePiero	DeWine
Distel	Domenick	Driehaus	C. Evans
D. Evans	Faber	Fessler	Flowers
Gibbs	Gilb	Grendell	Hagan
Hartnett	Harwood	Hollister	Hoops
Hughes	Husted	Jerse	Jolivette
Kearns	Key	Kilbane	Koziura
Latta	Martin	Mason	McGregor
Miller	Niehaus	Oelslager	Olman
Otterman	S. Patton	T. Patton	Perry
Peterson	Price	Raga	Raussen
Redfern	Reidelbach	Reinhard	Schaffer
Schlichter	Schmidt	Schneider	Seaver
Seitz	Setzer	Sferra	Skindell
G. Smith	S. Smith	D. Stewart	J. Stewart
Strahorn	Sykes	Taylor	Trakas
Ujvagi	Wagner	Walcher	Webster
White	Widener	Widowfield	Willamowski
Williams	Wilson	Wolpert	Woodard
Yates	Young		Householder-99.

The Senate amendments were concurred in.

MOTIONS AND RESOLUTIONS

Representative Cates moved that the following House resolution be brought up for immediate adoption, read by title only, and spread upon the pages of the journal.

H. R. No. 60 -Speaker Householder Representative Redfern.

RELATIVE TO TRAVEL ALLOWANCE

The motion was agreed to.

The question being on the adoption of the resolution, reading as follows:

H. R. No. 60-REPRESENTATIVES Householder, Redfern.

Relative to travel allowance.

RESOLVED, That the Chief Administrative Officer of the House of Representatives is hereby authorized to pay the following named persons travel allowance for mileage as provided by section 101.27 of the Revised Code:

NAME	DISTRICT	MILEAGE ROUND TRIP
Dean E. DePiero	#15	264
Earl Martin	#57	274
Tom Raga	#67	178
Stephen Reinhard	#82	126

The yeas and nays were taken and resulted - yeas 99, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Beatty
Blasdel	Bocchieri	Book	Brinkman
Brown	Buehrer	Callender	Calvert
Carano	Carmichael	Cates	Chandler
Cirelli	Clancy	Collier	Core
Daniels	DeBose	DePiero	DeWine
Distel	Domenick	Driehaus	C. Evans
D. Evans	Faber	Fessler	Flowers
Gibbs	Gilb	Grendell	Hagan
Hartnett	Harwood	Hollister	Hoops
Hughes	Husted	Jerse	Jolivette
Kearns	Key	Kilbane	Koziura
Latta	Martin	Mason	McGregor
Miller	Niehaus	Oelslager	Olman
Otterman	S. Patton	T. Patton	Perry
Peterson	Price	Raga	Rausen
Redfern	Reidelbach	Reinhard	Schaffer
Schlichter	Schmidt	Schneider	Seaver
Seitz	Setzer	Sferra	Skindell
G. Smith	S. Smith	D. Stewart	J. Stewart
Strahorn	Sykes	Taylor	Trakas
Ujvagi	Wagner	Walcher	Webster
White	Widener	Widowfield	Willamowski
Williams	Wilson	Wolpert	Woodard
Yates	Young		Householder-99.

The resolution was adopted.

Representative Trakas moved that majority party members asking leave to be absent or absent the week of Tuesday, April 8, 2003, be excused, so long as a written request is on file in the majority leadership offices.

The motion was agreed to.

Representative Miller moved that minority party members asking leave to be absent or absent the week of Tuesday, April 8, 2003, be excused, so long as a written request is on file in the minority leadership offices.

The motion was agreed to.

On motion of Representative Cates, the House recessed.

The House met pursuant to recess.

BILLS FOR THIRD CONSIDERATION

Sub. H. B. No. 95-Representative Calvert.

To amend sections 9.01, 9.83, 101.34, 101.72, 101.82, 102.02, 109.57, 109.572, 117.45, 121.04, 121.08, 121.084, 121.62, 122.011, 122.04, 122.08, 122.25, 122.651, 122.658, 122.87, 122.88, 123.01, 124.03, 124.05, 125.05, 125.06, 125.07, 125.15, 125.22, 125.91, 125.92, 125.93, 125.95, 125.96, 125.98, 126.03, 127.16, 131.02, 131.23, 131.35, 135.22, 147.01, 147.37, 149.011, 149.30, 149.33, 149.331, 149.332, 149.333, 149.34, 149.35, 153.65, 164.27, 173.26, 175.03, 175.21, 175.22, 183.02, 307.86, 307.87, 307.93, 311.17, 323.01, 325.31, 329.03, 329.04, 329.051, 340.021, 340.03, 341.05, 341.25, 504.03, 504.04, 507.09, 715.013, 718.01, 718.02, 718.05, 718.11, 753.22, 901.17, 901.21, 921.151, 921.53, 927.69, 1309.109, 1321.21, 1333.99, 1501.04, 1503.05, 1513.05, 1519.05, 1521.06, 1521.063, 1531.26, 1533.08, 1533.10, 1533.101, 1533.11, 1533.111, 1533.112, 1533.12, 1533.13, 1533.151, 1533.19, 1533.23, 1533.301, 1533.32, 1533.35, 1533.40, 1533.54, 1533.631, 1533.632, 1533.71, 1533.82, 1551.11, 1551.12, 1551.15, 1551.311, 1551.32, 1551.33, 1551.35, 1555.02, 1555.03, 1555.04, 1555.05, 1555.06, 1555.08, 1555.17, 2101.16, 2117.06, 2117.25, 2151.011, 2151.352, 2151.3529, 2151.3530, 2151.83, 2151.84, 2301.58, 2305.234, 2329.07, 2329.66, 2715.041, 2715.045, 2716.13, 2743.02, 2921.13, 2929.38, 2935.36, 2949.091, 3111.04, 3111.72, 3119.01, 3123.952, 3301.52, 3301.53, 3301.54, 3301.55, 3301.57, 3301.58, 3311.24, 3311.52, 3313.41, 3313.48, 3313.533, 3313.62, 3313.647, 3313.90, 3313.979, 3313.981, 3314.02, 3314.03, 3314.041, 3314.07, 3314.08, 3316.08, 3317.01, 3317.012, 3317.013, 3317.02, 3317.022, 3317.023, 3317.024, 3317.029, 3317.0217, 3317.03, 3317.032, 3317.05, 3317.06, 3317.064, 3317.07, 3317.081, 3317.09, 3317.10, 3317.16, 3318.01, 3318.03, 3318.033, 3318.37, 3318.41, 3319.01, 3319.02, 3319.03, 3319.07, 3319.19, 3319.22, 3319.227, 3319.302, 3319.33, 3319.36, 3323.12, 3323.16, 3327.01, 3327.011, 3329.06, 3329.08, 3332.04, 3333.12, 3361.01, 3365.04, 3377.01, 3377.06, 3383.01, 3383.07, 3501.18, 3501.30, 3503.10, 3505.08, 3517.092, 3517.152, 3701.021, 3701.022, 3701.024, 3701.141, 3701.145, 3701.46, 3702.31, 3702.68, 3702.74, 3705.01, 3705.02, 3705.06, 3705.07, 3705.08, 3705.16, 3705.17, 3705.22, 3705.23, 3705.24, 3705.26, 3705.28, 3709.09, 3710.05, 3711.021, 3717.42, 3721.02, 3721.19, 3727.17, 3733.43, 3733.45, 3734.02, 3734.05, 3734.12, 3734.123, 3734.124, 3734.18, 3734.28, 3734.42, 3734.44, 3734.46, 3734.57, 3737.01, 3737.02, 3737.21, 3737.22, 3737.71, 3737.81, 3737.88, 3737.881, 3737.882, 3737.883, 3737.89, 3737.91, 3737.92, 3737.98, 3741.14, 3743.57, 3743.75, 3745.04, 3745.11, 3745.14, 3745.40, 3746.02, 3746.13, 3748.07, 3748.13, 3769.02, 3770.07, 3770.10, 3770.99, 3773.33, 3773.43, 3781.19, 3901.86, 4104.01, 4104.02, 4104.04, 4104.06, 4104.07, 4104.08, 4104.15, 4104.18, 4104.19, 4104.20, 4104.41, 4104.44, 4104.45, 4104.46, 4105.17, 4112.03, 4112.15, 4115.10, 4117.02, 4117.14, 4121.12, 4123.27, 4123.41, 4141.04, 4141.09, 4503.234, 4511.191, 4511.75, 4561.18, 4561.21, 4707.071, 4707.072, 4707.10, 4709.12, 4717.01, 4717.07, 4717.09, 4719.01, 4723.06, 4723.08, 4723.082, 4723.17, 4725.01, 4725.02, 4725.03, 4725.04, 4725.05, 4725.06, 4725.07, 4725.08, 4725.09, 4725.10, 4725.11, 4725.12, 4725.13, 4725.15, 4725.16, 4725.17, 4725.171, 4725.18, 4725.19, 4725.20, 4725.21, 4725.22, 4725.23, 4725.24,

4725.26, 4725.27, 4725.28, 4725.29, 4725.31, 4725.33, 4725.34, 4725.99, 4731.65, 4731.71, 4734.15, 4734.99, 4736.12, 4743.05, 4747.05, 4747.06, 4747.07, 4747.10, 4751.06, 4751.07, 4759.08, 4771.22, 4779.08, 4779.09, 4779.10, 4779.11, 4779.12, 4779.15, 4779.16, 4779.17, 4779.18, 4779.20, 4779.21, 4779.22, 4779.23, 4779.24, 4779.25, 4779.26, 4779.27, 4779.30, 4779.32, 4779.33, 4903.24, 4905.79, 4905.91, 4919.79, 4931.45, 4931.47, 4931.48, 4973.17, 5101.11, 5101.14, 5101.141, 5101.142, 5101.144, 5101.145, 5101.146, 5101.16, 5101.18, 5101.181, 5101.36, 5101.58, 5101.59, 5101.75, 5101.80, 5101.83, 5101.97, 5103.031, 5103.033, 5103.034, 5103.036, 5103.037, 5103.038, 5103.0312, 5103.0313, 5103.0314, 5103.0315, 5103.0316, 5103.154, 5104.01, 5104.011, 5104.02, 5104.04, 5104.30, 5104.32, 5107.02, 5107.30, 5107.37, 5107.40, 5107.60, 5108.01, 5108.03, 5108.06, 5108.07, 5108.09, 5108.10, 5111.016, 5111.019, 5111.0112, 5111.02, 5111.022, 5111.03, 5111.06, 5111.111, 5111.17, 5111.171, 5111.20, 5111.21, 5111.22, 5111.23, 5111.24, 5111.25, 5111.251, 5111.252, 5111.262, 5111.29, 5111.30, 5111.31, 5111.34, 5111.81, 5111.85, 5111.87, 5111.871, 5111.872, 5111.873, 5111.94, 5112.03, 5112.08, 5112.17, 5112.31, 5112.99, 5115.01, 5115.02, 5115.03, 5115.04, 5115.05, 5115.07, 5115.10, 5115.11, 5115.13, 5115.15, 5115.20, 5119.61, 5119.611, 5123.01, 5123.051, 5123.19, 5123.35, 5123.60, 5123.801, 5126.01, 5126.042, 5126.12, 5139.36, 5139.41, 5139.87, 5153.163, 5153.60, 5153.69, 5153.72, 5153.78, 5502.13, 5513.01, 5515.07, 5703.03, 5705.39, 5705.41, 5709.62, 5709.63, 5709.632, 5709.64, 5713.10, 5717.03, 5727.111, 5727.30, 5727.32, 5727.33, 5733.04, 5733.05, 5733.056, 5733.09, 5733.121, 5733.98, 5735.05, 5735.23, 5735.26, 5735.291, 5735.30, 5739.01, 5739.011, 5739.02, 5739.12, 5741.02, 5745.01, 5745.02, 5745.04, 5747.12, 5903.12, 6109.21, and 6117.02; to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 3301.33 (3301.40), 3701.145 (3701.0210), 4104.46 (4104.48), 5108.06 (5108.04), 5108.07 (5108.05), 5111.08 (5111.071), 5111.16 (5111.08), 5111.252 (5123.199), 5115.02 (5115.04), 5115.04 (5115.02), 5115.07 (5115.06), 5115.13 (5115.07), and 5115.15 (5115.23); to amend Section 3 of Am. Sub. S.B. 272 of the 123rd General Assembly, as subsequently amended; to amend for the purpose of changing the number of Section 3 of Am. Sub. S.B. 272 of the 123rd General Assembly, as subsequently amended, to section 3318.364 of the Revised Code; to enact new sections 125.831, 718.03, 3301.31, 3301.33, 3313.481, 3317.11, 3318.052, 4104.42, 4104.43, 4104.46, 5108.06, 5108.07, 5111.16, 5111.173, and 5115.13 and sections 9.75, 106.01, 106.02, 106.03, 106.04, 106.05, 107.12, 107.31, 107.32, 107.33, 122.90, 123.152, 123.153, 125.073, 125.832, 125.833, 125.834, 153.691, 173.08, 511.181, 718.021, 718.031, 718.051, 718.121, 927.701, 2113.041, 2117.061, 3301.20, 3301.34, 3301.35, 3301.36, 3301.37, 3314.083, 3317.034, 3318.024, 3318.34, 3333.16, 3501.011, 3701.029, 3701.61, 3702.63, 3705.201, 3741.15, 3745.15, 3770.073, 4104.47, 4115.21, 4707.24, 4723.063, 5101.12, 5101.1410, 5101.214, 5103.155, 5108.11, 5108.12, 5111.0113, 5111.025, 5111.083, 5111.172, 5111.174, 5111.175, 5111.206, 5111.222, 5111.65, 5111.66, 5111.661, 5111.67, 5111.671, 5111.672, 5111.673, 5111.674, 5111.675, 5111.676, 5111.677, 5111.68, 5111.681, 5111.682, 5111.683, 5111.684,

5111.685, 5111.686, 5111.687, 5111.688, 5111.689, 5111.6810, 5111.911, 5111.912, 5111.913, 5111.95, 5111.96, 5111.97, 5115.12, 5115.14, 5115.22, 5123.196, 5123.197, 5123.198, 5123.1910, 5123.38, 5123.851, 5515.08, 5717.011, 5733.55, 5733.56, 5733.57, 5735.053, 5745.042, 5745.044, and 5747.026; and to repeal sections 122.12, 125.831, 125.931, 125.932, 125.933, 125.934, 125.935, 131.38, 173.45, 173.46, 173.47, 173.48, 173.49, 173.50, 173.51, 173.52, 173.53, 173.54, 173.55, 173.56, 173.57, 173.58, 173.59, 504.21, 718.03, 1333.96, 1533.06, 1533.39, 1553.01, 1553.02, 1553.03, 1553.04, 1553.05, 1553.06, 1553.07, 1553.08, 1553.09, 1553.10, 1553.99, 2305.26, 3301.0719, 3301.078, 3301.0724, 3301.31, 3301.581, 3302.041, 3313.481, 3313.482, 3313.82, 3313.83, 3313.99, 3317.11, 3318.052, 3318.35, 3318.351, 3319.06, 3319.34, 3701.142, 3701.144, 4104.42, 4104.43, 4141.044, 4141.045, 4725.40, 4725.41, 4725.42, 4725.43, 4725.44, 4725.45, 4725.46, 4725.47, 4725.48, 4725.49, 4725.50, 4725.51, 4725.52, 4725.53, 4725.531, 4725.54, 4725.55, 4725.56, 4725.57, 4725.58, 4725.59, 4779.05, 4779.06, 4779.07, 5101.251, 5108.05, 5111.017, 5111.173, 5115.011, 5115.012, 5115.06, 5115.061, 5115.13, 5727.39, and 5727.44 of the Revised Code; to amend Section 63.37 of Am. Sub. H.B. 94 of the 124th General Assembly, as subsequently amended; to amend Section 7 of Sub. H.B. 196 of the 124th General Assembly; to amend Section 5 of Am. Sub. H.B. 524 of the 124th General Assembly; to amend Sections 18.03 and 18.04 of H.B. 675 of the 124th General Assembly; to amend Sections 10 and 14 of Am. Sub. S.B. 242 of the 124th General Assembly; to amend Section 3 of Am. Sub. H.B. 215 of the 122nd General Assembly, as subsequently amended; to amend Section 3 of Am. Sub. H.B. 621 of the 122nd General Assembly, as subsequently amended; to amend Section 153 of Am. Sub. H.B. 117 of the 121st General Assembly, as subsequently amended; to amend Section 27 of Sub H.B. 670 of the 121st General Assembly, as subsequently amended; to amend Section 5 of Am. Sub. S.B. 50 of the 121st General Assembly, as subsequently amended; to repeal Section 129 of Am. Sub. H.B. 283 of the 123rd General Assembly, as subsequently amended; to repeal Section 3 of Sub. H.B. 403 of the 123rd General Assembly; and to repeal Section 11 of Am. Sub. S.B. 50 of the 121st General Assembly, as subsequently amended; to levy taxes and provide for implementation of those levies, to make operating appropriations for the biennium beginning July 1, 2003, and ending June 30, 2005, and to provide authorization and conditions for the operation of state programs; to amend the version of section 921.22 of the Revised Code that is scheduled to take effect July 1, 2004, to continue the provisions of this act on and after that effective date; to amend the version of section 2305.234 of the Revised Code that is scheduled to take effect January 1, 2004, to continue the provisions of this act on and after that effective date; to amend the version of section 3332.04 of the Revised Code that is scheduled to take effect July 1, 2003; to amend the version of section 3734.44 of the Revised Code that is scheduled to take effect January 1, 2004, to continue the provisions of this act on and after that effective date; to amend the versions of sections 4503.234, 4511.191, and 4511.75 of the Revised Code that are scheduled to take effect January 1, 2004; and to terminate certain provisions of this act on December 31, 2013, by

repealing section 4723.063 of the Revised Code on that date, was taken up for consideration the third time.

Representative Calvert moved to amend as follows:

In line 19369, strike through "School Building Assistance".

In line 19370, strike through "Expedited Local Partnership Program" and insert "school building assistance expedited local partnership program".

In line 19371, strike through "School Facilities Commission" and insert "school facilities commission".

In lines 19377 and 19379, strike through "Commission" and insert "commission".

In line 19382, strike through "Commission's" and insert "commission's".

The motion was agreed to and the bill so amended.

The question being, "Shall the bill as amended pass?"

Representative Hartnett moved to amend as follows:

In line 63813, after "2003," insert "and except for community colleges and technical colleges where a new program or project will accompany an economic development initiative,"

The question being, "Shall the motion to amend be agreed to?"

Representative Hughes moved that the motion be laid on the table.

The question being, "Shall the motion to amend be laid on the table?"

The yeas and nays were taken and resulted - yeas 58, nays 41, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Blasdel	Buehrer	Callender
Calvert	Carmichael	Cates	Clancy
Collier	Core	Daniels	DeWine
D. Evans	Faber	Fessler	Flowers
Gibbs	Gilb	Grendell	Hagan
Hoops	Hughes	Husted	Jolivet
Kearns	Kilbane	Latta	Martin
McGregor	Oelslager	Olman	T. Patton
Peterson	Raga	Raussen	Reidelbach
Reinhard	Schaffer	Schlichter	Schmidt
Schneider	Seitz	Setzer	G. Smith
J. Stewart	Taylor	Trakas	Wagner
Walcher	Webster	White	Widener
Widowfield	Willamowski	Williams	Wolpert
Young			Householder-58.

Those who voted in the negative were: Representatives

Allen	Barrett	Beatty	Bocchieri
Book	Brinkman	Brown	Carano
Chandler	Cirelli	DeBose	DePiero

Distel	Domenick	Driehaus	C. Evans
Hartnett	Harwood	Hollister	Jerse
Key	Koziura	Mason	Miller
Niehaus	Otterman	S. Patton	Perry
Price	Redfern	Seaver	Sferra
Skindell	S. Smith	D. Stewart	Strahorn
Sykes	Ujvagi	Wilson	Woodard
			Yates-41.

The motion to amend was laid on the table.

The question recurring, "Shall the bill as amended pass?"

Representative Miller moved to amend as follows:

In line 5381, strike through "(1)".

In line 5383, strike through "2006" and insert "2009"; strike through "2012" and insert "2015".

Between lines 5395 and 5396, insert:

<u>2007</u>	<u>59.79</u>
<u>2008</u>	<u>62.47</u>
<u>2009</u>	<u>66.99</u>

In line 5396, strike through "2012" and insert "2015".

Strike through lines 5397 through 5409.

In line 5410, strike through "assembly."; delete "Of the net amounts credited to the tobacco master".

Delete lines 5411 through 5416.

In line 5429, strike through "2011" and insert "2014".

In line 5442, strike through "17.39" and insert "10.80".

Between lines 5442 and 5443, insert:

<u>2008</u>	<u>9.68</u>
<u>2009</u>	<u>7.50</u>
<u>2010</u>	<u>17.39</u>

In line 5443, strike through "2008" and insert "2011"; strike through "2011" and insert "2014".

In line 5471, strike through "19.83" and insert "6.79".

In line 5472, strike through "19.66" and insert "6.90".

In line 5473, strike through "20.48" and insert "7.82".

Between lines 5473 and 5474, insert:

<u>2010</u>	<u>19.83</u>
<u>2011</u>	<u>19.66</u>

201220.48"

In line 5474, strike through "2010" and insert "2013".

In line 5475, strike through "2011" and insert "2014".

In line 5476, strike through "2012" and insert "2015".

In line 5502, strike through "49.57" and insert "13.29".

Between lines 5502 and 5503, insert:

" <u>2008</u>	<u>12.73</u>
<u>2009</u>	<u>13.78</u>
<u>2010</u>	<u>49.57"</u>

In line 5503, strike through "2008" and insert "2011"; strike through "2011" and insert "2014".

In line 5504, strike through "2012" and insert "2015".

Between lines 5516 and 5517, insert:

" <u>2007</u>	<u>185,804,475.78</u>
<u>2008</u>	<u>180,561,673.11</u>
<u>2009</u>	<u>122,778,219.49"</u>

In line 5517, strike through "2007" and insert "2010".

In line 5518, strike through "2008" and insert "2011"; strike through "2011" and insert "2014".

In line 5519, strike through "2012" and insert "2015".

In line 5521, strike through "2012" and insert "2015".

In line 5524, strike through "2013" and insert "2016"; strike through "2025" and insert "2028".

In line 5528, strike through "2013" and insert "2016".

In line 5529, strike through "2014" and insert "2017".

In line 5530, strike through "2015" and insert "2018"; strike through "2025" and insert "2028".

Between lines 5542 and 5543, insert:

" <u>2007</u>	<u>9.33</u>
<u>2008</u>	<u>8.22</u>
<u>2009</u>	<u>3.91"</u>

In line 5543, strike through "2007" and insert "2010".

In line 5544, strike through "2008" and insert "2011".

In line 5545, strike through "2009" and insert "2012".

In line 5546, strike through "2010" and insert "2013".

In line 5547, strike through "2011" and insert "2014".

In line 5548, strike through "2012" and insert "2015".

In line 5549 and 5558, strike through "2025" and insert "2028".

In line 5566, strike through "2012" and insert "2015".

The question being, "Shall the motion be agreed to?"

Representative Calvert moved that the motion be laid on the table.

The question being, "Shall the motion to amend be laid on the table?"

The yeas and nays were taken and resulted - yeas 59, nays 40, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Blasdel	Buehrer	Callender
Calvert	Carmichael	Cates	Clancy
Collier	Core	Daniels	DeWine
D. Evans	Faber	Fessler	Flowers
Gibbs	Gilb	Grendell	Hagan
Hollister	Hoops	Hughes	Husted
Jolivette	Kearns	Kilbane	Latta
Mason	McGregor	Niehaus	Oelslager
Olman	T. Patton	Peterson	Raga
Rausen	Reidelbach	Reinhard	Schaffer
Schlichter	Schmidt	Schneider	Seitz
Setzer	G. Smith	Taylor	Trakas
Wagner	Walcher	Webster	White
Widener	Widowfield	Willamowski	Williams
Wolpert	Young		Householder-59.

Those who voted in the negative were: Representatives

Allen	Barrett	Beatty	Bocchieri
Book	Brinkman	Brown	Carano
Chandler	Cirelli	DeBose	DePiero
Distel	Domenick	Driehaus	C. Evans
Hartnett	Harwood	Jerse	Key
Koziura	Martin	Miller	Otterman
S. Patton	Perry	Price	Redfern
Seaver	Sferra	Skindell	S. Smith
D. Stewart	J. Stewart	Strahorn	Sykes
Ujvagi	Wilson	Woodard	Yates-40.

The motion to amend was laid on the table.

The question recurring, "Shall the bill as amended pass?"

Representative Miller moved to amend as follows:

Between lines 61280 and 61281, insert:

"Section _____. OHIO ALLIANCE OF BOYS AND GIRLS CLUBS

Of the foregoing appropriation item 600-659, TANF/Title XX (Fund 3W3), the Department of Job and Family Services shall use up \$600,000 in each fiscal year to support expenditures of the Ohio Alliance of Boys and Girls

Clubs to provide nutritional meals, snacks, and educational and enrichment services to children participating in programs and activities operated by eligible Boys and Girls Clubs.

The Department of Job and Family Services shall provide an annual grant of \$600,000 in each fiscal year to the Ohio Alliance of Boys and Girls Clubs. As soon as possible after entering into a grant agreement at the beginning of each fiscal year, the Department of Job and Family Services shall distribute the grant funds in one single payment. The Department of Job and Family Services and the Ohio Alliance of Boys and Girls Clubs shall agree on reporting requirements to be incorporated into the grant agreement.

The Ohio Alliance of Boys and Girls Clubs shall return any fiscal year 2004 funds from this grant remaining unspent on June 30, 2004, to the Ohio Department of Job and Family Services not later than November 1, 2004. The Ohio Alliance of Boys and Girls Clubs shall return any fiscal year 2005 funds from this grant remaining unspent on June 30, 2005, to the Ohio Department of Job and Family Services not later than November 1, 2005."

Renumber uncodified sections accordingly.

The question being, "Shall the motion to amend be agreed to?"

Representative Hoops moved that the motion be laid on the table.

The question being, "Shall the motion to amend be laid on the table?"

The yeas and nays were taken and resulted - yeas 58, nays 41, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Blasdel	Buehrer	Callender
Calvert	Carmichael	Cates	Clancy
Collier	Core	Daniels	DeWine
C. Evans	D. Evans	Faber	Fessler
Flowers	Gibbs	Gilb	Grendell
Hagan	Hollister	Hoops	Hughes
Husted	Jolivette	Kearns	Kilbane
Latta	Martin	McGregor	Oelslager
Olman	T. Patton	Peterson	Raga
Raussen	Reidelbach	Reinhard	Schaffer
Schlichter	Schmidt	Schneider	Setzer
G. Smith	Taylor	Trakas	Wagner
Walcher	Webster	White	Widener
Widowfield	Willamowski	Williams	Wolpert
Young			Householder-58.

Those who voted in the negative were: Representatives

Allen	Barrett	Beatty	Bocchieri
Book	Brinkman	Brown	Carano
Chandler	Cirelli	DeBose	DePiero
Distel	Domenick	Driehaus	Hartnett
Harwood	Jerse	Key	Koziura
Mason	Miller	Niehaus	Otterman
S. Patton	Perry	Price	Redfern

Seaver	Seitz	Sferra	Skindell
S. Smith	D. Stewart	J. Stewart	Strahorn
Sykes	Ujvagi	Wilson	Woodard
			Yates-41.

The motion to amend was laid on the table.

The question recurring, "Shall the bill as amended pass?"

Representative Boccieri moved to amend as follows:

In line 251, delete "3503.10,".

Delete lines 21629 through 21792.

In line 55159, delete "3503.10,".

In line 43 of the title, delete "3503.10,".

The question being, "Shall the motion to amend be agreed to?"

Representative Hoops moved that the motion be laid on the table.

The question being, "Shall the motion to amend be laid on the table?"

The yeas and nays were taken and resulted - yeas 59, nays 40, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Blasdel	Buehrer	Calvert
Carmichael	Cates	Clancy	Collier
Core	Daniels	DeWine	C. Evans
D. Evans	Faber	Fessler	Flowers
Gibbs	Gilb	Grendell	Hagan
Hollister	Hoops	Hughes	Husted
Jolivette	Kearns	Kilbane	Latta
Martin	McGregor	Niehaus	Olman
T. Patton	Peterson	Raga	Rausen
Reidelbach	Reinhard	Schaffer	Schlichter
Schmidt	Schneider	Seitz	Setzer
G. Smith	J. Stewart	Taylor	Trakas
Wagner	Walcher	Webster	White
Widener	Widowfield	Willamowski	Williams
Wolpert	Young		Householder-59.

Those who voted in the negative were: Representatives

Allen	Barrett	Beatty	Boccieri
Book	Brinkman	Brown	Callender
Carano	Chandler	Cirelli	DeBose
DePiero	Distel	Domenick	Driehaus
Hartnett	Harwood	Jerse	Key
Koziura	Mason	Miller	Oelsluger
Otterman	S. Patton	Perry	Price
Redfern	Seaver	Sferra	Skindell
S. Smith	D. Stewart	Strahorn	Sykes
Ujvagi	Wilson	Woodard	Yates-40.

The motion to amend was laid on the table.

The question recurring, "Shall the bill as amended pass?"

Representative Yates moved to amend as follows:

Between lines 7546 and 7547, insert:

"(H) Taxes are not considered collected under this section until the municipal corporation receives all paper returns, paper reports, and other paper forms for audit purposes."

The question being, "Shall the motion to amend be agreed to?"

Representative Calvert moved that the motion be laid on the table.

The question being, "Shall the motion to amend be laid on the table?"

The yeas and nays were taken and resulted - yeas 58, nays 41, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Blasdel	Buehrer	Callender
Calvert	Carmichael	Cates	Clancy
Collier	Core	Daniels	DeWine
C. Evans	D. Evans	Faber	Fessler
Flowers	Gibbs	Gilb	Grendell
Hagan	Hoops	Hughes	Husted
Jolivette	Kearns	Kilbane	Latta
Martin	McGregor	Niehaus	Oelslager
Olman	T. Patton	Peterson	Raga
Reidelbach	Reinhard	Schaffer	Schlichter
Schmidt	Seitz	Setzer	Sferra
G. Smith	J. Stewart	Taylor	Trakas
Wagner	Walcher	Webster	White
Widener	Widowfield	Willamowski	Williams
Wolpert			Householder-58.

Those who voted in the negative were: Representatives

Allen	Barrett	Beatty	Bocchieri
Book	Brinkman	Brown	Carano
Chandler	Cirelli	DeBose	DePiero
Distel	Domenick	Driehaus	Hartnett
Harwood	Hollister	Jerse	Key
Koziura	Mason	Miller	Otterman
S. Patton	Perry	Price	Rausen
Redfern	Schneider	Seaver	Skindell
S. Smith	D. Stewart	Strahorn	Sykes
Ujvagi	Wilson	Woodard	Yates
			Young-41.

The motion to amend was laid on the table.

The question recurring, "Shall the bill as amended pass?"

Representative Driehaus moved to amend as follows:

In line 312, after "9.75," insert "101.91, 101.92, 101.921, 101.922, 101.923, 101.924, 101.925, 101.926, 101.927,"

Between lines 801 and 802, insert:

"Sec. 101.91. As used in sections 101.91, 101.92, and 101.921 to 101.927 of the Revised Code, "tax expenditure" means a statutory provision, however denominated, that exempts certain persons, property, goods, or services, in whole or in part, from the operation of a tax.

Sec. 101.92. A tax expenditure created on or after January 1, 2003, expires at the end of the thirty-first day of December of the fifth year after the year in which it was created, unless, before its expiration date, it is renewed under section 101.922 of the Revised Code. A tax expenditure does not apply to taxable years that begin in the year the tax expenditure expires.

Sec. 101.921. An act creating a tax expenditure shall specify:

- (A) The purpose served by the tax expenditure;
- (B) The date on which the tax expenditure expires;
- (C) The class of taxpayers that will benefit from the tax expenditure; and
- (D) Methods to be used to appraise the tax expenditure's effectiveness in serving its purpose.

Division (D) of this section may be fulfilled by applying general statutes or by enacting statutory provisions that apply particularly to the tax expenditure.

Sec. 101.922. The general assembly may renew a tax expenditure by enacting an act that:

- (A) Addresses only that subject;
- (B) Fulfills the criteria specified in section 101.921 of the Revised Code, including specifying a new expiration date for the tax expenditure; and
- (C) Improves the tax expenditure's effectiveness in serving its purpose; redefines the tax expenditure's purpose to serve or better serve a public need; retains or improves the statutes that enhance, or amends or repeals statutes that impede, the tax expenditure's effectiveness in serving its purpose; improves the tax expenditure's effectiveness in promoting economic growth and development; reduces the amount of revenue lost as a result of the tax expenditure; or re-enacts the tax expenditure to continue it without change.

Housekeeping repeal of a tax expenditure that has expired shall not be combined in an act renewing a tax expenditure.

Sec. 101.923. Not later than the date that is twenty-four months before a tax expenditure expires, the tax commissioner shall notify the tax expenditure sunset review committee of the tax expenditure's expiration. The committee thereupon shall prepare a schedule for appraising the tax expenditure so that the appraisal and the report required under section 101.926 of the Revised Code will

be completed not later than the date that is twelve months before the tax expenditure expires. The schedule shall provide for a public hearing on the tax expenditure. The committee chairperson shall send a copy of the schedule to the tax commissioner, and the commissioner shall publish the schedule in the register of Ohio.

Sec. 101.924. (A) For each tax expenditure scheduled for appraisal by the tax expenditure sunset review committee, the tax commissioner, and any other state official responsible for administering the tax expenditure, shall submit to the committee a report that:

- (1) Explains the tax expenditure's purpose;
- (2) Expresses an opinion as to the public need for the tax expenditure;
- (3) Expresses an opinion as to whether the tax expenditure has been impeded or enhanced by existing statutes;
- (4) Describes how, if at all, the tax expenditure promotes economic growth and development;
- (5) Provides an estimate of the amount of tax revenue lost each fiscal year as a result of the tax expenditure;
- (6) Expresses an opinion as to whether the tax expenditure should be allowed to expire or be renewed;
- (7) Contains any other information relevant to the committee's appraisal of the tax expenditure.

The report shall be submitted to the committee on or before the date scheduled for the tax expenditure's public hearing under section 101.923 of the Revised Code.

(B) Each year, beginning in 2003, the legislative service commission shall prepare and submit to the committee a report that describes each tax expenditure created on or after January 1, 2003, or renewed under section 101.922 of the Revised Code; identifies the tax expenditure's intended purpose; and appraises the tax expenditure's effectiveness using the methods prescribed in the act creating the tax expenditure.

Sec. 101.925. At the time and place specified in the schedule, the tax expenditure sunset review committee shall hold a public hearing on the tax expenditure, at which any person may present testimony or tangible evidence relevant to the tax expenditure. After the hearing, the committee shall appraise the tax expenditure. In making its appraisal, the committee shall consider the reports submitted under section 101.924 of the Revised Code and knowledge gleaned from the hearing, but is not limited to these sources. Upon the committee's request, the department of taxation, office of budget and management, and any other state agency shall provide the committee with any information in its possession the committee requires to appraise the tax expenditure. The legislative service commission shall provide drafting and

clerical support to the committee.

Sec. 101.926. The tax expenditure sunset review committee shall prepare a report of its appraisal of a tax expenditure that contains:

(A) A statement of the purpose served by the tax expenditure;

(B) An appraisal of the tax expenditure's effectiveness in serving its purpose;

(C) An evaluation of whether the tax expenditure's purpose serves a public need;

(D) An evaluation of whether other statutes have enhanced or impeded the tax expenditure's effectiveness in serving its purpose;

(E) An appraisal of whether the tax expenditure promotes economic growth and development;

(F) An estimate of the amount of revenue lost each fiscal year because of the tax expenditure;

(G) A recommendation as to whether the tax expenditure should be allowed to expire or be renewed; and

(H) Any other information the committee considers relevant.

In an appendix to its report, the committee shall include a draft of a bill that would implement its recommendation under division (G) of this section and, if the tax expenditure is recommended for renewal, section 101.922 of the Revised Code. If the committee recommends renewal of the tax expenditure, the appendix shall include a commentary to the bill draft explaining how renewal of the tax expenditure will fulfill the criteria specified in division (C) of section 101.922 of the Revised Code.

The committee shall provide a copy of the report to the governor, the tax commissioner, the director of budget and management, and each member of the general assembly. The report is a public record.

Sec. 101.927. There is hereby created the tax expenditure sunset review committee composed of nine members. The president of the senate, within fifteen days after the first day of the first regular session of the general assembly, shall appoint three members of the senate to the committee, not more than two of whom are members of the same political party. The speaker of the house of representatives, within fifteen days after the first day of the first regular session of the general assembly, shall appoint three members of the house of representatives to the committee, not more than two of whom are members of the same political party. The governor, within fifteen days after the first day of the first regular session of the general assembly and with the advice and consent of the senate, shall appoint three members to the committee, not more than two of whom are members of the same political party. Members of the committee may not be reappointed to successive terms.

Legislative members of the committee hold office until their successors are appointed or until they earlier cease to be members of the senate or house of representatives, as the case may be. Members appointed by the governor hold office for terms ending on the thirty-first day of December of each even-numbered year. A member appointed by the governor continues to hold office after the expiration of the member's term until the member's successor is appointed, or until thirty days have elapsed, whichever occurs first.

In the first regular session of the general assembly, the committee shall elect a member of the house of representatives as chairperson of the committee and a member of the senate as vice-chairperson of the committee. In the second regular session of the general assembly, the committee shall elect a member of the senate as chairperson of the committee and a member of the house of representatives as vice-chairperson of the committee.

A vacancy on the committee shall be filled in the same manner as the original appointment. A member appointed to fill a vacancy occurring prior to the expiration of the term to which the member's predecessor was appointed holds office for the remainder of the unexpired term.

Members of the committee shall serve without compensation, but shall be reimbursed for actual and necessary expenses they incur in performance of their duties.

The committee shall meet as often as necessary to perform its duties.

Five members of the committee constitute a quorum. The committee shall not take any action without the concurrence of at least five members. So long as a quorum is present, a vacancy on the committee does not impair the ability of the remaining members to perform the committee's duties."

Between lines 67919 and 67920, insert:

"**Section** ____ . A tax expenditure in existence on January 1, 2003, expires at the end of December 31, 2004, unless, before that expiration date, it is renewed under section 101.922 of the Revised Code. A tax expenditure in existence on January 1, 2003, that expires does not apply to taxable years beginning in 2004.

Section ____ . On or before January 1, 2004, the Tax Commissioner shall prepare a list of the tax expenditures in existence on January 1, 2003, and shall provide a copy of the list to the chairperson of the Tax Expenditure Sunset Review Committee. The Committee thereupon shall prepare a schedule under section 101.923 of the Revised Code for appraising the listed tax expenditures so that the appraisal and the report required under section 101.926 of the Revised Code will be completed not later than November 1, 2004. The schedule shall provide for a public hearing on each tax expenditure. The chairperson of the Committee shall send a copy of the schedule to the Tax Commissioner, and the Tax Commissioner shall publish the schedule in the Register of Ohio. On or before the date scheduled for a tax expenditure's public hearing, the Tax Commissioner, and any other state official responsible for administering the tax

expenditure, shall submit the reports required under division (A) of section 101.924 of the Revised Code. The Committee shall proceed to appraise the listed tax expenditures under section 101.925 of the Revised Code, and to report upon its appraisal of the listed tax expenditures under section 101.926 of the Revised Code.

Section ____. (A) Not later than thirty days after the effective date of this section, the Governor, with the advice and consent of the Senate, shall make initial appointments to the Tax Expenditure Sunset Review Committee under section 101.927 of the Revised Code. The members thus appointed hold office for terms ending on December 31, 2004. Thereafter, gubernatorial appointments and terms of office shall be as prescribed in section 101.927 of the Revised Code.

(B) Not later than thirty days after the effective date of this act, the President of the Senate and the Speaker of the House of Representatives shall make initial appointments to the Tax Expenditure Sunset Review Committee under section 101.927 of the Revised Code. The members thus appointed hold office for terms ending as prescribed in section 101.927 of the Revised Code."

Renumber uncodified sections accordingly

In line 68041, after "sections" insert "101.91, 101.92, 101.921, 101.922, 101.923, 101.924, 101.925, 101.926, 101.927,"

In line 129 of the title, after "9.75," insert "101.91, 101.92, 101.921, 101.922, 101.923, 101.924, 101.925, 101.926, 101.927,"

The question being, "Shall the motion to amend be agreed to?"

Representative Calvert moved that the motion be laid on the table.

The question being, "Shall the motion to amend be laid on the table?"

The yeas and nays were taken and resulted - yeas 56, nays 43, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Blasdel	Buehrer	Callender
Calvert	Carmichael	Cates	Clancy
Collier	Core	Daniels	DeWine
C. Evans	D. Evans	Fessler	Flowers
Gibbs	Gilb	Hagan	Hoops
Hughes	Husted	Jolivette	Kearns
Kilbane	Latta	Martin	McGregor
Oelslager	Olman	T. Patton	Peterson
Raga	Reidelbach	Reinhard	Schaffer
Schlichter	Schmidt	Schneider	Seitz
Setzer	G. Smith	J. Stewart	Taylor
Trakas	Wagner	Walcher	Webster
White	Widener	Widowfield	Willamowski
Williams	Wolpert	Young	Householder-56.

Those who voted in the negative were: Representatives

Allen	Barrett	Beatty	Bocchieri
Book	Brinkman	Brown	Carano

Chandler	Cirelli	DeBose	DePiero
Distel	Domenick	Driehaus	Faber
Grendell	Hartnett	Harwood	Hollister
Jerse	Key	Koziura	Mason
Miller	Niehaus	Otterman	S. Patton
Perry	Price	Rausen	Redfern
Seaver	Sferra	Skindell	S. Smith
D. Stewart	Strahorn	Sykes	Ujvagi
Wilson	Woodard		Yates-43.

The motion to amend was laid on the table.

The question recurring, "Shall the bill as amended pass?"

Representative Yates moved to amend as follows:

In line 7404, delete everything after "(a)".

Delete lines 7405 through 7408.

In line 7409, delete "(b)".

In line 7417, delete "(c)" and insert "(b)".

The question being, "Shall the motion to amend be agreed to?"

Representative Calvert moved that the motion be laid on the table.

The question being, "Shall the motion to amend be laid on the table?"

The yeas and nays were taken and resulted - yeas 63, nays 36, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Blasdel	Buehrer	Callender
Calvert	Carmichael	Cates	Clancy
Collier	Core	Daniels	DePiero
DeWine	Driehaus	C. Evans	D. Evans
Faber	Fessler	Flowers	Gibbs
Gilb	Grendell	Hagan	Harwood
Hollister	Hoops	Hughes	Husted
Jolivette	Kearns	Kilbane	Latta
Martin	McGregor	Niehaus	Oelslager
Olman	T. Patton	Peterson	Raga
Reidelbach	Reinhard	Schaffer	Schlichter
Schmidt	Seitz	Setzer	Sferra
G. Smith	J. Stewart	Taylor	Trakas
Wagner	Walcher	Webster	White
Widener	Widowfield	Willamowski	Williams
Wolpert	Young		Householder-63.

Those who voted in the negative were: Representatives

Allen	Barrett	Beatty	Bocchieri
Book	Brinkman	Brown	Carano
Chandler	Cirelli	DeBose	Distel
Domenick	Hartnett	Jerse	Key
Koziura	Mason	Miller	Otterman

S. Patton	Perry	Price	Rausen
Redfern	Schneider	Seaver	Skindell
S. Smith	D. Stewart	Strahorn	Sykes
Ujvagi	Wilson	Woodard	Yates-36.

The motion to amend was laid on the table.

The question recurring, "Shall the bill as amended pass?"

Representative Calvert moved to amend as follows:

Between lines 64724 and 64725, insert:
 "GRF 501-321 Institutional Operations \$850,381,155
 \$861,557,899"

Between lines 64370a and 64371, insert:
 "GRF 502-321 Mental Health Services \$67,302,290
 \$68,265,662"

In line 64732, delete "Central Office" and insert "Administrative Operations"

Between lines 64372 and 64373, insert:
 "GRF 505-321 Institution Medical Services \$118,406,940
 \$120,014,320
 GRF 506-321 Institution Education Services \$21,835,287
 \$22,247,574
 GRF 507-321 Institution Recovery Services \$7,018,500
 \$7,124,516"

Delete lines 64733 through 64765a

In line 64766, delete "\$1,364,152,919 \$1,371,383,638" and insert "\$1,433,339,695 \$1,454,836,213".

In line 64788, delete "\$1,562,055,117 \$1,573,594,528" and insert "\$1,631,241,893 \$1,657,047,103".

The question being, "Shall the motion to amend be agreed to?"

The yeas and nays were taken and resulted - yeas 79, nays 18, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Blasdel
Brinkman	Brown	Buehrer	Callender
Calvert	Carano	Carmichael	Cates
Chandler	Cirelli	Clancy	Collier
Core	Daniels	DeBose	DeWine
Distel	Domenick	Driehaus	C. Evans
D. Evans	Fessler	Flowers	Gibbs
Gilb	Grendell	Hagan	Hollister
Hoops	Hughes	Husted	Jolivette
Kilbane	Koziura	Latta	Martin

Mason	McGregor	Miller	Niehaus
Oelslager	Olman	S. Patton	T. Patton
Perry	Peterson	Raga	Raussen
Reinhard	Schaffer	Schlichter	Schmidt
Schneider	Seaver	Seitz	Setzer
Sferra	G. Smith	S. Smith	D. Stewart
J. Stewart	Strahorn	Taylor	Trakas
Wagner	Walcher	Webster	White
Widener	Widowfield	Williams	Wilson
Wolpert	Young		Householder-79.

Those who voted in the negative were: Representatives

Beatty	Bocchieri	Book	DePiero
Faber	Hartnett	Harwood	Jerse
Key	Otterman	Price	Redfern
Reidelbach	Skindell	Sykes	Ujvagi
Willamowski			Yates-18.

The motion was agreed to and the bill so amended.

The question being, "Shall the bill as amended pass?"

Representative Daniels moved to amend as follows:

In line 58643, delete "\$12,560,407 \$12,560,407" and insert "16,060,407 \$16,060,407".

In line 58650, delete "7,163,578,760 \$7,167,063,529" and insert "7,167,078,760 \$7,170,563,529".

In line 58709, delete "\$9,392,357,118 \$9,492,460,670" and insert "\$9,395,857,118 \$9,495,960,670".

In line 59521, after the period insert "Up to \$3,500,000 in each fiscal year shall be used to fund the Jobs for Ohio Graduates (JOG) program."

The question being, "Shall the motion to amend be agreed to?"

The yeas and nays were taken and resulted - yeas 89, nays 7, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Beatty
Blasdel	Bocchieri	Book	Brinkman
Brown	Buehrer	Callender	Calvert
Carano	Carmichael	Cates	Chandler
Clancy	Collier	Core	Daniels
DeBose	DePiero	Distel	Domenick
Driehaus	C. Evans	D. Evans	Faber
Fessler	Flowers	Gibbs	Gilb
Grendell	Hagan	Hartnett	Harwood
Hollister	Hoops	Jolivette	Kearns
Key	Kilbane	Koziura	Latta
Martin	Mason	Miller	Niehaus
Oelslager	Olman	Otterman	S. Patton
T. Patton	Perry	Peterson	Price

Raga	Redfern	Reinhard	Schaffer
Schlichter	Schmidt	Schneider	Seaver
Seitz	Setzer	Sferra	Skindell
G. Smith	S. Smith	D. Stewart	J. Stewart
Strahorn	Taylor	Trakas	Ujvagi
Wagner	Walcher	Webster	White
Widener	Widowfield	Williams	Wilson
Wolpert	Woodard	Yates	Young
			Householder-89.

Representatives DeWine, Hughes, Husted, McGregor, Raussen, Reidelbach, and Willamowski voted in the negative-7.

The motion was agreed to and the bill so amended.

The question being, "Shall the bill as amended pass?"

Representative Hartnett moved to amend as follows:

Between lines 58637a and 58638, insert:

"GRF 200-514 Post secondary Adult Career-Technical Education \$19,919,464 \$19,919,464".

In line 58650, delete "\$7,163,578,760 \$7,167,063,529" and insert "\$7,183,498,224, \$7,186,982,993".

In line 58709, delete "\$9,392,357,118 \$9,492,460,670" and insert "\$9,412,276,582 \$9,512,380,134".

Between lines 59375 and 59376, insert:

"POSTSECONDARY ADULT CARRER-TECHNICAL EDUCATION

The foregoing appropriation item 200-514, Postsecondary Adult Career-Technical Education, shall be used by the State Board of Education to provide postsecondary adult career-technical education under sections 3313.52 and 3313.53 of the Revised Code."

Between lines 67919 and 67920, insert:

" **Section ____** . OBJECT CODE 13 EXPENDITURE REDUCTIONS

The Director of Budget and Management shall reduce General Revenue Fund Object Code 13 expenditures by \$19,919,464 in each fiscal year without disrupting essential services of the state. No Object Code 13 reductions shall be made for the Department of Education, the Department of Mental Health, the Department of Mental Retardation and Developmental Disabilities, the Department of Rehabilitation and Correction, the Board of Regents, and the Department of Youth Services."

Renumber uncodified sections accordingly.

The question being, "Shall the motion to amend be agreed to?"

Representative Calvert moved that the motion be laid on the table.

The question being, "Shall the motion to amend be laid on the table?"

The yeas and nays were taken and resulted - yeas 49, nays 50, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Blasdel	Buehrer	Callender
Calvert	Carmichael	Cates	Clancy
Core	DeWine	C. Evans	D. Evans
Faber	Flowers	Gibbs	Gilb
Grendell	Hagan	Hughes	Husted
Jolivette	Kearns	Kilbane	Martin
McGregor	Oelslager	Olman	T. Patton
Peterson	Raga	Rausen	Reidelbach
Schaffer	Schmidt	Schneider	Seitz
Setzer	G. Smith	Taylor	Trakas
Wagner	Webster	White	Widowfield
Willamowski	Williams	Wolpert	Young
			Householder-49.

Those who voted in the negative were: Representatives

Allen	Barrett	Beatty	Bocchieri
Book	Brinkman	Brown	Carano
Chandler	Cirelli	Collier	Daniels
DeBose	DePiero	Distel	Domenick
Driehaus	Fessler	Hartnett	Harwood
Hollister	Hoops	Jerse	Key
Koziura	Latta	Mason	Miller
Niehaus	Otterman	S. Patton	Perry
Price	Redfern	Reinhard	Schlichter
Seaver	Sferra	Skindell	S. Smith
D. Stewart	J. Stewart	Strahorn	Sykes
Ujvagi	Walcher	Widener	Wilson
Woodard			Yates-50.

The motion to amend was not laid on the table.

The question recurring, "Shall the motion to amend be agreed to?"

The yeas and nays were taken and resulted - yeas 53, nays 46, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Beatty
Blasdel	Bocchieri	Book	Brown
Carano	Chandler	Cirelli	Collier
DeBose	DePiero	DeWine	Distel
Domenick	Driehaus	C. Evans	Faber
Fessler	Hartnett	Harwood	Hollister
Jerse	Kearns	Key	Koziura
Latta	Mason	Miller	Niehaus
S. Patton	T. Patton	Perry	Price
Redfern	Reinhard	Schlichter	Seaver
Sferra	Skindell	S. Smith	D. Stewart
Strahorn	Sykes	Ujvagi	Wagner
Walcher	Widener	Wilson	Woodard

Yates-53.

Those who voted in the negative were: Representatives

Brinkman	Buehrer	Callender	Calvert
Carmichael	Cates	Clancy	Core
Daniels	D. Evans	Flowers	Gibbs
Gilb	Grendell	Hagan	Hoops
Hughes	Husted	Jolivette	Kilbane
Martin	McGregor	Oelslager	Olman
Otterman	Peterson	Raga	Rausen
Reidelbach	Schaffer	Schmidt	Schneider
Seitz	Setzer	G. Smith	J. Stewart
Taylor	Trakas	Webster	White
Widowfield	Willamowski	Williams	Wolpert
Young			Householder-46.

The motion was agreed to and the bill so amended.

The question being, "Shall the bill as amended pass?"

Representative Hollister moved to amend as follows:

In lines 223 and 55131, delete "124.05,".

In lines 251 and 55160, delete "3517.152,".

In lines 261 and 55169, delete "3769.02,".

In lines 264 and 55173, delete "4112.03,".

In lines 265 and 55173, delete "4121.12,".

In lines 293 and 55202, delete "5123.35,".

In lines 296 and 55204, delete "5703.03,".

Delete lines 3464 through 3517.

Delete lines 21967 through 22159.

Delete lines 30156 through 30222.

Delete lines 31421 through 31458.

Delete lines 32082 through 32281.

Delete lines 47354 through 47398.

Delete lines 48970 through 49017.

In line 57604, delete "\$7,007,734 \$7,007,734" and insert "\$7,000,000 \$7,000,000".

In line 57607, delete "\$7,499,032 \$7,499,032" and insert "\$7,491,298 \$7,491,298".

In line 57616, delete "\$11,484,983 \$11,309,983", and insert "11,477,249 \$11,302,249".

In line 60418, delete "\$395,366 \$395,366" and insert "\$294,857 \$294,857".

In line 60419, delete "\$395,366 \$395,366" and insert "\$294,857 \$294,857".

In line 60425, delete "\$708,082 \$717,132" and insert "\$607,573 \$616,623".

In line 62312, delete "\$862,261 \$862,261" and insert "\$861,000 \$861,000".

In line 62316, delete "\$13,455,153 \$13,455,153" and insert "\$13,453,892 \$13,453,892".

In line 62323, delete "\$53,355,403 \$50,626,503" and insert "\$53,354,142 \$50,625,242".

In line 62541, delete "\$759,045,147 \$801,605,716" and insert "\$759,043,886 \$801,604,455".

In line 62546, delete "\$1,141,402,851 \$1,186,805,954" and insert "1,141,401,590 \$1,186,804,693".

In line 62911, delete "\$1,280,092 \$1,327,832" and insert "\$1,029,430 \$1,077,170".

In line 62912, delete "\$1,280,092 \$1,327,832" and insert "\$1,029,430 \$1,077,170".

In line 62917, delete "\$1,305,092 \$1,352,832" and insert "\$1,054,430 \$1,102,170".

In line 63125, delete "\$4,495,490 \$4,769,547" and insert "\$4,485,777 \$4,759,834".

In line 63127, delete "\$31,778,508 \$32,052,552" and insert "\$31,768,795 \$32,042,839".

In line 63132, delete "\$31,991,408 \$32,265,452" and insert "\$31,981,695 \$32,255,739".

In lines 65460, 65461, and 65462, delete "\$2,373,690 \$2,373,690" and insert "\$2,171,760 \$2,171,760".

Delete lines 65741 through 65753.

In line 5 of the title, delete "124.05,".

In line 44 of the title, delete "3517.152,".

In line 57 of the title, delete "3769.02,".

In line 62 of the title, delete "4112.03,".

In line 63 of the title, delete "4121.12,".

In line 102 of the title, delete "5123.35,".

In line 105 of the title, delete "5703.03,".

The question being, "Shall the motion to amend be agreed to?"

The yeas and nays were taken and resulted - yeas 96, nays 1, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Beatty
Blasdel	Bocchieri	Book	Brinkman
Brown	Buehrer	Callender	Calvert
Carano	Carmichael	Cates	Chandler
Cirelli	Clancy	Collier	Core
Daniels	DeBose	DePiero	DeWine
Distel	Domenick	Driehaus	C. Evans
D. Evans	Faber	Fessler	Flowers
Gibbs	Gilb	Grendell	Hagan
Hartnett	Harwood	Hollister	Hoops
Hughes	Husted	Jerse	Jolivette
Kearns	Key	Kilbane	Koziura
Latta	Martin	Mason	McGregor
Miller	Niehaus	Oelslager	Olman
S. Patton	T. Patton	Perry	Peterson
Price	Raga	Raussen	Reidelbach
Reinhard	Schaffer	Schlichter	Schmidt
Schneider	Seaver	Seitz	Setzer
Sferra	Skindell	G. Smith	S. Smith
D. Stewart	J. Stewart	Strahorn	Sykes
Taylor	Trakas	Ujvagi	Wagner
Walcher	Webster	White	Widener
Widowfield	Willamowski	Williams	Wilson
Wolpert	Yates	Young	Householder-96.

Representative Redfern voted in the negative-1.

The motion was agreed to and the bill so amended.

The question being, "Shall the bill as amended pass?"

Representative Redfern moved to amend as follows:

Delete lines 67880 through 67889.

Re-number uncodified sections accordingly.

The question being, "Shall the motion to amend be agreed to?"

The yeas and nays were taken and resulted - yeas 42, nays 57, as follows:

Those who voted in the affirmative were: Representatives

Allen	Barrett	Beatty	Bocchieri
Book	Brown	Carano	Cates
Cirelli	DeBose	DeWine	Distel
Domenick	Driehaus	Hartnett	Harwood
Hollister	Kearns	Key	Kilbane
Koziura	Martin	Mason	Miller
Olman	Otterman	S. Patton	Perry
Price	Raussen	Redfern	Sferra
Skindell	G. Smith	S. Smith	D. Stewart
J. Stewart	Strahorn	Sykes	Ujvagi
Walcher			Yates-42.

Those who voted in the negative were: Representatives

Aslanides	Blasdel	Brinkman	Buehrer
Callender	Calvert	Carmichael	Chandler
Clancy	Collier	Core	Daniels
DePiero	C. Evans	D. Evans	Faber
Fessler	Flowers	Gibbs	Gilb
Grendell	Hagan	Hoops	Hughes
Husted	Jerse	Jolivette	Latta
McGregor	Niehans	Oelslager	T. Patton
Peterson	Raga	Reidelbach	Reinhard
Schaffer	Schlichter	Schmidt	Schneider
Seaver	Seitz	Setzer	Taylor
Trakas	Wagner	Webster	White
Widener	Widowfield	Willamowski	Williams
Wilson	Wolpert	Woodard	Young
			Householder-57.

The motion was not agreed to.

The question recurring, "Shall the bill as amended pass?"

Representative Yates moved to amend as follows:

In line 310, after "sections" insert "103.24,".

Between lines 1185 and 1186, insert:

" Sec. 103.24. Upon the approval of the legislative service commission, there shall be created within the commission the legislative oversight office. The office shall, as the ways and means committee of the house of representatives directs, both:

(A) Prepare annual estimates of state revenue;

(B) Determine the economy, efficiency, and effectiveness of such organizations, programs, activities, or functions that are financed in whole or in part by the state.

The office shall report its estimates and determinations, and may make recommendations on such matters, to the committee and the commission. "

In line 126 of the title, after "sections" insert "103.24,".

The question being, "Shall the motion to amend be agreed to?"

Representative Calvert moved that the motion be laid on the table.

The question being, "Shall the motion to amend be laid on the table?"

The yeas and nays were taken and resulted - yeas 58, nays 41, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Blasdel	Buehrer	Callender
Calvert	Carmichael	Cates	Clancy
Collier	Core	Daniels	DeWine
C. Evans	D. Evans	Faber	Flowers
Gibbs	Gilb	Hagan	Hoops

Hughes	Husted	Jolivette	Kearns
Kilbane	Latta	Martin	McGregor
Niehaus	Oelslager	Olman	T. Patton
Peterson	Raga	Rausen	Reidelbach
Reinhard	Schaffer	Schlichter	Schmidt
Schneider	Seitz	Setzer	G. Smith
J. Stewart	Taylor	Trakas	Wagner
Walcher	Webster	White	Widener
Widowfield	Willamowski	Williams	Wolpert
Young			Householder-58.

Those who voted in the negative were: Representatives

Allen	Barrett	Beatty	Bocchieri
Book	Brinkman	Brown	Carano
Chandler	Cirelli	DeBose	DePiero
Distel	Domenick	Driehaus	Fessler
Grendell	Hartnett	Harwood	Hollister
Jerse	Key	Koziura	Mason
Miller	Otterman	S. Patton	Perry
Price	Redfern	Seaver	Sferra
Skindell	S. Smith	D. Stewart	Strahorn
Sykes	Ujvagi	Wilson	Woodard
			Yates-41.

The motion to amend was laid on the table.

The question recurring, "Shall the bill as amended pass?"

Representative Seitz moved to amend as follows:

Delete lines 63770 through 63793.

In line 63794, delete "year" and insert:

"Except for the Board of Trustees of The Ohio State University, if in academic year 2003-2004 the board of trustees of an individual state-assisted university, university branch campus, community college, state community college, or technical college increases in-state undergraduate instructional and general fees over the amount charged in the prior academic year in an amount that is greater than the sum of the inflation rate for calendar year 2002 plus the per cent reduction in the state share of instruction from GRF appropriation item 235-501, State Share of Instruction, from fiscal year 2003, then the board of trustees of the individual state-assisted university, university branch campus, community college, state community college, or technical college shall limit in-state undergraduate instructional and general fee increases for academic year 2004-2005 to not more than the inflation rate for calendar year 2003.

If in academic year 2003-2004, the Board of Trustees of The Ohio State University increases in-state undergraduate instructional and general fees over the amount charged in the prior academic year in an amount that is greater than the sum of the inflation rate for calendar year 2002 plus the per cent

reduction in the state share of instruction from GRF appropriation item 235-501, State Share of Instruction, from fiscal year 2003 plus three per cent, then the Board of Trustees of The Ohio State University shall limit in-state undergraduate instructional and general fee increases for academic year 2004-2005 to not more than the inflation rate for calendar year 2003".

The question being, "Shall the motion to amend be agreed to?"

The yeas and nays were taken and resulted - yeas 35, nays 64, as follows:

Those who voted in the affirmative were: Representatives

Brinkman	Callender	Carano	Cates
Clancy	Collier	Daniels	DePiero
DeWine	D. Evans	Faber	Fessler
Gilb	Grendell	Hollister	Husted
Martin	McGregor	Niehaus	Olman
T. Patton	Perry	Peterson	Raga
Rausen	Reidelbach	Schmidt	Schneider
Seitz	J. Stewart	Webster	White
Willamowski	Williams		Young-35.

Those who voted in the negative were: Representatives

Allen	Aslanides	Barrett	Beatty
Blasdel	Bocchieri	Book	Brown
Buehrer	Calvert	Carmichael	Chandler
Cirelli	Core	DeBose	Distel
Domenick	Driehaus	C. Evans	Flowers
Gibbs	Hagan	Hartnett	Harwood
Hoops	Hughes	Jerse	Jolivette
Kearns	Key	Kilbane	Koziura
Latta	Mason	Miller	Oelslager
Otterman	S. Patton	Price	Redfern
Reinhard	Schaffer	Schlichter	Seaver
Setzer	Sferra	Skindell	G. Smith
S. Smith	D. Stewart	Strahorn	Sykes
Taylor	Trakas	Ujvagi	Wagner
Walcher	Widener	Widowfield	Wilson
Wolpert	Woodard	Yates	Householder-64.

The motion was not agreed to.

The question recurring, "Shall the bill as amended pass?"

Representative Olman moved to amend as follows:

In line 57224, delete the second "\$1,200,293" and insert "\$1,259,423".

In line 57226, delete "\$1,055,033 \$1,055,033" and insert "\$1,107,784 \$1,163,174".

In line 57227, delete "\$38,267,632 \$38,267,632" and insert "\$38,320,383 \$38,434,903".

In line 57245, delete "\$162,452,388 \$162,971,112" and insert "\$162,505,139 \$163,138,383".

In line 62131, delete "\$4,152,291 \$4,152,291" and insert "\$4,338,858 \$4,338,858".

In line 62132, delete "\$4,152,291 \$4,152,291" and insert "\$4,338,858 \$4,338,858".

In line 62133, delete "\$89,334,264 \$89,334,264" and insert "\$89,520,831 \$89,520,831".

In line 62161, delete "\$22,000,000 \$22,000,000" and insert "\$22,808,798 \$24,178,778".

In line 62162, delete "\$1,330,796 \$1,330,796" and insert "\$1,364,919 \$1,364,919".

In line 62163, delete "\$633,882 \$633,882" and insert "\$650,135 \$650,135".

In line 62165, delete "\$810,289 \$810,289" and insert "\$1,001,551 \$1,001,551".

In line 62166, delete "\$50,710,617 \$50,710,617" and insert "\$51,761,053 \$50,402,133".

In line 62184, delete "\$61,656,091 \$60,394,343" and insert "\$60,605,655 \$60,702,827".

In line 62214, delete "\$376,716,546 \$386,793,392" and insert "\$380,249,629 \$390,506,082".

In line 62215, delete "\$926,461 \$926,461" and insert "\$976,652 \$976,652".

In line 62216, delete "\$377,643,007 \$387,719,853" and insert "\$381,226,281 \$391,482,134".

In line 62234, delete "\$415,892,831 \$427,067,463" and insert "\$419,502,105 \$431,756,805".

In line 62242, delete "\$7,509,010 \$7,509,010" and insert "\$7,711,092 \$7,959,798".

In line 62244, delete "\$97,196,878 \$97,196,878" and insert "\$97,398,960 \$97,647,666".

In line 62258, delete "\$346,037,380 \$363,500,837" and insert "\$346,239,462 \$363,951,625".

In line 62260, delete "\$529,702,793 \$537,050,739" and insert "\$534,725,152 \$543,871,391".

In line 62270, delete "\$911,896,130 \$938,802,952" and insert "\$916,918,489 \$945,623,604".

The question being, "Shall the motion to amend be agreed to?"

Representative Hoops moved that the motion be laid on the table.

The question being, "Shall the motion to amend be laid on the table?"

The yeas and nays were taken and resulted - yeas 58, nays 39, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Blasdel	Buehrer	Calvert
Carmichael	Cates	Clancy	Collier
Core	Daniels	DeWine	C. Evans
D. Evans	Faber	Fessler	Flowers
Gibbs	Gilb	Grendell	Hagan
Hartnett	Hoops	Hughes	Husted
Kearns	Kilbane	Latta	Martin
McGregor	Niehaus	Oelslager	T. Patton
Peterson	Raga	Rausen	Reidelbach
Reinhard	Schaffer	Schlichter	Schmidt
Schneider	Seitz	Setzer	G. Smith
J. Stewart	Taylor	Trakas	Wagner
Walcher	Webster	White	Widener
Widowfield	Williams	Wilson	Wolpert
Woodard			Householder-58.

Those who voted in the negative were: Representatives

Allen	Barrett	Beatty	Bocieri
Book	Brinkman	Brown	Callender
Chandler	Cirelli	DeBose	DePiero
Distel	Domenick	Driehaus	Harwood
Hollister	Jerse	Jolivette	Key
Koziura	Mason	Miller	Olman
S. Patton	Perry	Price	Redfern
Seaver	Sferra	Skindell	S. Smith
D. Stewart	Strahorn	Sykes	Ujvagi
Willamowski	Yates		Young-39.

The motion to amend was laid on the table.

The question recurring, "Shall the bill as amended pass?"

Representative Schmidt moved to amend as follows:

In lines 300 and 55208, after "5741.02," insert "5743.05,"

In line 328, after "5735.053," insert "5743.051,"

Between lines 54232 and 54233, insert:

"Sec. 5743.05. All stamps provided for by section 5743.03 of the Revised Code, when procured by the tax commissioner, shall be immediately delivered to the treasurer of state, who shall execute a receipt therefor showing the number and aggregate face value of each denomination received by the treasurer of state and any other information that the commissioner requires to enforce the collection and distribution of all taxes imposed under section 5743.024 or 5743.026 of the Revised Code, and deliver the receipt to the commissioner. The treasurer of state shall sell the stamps and, on the fifth day of each month, make a

report showing all sales made during the preceding month, with the names of purchasers, the number of each denomination, the aggregate face value purchased by each, and any other information as the commissioner requires to enforce the collection and distribution of all taxes imposed under section 5743.024 of the Revised Code, and deliver it to the commissioner. The treasurer of state shall be accountable for all stamps received and unsold. The stamps shall be sold and accounted for at their face value, except the commissioner shall, by rule certified to the treasurer of state, authorize the sale of stamps and meter impressions to wholesale or retail dealers in this state, or to wholesale dealers outside this state, at a discount of not less than one and eight-tenths per cent or more than ten per cent of their face value, as a commission for affixing and canceling the stamps or meter impressions.

The commissioner, by rule certified to the treasurer of state, shall authorize the delivery of stamps and meter impressions to wholesale and retail dealers in this state and to wholesale dealers outside this state on credit ~~when the purchaser files~~. If such a dealer has not been in good credit standing with this state for five consecutive years preceding the purchase, the tax commissioner shall require the dealer to file with the commissioner a bond to the state in the amount and in the form prescribed by the commissioner, and with surety to the satisfaction of the treasurer of state commissioner, conditioned on payment to the treasurer of state within thirty days for stamps or meter impressions delivered within that time. If such a dealer has been in good credit standing with this state for five consecutive years preceding the purchase, the tax commissioner shall not require that the dealer file such a bond but shall require payment for the stamps and meter impressions within thirty days after purchase of the stamps and meter impressions. Stamps and meter impressions sold to a dealer not required to file a bond shall be sold at face value. The maximum amount that may be sold on credit to a dealer not required to file a bond shall equal one hundred ten per cent of the dealer's average monthly purchases over the preceding calendar year. The maximum amount shall be adjusted to reflect any changes in the tax rate and may be adjusted, upon application to the tax commissioner by the dealer, to reflect changes in the business operations of the dealer. The maximum amount shall be applicable to the period of July through April. Payment by a dealer not required to file a bond shall be remitted by electronic funds transfer as prescribed by section 5743.051 of the Revised Code. If a dealer not required to file a bond fails to make the payment in full within the thirty-day period, the treasurer of state shall not thereafter sell stamps or meter impressions to that dealer until the dealer pays the outstanding amount, including penalty and interest on that amount as prescribed in this chapter, and the commissioner thereafter may require the dealer to file a bond until the dealer is restored to good standing. The commissioner shall limit delivery of stamps and meter impressions on credit to the period running from the first day of July of the fiscal year until the first day of the following May. Any discount allowed as a commission for affixing and canceling stamps or meter impressions shall be allowed with respect to sales of stamps and meter impressions on credit.

The treasurer of state shall redeem and pay for any destroyed, unused, or

spoiled tax stamps and any unused meter impressions at their net value, and shall refund to wholesale dealers the net amount of state and county taxes paid erroneously or paid on cigarettes that have been sold in interstate or foreign commerce or that have become unsalable, and the net amount of county taxes that were paid on cigarettes that have been sold at retail or for retail sale outside a taxing county.

An application for a refund of tax shall be filed with the tax commissioner, on the form prescribed by the commissioner for that purpose, within three years from the date the tax stamps are destroyed or spoiled, from the date of the erroneous payment, or from the date that cigarettes on which taxes have been paid have been sold in interstate or foreign commerce or have become unsalable.

On the filing of the application, the commissioner shall determine the amount of refund to which the applicant is entitled, payable from receipts of the state tax, and, if applicable, payable from receipts of a county tax . If the amount is less than that claimed, the ~~commissioner~~ commissioner shall certify the amount to the director of budget and management and treasurer of state for payment from the tax refund fund created by section 5703.052 of the Revised Code. If the amount is less than that claimed, the commissioner shall proceed in accordance with section 5703.70 of the Revised Code.

If a refund is granted for payment of an illegal or erroneous assessment issued by the department, the refund shall include interest on the amount of the refund from the date of the overpayment. The interest shall be computed at the rate per annum prescribed by section 5703.47 of the Revised Code.

Sec. 5743.051. This section applies to any wholesale or retail cigarette dealer required by section 5743.05 of the Revised Code to remit payment for tax stamps and meter impressions by electronic funds transfer. The tax commissioner shall notify each dealer of the dealer's obligation to do so and shall maintain an updated list of those dealers. Failure by the tax commissioner to notify a dealer subject to this section to remit taxes by electronic funds transfer does not relieve the dealer of its obligation to remit taxes by electronic funds transfer.

A dealer required to remit payments by electronic funds transfer shall remit such payments to the treasurer of state in the manner prescribed by rules adopted by the treasurer of state under section 113.061 of the Revised Code and within the time prescribed for such a dealer by section 5743.05 of the Revised Code.

A dealer required to remit taxes by electronic funds transfer may apply to the tax commissioner in the manner prescribed by the tax commissioner to be excused from that requirement. The tax commissioner may excuse the dealer from remittance by electronic funds transfer for good cause shown for the period of time requested by the dealer or for a portion of that period.

If a dealer required to remit taxes by electronic funds transfer remits those taxes by some other means, the treasurer of state shall notify the tax

commissioner of the failure to remit by electronic funds transfer. If the tax commissioner determines that such failure was not due to reasonable cause or was due to willful neglect, the tax commissioner may collect an additional charge by assessment in the manner prescribed by section 5743.081 of the Revised Code. The additional charge shall equal five per cent of the amount of the taxes required to be paid by electronic funds transfer but shall not exceed five thousand dollars. Any additional charge assessed under this section is in addition to any other penalty or charge imposed under this chapter and shall be considered as revenue arising from taxes imposed under this chapter. The tax commissioner may abate all or a portion of such a charge and may adopt rules governing such remissions.

No additional charge shall be assessed under this section against a dealer that has been notified of its obligation to remit taxes under this section and that remits its first two tax payments after such notification by some means other than electronic funds transfer. The additional charge may be assessed upon the remittance of any subsequent tax payment that the dealer remits by some means other than electronic funds transfer."

In line 111 of the title, after "5741.02," insert "5743.05,"

In line 150 of the title, after "5735.053," insert "5743.051,"

The question being, "Shall the motion to amend be agreed to?"

The yeas and nays were taken and resulted - yeas 92, nays 7, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Blasdel
Boccieri	Book	Brinkman	Brown
Buehrer	Callender	Carano	Carmichael
Cates	Chandler	Cirelli	Clancy
Collier	Core	Daniels	DeBose
DePiero	DeWine	Distel	Domenick
C. Evans	D. Evans	Faber	Fessler
Flowers	Gibbs	Gilb	Hagan
Hartnett	Harwood	Hollister	Hoops
Hughes	Husted	Jerse	Jolivette
Kearns	Key	Kilbane	Koziura
Latta	Martin	McGregor	Miller
Niehaus	Oelslager	Olman	Otterman
S. Patton	T. Patton	Perry	Peterson
Price	Raga	Raussen	Redfern
Reidelbach	Schaffer	Schlichter	Schmidt
Schneider	Seaver	Seitz	Setzer
Sferra	Skindell	G. Smith	S. Smith
D. Stewart	J. Stewart	Strahorn	Taylor
Trakas	Ujvagi	Wagner	Walcher
Webster	White	Widener	Widowfield
Willamowski	Williams	Wilson	Wolpert
Woodard	Yates	Young	Householder-92.

Representatives Beatty, Calvert, Driehaus, Grendell, Mason, Reinhard, and Sykes voted in the negative-7.

The motion was agreed to and the bill so amended.

The question being, "Shall the bill as amended pass?"

Representative Widener moved to amend as follows:

Between lines 67919 and 67920, insert:

"Section ____. (A) Within one hundred twenty days after the effective date of this section, the Director of Agriculture, the Director of Rehabilitation and Correction, and the Director of Youth Services shall develop a plan to optimized the quantity and use of food grown and harvested in state correctional institutions or secure facilities operated by the Department of Youth Services in the most cost-effective manner. The plan shall include methods to increase production at farms operated by either department and shall include methods to ensure that the highest possible percentage of food consumed at state correctional institutions and secure facilities operated by the Department of Youth Services is food grown and harvested at a state correctional institution or secure facility operated by the Department of Youth Services.

(B) The plan shall consider possible amendments to the Revised Code, amendments to the Administrative Code, administrative changes, financial strategies, strategies to obtain a reliable workforce, and any other means to optimize the quantity and use of food of that nature in state correctional institutions and secure facilities operated by the Department of Youth Services.

The plan and its findings, conclusions, and any recommendations and proposed legislation shall be submitted to the Speaker of the House of Representatives, the President of the Senate, the Governor, the Director of Rehabilitation and Correction, and the Director of Youth Services.

(C) As used in this section, "state correctional institution" has the same meaning as in section 2967.01 of the Revised Code."

Re-number uncodified sections accordingly.

The question being, "Shall the motion to amend be agreed to?"

The yeas and nays were taken and resulted - yeas 99, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Beatty
Blasdel	Bocchieri	Book	Brinkman
Brown	Buehrer	Callender	Calvert
Carano	Carmichael	Cates	Chandler
Cirelli	Clancy	Collier	Core
Daniels	DeBose	DePiero	DeWine
Distel	Domenick	Driehaus	C. Evans
D. Evans	Faber	Fessler	Flowers
Gibbs	Gilb	Grendell	Hagan
Hartnett	Harwood	Hollister	Hoops
Hughes	Husted	Jerse	Jolivette

Kearns	Key	Kilbane	Koziura
Latta	Martin	Mason	McGregor
Miller	Niehaus	Oelslager	Olman
Otterman	S. Patton	T. Patton	Perry
Peterson	Price	Raga	Raussen
Redfern	Reidelbach	Reinhard	Schaffer
Schlichter	Schmidt	Schneider	Seaver
Seitz	Setzer	Sferra	Skindell
G. Smith	S. Smith	D. Stewart	J. Stewart
Strahorn	Sykes	Taylor	Trakas
Ujvagi	Wagner	Walcher	Webster
White	Widener	Widowfield	Willamowski
Williams	Wilson	Wolpert	Woodard
Yates	Young		Householder-99.

The motion was agreed to and the bill so amended.

The question being, "Shall the bill as amended pass?"

Representative Olman moved to amend as follows:

In lines 227 and 55135, after "183.02," insert "305.31,"

In line 265, after "4141.09," insert "4301.01, 4301.422, 4301.49, 4301.50, 4305.131, 4307.04, 4307.05,"

In line 315, after "173.08," insert "340.20,"

In line 319, after "4115.21," insert "4301.425,"

Between lines 5588 and 5589, insert:

"Sec. 305.31. The procedure for submitting to a referendum any resolution adopted by a board of county commissioners pursuant to division (D)(1) of section 307.697, section 322.02, 322.06, ~~or 324.02,~~ or 340.20, sections 1515.22 and 1515.24, division (B)(1) of section 4301.421, section 4301.425, 4504.02, 5739.021, 5739.026, 5741.021, or 5741.023, or division (C)(1) of section 5743.024 of the Revised Code, or rule adopted pursuant to section 307.79 of the Revised Code shall be as prescribed by this section.

Except as otherwise provided in this paragraph, when a petition, signed by ten per cent of the number of electors who voted for governor at the most recent general election for the office of governor in the county, is filed with the county auditor within thirty days after the date the resolution is passed or rule is adopted by the board of county commissioners, or is filed within forty-five days after the resolution is passed, in the case of a resolution adopted pursuant to section 5739.021 of the Revised Code that is passed within one year after a resolution adopted pursuant to that section has been rejected or repealed by the electors, requesting that the resolution be submitted to the electors of the county for their approval or rejection, the county auditor shall, after ten days following the filing of the petition, and not later than four p.m. of the seventy-fifth day before the day of election, transmit a certified copy of the text of the resolution or rule to the

board of elections. In the case of a petition requesting that a resolution adopted under division (D)(1) of section 307.697, section 340.20, division (B)(1) of section 4301.421, ~~or section 4301.425~~, or division (C)(1) of section 5743.024 of the Revised Code be submitted to electors for their approval or rejection, the petition shall be signed by seven per cent of the number of electors who voted for governor at the most recent election for the office of governor in the county. The county auditor shall transmit the petition to the board together with the certified copy of the resolution or rule. The board shall examine all signatures on the petition to determine the number of electors of the county who signed the petition. The board shall return the petition to the auditor within ten days after receiving it, together with a statement attesting to the number of such electors who signed the petition. The board shall submit the resolution or rule to the electors of the county, for their approval or rejection, at the succeeding general election held in the county in any year, or on the day of the succeeding primary election held in the county in even-numbered years, occurring subsequent to seventy-five days after the auditor certifies the sufficiency and validity of the petition to the board of elections.

No resolution shall go into effect until approved by the majority of those voting upon it. However, a rule shall take effect and remain in effect unless and until a majority of the electors voting on the question of repeal approve the repeal. Sections 305.31 to 305.41 of the Revised Code do not prevent a county, after the passage of any resolution or adoption of any rule, from proceeding at once to give any notice or make any publication required by the resolution or rule.

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

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

Between lines 6359 and 6360, insert:

"Sec. 340.20. (A) For the purpose of funding alcohol and drug addiction services or mental health services, or both, in the county, or contributing to the county's share of the funding of such services by a joint-county district in which the county participates, to pay the expenses of administering the tax, and to pay any or all of the charge the board of elections makes against the county to hold the election on the question of levying the tax, the board of county commissioners of a county, upon the request of the board of alcohol, drug addiction, and mental health services, may levy a tax not to exceed three dollars on each gallon of spirituous liquor sold to or purchased by liquor permit holders for resale, and sold at retail by the division of liquor control, in the county. The tax shall be levied on the number of gallons so sold. The tax may be levied for any number of years not

exceeding twenty.

The tax shall be levied pursuant to a resolution of the board of county commissioners approved by a majority of the electors in the county voting on the question of levying the tax, which resolution shall specify the rate of the tax, the number of years the tax will be levied, and the purpose for which the tax is levied. The election may be held on the date of a general or special election held not sooner than seventy-five days after the date the board certifies its resolution to the board of elections. If approved by the electors, the tax takes effect on the first day of the month specified in the resolution but not sooner than the first day of the month that is at least sixty days after the certification of the election results by the board of elections. A copy of the resolution levying the tax shall be certified to the division of liquor control at least sixty days prior to the date on which the tax is to become effective.

(B) A resolution under this section may be joined on the ballot as a single question with a resolution adopted under section 4301.425 of the Revised Code to levy a tax for the same purposes, and for the purpose of paying the expenses of administering that tax.

(C) The form of the ballot in an election held pursuant to this section or section 4301.425 of the Revised Code shall be as follows or in any other form acceptable to the secretary of state:

"For the purpose of funding alcohol and drug addiction services or mental health services (or, if appropriate, "and" shall be substituted for "or") in the county (or, if appropriate, for the purpose of contributing to the county's share of the funding of such services by a joint-county district in which the county participates), shall (an) excise tax(es) be levied by county at the rate of (dollars on each gallon of spirituous liquor sold in the county by the Ohio division of liquor control, cents per gallon on the sale of beer at wholesale in the county, cents per gallon on the sale of wine and mixed beverages at wholesale in the county, and cents per gallon on the sale of cider at wholesale in the county for years?

	Yes	"
	No	

For an election in which questions under this section or section 4301.425 of the Revised Code are joined as a single question, the form of the ballot shall be as above, except each of the proposed taxes shall be listed."

Between lines 32647 and 32648, insert:

"Sec. 4301.01. (A) As used in the Revised Code:

(1) "Intoxicating liquor" and "liquor" include all liquids and compounds, other than beer, containing one-half of one per cent or more of alcohol by volume which are fit to use for beverage purposes, from whatever source and by whatever process produced, by whatever name called, and whether the same are medicated, proprietary, or patented. "Intoxicating liquor" and "liquor" include wine even if it

contains less than four per cent of alcohol by volume, mixed beverages even if they contain less than four per cent of alcohol by volume, cider, alcohol, and all solids and confections which contain any alcohol.

(2) Except as used in sections 4301.01 to 4301.20, 4301.22 to 4301.52, 4301.56, 4301.70, 4301.72, and 4303.01 to 4303.36 of the Revised Code, "sale" and "sell" include exchange, barter, gift, offer for sale, sale, distribution and delivery of any kind, and the transfer of title or possession of beer and intoxicating liquor either by constructive or actual delivery by any means or devices whatever, including the sale of beer or intoxicating liquor by means of a controlled access alcohol and beverage cabinet pursuant to section 4301.21 of the Revised Code. "Sale" and "sell" do not include the mere solicitation of orders for beer or intoxicating liquor from the holders of permits issued by the division of liquor control authorizing the sale of the beer or intoxicating liquor, but no solicitor shall solicit any such orders until the solicitor has been registered with the division pursuant to section 4303.25 of the Revised Code.

(3) "Vehicle" includes all means of transportation by land, by water, or by air, and everything made use of in any way for such transportation.

(B) As used in sections 4301.01 to 4301.74 of the Revised Code:

(1) "Alcohol" means ethyl alcohol, whether rectified or diluted with water or not, whatever its origin may be, and includes synthetic ethyl alcohol. "Alcohol" does not include denatured alcohol and wood alcohol.

(2) "Beer," "malt liquor," or "malt beverages" includes all brewed or fermented malt products containing one-half of one per cent or more of alcohol by volume but not more than six per cent of alcohol by weight.

(3) "Wine" includes all liquids fit to use for beverage purposes containing not less than one-half of one per cent of alcohol by volume and not more than twenty-one per cent of alcohol by volume, which is made from the fermented juices of grapes, fruits, or other agricultural products, except that as used in sections 4301.13, 4301.421, 4301.422, 4301.425, 4301.432, and 4301.44 of the Revised Code, and, for purposes of determining the rate of the tax that applies, division (B) of section 4301.43 of the Revised Code, "wine" does not include cider.

(4) "Mixed beverages," such as bottled and prepared cordials, cocktails, and highballs, are products obtained by mixing any type of whiskey, neutral spirits, brandy, gin, or other distilled spirits with, or over, carbonated or plain water, pure juices from flowers and plants, and other flavoring materials. The completed product shall contain not less than one-half of one per cent of alcohol by volume and not more than twenty-one per cent of alcohol by volume.

(5) "Spirituous liquor" includes all intoxicating liquors containing more than twenty-one per cent of alcohol by volume.

(6) "Sealed container" means any container having a capacity of not more than one hundred twenty-eight fluid ounces, the opening of which is closed to

prevent the entrance of air.

(7) "Person" includes firms and corporations.

(8) "Manufacture" includes all processes by which beer or intoxicating liquor is produced, whether by distillation, rectifying, fortifying, blending, fermentation, or brewing, or in any other manner.

(9) "Manufacturer" means any person engaged in the business of manufacturing beer or intoxicating liquor.

(10) "Wholesale distributor" and "distributor" means a person engaged in the business of selling to retail dealers for purposes of resale.

(11) "Hotel" has the meaning as in section 3731.01 of the Revised Code, subject to the exceptions mentioned in section 3731.03 of the Revised Code.

(12) "Restaurant" means a place located in a permanent building provided with space and accommodations wherein, in consideration of the payment of money, hot meals are habitually prepared, sold, and served at noon and evening, as the principal business of the place. "Restaurant" does not include pharmacies, confectionery stores, lunch stands, night clubs, and filling stations.

(13) "Club" means a corporation or association of individuals organized in good faith for social, recreational, benevolent, charitable, fraternal, political, patriotic, or athletic purposes, which is the owner, lessor, or occupant of a permanent building or part of a permanent building operated solely for those purposes, membership in which entails the prepayment of regular dues, and includes the place so operated.

(14) "Night club" means a place operated for profit, where food is served for consumption on the premises and one or more forms of amusement are provided or permitted for a consideration that may be in the form of a cover charge or may be included in the price of the food and beverages, or both, purchased by patrons.

(15) "At retail" means for use or consumption by the purchaser and not for resale.

(16) "Pharmacy" means an establishment, as defined in section 4729.01 of the Revised Code, that is under the management or control of a licensed pharmacist in accordance with section 4729.27 of the Revised Code.

(17) "Enclosed shopping center" means a group of retail sales and service business establishments that face into an enclosed mall, share common ingress, egress, and parking facilities, and are situated on a tract of land that contains an area of not less than five hundred thousand square feet. "Enclosed shopping center" also includes not more than one business establishment that is located within a free-standing building on such a tract of land, so long as the sale of beer and intoxicating liquor on the tract of land was approved in an election held under former section 4301.353 of the Revised Code.

(18) "Controlled access alcohol and beverage cabinet" means a closed container, either refrigerated, in whole or in part, or nonrefrigerated, access to the interior of which is restricted by means of a device that requires the use of a key, magnetic card, or similar device and from which beer, intoxicating liquor, other beverages, or food may be sold.

(19) "Community facility" means either of the following:

(a) Any convention, sports, or entertainment facility or complex, or any combination of these, that is used by or accessible to the general public and that is owned or operated in whole or in part by the state, a state agency, or a political subdivision of the state or that is leased from, or located on property owned by or leased from, the state, a state agency, a political subdivision of the state, or a convention facilities authority created pursuant to section 351.02 of the Revised Code;

(b) An area designated as a community entertainment district pursuant to section 4301.80 of the Revised Code.

(20) "Low-alcohol beverage" means any brewed or fermented malt product, or any product made from the fermented juices of grapes, fruits, or other agricultural products, that contains either no alcohol or less than one-half of one per cent of alcohol by volume. The beverages described in division (B)(20) of this section do not include a soft drink such as root beer, birch beer, or ginger beer.

(21) "Cider" means all liquids fit to use for beverage purposes that contain one-half of one per cent of alcohol by volume, but not more than six per cent of alcohol by weight, and that are made through the normal alcoholic fermentation of the juice of sound, ripe apples, including, without limitation, flavored, sparkling, or carbonated cider and cider made from pure condensed apple must.

(22) "Sales area or territory" means an exclusive geographic area or territory that is assigned to a particular A or B permit holder and that either has one or more political subdivisions as its boundaries or consists of an area of land with readily identifiable geographic boundaries. "Sales area or territory" does not include, however, any particular retail location in an exclusive geographic area or territory that is assigned to another A or B permit holder.

Sec. 4301.422. (A) Any person who makes sales of beer, cider, wine, or mixed beverages to persons for resale at retail in a county in which a tax has been enacted pursuant to section 4301.421 ~~or~~ 4301.424, or 4301.425 of the Revised Code, and any manufacturer, bottler, importer, or other person who makes sales at retail in the county upon which the tax has not been paid, is liable for the tax. Each person liable for the tax shall register with the tax commissioner on a form prescribed by the commissioner and provide whatever information the commissioner considers necessary.

(B) Each person liable for the tax shall file a return and pay the tax to the tax commissioner by the last day of the month following the month in which the

sale occurred. The return is considered to be filed when received by the tax commissioner. The return shall be prescribed by the commissioner, and no person filing such a return shall fail to provide the information specified on the return. If the return is filed and the amount of tax shown on the return to be due is paid on or before the date the return is required to be filed, the person required to file the return shall receive an administrative fee of two and one-half per cent of that person's total tax liability under section 4301.421 of the Revised Code for the purpose of offsetting additional costs incurred in collecting and remitting the tax. Any person required to file a return who fails to file timely may be required to forfeit and pay into the state treasury an amount not exceeding fifty dollars or ten per cent of the tax due, whichever is greater, as revenue arising from the tax. That amount may be collected by assessment in the manner specified in sections 4305.13 and 4305.131 of the Revised Code.

(C) A tax levied pursuant to section 4301.421 ~~or~~, 4301.424, or 4301.425 of the Revised Code shall be administered by the tax commissioner. The commissioner shall have all powers and authority incident to such administration, including examination of records, audit, refund, assessment, and seizure and forfeiture of untaxed beverages. The procedures, rights, privileges, limitations, prohibitions, responsibilities, and duties specified in sections 4301.48 to 4301.52, 4305.13, 4305.131, and 4307.01 to 4307.12 of the Revised Code apply in the administration of the tax.

(D) Each person required to pay the tax levied pursuant to section 4301.421 ~~or~~, 4301.424, or 4301.425 of the Revised Code who sells beer, cider, wine, or mixed beverages for resale at retail within a county in which the tax is levied shall clearly mark on all invoices, billings, and similar documents the amount of tax and the name of the county in which the tax is levied.

(E) Each person required to pay the tax levied by section 4301.421 ~~or~~, 4301.424, or 4301.425 of the Revised Code shall maintain complete records of all sales for at least three years. The records shall be open to inspection by the tax commissioner.

(F) All money collected by the tax commissioner under this section shall be paid to the treasurer of state as revenue arising from the tax imposed by section 4301.421 ~~or~~, 4301.424, or 4301.425 of the Revised Code.

Sec. 4301.425. (A) For the purpose of funding alcohol and drug addiction services or mental health services, or both, in the county under Chapter 340. of the Revised Code or contributing to the county's share of the funding of such services by a joint-county district in which the county participates under that chapter, to pay the expenses of administering the tax, and to pay any or all of the charge the board of elections makes against the county to hold the election on the question of levying the tax, the board of county commissioners, upon the request of the board of alcohol, drug addiction, and mental health services, may levy a tax on the sale of beer at a rate not to exceed sixteen cents per gallon, on the sale of cider at a rate not to exceed twenty-four cents per gallon, and on the sale of wine and mixed beverages at a rate not to exceed thirty-two cents per gallon. The tax

shall be imposed on all beer, cider, wine, and mixed beverages sold for resale at retail in the county, and on all beer, cider, wine, and mixed beverages sold at retail in the county by the manufacturer, bottler, importer, or other person upon which the tax has not been paid. The tax shall not be levied on the sale of wine to be used for known sacramental purposes. The tax may be levied for any number of years not exceeding twenty. The tax shall be in addition to the taxes imposed by sections 4301.42, 4301.43, 4301.432, and 4305.01 of the Revised Code. The tax shall not be considered a cost in any computation required under rules of the liquor control commission regulating minimum prices or mark-ups.

Only one sale of the same article shall be used in computing, reporting, and paying the amount of tax due.

The tax shall be levied pursuant to a resolution of the county commissioners approved by a majority of the electors in the county voting on the question of levying the tax, which resolution shall specify the rate of the tax, the number of years the tax will be levied, and the purposes for which the tax is levied. The election may be held on the date of a general election or special election held not sooner than seventy-five days after the date the board certifies its resolution to the board of elections. If approved by the electors, the tax shall take effect on the first day of the month specified in the resolution but not sooner than the first day of the month that is at least sixty days after the certification of the election results by the board of elections. A copy of the resolution levying the tax and the certification of the board of elections shall be certified to the tax commissioner at least sixty days prior to the date on which the tax is to become effective.

A resolution under this section may be joined on the ballot as a single question with a resolution adopted under section 340.20 of the Revised Code to levy a tax for the same purposes and for the purpose of paying the expenses of administering the tax. The form of the ballot in an election held pursuant to this section shall be as prescribed in section 340.20 of the Revised Code.

Sec. 4301.49. No person shall prevent or hinder the tax commissioner from making a full inspection of any place where beer, wine, or mixed beverages subject to the tax imposed by section 4301.42, 4301.421, 4301.424, ~~4301.425~~, or 4301.43 of the Revised Code is manufactured, sold, or stored. No person shall prevent or hinder the full inspection of invoices, books, records, or papers required to be kept under this chapter and Chapters 4305. and 4307. of the Revised Code.

Sec. 4301.50. No person, firm, or corporation or ~~his or its~~an employee or agent ~~thereof~~ shall distribute or sell any beverage upon which the tax provided for by sections 4301.42, 4301.421, 4301.424, ~~4301.425~~, 4301.43, 4301.432, and 4305.01 of the Revised Code has not been paid. Any person, firm, or corporation ~~or his or its~~an employee or agent ~~whothereof that~~ violates this section or any rule of the tax commissioner shall be subject to all penalties provided in division (A) of section 4307.99 of the Revised Code.

Sec. 4305.131. (A) If any permit holder fails to pay the taxes levied by section 4301.42, 4301.43, 4301.432, or 4305.01 of the Revised Code in the manner prescribed by section 4303.33 of the Revised Code, or by section 4301.421 ~~or~~, 4301.424, or 4301.425 of the Revised Code in the manner prescribed in section 4301.422 of the Revised Code, and by the rules of the tax commissioner, the commissioner may make an assessment against the permit holder based upon any information in the commissioner's possession.

No assessment shall be made against any permit holder for any taxes imposed by section 4301.42, 4301.421, 4301.424, 4301.425, 4301.43, 4301.432, or 4305.01 of the Revised Code more than three years after the last day of the calendar month in which the sale was made or more than three years after the return for that period is filed, whichever is later. This section does not bar an assessment against any permit holder or registrant as provided in section 4303.331 of the Revised Code who fails to file a return as required by section 4301.422 or 4303.33 of the Revised Code, or who files a fraudulent return.

A penalty of up to thirty per cent may be added to the amount of every assessment made under this section. The commissioner may adopt rules providing for the imposition and remission of penalties added to assessments made under this section.

The commissioner shall give the party assessed written notice of the assessment in the manner provided in section 5703.37 of the Revised Code. With the notice, the commissioner shall provide instructions on how to petition for reassessment and request a hearing on the petition.

(B) Unless the party assessed files with the tax commissioner within sixty days after service of the notice of assessment, either personally or by certified mail, a written petition for reassessment, signed by the party assessed or that party's authorized agent having knowledge of the facts, the assessment becomes final and the amount of the assessment is due and payable from the party assessed to the treasurer of state. The petition shall indicate the objections of the party assessed, but additional objections may be raised in writing if received by the commissioner prior to the date shown on the final determination. If the petition has been properly filed, the commissioner shall proceed under section 5703.60 of the Revised Code.

(C) After an assessment becomes final, if any portion of the assessment remains unpaid, including accrued interest, a certified copy of the tax commissioner's entry making the assessment final may be filed in the office of the clerk of the court of common pleas in the county in which the permit holder's place of business is located or the county in which the party assessed resides. If the party assessed maintains no place of business in this state and is not a resident of this state, the certified copy of the entry may be filed in the office of the clerk of the court of common pleas of Franklin county.

Immediately upon the filing of the entry, the clerk shall enter a judgment for the state against the party assessed in the amount shown on the entry. The

judgment may be filed by the clerk in a loose-leaf book entitled "special judgments for state beer and liquor sales taxes," and shall have the same effect as other judgments. Execution shall issue upon the judgment upon the request of the commissioner, and all laws applicable to sales on execution shall apply to sales made under the judgment, except as otherwise provided in this chapter and Chapters 4301. and 4307. of the Revised Code.

The portion of the assessment not paid within sixty days after the day the assessment was issued shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the day the commissioner issues the assessment until it is paid. Interest shall be paid in the same manner as the tax and may be collected by the issuance of an assessment under this section.

(D) All money collected under this section shall be considered as revenue arising from the taxes imposed by sections 4301.42, 4301.421, 4301.424, 4301.425, 4301.43, 4301.432, and 4305.01 of the Revised Code.

Sec. 4307.04. The tax commissioner shall enforce and administer sections 4301.42, 4301.421, 4301.422, 4301.423, 4301.424, 4301.425, 4303.33, 4303.331, 4305.01, and 4307.01 to 4307.12 of the Revised Code. The commissioner may adopt such rules as are necessary to carry out such sections and may adopt different detail rules applicable to diverse methods and conditions of sale of bottled beverages in this state. All books, papers, invoices, and records of any manufacturer, bottler, or wholesale or retail dealer in this state, whether or not required under sections 4307.01 to 4307.12 of the Revised Code to be kept by that person, showing that person's sales receipts and purchases of bottled beverages, shall at all times, during the usual business hours of the day, be open for the inspection of the commissioner. The commissioner may investigate and examine the stock of bottled beverages in and upon any premises where the same is placed, stored, or sold.

Sec. 4307.05. (A) The tax commissioner shall refund to persons required to pay the tax levied under section 4301.42, 4301.421, 4301.424, 4301.425, 4301.43, 4301.432, 4303.33, or 4305.01 of the Revised Code the amount of tax paid illegally or erroneously or paid on an illegal or erroneous assessment. Applications for refund shall be filed with the commissioner, on the form prescribed by the commissioner, within three years from the date of the illegal or erroneous payment of the tax or assessment.

On the filing of the application, the commissioner shall determine the amount of the refund to which the applicant is entitled. If the amount is not less than that claimed, the commissioner shall certify the amount to the director of budget and management and treasurer of state for payment from the tax refund fund created by section 5703.052 of the Revised Code. If the amount is less than that claimed, the commissioner shall proceed in accordance with section 5703.70 of the Revised Code.

(B) The holder of a B-3 permit is entitled to a refund of the actual amount of tax paid on wine sold for sacramental purposes, upon the conditions that the

permit holder make affidavit that the wine was so sold, that the tax had been paid on the wine, and that the permit holder furnish both of the following:

(1) A written acknowledgment from the purchaser that the purchaser has received the wine and that the price paid did not include the tax;

(2) The name and address of the purchaser.

Application for a refund shall be made as an application for refund of tax erroneously paid and shall be subject to the requirements and procedures of division (A) of this section. On the filing of the application, the commissioner shall determine the amount of refund due and certify that amount to the director of budget and management and treasurer of state for payment from the tax refund fund. When a refund is granted for payment of an illegal or erroneous assessment issued by the commissioner, the refund shall include interest on the amount of the refund from the date of the overpayment. The interest shall be computed at the rate per annum prescribed by section 5703.47 of the Revised Code."

In line 55174, after "4141.09," insert "4301.01, 4301.422, 4301.49, 4301.50,"

In line 10 of the title, after "183.02," insert "305.31,"

In line 64 of the title, after "4141.09," insert "4301.01, 4301.422, 4301.49, 4301.50, 4305.131, 4307.04, 4307.05,"

In line 132 of the title, after "173.08," insert "340.20,"

In line 138 of the title, after "4115.21," insert "4301.425,"

The question being, "Shall the motion to amend be agreed to?"

Representative Calvert moved that the motion be laid on the table.

The question being, "Shall the motion to amend be laid on the table?"

The yeas and nays were taken and resulted - yeas 62, nays 37, as follows:

Those who voted in the affirmative were: Representatives

- | | | | |
|------------|------------|------------|-----------------|
| Aslanides | Blasdel | Buehrer | Calvert |
| Carano | Carmichael | Cates | Clancy |
| Collier | Daniels | DeWine | Distel |
| Domenick | Driehaus | D. Evans | Faber |
| Fessler | Gibbs | Gilb | Grendell |
| Hartnett | Harwood | Hoops | Hughes |
| Husted | Kearns | Key | Latta |
| Martin | Mason | McGregor | Oelslager |
| S. Patton | T. Patton | Peterson | Price |
| Raga | Redfern | Reidelbach | Reinhard |
| Schaffer | Schlichter | Schmidt | Schneider |
| Seaver | Setzer | G. Smith | S. Smith |
| J. Stewart | Sykes | Taylor | Trakas |
| Wagner | Walcher | Webster | White |
| Widener | Widowfield | Williams | Wolpert |
| Yates | | | Householder-62. |

Those who voted in the negative were: Representatives

Allen	Barrett	Beatty	Bocchieri
Book	Brinkman	Brown	Callender
Chandler	Cirelli	Core	DeBose
DePiero	C. Evans	Flowers	Hagan
Hollister	Jerse	Jolivette	Kilbane
Koziura	Miller	Niehaus	Olman
Otterman	Perry	Raussen	Seitz
Sferra	Skindell	D. Stewart	Strahorn
Ujvagi	Willamowski	Wilson	Woodard
			Young-37.

The motion to amend was laid on the table.

The question recurring, "Shall the bill as amended pass?"

Representative Olman moved to amend as follows:

In lines 237 and 55145, after "1555.17," insert "1739.05, 1751.01,"

In lines 262 and 55170, after "3901.86," insert "3923.51,"

In line 311, after "3318.052," insert "3923.28,"

In line 318, after "3770.073," insert "3923.281,"

Between lines 10798 and 10799, insert:

"Sec. 1739.05. (A) A multiple employer welfare arrangement that is created pursuant to sections 1739.01 to 1739.22 of the Revised Code and that operates a group self-insurance program may be established only if any of the following applies:

(1) The arrangement has and maintains a minimum enrollment of three hundred employees of two or more employers.

(2) The arrangement has and maintains a minimum enrollment of three hundred self-employed individuals.

(3) The arrangement has and maintains a minimum enrollment of three hundred employees or self-employed individuals in any combination of divisions (A)(1) and (2) of this section.

(B) A multiple employer welfare arrangement that is created pursuant to sections 1739.01 to 1739.22 of the Revised Code and that operates a group self-insurance program shall comply with all laws applicable to self-funded programs in this state, including sections 3901.04, 3901.041, 3901.19 to 3901.26, 3901.38, 3901.381 to 3901.3814, 3901.40, 3901.45, 3901.46, 3902.01 to 3902.14, ~~3923.30~~3923.281, 3923.301, 3923.38, 3923.581, 3923.63, 3924.031, 3924.032, and 3924.27 of the Revised Code.

(C) A multiple employer welfare arrangement created pursuant to sections 1739.01 to 1739.22 of the Revised Code shall solicit enrollments only through

agents or solicitors licensed pursuant to Chapter 3905. of the Revised Code to sell or solicit sickness and accident insurance.

(D) A multiple employer welfare arrangement created pursuant to sections 1739.01 to 1739.22 of the Revised Code shall provide benefits only to individuals who are members, employees of members, or the dependents of members or employees, or are eligible for continuation of coverage under section 1751.53 or 3923.38 of the Revised Code or under Title X of the "Consolidated Omnibus Budget Reconciliation Act of 1985," 100 Stat. 227, 29 U.S.C.A. 1161, as amended.

Sec. 1751.01. As used in this chapter:

(A) "Basic health care services" means the following services when medically necessary:

(1) Physician's services, except when such services are supplemental under division (B) of this section;

(2) Inpatient hospital services;

(3) Outpatient medical services;

(4) Emergency health services;

(5) Urgent care services;

(6) Diagnostic laboratory services and diagnostic and therapeutic radiologic services;

(7) Mental health services;

(8) Services for alcohol and drug abuse or addiction;

(9) Preventive health care services, including, but not limited to, voluntary family planning services, infertility services, periodic physical examinations, prenatal obstetrical care, and well-child care.

"Basic health care services" does not include experimental procedures.

Except as provided by division (B) of this section in connection with the offering of coverage for mental health services or services for alcohol and drug abuse or addiction, a health insuring corporation shall not offer coverage for a health care service, defined as a basic health care service by this division, unless it offers coverage for all listed basic health care services. However, this requirement does not apply to the coverage of beneficiaries enrolled in Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, pursuant to a medicare contract, or to the coverage of beneficiaries enrolled in the federal employee health benefits program pursuant to 5 U.S.C.A. 8905, or to the coverage of beneficiaries enrolled in Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, known as the medical assistance program or medicaid, provided by the department of job and family services under Chapter 5111. of the Revised Code, or to the coverage of

beneficiaries under any federal health care program regulated by a federal regulatory body, or to the coverage of beneficiaries under any contract covering officers or employees of the state that has been entered into by the department of administrative services.

(B) "Supplemental health care services" means any health care services other than basic health care services that a health insuring corporation may offer, alone or in combination with either basic health care services or other supplemental health care services, and includes:

- (1) Services of facilities for intermediate or long-term care, or both;
- (2) Dental care services;
- (3) Vision care and optometric services including lenses and frames;
- (4) Podiatric care or foot care services;
- (5) ~~Mental health services including psychological services;~~
- (~~6~~) Short-term outpatient evaluative and crisis-intervention mental health services;
- (~~7~~) ~~Medical or psychological treatment and referral services for alcohol and drug abuse or addiction;~~
- (~~8~~)(6) Home health services;
- (~~9~~)(7) Prescription drug services;
- (~~10~~)(8) Nursing services;
- (~~11~~)(9) Services of a dietitian licensed under Chapter 4759. of the Revised Code;
- (~~12~~)(10) Physical therapy services;
- (~~13~~)(11) Chiropractic services;
- (~~14~~)(12) Any other category of services approved by the superintendent of insurance.

"Supplemental health care services" also includes mental health services and services for alcohol and drug abuse or addiction when these health care services are offered alone or in combination with other supplemental health care services. Coverage for mental health services or services for alcohol and drug abuse or addiction may be offered without an offering of coverage for all listed basic health care services.

(C) "Specialty health care services" means one of the supplemental health care services listed in division (B)(1) to(~~13~~)(11) of this section, when provided by a health insuring corporation on an outpatient-only basis and not in combination with other supplemental health care services.

(D) "Closed panel plan" means a health care plan that requires enrollees to use participating providers.

(E) "Compensation" means remuneration for the provision of health care services, determined on other than a fee-for-service or discounted-fee-for-service basis.

(F) "Contractual periodic prepayment" means the formula for determining the premium rate for all subscribers of a health insuring corporation.

(G) "Corporation" means a corporation formed under Chapter 1701. or 1702. of the Revised Code or the similar laws of another state.

(H) "Emergency health services" means those health care services that must be available on a seven-days-per-week, twenty-four-hours-per-day basis in order to prevent jeopardy to an enrollee's health status that would occur if such services were not received as soon as possible, and includes, where appropriate, provisions for transportation and indemnity payments or service agreements for out-of-area coverage.

(I) "Enrollee" means any natural person who is entitled to receive health care benefits provided by a health insuring corporation.

(J) "Evidence of coverage" means any certificate, agreement, policy, or contract issued to a subscriber that sets out the coverage and other rights to which such person is entitled under a health care plan.

(K) "Health care facility" means any facility, except a health care practitioner's office, that provides preventive, diagnostic, therapeutic, acute convalescent, rehabilitation, mental health, mental retardation, intermediate care, or skilled nursing services.

(L) "Health care services" means basic, supplemental, and specialty health care services.

(M) "Health delivery network" means any group of providers or health care facilities, or both, or any representative thereof, that have entered into an agreement to offer health care services in a panel rather than on an individual basis.

(N) "Health insuring corporation" means a corporation, as defined in division (G) of this section, that, pursuant to a policy, contract, certificate, or agreement, pays for, reimburses, or provides, delivers, arranges for, or otherwise makes available, basic health care services, supplemental health care services, or specialty health care services, or a combination of basic health care services and either supplemental health care services or specialty health care services, through either an open panel plan or a closed panel plan.

"Health insuring corporation" does not include a limited liability company formed pursuant to Chapter 1705. of the Revised Code, an insurer licensed under Title XXXIX of the Revised Code if that insurer offers only open panel plans under which all providers and health care facilities participating receive their compensation directly from the insurer, a corporation formed by or on behalf of a political subdivision or a department, office, or institution of the state, or a public

entity formed by or on behalf of a board of county commissioners, a county board of mental retardation and developmental disabilities, an alcohol and drug addiction services board, a board of alcohol, drug addiction, and mental health services, or a community mental health board, as those terms are used in Chapters 340. and 5126. of the Revised Code. Except as provided by division (D) of section 1751.02 of the Revised Code, or as otherwise provided by law, no board, commission, agency, or other entity under the control of a political subdivision may accept insurance risk in providing for health care services. However, nothing in this division shall be construed as prohibiting such entities from purchasing the services of a health insuring corporation or a third-party administrator licensed under Chapter 3959. of the Revised Code.

(O) "Intermediary organization" means a health delivery network or other entity that contracts with licensed health insuring corporations or self-insured employers, or both, to provide health care services, and that enters into contractual arrangements with other entities for the provision of health care services for the purpose of fulfilling the terms of its contracts with the health insuring corporations and self-insured employers.

(P) "Intermediate care" means residential care above the level of room and board for patients who require personal assistance and health-related services, but who do not require skilled nursing care.

(Q) "Medical record" means the personal information that relates to an individual's physical or mental condition, medical history, or medical treatment.

(R)(1) "Open panel plan" means a health care plan that provides incentives for enrollees to use participating providers and that also allows enrollees to use providers that are not participating providers.

(2) No health insuring corporation may offer an open panel plan, unless the health insuring corporation is also licensed as an insurer under Title XXXIX of the Revised Code, the health insuring corporation, on June 4, 1997, holds a certificate of authority or license to operate under Chapter 1736. or 1740. of the Revised Code, or an insurer licensed under Title XXXIX of the Revised Code is responsible for the out-of-network risk as evidenced by both an evidence of coverage filing under section 1751.11 of the Revised Code and a policy and certificate filing under section 3923.02 of the Revised Code.

(S) "Panel" means a group of providers or health care facilities that have joined together to deliver health care services through a contractual arrangement with a health insuring corporation, employer group, or other payor.

(T) "Person" has the same meaning as in section 1.59 of the Revised Code, and, unless the context otherwise requires, includes any insurance company holding a certificate of authority under Title XXXIX of the Revised Code, any subsidiary and affiliate of an insurance company, and any government agency.

(U) "Premium rate" means any set fee regularly paid by a subscriber to a health insuring corporation. A "premium rate" does not include a one-time

membership fee, an annual administrative fee, or a nominal access fee, paid to a managed health care system under which the recipient of health care services remains solely responsible for any charges assessed for those services by the provider or health care facility.

(V) "Primary care provider" means a provider that is designated by a health insuring corporation to supervise, coordinate, or provide initial care or continuing care to an enrollee, and that may be required by the health insuring corporation to initiate a referral for specialty care and to maintain supervision of the health care services rendered to the enrollee.

(W) "Provider" means any natural person or partnership of natural persons who are licensed, certified, accredited, or otherwise authorized in this state to furnish health care services, or any professional association organized under Chapter 1785. of the Revised Code, provided that nothing in this chapter or other provisions of law shall be construed to preclude a health insuring corporation, health care practitioner, or organized health care group associated with a health insuring corporation from employing certified nurse practitioners, certified nurse anesthetists, clinical nurse specialists, certified nurse midwives, dietitians, physicians' assistants, dental assistants, dental hygienists, optometric technicians, or other allied health personnel who are licensed, certified, accredited, or otherwise authorized in this state to furnish health care services.

(X) "Provider sponsored organization" means a corporation, as defined in division (G) of this section, that is at least eighty per cent owned or controlled by one or more hospitals, as defined in section 3727.01 of the Revised Code, or one or more physicians licensed to practice medicine or surgery or osteopathic medicine and surgery under Chapter 4731. of the Revised Code, or any combination of such physicians and hospitals. Such control is presumed to exist if at least eighty per cent of the voting rights or governance rights of a provider sponsored organization are directly or indirectly owned, controlled, or otherwise held by any combination of the physicians and hospitals described in this division.

(Y) "Solicitation document" means the written materials provided to prospective subscribers or enrollees, or both, and used for advertising and marketing to induce enrollment in the health care plans of a health insuring corporation.

(Z) "Subscriber" means a person who is responsible for making payments to a health insuring corporation for participation in a health care plan, or an enrollee whose employment or other status is the basis of eligibility for enrollment in a health insuring corporation.

(AA) "Urgent care services" means those health care services that are appropriately provided for an unforeseen condition of a kind that usually requires medical attention without delay but that does not pose a threat to the life, limb, or permanent health of the injured or ill person, and may include such health care services provided out of the health insuring corporation's approved service area

pursuant to indemnity payments or service agreements."

Between lines 30661 and 30662, insert:

"Sec. 3923.28. (A) As used in this section:

(1)"Mental health condition" means any condition or disorder involving mental illness as defined by the most recent edition of the diagnostic and statistical manual of mental disorders or as defined by any diagnostic category listed in the mental disorder section of the most recent edition of the international classification of diseases.

(2)"Policy of sickness and accident insurance" includes any individual or group policy of sickness and accident insurance that provides health care coverage for other than specific diseases or accidents only.

(3)"Substance abuse or addiction condition" means any alcohol or drug related disorder as defined by the most recent edition of the diagnostic and statistical manual of mental disorders or as defined by a diagnostic category listed in the most recent edition of the international classification of diseases.

(B)Notwithstanding section 3901.71 of the Revised Code, each policy of sickness and accident insurance shall provide benefits for the diagnosis and treatment of mental health conditions and substance abuse or addiction conditions on the same terms and conditions as, and shall provide benefits no less extensive than, those provided under the policy of sickness and accident insurance for the treatment and diagnosis of all other physical diseases and disorders, if both of the following apply:

(1)The mental health condition or substance abuse or addiction condition is clinically diagnosed by a physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery, a psychologist licensed under Chapter 4732. of the Revised Code, a professional clinical counselor, professional counselor, or independent social worker licensed under Chapter 4757. of the Revised Code, or a clinical nurse specialist licensed under Chapter 4723. of the Revised Code whose nursing specialty is mental health.

(2)The prescribed treatment is not experimental or investigational, having proven its clinical effectiveness in accordance with generally accepted medical standards.

(C)Division (B) of this section applies to all coverages and terms and conditions of the policy of sickness and accident insurance, including, but not limited to, coverage of inpatient hospital services, outpatient services, and medication; maximum lifetime benefits; copayments; and individual and family deductibles.

(D)This section shall not apply to a policy of sickness and accident insurance providing coverage to beneficiaries enrolled in Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, known as the

medical assistance program or medicaid, provided by the Ohio department of job and family services under Chapter 5111. of the Revised Code, or providing coverage for workers' compensation claims compensable pursuant to Title XLI of the Revised Code.

(E)Nothing in this section shall be construed as prohibiting a sickness and accident insurance company from taking any of the following actions:

(1)Negotiating separately with mental health care providers with regard to reimbursement rates and the delivery of health care services;

(2)Offering policies that provide benefits solely for the diagnosis and treatment of mental health conditions or for the diagnosis and treatment of a substance abuse or addiction condition;

(3)Managing the provision of benefits for the diagnosis or treatment of mental health conditions and substance abuse or addiction conditions through the use of pre-admission screening, by requiring beneficiaries to obtain authorization prior to treatment, or through the use of any other mechanism designed to limit coverage to that treatment determined to be necessary;

(4)Enforcing the terms and conditions of a policy of sickness and accident insurance.

Sec. 3923.281. (A) As used in this section:

(1)"Mental health condition" means any condition or disorder involving mental illness as defined by the most recent edition of the diagnostic and statistical manual of mental disorders or as defined by any diagnostic category listed in the mental disorder section of the most recent edition of the international classification of diseases.

(2)"Plan of health insurance" includes any private or public employer self-insurance plan that provides payment for health care benefits for other than specific diseases or accidents only, which benefits are not provided by contract with a sickness and accident insurer or health insuring corporation.

(3)"Substance abuse or addiction condition" means any alcohol or drug related disorder as defined by the most recent edition of the diagnostic and statistical manual of mental disorders or as defined by a diagnostic category listed in the most recent edition of the international classification of diseases.

(B)Notwithstanding section 3901.71 of the Revised Code, each plan of health insurance shall provide benefits for the diagnosis and treatment of mental health conditions and substance abuse or addiction conditions on the same terms and conditions as, and shall provide benefits no less extensive than, those provided under the plan of health insurance for the treatment and diagnosis of all other physical diseases and disorders, if both of the following apply:

(1)The mental health condition or substance abuse or addiction condition is clinically diagnosed by a physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and

surgery, a psychologist licensed under Chapter 4732. of the Revised Code, a professional clinical counselor, professional counselor, or independent social worker licensed under Chapter 4757. of the Revised Code, or a clinical nurse specialist licensed under Chapter 4723. of the Revised Code whose nursing specialty is mental health.

(2)The prescribed treatment is not experimental or investigational, having proven its clinical effectiveness in accordance with generally accepted medical standards.

(C)Division (B) of this section applies to all coverages and terms and conditions of the plan of health insurance, including, but not limited to, coverage of inpatient hospital services, outpatient services, and medication; maximum lifetime benefits; copayments; and individual and family deductibles.

(D)This section does not apply to a plan of health insurance if federal law supersedes, preempts, prohibits, or otherwise precludes its application to such plans.

(E)Nothing in this section shall be construed as prohibiting an employer from taking any of the following actions in connection with a plan of health insurance:

(1)Negotiating separately with mental health care providers with regard to reimbursement rates and the delivery of health care services;

(2)Managing the provision of benefits for the diagnosis or treatment of mental health conditions and substance abuse or addiction conditions through the use of pre-admission screening, by requiring beneficiaries to obtain authorization prior to treatment, or through the use of any other mechanism designed to limit coverage to that treatment determined to be necessary;

(3)Enforcing the terms and conditions of a plan of health insurance.

Sec. 3923.51. (A) As used in this section, "official poverty line" means the poverty line as defined by the United States office of management and budget and revised by the secretary of health and human services under 95 Stat. 511, 42 U.S.C.A. 9902, as amended.

(B) Every insurer that is authorized to write sickness and accident insurance in this state may offer group contracts of sickness and accident insurance to any charitable foundation that is certified as exempt from 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 that has the sole purpose of issuing certificates of coverage under these contracts to persons under the age of nineteen who are members of families that have incomes that are no greater than three hundred per cent of the official poverty line.

(C) Contracts offered pursuant to division (B) of this section are not subject to any of the following:

(1) Sections 3923.122, 3923.24, and ~~3923.29~~3923.28 of the Revised

Code;

(2) Any other sickness and accident insurance coverage required under this chapter on August 3, 1989. Any requirement of sickness and accident insurance coverage enacted after that date applies to this section only if the subsequent enactment specifically refers to this section.

(3) Chapter 1751. of the Revised Code."

In line 55218, after "3701.144," insert "3923.28, 3923.29, 3923.30,"

In line 24 of the title, after "1555.17," insert "1739.05, 1751.01,"

In line 59 of the title, after "3901.86," insert "3923.51,"

In line 127 of the title, after "3318.052," insert "3923.28,"

In line 137 of the title, after "3770.073," insert "3923.281,"

In line 162 of the title, after "3701.144," insert "3923.28, 3923.29, 3923.30,"

The question being, "Shall the motion to amend be agreed to?"

Representative Grendell moved that the motion be laid on the table.

The question being, "Shall the motion to amend be laid on the table?"

The yeas and nays were taken and resulted - yeas 51, nays 47, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Blasdel	Buehrer	Calvert
Carmichael	Cates	Clancy	Collier
Core	Daniels	DeWine	C. Evans
D. Evans	Faber	Flowers	Gibbs
Gilb	Grendell	Hagan	Hoops
Hughes	Husted	Kearns	Latta
Martin	McGregor	Otterman	T. Patton
Raga	Raussen	Reidelbach	Reinhard
Schaffer	Schlichter	Schmidt	Seaver
Seitz	Setzer	G. Smith	J. Stewart
Taylor	Trakas	Wagner	Walcher
Webster	White	Widener	Widowfield
Williams	Wolpert		Householder-51.

Those who voted in the negative were: Representatives

Allen	Barrett	Beatty	Bocchieri
Book	Brinkman	Brown	Callender
Carano	Chandler	Cirelli	DeBose
DePiero	Distel	Domenick	Driehaus
Hartnett	Harwood	Hollister	Jerse
Jolivette	Key	Kilbane	Koziura
Mason	Miller	Niehaus	Oelslager
Olman	S. Patton	Perry	Peterson
Price	Redfern	Schneider	Sferra
Skindell	S. Smith	D. Stewart	Strahorn
Sykes	Ujvagi	Willamowski	Wilson

Woodard

Yates

Young-47.

The motion to amend was laid on the table.

The question recurring, "Shall the bill as amended pass?"

Representative Schlichter, having voted with the prevailing side, moved that the vote by which the amendment offered by Representative Hartnett, passed be reconsidered and that the motion be taken up for immediate consideration.

This motion under House Rule 94 is properly supported by the following members who voted on the prevailing side of the question:

/S/ JOHN SCHLICHTER
JOHN SCHLICHTER

/S/ CHRIS WIDENER
CHRIS WIDENER

/S/ KEITH FABER
KEITH FABER

/S/ JEFF WAGNER
JEFF WAGNER

/S/ ROBERT E. LATTA
ROBERT E. LATTA

The question being, "Shall the motion to reconsider the vote by which the amendment offered by Representative Hartnett to Sub. H. B. No. 95, passed be agreed to?"

The yeas and nays were taken and resulted - yeas 55, nays 42, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Blasdel	Buehrer	Callender
Calvert	Carmichael	Cates	Clancy
Collier	Core	Daniels	DeWine
D. Evans	Faber	Flowers	Gibbs
Gilb	Grendell	Hagan	Hartnett
Hollister	Hoops	Hughes	Husted
Jolivette	Latta	Martin	Niehaus
Olman	Otterman	T. Patton	Peterson
Raga	Rausen	Reidelbach	Reinhard
Schaffer	Schlichter	Schmidt	Schneider
Seitz	Setzer	G. Smith	J. Stewart
Trakas	Wagner	Walcher	White
Widener	Widowfield	Willamowski	Williams
Wolpert	Young		Householder-55.

Those who voted in the negative were: Representatives

Allen	Barrett	Beatty	Bocchieri
Book	Brinkman	Brown	Carano
Chandler	Cirelli	DeBose	DePiero
Distel	Domenick	Driehaus	Harwood
Jerse	Kearns	Key	Kilbane
Koziura	Mason	McGregor	Miller
Oelslager	S. Patton	Perry	Price
Redfern	Seaver	Sferra	Skindell

S. Smith
Taylor
Woodard

D. Stewart
Ujvagi

Strahorn
Webster

Sykes
Wilson
Yates-42.

The motion was agreed to and the vote by which the amendment offered by Representative Hartnett to Sub. H. B. No. 95 passed was reconsidered.

Representative Hartnett moved to amend as follows:

Between lines 58637a and 58638, insert:

"GRF 200-514 Postsecondary Adult Career-Technical Education \$19,919,464 \$19,919,464".

In line 58650, delete "\$7,163,578,760 \$7,167,063,529" and insert "\$7,183,498,224 \$7,186,982,993".

In line 58709, delete "\$9,392,357,118 \$9,492,460,670" and insert "\$9,412,276,582 \$9,512,380,134".

Between lines 59375 and 59376, insert:

"POSTSECONDARY ADULT CAREER-TECHNICAL EDUCATION

The foregoing appropriation item 200-154, Postsecondary Adult Career-Technical Education, shall be used by the State Board of Education to provide postsecondary adult career technical education under sections 3313.52 and 3313.53 of the Revised Code."

Between lines 67919 and 67920, insert:

"**Section ____.** OBJECT CODE 13 EXPENDITURE REDUCTIONS

The Director of Budget and Management shall reduce General Revenue Fund Object Code 13 expenditures by \$19,919,464 in each fiscal year without disrupting essential services of the state. No Object Code 13 reductions shall be made for the Department of Education, the Department of Mental Health, the Department of Mental Retardation and Developmental Disabilities, the Department of Rehabilitation and Correction, the Board of Regents, and the Department of Youth Services."

Re-number uncodified sections accordingly.

The question being, "Shall the motion to amend be agreed to?"

The yeas and nays were taken and resulted - yeas 93, nays 5, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Beatty
Blasdel	Bocchieri	Book	Brinkman
Brown	Buehrer	Callender	Calvert
Carano	Carmichael	Chandler	Cirelli
Clancy	Collier	Core	Daniels
DeBose	DePiero	DeWine	Distel
Domenick	Driehaus	C. Evans	D. Evans
Faber	Flowers	Gibbs	Gilb

Hagan	Hartnett	Harwood	Hollister
Hoops	Hughes	Jerse	Jolivette
Kearns	Key	Kilbane	Koziura
Latta	Martin	Mason	McGregor
Miller	Niehaus	Oelslager	Olman
Otterman	S. Patton	T. Patton	Perry
Peterson	Price	Raga	Rausen
Redfern	Reinhard	Schaffer	Schlichter
Schmidt	Schneider	Seaver	Seitz
Setzer	Sferra	Skindell	G. Smith
S. Smith	D. Stewart	J. Stewart	Strahorn
Sykes	Trakas	Ujvagi	Wagner
Walcher	Webster	White	Widener
Widowfield	Willamowski	Williams	Wilson
Wolpert	Woodard	Yates	Young
			Householder-93.

Representatives Cates, Grendell, Husted, Reidelbach, and Taylor voted in the negative-5.

The motion was agreed to and the bill so amended.

The question recurring, "Shall the bill as amended pass?"

Representative Barrett moved to amend as follows:

In line 286, delete "5111.019,".

Delete lines 41428 through 41453.

In line 55194, delete "5111.019,".

In line 61074, delete "\$3,675,314,765 \$3,895,928,257" and insert "\$3,679,220,946 \$3,925,072,239".

In line 61075, delete "\$5,219,983,810 \$5,572,285,639" and insert "\$5,225,658,647 \$5,614,625,546".

In line 61076, delete "\$8,895,198,575 \$9,468,213,896" and insert "\$8,904,879,593 \$9,539,697,785".

In line 61082, delete "\$4,455,915,817 \$4,676,060,174" and insert "\$4,459,821,998 \$4,705,204,156".

In line 61083, delete "\$5,317,472,304 \$5,674,422,478" and insert "\$5,323,147,141 \$5,716,762,385".

In line 61084, delete "\$9,773,388,121 \$10,350,482,652" and insert "\$9,782,969,139 \$10,421,966,541".

In line 61151, delete "\$15,219,090,401 \$15,996,344,949" and insert "\$15,228,671,419 \$16,067,828,838".

Delete lines 61424 through 61433.

Between lines 67919 and 67920 insert:

" **Section** ____.

The Director of Budget and Management shall reduce General Revenue Fund Object Code 13 expenditures by \$3,906,181 in fiscal year 2004 and \$29,143,982 in fiscal year 2005 without disrupting essential services of the state. No object Code 13 reductions shall be made for the Department of Education, the Department of Mental Health, the Department of Mental Retardation and Developmental Disabilities, the Department of Rehabilitation and Correction, the Board of Regents, and the Department of Youth Services."

Renumber uncodified sections accordingly.

In line 92 of the title, delete "5111.019,".

The question being, "Shall the motion to amend be agreed to?"

Representative Calvert moved that the motion be laid on the table.

The question being, "Shall the motion to amend be laid on the table?"

The yeas and nays were taken and resulted - yeas 60, nays 39, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Blasdel	Buehrer	Callender
Calvert	Carmichael	Cates	Clancy
Collier	Core	Daniels	DeWine
C. Evans	D. Evans	Faber	Fessler
Flowers	Gibbs	Gilb	Grendell
Hagan	Hollister	Hoops	Hughes
Husted	Jolivette	Kearns	Kilbane
Latta	Mason	McGregor	Niehaus
Oelslager	Olman	T. Patton	Peterson
Raga	Raussen	Reidelbach	Reinhard
Schaffer	Schlichter	Schmidt	Schneider
Seitz	Setzer	G. Smith	Taylor
Trakas	Wagner	Walcher	Webster
White	Widener	Widowfield	Willamowski
Williams	Wolpert	Young	Householder-60.

Those who voted in the negative were: Representatives

Allen	Barrett	Beatty	Bocchieri
Book	Brinkman	Brown	Carano
Chandler	Cirelli	DeBose	DePiero
Distel	Domenick	Driehaus	Hartnett
Harwood	Jerse	Key	Koziura
Martin	Miller	Otterman	S. Patton
Perry	Price	Redfern	Seaver
Sferra	Skindell	S. Smith	D. Stewart
J. Stewart	Strahorn	Sykes	Ujvagi
Wilson	Woodard		Yates-39.

The motion to amend was laid on the table.

The question recurring, "Shall the bill as amended pass?"

Representative Beatty moved to amend as follows:

Between lines 57270 and 57271, insert:

"ALCOHOL CONSUMPTION STUDY

Of the foregoing appropriation item 038-621, Statewide Treatment and Prevention, \$40,000 in each fiscal year shall be used to conduct a six-month study of alcohol consumption of adolescence in urban and rural areas and report findings to the General Assembly by July 1, 2004."

The question being, "Shall the motion to amend be agreed to?"

Representative Calvert moved that the motion be laid on the table.

The question being, "Shall the motion to amend be laid on the table?"

The yeas and nays were taken and resulted - yeas 58, nays 38, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Blasdel	Buehrer	Callender
Calvert	Carmichael	Cates	Clancy
Collier	Core	Daniels	DeWine
C. Evans	D. Evans	Faber	Fessler
Flowers	Gibbs	Gilb	Hagan
Hollister	Hoops	Hughes	Husted
Jolivette	Kearns	Kilbane	Latta
Martin	McGregor	Niehaus	Oelsluger
Olman	T. Patton	Peterson	Raga
Rausen	Reidelbach	Reinhard	Schaffer
Schlichter	Schmidt	Schneider	Seitz
Setzer	G. Smith	Trakas	Wagner
Walcher	Webster	White	Widener
Widowfield	Willamowski	Williams	Wolpert
Young			Householder-58.

Those who voted in the negative were: Representatives

Allen	Barrett	Beatty	Bocchieri
Book	Brinkman	Carano	Chandler
Cirelli	DeBose	DePiero	Distel
Domenick	Driehaus	Hartnett	Harwood
Jerse	Key	Koziura	Mason
Miller	Otterman	S. Patton	Perry
Price	Redfern	Seaver	Skindell
S. Smith	D. Stewart	J. Stewart	Strahorn
Sykes	Taylor	Ujvagi	Wilson
Woodard			Yates-38.

The motion to amend was laid on the table.

The question recurring, "Shall the bill as amended pass?"

Representative Seitz moved to amend as follows:

In lines 237 and 55145, after "1555.17," insert "1711.09, 1711.11,"

In lines 261 and 55169, after "3769.02," insert "3770.02, 3770.03, 3770.05, 3770.06,"; after "3770.07," insert "3770.08,"

In lines 265 and 55174, after "4141.09," insert "4301.03,"

In line 318, after "3745.15," insert "3770.061,"; after "3770.073," insert "3770.21, 3770.22, 3770.23, 3770.24, 3770.25, 3770.26, 3770.27, 3770.28, 3770.29, 3770.30,"

Between lines 10798 and 10799, insert:

"Sec. 1711.09. Except as otherwise provided in this section, county agricultural societies, independent agricultural societies, and the Ohio expositions commission shall not permit during any fair, or for one week before or three days after any fair, any dealing in spirituous liquors, or at any time allow or tolerate immoral shows, lottery devices, games of chance, or gambling of any kind, including pool selling and paddle wheels, anywhere on the fairground; and shall permit no person at any time to operate any side show, amusement, game, or device, or offer for sale any novelty by auction or solicitation, on the fairground who has not first obtained from the director of agriculture a license under section 1711.11 of the Revised Code. This section does not prohibit the sale of lottery tickets by the state lottery commission pursuant to Chapter 3770. of the Revised Code at the state fairground during the state fair, or the sale of rights to participate in lotteries conducted by the commission, if authorized by sections 3770.21 to 3770.30 of the Revised Code. In addition, a county or independent agricultural society may permit, at any time except during a fair or for one week before or three days after a fair, a charitable organization to conduct in accordance with Chapter 2915. of the Revised Code games of chance or bingo on the fairground of a county with a population of five hundred thousand or less. A charitable organization may lease all or part of the fairground from the agricultural society for that purpose.

Any sales of intoxicating liquor transacted on the fairground shall be subject to Chapters 4301., 4303., and 4399. of the Revised Code.

Any agricultural society that permits the sale of intoxicating liquor on its fairground shall apply any proceeds gained by the society from the permit holder and from activities coincident to the sale of intoxicating liquor first to pay the cost of insurance on all buildings on the fairground, and then for any other purpose authorized by law.

Sec. 1711.11. (A) No person shall operate any concession at any fair or exposition conducted by a county or independent agricultural society or by the Ohio expositions commission without first obtaining from the director of agriculture a license to do so under division (B) of this section, nor shall any officer, agent, or employee of a county or independent agricultural society or of the Ohio expositions commission grant a privilege or concession to any person to do so, unless the person holds a license.

For the purposes of this section, "concession" means any show,

amusement other than an amusement ride as defined in section 1711.50 of the Revised Code, game, or novelty stand operation at a fair or exposition, but does not include food or drink operations.

(B) A license shall be issued by the director only upon a written application containing a detailed description of the concession. Blank applications for licenses shall be prepared and furnished by the director.

(C) No license shall be issued until the applicant has paid a fee of seventy dollars to the director, except that no fee shall be collected from nonprofit organizations which are recorded as such by the secretary of state or with the internal revenue service. The director shall pay the fee into the state treasury to the credit of the amusement ride inspection fund established by section 1711.53 of the Revised Code.

(D) A license issued under this section shall contain a detailed description of the concession licensed, shall expire on the thirty-first day of December following the date of issue, and shall be kept by the licensee in a conspicuous place where the licensee's concession is in operation.

(E)(1) The director shall employ and provide training for a chief inspector and additional inspectors and employees as necessary to administer and enforce this section. The director may appoint or contract with other persons to perform inspections of concessions, provided that the persons meet the qualifications for inspectors established by rules adopted under division (G) of this section and are not owners or employees of owners of any concession subject to inspection under this section. No person shall inspect a concession who, within six months prior to the date of inspection, was an employee of the owner of the concession.

(2) Before the director contracts with other persons to inspect concessions, the director shall seek the advice of the advisory council on amusement ride safety on whether to contract with those persons. The advice shall not be binding upon the director. After having received the advice of the council the director may proceed to contract for amusement ride inspectors and award the contract to the lowest responsive and responsible bidder in accordance with section 9.312 of the Revised Code. In order to determine the lowest responsive and responsible bid, the director, with the advice of the council, shall adopt rules governing the terms of the contract between the department of agriculture and the inspector. The rules shall prescribe the training and work experience required of an inspector, any insurance or bonds required of an inspector, and all the services the inspector will be required to perform on behalf of the department in an efficient professional manner.

(F) This section does not require the officers of any county or independent agricultural society or of the Ohio expositions commission to grant any privilege or concession to any licensee.

(G) The director shall enforce this section and, in accordance with Chapter 119. of the Revised Code, adopt all rules that are necessary for its enforcement. If the director finds that this section has been violated or that the licensee has been

dishonest or has been fraudulent in dealings with the public, the director, in accordance with Chapter 119. of the Revised Code, shall revoke the licensee's license or fine the licensee not more than one thousand dollars, or both. The director, for a period not exceeding two years from the date of revocation, may refuse to issue another license to a person for a concession for which the person's license has been revoked. Notwithstanding section 119.12 of the Revised Code, all appeals from any fine by, or order of, the director shall be to the court of common pleas of the county where the place of business of the person is located or to the common pleas court of the county in which the person is a resident or in which the concession is located.

(H) Any person holding a license issued under this section who permits or tolerates at any place on the fairground where the person's concession is in operation, any immoral show, lottery device, game of chance, or gambling of any kind, including pool selling and paddle wheels, or who violates the terms of the license issued to the person, shall forfeit the license, and the director shall not issue any other license to the person until after a period of two years from the forfeiture. For the purposes of this division, "lottery device," "game of chance," and "gambling of any kind" do not include the sale of ~~lottery tickets~~ rights to participate in lotteries by the state lottery commission pursuant to Chapter 3770. of the Revised Code ~~at the state fairground during the state fair~~. For the purposes of this section and section 1711.09 of the Revised Code, contests, games, tournaments, and other activities, the outcome of which is predominantly determined by the skill of the contestants, participants, or players, whether or not the contestants, participants, or players pay a price for the opportunity to win a prize, do not constitute a game of chance or gambling within the meaning, purpose, and intent of this section and section 1711.09 of the Revised Code or sections 2915.01 to 2915.04 of the Revised Code. The foregoing definition does not apply where the contest, game, tournament, or other activity contains or includes any mechanical or physical device ~~which that~~ directly or indirectly impedes, impairs, or thwarts the skill of the contestant, participant, or player."

Between lines 30222 and 30223, insert:

"Sec. 3770.02. (A) Subject to the advice and consent of the senate, the governor shall appoint a director of the state lottery commission who shall serve at the pleasure of the governor. The director shall devote full time to the duties of the office and shall hold no other office or employment. The director shall meet all requirements for appointment as a member of the commission and shall by experience and training possess management skills that would equip the director to administer an enterprise of the nature of a state lottery. The director shall receive an annual salary in accordance with pay range 48 of section 124.152 of the Revised Code.

(B)(1) The director shall attend all meetings of the commission and shall act as its secretary. The director shall keep a record of all commission proceedings and shall keep the commission's records, files, and documents at the commission's principal office. All records of the commission's meetings shall be

available for inspection by any member of the public, upon a showing of good cause and prior notification to the director.

(2) The director shall be the commission's executive officer and shall be responsible for keeping all commission records and supervising and administering the state lottery in accordance with this chapter, and carrying out all commission rules adopted under section 3770.03 of the Revised Code.

(C)(1) The director shall appoint an assistant director and deputy directors of marketing, operations, sales, finance, public relations, security, and administration, and as many regional managers as are required. The director may also appoint necessary professional, technical, and clerical assistants. All such officers and employees shall be appointed and compensated pursuant to Chapter 124. of the Revised Code. Regional and assistant regional managers, sales representatives, and any lottery executive account representatives shall remain in the unclassified service.

(2) The director, in consultation with the director of administrative services, may establish standards of proficiency and productivity for commission field representatives.

(D) The director shall request the bureau of criminal identification and investigation, the department of public safety, or any other state, local, or federal agency to supply the director with the criminal records of any job applicant and may periodically request the criminal records of commission employees. At or prior to the time of making such a request, the director shall require a job applicant or commission employee to obtain fingerprint cards prescribed by the superintendent of the bureau of criminal identification and investigation at a qualified law enforcement agency, and the director shall cause these fingerprint cards to be forwarded to the bureau of criminal identification and investigation and the federal bureau of investigation. The commission shall assume the cost of obtaining the fingerprint cards and shall pay to each agency supplying criminal records for each investigation under this division a reasonable fee, as determined by the agency.

(E) The director shall license lottery sales agents pursuant to section 3770.05 of the Revised Code and electronic lottery sales agents pursuant to section 3770.24 of the Revised Code and, when it is considered necessary, may revoke or suspend the license of any ~~lottery sales~~ such agent under this chapter.

(F) The director shall confer at least once each month with the commission, at which time the director shall advise it regarding the operation and administration of the lottery. The director shall make available at the request of the commission all documents, files, and other records pertaining to the operation and administration of the lottery. The director shall prepare and make available to the commission each month a complete and accurate accounting of lottery revenues, prize money disbursements and the cost of goods and services awarded as prizes, operating expenses, and all other relevant financial information, including an accounting of all transfers made from any lottery funds in the

custody of the treasurer of state to benefit education.

(G) The director may enter into contracts for the operation or promotion of the lottery pursuant to Chapter 125. of the Revised Code. The director may enter into agreements to assist organizations that deal with problem gambling.

(H)(1) Pursuant to rules adopted by the commission under section 3770.03 of the Revised Code, the director shall require ~~any~~ lottery sales agents licensed under section 3770.05 of the Revised Code to either mail directly to the commission or deposit to the credit of the state lottery fund, in banking institutions designated by the treasurer of state, net proceeds due the commission as determined by the director, and to file with the director or the director's designee reports of their receipts and transactions in the sale of lottery tickets in the form required by the director.

(2) Pursuant to rules adopted by the commission under Chapter 119. of the Revised Code, the director may impose penalties for the failure of a sales agent to transfer funds to the commission in a timely manner. Penalties may include monetary penalties, immediate suspension or revocation of a license, or any other penalty the commission adopts by rule.

(I) The director may arrange for any person, or any banking institution, to perform functions and services in connection with the operation of the lottery as the director may consider necessary to carry out this chapter.

(J)(1) As used in this chapter, "statewide joint lottery game" means a lottery game that the commission sells solely within this state under an agreement with other lottery jurisdictions to sell the same lottery game solely within their statewide or other jurisdictional boundaries.

(2) If the governor directs the director to do so, the director shall enter into an agreement with other lottery jurisdictions to conduct statewide joint lottery games. If the governor signs the agreement personally or by means of an authenticating officer pursuant to section 107.15 of the Revised Code, the director then may conduct statewide joint lottery games under the agreement.

(3) The entire net proceeds from any statewide joint lottery games shall be used to fund elementary, secondary, vocational, and special education programs in this state.

(4) The commission shall conduct any statewide joint lottery games in accordance with rules it adopts under division (B)(5) of section 3770.03 of the Revised Code.

Sec. 3770.03. (A) The state lottery commission shall promulgate rules under which ~~a statewide lottery may~~ lotteries, including, but not limited to, games providing immediate prize determinations for individual participants through the use of electronic gaming devices, shall be conducted. The rules shall be promulgated pursuant to Chapter 119. of the Revised Code, except that instant game rules shall be promulgated pursuant to section 111.15 of the Revised Code but are not subject to division (D) of that section. Subjects covered in these rules

shall include, but need not be limited to, the following:

- (1) The type of ~~lottery~~lotteries to be conducted;
- (2) The prices of ~~tickets~~rights to participate in the ~~lottery~~lotteries;
- (3) The ~~number~~, nature, and value of prize awards, the manner and frequency of prize ~~drawings~~determinations, and the manner in which prizes shall be awarded to ~~holders of winning tickets~~participants.

(B) The commission shall promulgate rules, in addition to those described in division (A) of this section, pursuant to Chapter 119. of the Revised Code under which ~~a statewide lottery and statewide joint lottery games may, and lotteries, including, but not limited to, games providing immediate prize determinations for individual participants through the use of electronic gaming devices shall~~, be conducted. Subjects covered in these rules shall include, but not be limited to, the following:

(1) The locations at which lottery tickets may be sold and the manner in which they are to be sold. These rules may authorize the sale of lottery tickets by commission personnel or other licensed individuals from traveling show wagons at the state fair, and at any other expositions the director of the commission considers acceptable. These rules shall prohibit commission personnel or other licensed individuals from soliciting from an exposition the right to sell lottery tickets at that exposition, but shall allow commission personnel or other licensed individuals to sell lottery tickets at an exposition if the exposition requests commission personnel or licensed individuals to do so. These rules may also address the accessibility of sales agent locations to commission products in accordance with the "Americans with Disabilities Act of 1990," 104 Stat. 327, 42 U.S.C.A. 12101 et seq.

(2) The manner in which lottery sales revenues are to be collected, including authorization for the director to impose penalties for failure by lottery sales agents, ~~or, under section 3770.28 of the Revised Code, by electronic lottery sales agents,~~ to transfer revenues to the commission in a timely manner;

(3) ~~The~~ Except as provided in section 3770.26 of the Revised Code, the amount of compensation to be paid licensed lottery sales agents;

(4) The substantive criteria for the licensing of lottery sales agents consistent with section 3770.05 of the Revised Code, and procedures for revoking or suspending their licenses, ~~or the licenses of electronic lottery sales agents issued under section 3770.24 of the Revised Code,~~ consistent with Chapter 119. of the Revised Code. If circumstances, such as the nonpayment of funds owed by a lottery sales agent ~~or electronic lottery sales agent,~~ or other circumstances related to the public safety, convenience, or trust, require immediate action, the director may suspend a license without affording an opportunity for a prior hearing under section 119.07 of the Revised Code.

(5) Special game rules to implement any agreements signed by the governor that the director enters into with other lottery jurisdictions under

division (J) of section 3770.02 of the Revised Code to conduct statewide joint lottery games. The rules shall require that the entire net proceeds of those games that remain, after associated operating expenses, prize disbursements, lottery sales agent bonuses, commissions, and reimbursements, and any other expenses necessary to comply with the agreements or the rules are deducted from the gross proceeds of those games, be transferred to the lottery profits education fund under division (B) of section 3770.06 of the Revised Code.

~~(C)~~(6) The manner in which lotteries that use electronic gaming devices under section 3770.22 of the Revised Code must be conducted and the security, licensing, and enforcement procedures necessary to ensure the integrity of those lotteries;

(7) Licensing requirements for key gaming employees of electronic lottery sales agents, as defined in section 3770.21 of the Revised Code, or agents' contractors that employ key gaming employees; provided that, the maximum initial or yearly fee for a license issued by the commission shall not exceed the commission's cost and expenses of investigation and licensing;

(8) Any other subjects the commission determines are necessary for the conduct of lotteries under section 3770.22 of the Revised Code.

(C) Chapter 2915. of the Revised Code does not apply to, affect, or prohibit lotteries conducted pursuant to this chapter.

(D)(1) The commission may not conduct, directly or in conjunction with any lottery sales agent or electronic lottery sales agent, the following live casino table games:

(a) Card games, including poker, blackjack, twenty-one, casino war, or baccarat, played with persons dealing cards and participants wagering on outcomes determined by the dealt cards;

(b) Roulette, wheel of fortune, or any other game played with persons spinning wheels and participants wagering upon outcomes determined by a spinning wheel;

(c) Craps, mah jong, sic bo, or any other game played with persons casting or dealing dice, tiles, or similar objects, and participants wagering on outcomes determined by the location or appearance of the objects cast.

(2) The commission may conduct lotteries replicating card games, spinning-wheel games, or cast object games by electronic gaming devices pursuant to section 3770.22 of the Revised Code.

(E)(1) The commission shall meet with the director at least once each month and shall convene other meetings at the request of the chairperson or any five of the members. No action taken by the commission shall be binding unless at least five of the members present vote in favor of the action. A written record shall be made of the proceedings of each meeting and shall be transmitted forthwith to the governor, the president of the senate, the senate minority leader,

the speaker of the house of representatives, and the house minority leader.

(2) The director shall present to the commission a report each month, showing the total revenues, prize disbursements, and operating expenses of the state lottery for the preceding month. As soon as practicable after the end of each fiscal year, the commission shall prepare and transmit to the governor and the general assembly a report of lottery revenues, prize disbursements, and operating expenses for the preceding fiscal year and any recommendations for legislation considered necessary by the commission.

Sec. 3770.05. (A) As used in this section, "person" means any person, association, corporation, partnership, club, trust, estate, society, receiver, trustee, person acting in a fiduciary or representative capacity, instrumentality of the state or any of its political subdivisions, or any other combination of individuals meeting the requirements set forth in this section or established by rule or order of the commission.

(B) The director of the state lottery commission may license any person as a lottery sales agent for the sale of lottery tickets. No license shall be issued to any person or group of persons to engage in the sale of lottery tickets as the person's or group's sole occupation or business.

Before issuing any license to a lottery sales agent for the sale of lottery tickets, the director shall consider the following:

(1) The financial responsibility and security of the person and the person's business or activity;

(2) The accessibility of the agent's place of business or activity to the public;

(3) The sufficiency of existing licensed agents to serve the public interest;

(4) The volume of expected sales by the applicant;

(5) Any other factors pertaining to the public interest, convenience, or trust.

(C) Except as otherwise provided in division (F) of this section, the director shall refuse to grant, or shall suspend or revoke, a license issued under this section, if the applicant or licensee:

(1) Has been convicted of a felony, or has been convicted of a crime involving moral turpitude;

(2) Has been convicted of an offense that involves illegal gambling;

(3) Has been found guilty of fraud or misrepresentation in any connection;

(4) Has been found to have violated any rule or order of the commission;

(5) Has been convicted of illegal trafficking in food stamps.

(D) Except as otherwise provided in division (F) of this section, the director shall refuse to grant, or shall suspend or revoke, a license issued under

this section, if the applicant or licensee is a corporation:

(1) Any of whose directors, officers, or controlling shareholders have been found guilty of any of the activities specified in divisions (C)(1) to (4) of this section;

(2) In which it appears to the director that, due to the experience, character, or general fitness of any director, officer, or controlling shareholder, the granting of a license as a lottery sales agent would be inconsistent with the public interest, convenience, or trust;

(3) Not the owner or lessee of the business at which it will conduct a lottery sales agency pursuant to the license applied for, or that any person, firm, association, or corporation other than the applicant shares or will share in the profits of the applicant, other than receiving dividends or distributions as a shareholder, or will participate in the management of the affairs of the applicant.

(E)(1) The director shall refuse to grant a license to an applicant and shall revoke a license of a licensee under this section if the applicant or licensee is or has been convicted of a violation of division (A) or (C)(1) of section 2913.46 of the Revised Code.

(2) The director shall refuse to grant a license to an applicant that is a corporation and shall revoke the license of a licensee under this section that is a corporation, if the corporation is or has been convicted of a violation of division (A) or (C)(1) of ~~a violation of~~ section 2913.46 of the Revised Code.

(F) The director shall request the bureau of criminal identification and investigation, the department of public safety, or any other state, local, or federal agency to supply the director with the criminal records of any applicant for a lottery sales agent license, and may periodically request ~~such~~those records of any person to whom ~~such~~ a lottery sales agent license has been issued. At or prior to the time of making such a request, the director shall require an applicant or licensee to obtain fingerprint cards prescribed by the superintendent of the bureau of criminal identification and investigation at a qualified law enforcement agency, and the director shall cause these fingerprint cards to be forwarded to the bureau of criminal identification and investigation and the federal bureau of investigation. The commission shall assume the cost of obtaining the fingerprint cards. The director shall pay to each agency supplying ~~such~~ records for each investigation a reasonable fee, as determined by the agency. The commission may adopt uniform rules specifying time periods after which the persons described in divisions (C)(1) to (4) and (D)(1) to (3) of this section may be issued a license and establishing requirements for ~~such~~those persons to seek a court order to have records sealed in accordance with law.

(G)(1) Each applicant for a lottery sales agent license for the sale of lottery tickets shall do both of the following:

(a) Pay to the commission a fee of twenty-five dollars upon approval of the application;

(b) Prior to approval of the application, obtain a surety or, if required, a fidelity bond in an amount to be determined by the director. The bond may be with any company that complies with the bonding and surety laws of this state and the requirements established by rules of the commission pursuant to this chapter.

(2) A lottery sales agent license for the sale of lottery tickets is effective for one year. A licensed lottery sales agent shall, on or before the date established by the director, renew the agent's license and provide at that time evidence to the director that the surety bond required under division ~~(F)~~(G)(1)(b) of this section has been renewed. The director shall certify to the commission that the applicant for renewal has the required bond.

The relationship between the state lottery commission and a lottery sales agent is one of trust. A lottery sales agent collects funds on behalf of the commission through the sale of lottery tickets for which the agent receives a compensation.

(H) Pending a final resolution of any question arising under this section, the director may issue a temporary lottery sales agent license for the sale of lottery tickets, subject to ~~such~~the terms and conditions as the director may consider appropriate.

(I) If a lottery sales agent's rental payments for the agent's premises are determined, in whole or in part, by the amount of retail sales the agent makes, and the rental agreement does not expressly provide that the amount of ~~such~~those retail sales includes the amounts the agent receives from lottery ticket sales, only the amounts the lottery sales agent receives as compensation from the state lottery commission for selling lottery tickets shall be considered to be amounts the agent receives from the retail sales the agent makes, for the purpose of computing the agent's rental payments.

Sec. 3770.06. (A) There is hereby created the state lottery gross revenue fund, which shall be in the custody of the treasurer of state, but shall not be part of the state treasury. All gross revenues received from sales of ~~lottery tickets~~rights to participate in lotteries, fines, fees, and related proceeds in connection with the statewide lottery and all gross proceeds from statewide joint lottery games shall be deposited into the fund. The treasurer of state shall invest any portion of the fund not needed for immediate use in the same manner as, and subject to all provisions of law with respect to the investment of, state funds. The treasurer of state shall disburse money from the fund on order of the director of the state lottery commission or the director's designee.

Except for gross proceeds from statewide joint lottery games, all revenues of the state lottery gross revenue fund that are not paid to ~~holders of winning lottery tickets~~participants, that are not required to meet short-term prize liabilities, that are not credited to lottery sales agents or electronic lottery sales agents in the form of bonuses, commissions, or reimbursements, that are not necessary for procuring, installing, maintaining, servicing, operating, repairing, advertising,

promoting, and replacing electronic gaming devices, associated equipment, and central communications systems under section 3770.27 of the Revised Code, that are not paid to financial institutions to reimburse those institutions for sales agent nonsufficient funds, that are not disbursed under this division to the department of alcohol and drug addiction services, and that are not collected from sales agents for remittance to insurers under contract to provide sales agent bonding services shall be transferred to the state lottery fund, which is hereby created in the state treasury. In addition, all revenues of the state lottery gross revenue fund that represent the gross proceeds from the statewide joint lottery games and that are not paid to holders of winning lottery tickets, that are not required to meet short-term prize liabilities, that are not credited to lottery sales agents in the form of bonuses, commissions, or reimbursements, and that are not necessary to cover operating expenses associated with those games or to otherwise comply with the agreements signed by the governor that the director enters into under division (J) of section 3770.02 of the Revised Code or the rules the commission adopts under division (B)(5) of section 3770.03 of the Revised Code shall be transferred to the state lottery fund. All investment earnings of the fund shall be credited to the fund. Moneys shall be disbursed from the fund pursuant to vouchers approved by the director. Total disbursements for monetary prize awards to holders of winning lottery tickets in connection with the statewide lottery and purchases of goods and services awarded as prizes to holders of winning lottery tickets shall be of an amount equal to at least fifty per cent of the total revenue accruing from the sale of lottery tickets.

(B) Pursuant to Section 6 of Article XV, Ohio Constitution, there is hereby established in the state treasury the lottery profits education fund. Whenever, in the judgment of the director of budget and management, the amount to the credit of the state lottery fund that does not represent proceeds from statewide joint lottery games is in excess of that needed to meet the maturing obligations of the commission and as working capital for its further operations, the director shall transfer the excess to the lottery profits education fund in connection with the statewide lottery. In addition, whenever, in the judgment of the director of budget and management, the amount to the credit of the state lottery fund that represents proceeds from statewide joint lottery games equals the entire net proceeds of those games as described in division (B)(5) of section 3770.03 of the Revised Code and the rules adopted under that division, the director shall transfer those proceeds to the lottery profits education fund. There shall also be credited to the fund any repayments of moneys loaned from the educational excellence investment fund. Investment earnings of the lottery profits education fund shall be credited to the fund.

The lottery profits education fund shall be used solely for the support of elementary, secondary, vocational, and special education programs as determined in appropriations made by the general assembly, or as provided in applicable bond proceedings for the payment of debt service on obligations issued to pay costs of capital facilities, including those for a system of common schools throughout the state pursuant to section 2n of Article VIII, Ohio Constitution. When determining the availability of money in the lottery profits education fund,

the director of budget and management may consider all balances and estimated revenues of the fund.

From the amounts that the director of budget and management transfers in any fiscal year from the state lottery fund to the lottery profits education fund, the director shall transfer the initial ten million dollars of those amounts from the lottery profits education fund to the school building program bond service fund created in division (Q) of section 3318.26 of the Revised Code to be pledged for the purpose of paying bond service charges as defined in division (C) of section 3318.21 of the Revised Code on one or more issuances of obligations, which obligations are issued to provide moneys for the school building program assistance fund created in section 3318.25 of the Revised Code.

(C) There is hereby established in the state treasury the deferred prizes trust fund. With the approval of the director of budget and management, an amount sufficient to fund annuity prizes shall be transferred from the state lottery fund and credited to the trust fund. The treasurer of state shall credit all earnings arising from investments purchased under this division to the trust fund. Within sixty days after the end of each fiscal year, the director of budget and management shall certify the amount of investment earnings necessary to have been credited to the trust fund during the fiscal year just ending to provide for continued funding of deferred prizes. Any earnings credited in excess of this certified amount shall be transferred to the lottery profits education fund.

To provide all or a part of the amounts necessary to fund deferred prizes awarded by the commission in connection with the statewide lottery, the treasurer of state, in consultation with the commission, may invest moneys contained in the deferred prizes trust fund ~~which represents~~that represent proceeds from the statewide lottery in obligations of the type permitted for the investment of state funds but whose maturities are thirty years or less. Notwithstanding the requirements of any other section of the Revised Code, to provide all or part of the amounts necessary to fund deferred prizes awarded by the commission in connection with statewide joint lottery games, the treasurer of state, in consultation with the commission, may invest moneys in the trust fund ~~which~~that represent proceeds derived from the statewide joint lottery games in accordance with the rules the commission adopts under division (B)(5) of section 3770.03 of the Revised Code. Investments of the trust fund are not subject to the provisions of division (A)(10) of section 135.143 of the Revised Code limiting to twenty-five per cent the amount of the state's total average portfolio that may be invested in debt interests and limiting to one-half of one per cent the amount that may be invested in debt interests of a single issuer.

All purchases made under this division shall be effected on a delivery versus payment method and shall be in the custody of the treasurer of state.

The treasurer of state may retain an investment advisor, if necessary. The commission shall pay any costs incurred by the treasurer of state in retaining an investment advisor.

(D) The auditor of state shall conduct annual audits of all funds and any

other audits as the auditor of state or the general assembly considers necessary. The auditor of state may examine all records, files, and other documents of the commission, and records of lottery sales agents, and of electronic lottery sales agents licensed under section 3770.24 of the Revised Code, that pertain to their activities as agents, for purposes of conducting authorized audits.

The state lottery commission shall establish an internal audit program before the beginning of each fiscal year, subject to the approval of the auditor of state. At the end of each fiscal year, the commission shall prepare and submit an annual report to the auditor of state for the auditor of state's review and approval, specifying the internal audit work completed by the end of that fiscal year and reporting on compliance with the annual internal audit program. The form and content of the report shall be prescribed by the auditor of state under division (C) of section 117.20 of the Revised Code.

(E) Whenever, in the judgment of the director of budget and management, an amount of net state lottery proceeds is necessary to be applied to the payment of debt service on obligations, all as defined in sections 151.01 and 151.03 of the Revised Code, the director shall transfer that amount directly from the state lottery fund or from the lottery profits education fund to the bond service fund defined in those sections. The provisions of this division are subject to any prior pledges or obligation of those amounts to the payment of bond service charges as defined in division (C) of section 3318.21 of the Revised Code, as referred to in division (B) of this section.

Sec. 3770.061. Each month, the director of the lottery commission shall order the treasurer of state to disburse to the department of alcohol and drug addiction services money from the state lottery gross revenue fund in an amount equal to one-half of one per cent of the gross proceeds attributed to lotteries conducted under section 3770.22 of the Revised Code during the preceding month. The department shall use this amount for the treatment and prevention of problem gambling.

In line 30224, strike through "the holder of the"; strike through "lottery ticket" and insert "participants"

In line 30276, after "actively" insert "auditing"; strike through "and" and insert ", or"

In line 30277, strike through "drawings" and insert "lotteries"

In line 30285, after "section" insert "or section 3770.28 of the Revised Code"; strike through "and" and insert an underlined comma; after "commission" insert "and electronic lottery sales agent"

In line 30286, after "the" insert "payment of prize"

Between lines 30343 and 30344, insert:

"Sec. 3770.08. (A) No person shall sell a lottery ticket at a price greater than that fixed by rule of the state lottery commission.

(B) No person other than a licensed lottery sales agent or electronic lottery sales agent shall sell ~~lottery tickets~~rights to participate in lotteries, but nothing in this section shall be construed to prevent any person from giving ~~lottery tickets~~rights to participate in lotteries to another as a gift. A transfer of ~~lottery tickets~~rights to participate in lotteries by any person ~~which~~that is made in connection with a marketing, promotional, or advertising program shall be deemed to be a gift for the purposes of this chapter.

(C) No person shall sell a lottery ticket to any person under eighteen years of age, and no person under eighteen years of age shall attempt to purchase a lottery ticket. No person shall sell rights to participate in lotteries conducted under section 3770.22 of the Revised Code to any person under twenty-one years of age, and no person under that age shall attempt to purchase rights to participate in lotteries conducted under that section.

(D) No person, directly or indirectly, on behalf of self, or another, nor any organization, shall invite, solicit, demand, offer, or accept any payment, contribution, favor, or other consideration to influence the award, renewal, or retention of a lottery sales or electronic lottery sales agent license.

(E) Except as otherwise provided in this division, no person shall sell lottery tickets on any fairgrounds during any annual exhibition conducted in accordance with Chapter 991. or 1711. of the Revised Code. "Fairgrounds" includes any land or property under the control or management of any agricultural society or of the Ohio expositions commission. This division does not apply to the sale of lottery tickets by the commission at the state fairground during the state fair."

Between lines 30426 and 30427, insert:

"Sec. 3770.21. As used in sections 3770.21 to 3770.30 of the Revised Code:

(A) "Associated equipment" means any hardware or software that is connected to an electronic gaming device or the central communications system for the purpose of performing communications to, or validation, auditing, or data and information retrieval by, the state lottery commission. "Associated equipment" does not include telecommunications facilities and equipment of a public utility, or electronic gaming devices.

(B) "Central communications system" means the computer system operated and controlled by the state lottery commission, to which electronic gaming devices and their associated equipment communicate for security, auditing, data and information retrieval, and other purposes authorized under this chapter.

(C) "Electronic gaming device" means a device approved by the state lottery commission for the purpose of conducting at tracks lotteries that provide immediate prize determinations for individual participants.

(D) "Electronic lottery sales agent" means a person who is a permit holder

and holds a current license issued under section 3770.24 of the Revised Code to assist the state lottery commission in conducting lotteries through the use of electronic gaming devices at a track.

(E) "Gross proceeds" means the amount of wagers by participants in lotteries minus payments to winning participants.

(F) "Key gaming employee" means any individual employed by or under contract with an electronic lottery sales agent or an employee of a contractor that provides management or employee-related services to the agent, including gaming operator managers or assistant managers; facilities operator managers; electronic games managers; accounting department personnel; count room employees, cage department employees, including cashiers and main bank employees; vault department employees; surveillance and security department employees; floor managers; maintenance and security personnel, including custodians of electronic gaming devices and associated equipment and persons with access to cash and accounting records within such devices or equipment; and internal auditors of the electronic lottery sales agent.

(G) "Permit holder" means a corporation, trust, partnership, limited partnership, association, person, or group of persons issued a permit under Chapter 3769. of the Revised Code to conduct a racing meeting, other than the holder of a permit issued for a racing meeting at a county fair or an independent fair.

(H) "Track" means any place, track, or enclosure where a permit holder conducts live horse racing for profit at a race meeting. "Track" includes facilities on premises contiguous or adjacent to tracks.

Sec. 3770.22. Unless prohibited pursuant to an election held pursuant to Substitute House Bill No. 95 of the 125th general assembly, the state lottery commission shall conduct lotteries that provide immediate prize determinations for individual participants through the use of electronic gaming devices. The commission shall conduct these lotteries only through electronic lottery sales agents that have conducted live horse-racing meetings during the past seven calendar years preceding their licensing as electronic lottery sales agents, and only at tracks. If, on the effective date of this section, more than one permit holder conducted horse-racing meetings at a track during the previous calendar year, the permit holders shall designate, by a written agreement, one permit holder, or a person or entity owning or owned by one or more permit holders, as the electronic lottery sales agent for that track. The agreement shall be filed with the commission prior to the issuance of an electronic lottery sales agent license and shall not be modified without the consent of the commission.

Sec. 3770.23. An electronic gaming device shall be connected to the central communications system and may be linked with other electronic gaming devices for the purpose of lotteries providing prizes based in whole or part upon the outcomes of other electronic gaming devices electronically connected and located at the same or other tracks. The state lottery commission shall evaluate

and approve both the hardware of an electronic gaming device and the software that is used to operate the device. The commission shall not approve an electronic gaming device unless the software that is used to operate it will provide to participants a projected average return of more than ninety per cent.

Except as provided in the agreement required by section 3770.26 of the Revised Code, the number, type, denomination, and location of electronic gaming devices at a track shall be within the judgment of the agent. During the first six months of conducting lotteries, not more than forty per cent of the electronic gaming devices operated by the commission at the track of an electronic lottery sales agent shall be manufactured by the same entity.

Sec. 3770.24. (A) The director of the state lottery commission shall license a permit holder as an electronic lottery sales agent. Each applicant for a license as an electronic lottery sales agent shall do all of the following:

(1) Pay to the commission a fee of one thousand dollars;

(2) Present proof, in the form required by the director, that the applicant is a permit holder.

(3) Prior to the approval of the application, obtain a letter of credit, or a surety or, if required by the director, a fidelity bond, in an amount to be determined by the director, but not to exceed one hundred thousand dollars. The bond may be with any company that complies with the bonding and surety laws of this state and requirements established by rules of the commission under section 3770.03 of the Revised Code. The director shall certify to the commission that the applicant has the required permit and letter of credit or bond.

(B) An electronic lottery sales agent license is effective for five years. An electronic lottery sales agent, on or before the date established by the director, shall renew the agent's license and the agreement required by section 3770.26 of the Revised Code, and provide evidence that the agent is a current permit holder and has renewed the letter of credit or bond required by this section. The director shall certify to the commission that the applicant for renewal has the required permit and letter of credit or bond.

(C) Any violation of this chapter, or of any rule adopted under it, is sufficient reason for the commission to refuse to issue a license, or for the commission to suspend or revoke any license issued, under this section.

With respect to the issuance, refusal, suspension, or revocation of a license under this section, the action of the commission is subject to Chapter 119. of the Revised Code.

Sec. 3770.25. The relationship between the state lottery commission and an electronic lottery sales agent is one of trust. An electronic lottery sales agent collects funds on behalf of the commission through the sale of rights to participate in lotteries for which the agent receives a commission.

An electronic lottery sales agent may not accept any thing of value from,

or enter into an agreement with, a manufacturer, distributor, or vendor of electronic gaming devices and associated equipment before filing with the commission a copy of the agreement or a document memorializing the offer of the thing of value.

Sec. 3770.26. (A) The state lottery commission shall execute an agreement with each electronic lottery sales agent. Each agreement and renewed agreement shall provide all of the following:

(1) That thirty-seven and one-half per cent of the gross proceeds of the lotteries conducted pursuant to section 3770.22 of the Revised Code shall be paid as a commission to the agent for services and personnel provided under section 3770.28 of the Revised Code by the agent for the lotteries; for the provision, maintenance, and repair of the buildings and grounds at the track where the electronic gaming devices are located; and for injury to the existing business of the agent as the result of the conduct of lotteries by the commission at the track.

(2) That ten and one-half per cent of the gross proceeds of the lotteries conducted pursuant to section 3770.22 of the Revised Code shall be credited to the agent for reimbursement of costs and damages pursuant to divisions (A)(3) and (4) of this section, as a result of the operation by the commission of electronic gaming devices at the track.

(3) That from the amount credited to the agent under division (A)(2) of this section, an amount equal to ten per cent of the gross proceeds of lotteries conducted at a track during the previous month shall be added by the agent to the purse money for live horse racing conducted at that track.

(4) That from the amount credited to the agent under division (A)(2) of this section, an amount equal to one-fourth of one per cent of the gross proceeds of lotteries conducted at a track during the previous month shall be paid by the agent to the county in which the track is located, and one-fourth of one per cent of such gross proceeds shall be paid to the municipal corporation in which the track is located or, if the track is not located within a municipal corporation, to the township in which the track is located. If the track is located in more than one county, and municipal corporation or township, the amounts payable pursuant to this division shall be divided equally among the counties, and municipal corporations or townships.

(5) That the agent shall give to the commission a written schedule that lists the installed cost of all fixtures and equipment supplied by the agent to assist the commission in conducting lotteries under section 3770.22 of the Revised Code, and, if the commission discontinues conducting the lotteries for any reason other than breach of the agreement by the agent or suspension or revocation of the agent's license issued under section 3770.24 of the Revised Code or permit issued under Chapter 3769. of the Revised Code, that the commission shall reimburse the agent for the unamortized cost of the fixtures and equipment listed in the schedule.

(6) That the agent shall conduct live horse-racing meetings and simulcast

racine programs each calendar year on not less than the number of days required by Chapter 3769. of the Revised Code pursuant to the permit issued by the state racing commission for that track.

(7) That not less than one thousand eight hundred nor more than two thousand five hundred electronic gaming devices shall be placed at a track without a determination by the director or commission that such number of devices is consistent with the purposes of this chapter and has been requested by the agent.

(8) That lotteries conducted under section 3770.22 of the Revised Code may not be conducted between the hours of five a.m. and eight a.m. on any day.

(B) The term of the agreement shall not exceed five years and shall not be terminated by the parties during its term, except for breach of a provision of the agreement, or suspension or revocation of an electronic lottery sales agent's license issued under this section or of a permit issued under Chapter 3769. of the Revised Code. If the commission intends to terminate or not renew an agreement, it shall provide the agent with an opportunity for an adjudication under Chapter 119. of the Revised Code.

Sec. 3770.27. In conducting lotteries under section 3770.22 of the Revised Code, the state lottery commission shall do all of the following:

(A) Approve, qualify, certify, procure, install, maintain, repair, replace, and operate all electronic gaming devices, associated equipment, and intellectual property necessary for the conduct of the lotteries;

(B) Procure, install, establish, maintain, repair, replace, and operate the central communications system that provides security, auditing, and data and information retrieval as determined necessary by the commission and that does not limit participation to only one electronic gaming device manufacturer, distributor, supplier, or provider. The central communications system shall be on-line and in continuous communication with computers, electronic gaming devices, and associated equipment located at the tracks of electronic lottery sales agents.

(C) Select, qualify, certify, retain, pay, and terminate all contractors, suppliers, service companies, and vendors of the commission necessary for the conduct of lotteries under section 3770.22 of the Revised Code, including those persons that provide electronic gaming devices, associated equipment, and the central communications system;

(D) Establish standards for the daily payment, by an electronic lottery sales agent through electronic transfer or other system mandated by the director, of the gross proceeds of lotteries conducted under this section, less the commission paid, and the reimbursement credited, to the agent under divisions (A)(1) and (2) of section 3770.26 of the Revised Code;

(E) Review advertising and promotion of electronic lottery gaming, provided that the commission shall pay fifty per cent of the cost of producing,

distributing, and operation of any approved advertising and promotion and the remainder shall be paid by the electronic lottery sales agent which initiates the advertising or promotion.

Sec. 3770.28. In assisting the state lottery commission with the conduct of lotteries under section 3770.22 of the Revised Code, an electronic lottery sales agent shall do all of the following:

(A) Select the number, type, denomination, and location of, and refill the electronic gaming devices that have been placed by the commission at the track, and promptly report to the electronic gaming device manufacturer and the commission any malfunctions of the devices, or failures of the manufacturers or service technicians to promptly service and repair the devices or associated equipment;

(B) Provide, maintain, and repair necessary capital improvements for the facilities at the track at which electronic gaming devices are located;

(C) Hire and compensate adequate personnel to ensure compliance with the provisions of this chapter relating to the operation of electronic gaming devices, including sufficient security personnel to protect and secure the devices and associated equipment, and the track at which the devices are located;

(D) Hire, compensate, and be responsible for the performance of the duties of, key gaming employees, ensuring that those employees have been and remain during the course of their employment duly licensed by the commission;

(E) By electronic transfer or other system mandated by the director, transfer or deliver daily to the commission the gross proceeds of lotteries conducted under section 3770.22 of the Revised Code, less the commission paid, and the reimbursement credited, to the agent under divisions (A)(1) and (2) of section 3770.26 of the Revised Code;

(F) Deliver payment to winning participants of prizes awarded by lotteries conducted by the commission through electronic gaming devices at tracks.

Sec. 3770.29. (A) The conduct of lotteries and the operation of electronic gaming devices at tracks under section 3770.22 of the Revised Code shall not be deemed to change the character of the use of the tracks under any county, municipal, or township land use regulation, ordinance, or agreement.

(B) No license or excise tax or fee shall be assessed upon or collected from an electronic lottery sales agent by any county, township, municipal corporation, school district, or other political subdivision of the state that has the authority to assess or collect a tax or fee by reason of the conduct of lotteries at tracks under section 3770.22 of the Revised Code.

Sec. 3770.30. Sections 3770.21 to 3770.30 of the Revised Code do not modify the authority of the state racing commission to regulate horse racing in accordance with Chapter 3769. of the Revised Code or, except as provided in sections 3770.21 to 3770.30 of the Revised Code, the rights and responsibilities

of permit holders under that chapter."

Between lines 32647 and 32648, insert:

"**Sec. 4301.03.** The liquor control commission may adopt and promulgate, repeal, rescind, and amend, in the manner required by this section, rules, standards, requirements, and orders necessary to carry out this chapter and Chapter 4303. of the Revised Code, but all rules of the board of liquor control ~~which~~that were in effect immediately prior to April 17, 1963, shall remain in full force and effect as rules of the liquor control commission until and unless amended or repealed by the liquor control commission. The rules of the commission may include the following:

(A) Rules with reference to applications for and the issuance of permits for the manufacture, distribution, transportation, and sale of beer and intoxicating liquor, and the sale of alcohol; and rules governing the procedure of the division of liquor control in the suspension, revocation, and cancellation of those permits;

(B) Rules and orders providing in detail for the conduct of any retail business authorized under permits issued pursuant to this chapter and Chapter 4303. of the Revised Code, with a view to ensuring compliance with those chapters and laws relative to them, and the maintenance of public decency, sobriety, and good order in any place licensed under the permits. No rule or order shall prohibit the sale of ~~lottery tickets issued~~rights to participate in lotteries pursuant to Chapter 3770. of the Revised Code by any retail business authorized under permits issued pursuant to that chapter.

No rule or order shall prohibit pari-mutuel wagering on simulcast horse races at a satellite facility that has been issued a D liquor permit under Chapter 4303. of the Revised Code. No rule or order shall prohibit a charitable organization that holds a D-4 permit from selling or serving beer or intoxicating liquor under its permit in a portion of its premises merely because that portion of its premises is used at other times for the conduct of a charitable bingo game. However, such an organization shall not sell or serve beer or intoxicating liquor or permit beer or intoxicating liquor to be consumed or seen in the same location in its premises where a charitable bingo game is being conducted while the game is being conducted. As used in this division, "charitable organization" has the same meaning as in division (H) of section 2915.01 of the Revised Code, and "charitable bingo game" has the same meaning as in division (R) of that section. No rule or order pertaining to visibility into the premises of a permit holder after the legal hours of sale shall be adopted or maintained by the commission.

(C) Standards, not in conflict with those prescribed by any law of this state or the United States, to secure the use of proper ingredients and methods in the manufacture of beer, mixed beverages, and wine to be sold within this state;

(D) Rules determining the nature, form, and capacity of all packages and bottles to be used for containing beer or intoxicating liquor, except for spirituous liquor to be kept or sold, governing the form of all seals and labels to be used on those packages and bottles, and requiring the label on every package, bottle, and

container to state the ingredients in the contents and, except on beer, the terms of weight, volume, or proof spirits, and whether the same is beer, wine, alcohol, or any intoxicating liquor except for spirituous liquor;

(E) Uniform rules governing all advertising with reference to the sale of beer and intoxicating liquor throughout the state and advertising upon and in the premises licensed for the sale of beer or intoxicating liquor;

(F) Rules restricting and placing conditions upon the transfer of permits;

(G) Rules and orders limiting the number of permits of any class within the state or within any political subdivision of the state; and, for that purpose, adopting reasonable classifications of persons or establishments to which any authorized class of permits may be issued within any political subdivision;

(H) Rules and orders with reference to sales of beer and intoxicating liquor on Sundays and holidays and with reference to the hours of the day during which and the persons to whom intoxicating liquor of any class may be sold, and rules with reference to the manner of sale;

(I) Rules requiring permit holders buying beer to pay and permit holders selling beer to collect minimum cash deposits for kegs, cases, bottles, or other returnable containers of the beer; requiring the repayment, or credit, of the minimum cash deposit charges upon the return of the empty containers; and requiring the posting of such form of indemnity or such other conditions with respect to the charging, collection, and repayment of minimum cash deposit charges for returnable containers of beer as are necessary to ensure the return of the empty containers or the repayment upon that return of the minimum cash deposits paid;

(J) Rules establishing the method by which alcohol products may be imported for sale by wholesale distributors and the method by which manufacturers and suppliers may sell alcohol products to wholesale distributors.

Every rule, standard, requirement, or order of the commission and every repeal, amendment, or rescission of them shall be posted for public inspection in the principal office of the commission and the principal office of the division of liquor control, and a certified copy of them shall be filed in the office of the secretary of state. An order applying only to persons named in it shall be served on the persons affected by personal delivery of a certified copy, or by mailing a certified copy to each person affected by it or, in the case of a corporation, to any officer or agent of the corporation upon whom a service of summons may be served in a civil action. The posting and filing required by this section constitutes sufficient notice to all persons affected by such rule or order which is not required to be served. General rules of the commission promulgated pursuant to this section shall be published in the manner the commission determines."

In line 57759, delete the first "\$487,500" and insert "\$887,500"

In line 57760, delete the first "\$6,950,000" and insert "\$7,350,000"

In line 57765, delete "\$10,950,000" and insert "\$11,350,000"

Between lines 57950 and 57951, insert:

"Of the foregoing appropriation item 911-441, Ballot Advertising Costs, \$400,000 in fiscal year 2004 shall be used for the advertising costs associated with the question concerning electronic lottery devices submitted to the electors pursuant to Section ___ of this act."

Between lines 63119 and 63120, insert:

"General Revenue Fund				
GRF 875-401	Commission Certification Costs	\$	1,500 \$	0
TOTAL GRF	General Revenue Fund	\$	1,500 \$	0"

In line 63132, delete "\$31,991,408" and insert "\$31,992,908"

Between lines 63132 and 63134, insert:

"COMMISSION CERTIFICATION COSTS

The foregoing appropriation item, 875-401, Commission Certification Costs, shall be used to offset the Racing Commission's costs of certifying to the Ohio Lottery Commission the names of holders of permits to conduct a racing meeting as required by Section ___ of this act."

Between lines 67919 and 67920, insert:

"Section ___. The Ohio Lottery Commission shall not conduct lotteries that provide immediate prize determinations for individual participants through the use of electronic gaming devices under Chapter 3770. of the Revised Code as affected by this act if a majority of the electors voting approve of the prohibition described in the question to be submitted to the electors under Section ___ of this act.

Section ___. After this act is filed with the Secretary of State, the Secretary of State shall submit to the electors of the entire state at the election to be held on November 4, 2003, as a single proposal, the question of prohibiting electronic lottery devices as authorized by Section ___ of this act.

Notwithstanding section 3519.21 of the Revised Code, the title and ballot language for the proposal shall be substantially as follows:

"PROHIBITION OF ELECTRONIC LOTTERY DEVICES

Shall the State of Ohio be prohibited from operating electronic lottery devices at licensed horseracing tracks?

	Yes
	No

The Speaker of the House of Representatives and the President of the Senate each shall appoint three individuals in favor of this question to draft and file arguments for the question and shall appoint three individuals against this question to draft and file arguments against the question. Arguments shall be filed

with the Secretary of State no later than seventy-five days before the election and shall not exceed three hundred words. The arguments shall not be printed or included on the ballot but shall be disseminated in the same manner as arguments relating to constitutional amendments under division (C) of section 3505.063 of the Revised Code.

Upon the filing of this act with the Secretary of State, the Racing Commission shall certify to the Ohio Lottery Commission the names of the holders of permits to conduct a racing meeting pursuant to Chapter 3769. of the Revised Code, other than holders of permits issued for racing meetings at a county or independent fair, and the locations at which the permit holders conducted live horseracing in the prior seven calendar years.

Section ____. Not later than October 31, 2003, the Ohio Lottery Commission shall implement sections 3770.21 to 3770.30 of the Revised Code, as enacted by this act, based on the willingness and ability of each electronic lottery sales agent, as defined in section 3770.21 of the Revised Code, to cooperate in its implementation, except that the Commission shall not conduct the lotteries that provide immediate prize determinations for individual participants through the use of electronic gaming devices. If a majority of the votes cast on the question submitted pursuant to Section ____ of this act is in the negative, the Commission shall commence conducting these lotteries by December 31, 2003.

Section ____. If a majority of the voters voting on the question proposed pursuant to Section ____ of this act do not vote in favor thereof, the rate of the tax levied under section 5739.02 and 5741.02 of the Revised Code, as amended by this act, on and after July 1, 2004, shall be the rates prescribed in section 5739.025 of the Revised Code, notwithstanding sections 5739.02 and 5741.02 of the Revised Code, as amended by this act, to the contrary.

Section ____. Prior to December 31, 2018, an electronic lottery sales agent, as defined in section 3770.21 of the Revised Code, and the Thoroughbred Horsemen's Association or Ohio Harness Horsemen's Association may provide by written agreement filed with the State Lottery Commission and the State Racing Commission that an amount equal to one per cent of the gross proceeds of the lotteries conducted under section 3770.22 of the Revised Code shall be paid by the agent to one or more of the following funds, as designated by the appropriate horsemen's organization:

(A) The Ohio Fairs Fund created under section 3769.082 of the Revised Code;

(B) The Ohio Thoroughbred Race Fund created under section 3769.083 of the Revised Code;

(C) The Ohio Standardbred Development Fund created by section 3769.085 of the Revised Code;

(D) The Ohio Quarter Horse Development Fund created by section 3769.086 of the Revised Code.

If an agreement is entered into under this section, the amount required to be added to the purse money by the electronic lottery sales agent under division (A)(3) of section 3770.26 of the Revised Code shall be reduced by one per cent.

Section ____. The agreement between the Ohio Lottery Commission and the electronic lottery sales agent shall provide that a one-time licensing fee equal to eight thousand dollars for each electronic lottery device located at the premises of an electronic lottery sales agent shall be paid by the agent to the Commission before an electronic lottery gaming device may be operated. If an electronic lottery device is replaced by another device, no additional licensing fee is required for the replacement device. Notwithstanding the provisions of section 3770.25 of the Revised Code, from the date of payment of the device licensing fees through June 30, 2004, the thirty-seven and one-half per cent referred to in division (A)(1) of section 3770.26 of the Revised Code shall be changed to forty and one-half per cent, the ten and one-half per cent referred to in division (A)(2) of section 3770.26 of the Revised Code shall be changed to nine per cent, and the ten per cent referred to in division (A)(2) of section 3770.26 of the Revised Code shall be changed to eight and one-half per cent. From July 1, 2004, until a date determined by the rules of the Lottery Commission, the thirty-seven and one-half per cent referred to in division (A)(1) of section 3770.26 of the Revised Code shall be changed to thirty-nine per cent, the ten and one-half per cent referred to in division (A)(2) of section 3770.26 of the Revised Code shall be changed to nine per cent, and the ten per cent referred to in division (A)(2) of section 3770.26 of the Revised Code shall be changed to eight and one-half per cent. The Lottery Commission shall adopt rules to require filing by electronic lottery sales agents of all documents relating to borrowing or financing by agents of device licensing fees and determining the date at which the financing or borrowing is retired and then providing that the provisions of this section shall cease to be effective."

In line 24 of the title, after "1555.17," insert "1711.09, 1711.11,"

In line 57 of the title, after "3769.02," insert "3770.02, 3770.03, 3770.05, 3770.06,"; after "3770.07," insert "3770.08,"

In line 64 of the title, after "4141.09," insert "4301.03,"

In line 137 of the title, after "3745.15," insert "3770.061,"; after "3770.073," insert "3770.21, 3770.22, 3770.23, 3770.24, 3770.25, 3770.26, 3770.27, 3770.28, 3770.29, 3770.30,"

The question being, "Shall the motion to amend be agreed to?"

On motion of Representative Cates, the House recessed.

The House met pursuant to recess.

The question recurring, "Shall the motion to amend be agreed to?"

Representative Gilb moved to amend as follows:

In line 759 of the amendment, delete "Unless prohibited" and insert "If

authorized".

In line 1122 of the amendment, delete "if" and insert "unless".

In line 1123 of the amendment, delete "prohibition" and insert "authorization".

In line 1128 of the amendment, delete "prohibiting" and insert "authorizing".

In line 1133 of the amendment, delete "PROHIBITION" and insert "AUTHORIZATION".

In line 1134 of the amendment, delete "prohibited from operating" and insert "authorized to operate".

In line 1167 of the amendment, delete "negative" and insert "affirmative".

In line 1171 of the amendment, delete "not".

The question being, "Shall the motion to amend the amendment be agreed to?"

Representative Cates moved that the motion to amend the amendment be laid on the table.

The question being, "Shall the motion to amend the amendment be laid on the table?"

The yeas and nays were taken and resulted - yeas 57, nays 42, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Beatty	Blasdel
Buehrer	Callender	Calvert	Carano
Carmichael	Cates	Clancy	Collier
Core	Daniels	DeWine	Distel
Domenick	Driehaus	C. Evans	D. Evans
Flowers	Gibbs	Hollister	Hoops
Hughes	Husted	Jolivette	Kearns
Key	Martin	Mason	Niehaus
Oelslager	Olman	Otterman	S. Patton
T. Patton	Peterson	Price	Raga
Raussen	Redfern	Schlichter	Schmidt
Schneider	Seitz	Setzer	Sferra
G. Smith	D. Stewart	J. Stewart	Strahorn
Sykes	Trakas	Webster	Widener
			Householder-57.

Those who voted in the negative were: Representatives

Barrett	Bocchieri	Book	Brinkman
Brown	Chandler	Cirelli	DeBose
DePiero	Faber	Fessler	Gilb
Grendell	Hagan	Hartnett	Harwood
Jerse	Kilbane	Koziura	Latta
McGregor	Miller	Perry	Reidelbach
Reinhard	Schaffer	Seaver	Skindell

S. Smith	Taylor	Ujvagi	Wagner
Walcher	White	Widowfield	Willamowski
Williams	Wilson	Wolpert	Woodard
Yates			Young-42.

The motion to amend the amendment was laid on the table.

The question recurring, "Shall the motion to amend be agreed to?"

The yeas and nays were taken and resulted - yeas 66, nays 33, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Blasdel
Boccieri	Book	Brinkman	Callender
Calvert	Carano	Carmichael	Cates
Chandler	Clancy	Collier	Core
Daniels	DeWine	Distel	Driehaus
D. Evans	Faber	Flowers	Gibbs
Hartnett	Harwood	Hollister	Hoops
Hughes	Husted	Jolivette	Kearns
Key	Kilbane	Martin	Mason
Niehaus	Oelslager	Olman	Otterman
S. Patton	T. Patton	Peterson	Raga
Raussen	Redfern	Schmidt	Schneider
Seitz	Setzer	Sferra	G. Smith
S. Smith	D. Stewart	J. Stewart	Strahorn
Sykes	Trakas	Ujvagi	Walcher
Webster	Widener	Wilson	Wolpert
Woodard			Householder-66.

Those who voted in the negative were: Representatives

Beatty	Brown	Buehrer	Cirelli
DeBose	DePiero	Domenick	C. Evans
Fessler	Gilb	Grendell	Hagan
Jerse	Koziura	Latta	McGregor
Miller	Perry	Price	Reidelbach
Reinhard	Schaffer	Schlichter	Seaver
Skindell	Taylor	Wagner	White
Widowfield	Willamowski	Williams	Yates
			Young-33.

The motion was agreed to and the bill so amended.

The question being, "Shall the bill as amended pass?"

Representative Beatty moved to amend as follows:

Between lines 58058a and 58059, insert:

"GRF 195-406 Transitional and Permanent Housing \$2,750,000
\$2,750,000".

Between lines 58066a and 58067, insert:

"GRF 195-431 Community Development Corporation Grants \$2,000,000

\$2,000,000".

Between lines 58069a and 58070, insert:

"GRF 195-440 Emergency Shelter Housing Grants \$2,350,000 \$2,350,000".

In line 58078 delete "\$133,239,764 \$140,981,795" and insert "\$140,339,764 \$148,081,795".

In line 58128b, delete "\$743,255,639 \$750,891,248" and insert "\$750,355,639 \$757,991,248".

Between lines 67919 and 67920, insert:

"Section ____. The Director of Budget and Management shall reduce General Revenue Fund Object Code 13 expenditures by \$7,100,000 in each fiscal year without disrupting essential services of the state. No Object Code 13 reductions shall be made for the Department of Education, the Department of Mental Health, the Department of Mental Retardation and Developmental Disabilities, the Department of Rehabilitation and Correction, the Board of Regents, and the Department of Youth Services."

Renumber uncodified sections accordingly.

The question being, "Shall the motion to amend be agreed to?"

Representative Calvert moved that the motion be laid on the table.

The question being, "Shall the motion to amend be laid on the table?"

The yeas and nays were taken and resulted - yeas 58, nays 40, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Blasdel	Buehrer	Callender
Calvert	Carmichael	Cates	Clancy
Collier	Core	Daniels	DeWine
C. Evans	D. Evans	Faber	Fessler
Flowers	Gibbs	Gilb	Hagan
Hollister	Hoops	Hughes	Husted
Kearns	Kilbane	Latta	Martin
McGregor	Niehaus	Oelslager	Olman
T. Patton	Peterson	Raga	Rausen
Reidelbach	Reinhard	Schaffer	Schlichter
Schmidt	Schneider	Seitz	Setzer
G. Smith	Taylor	Trakas	Wagner
Walcher	Webster	White	Widener
Widowfield	Willamowski	Williams	Wolpert
Young			Householder-58.

Those who voted in the negative were: Representatives

Allen	Barrett	Beatty	Bocchieri
Book	Brinkman	Brown	Carano
Chandler	Cirelli	DeBose	DePiero
Distel	Domenick	Driehaus	Grendell
Hartnett	Harwood	Jerse	Key

Koziura	Mason	Miller	Otterman
S. Patton	Perry	Price	Redfern
Seaver	Sferra	Skindell	S. Smith
D. Stewart	J. Stewart	Strahorn	Sykes
Ujvagi	Wilson	Woodard	Yates-40.

The motion to amend was laid on the table.

The question recurring, "Shall the bill as amended pass?"

Representative Olman moved to amend as follows:

In line 62242, delete "7, 509, 010 \$7, 509, 010", and insert "\$7,711,092 \$7,959,798".

In line 62244, delete "\$97,196,878 \$97,196,878" and insert "\$97,398,960 \$97,647,666".

In line 62258, delete "\$346,037,380 \$363,500,837" and insert "\$346,239,462 \$363,951,625".

In line 62260, delete "\$529,702,793 \$537,050,739" and insert "\$529,904,875 \$537,501,527".

In line 62270, delete "\$911,896,130 \$938,802,952" and insert "\$912,098,212 \$939,253,740".

The question being, "Shall the motion to amend be agreed to?"

Representative Hoops moved that the motion be laid on the table.

The yeas and nays were taken and resulted - yeas 54, nays 45, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Blasdel	Buehrer	Calvert
Carmichael	Cates	Clancy	Collier
Core	Daniels	DeWine	C. Evans
D. Evans	Faber	Fessler	Flowers
Gibbs	Gilb	Grendell	Hagan
Hoops	Hughes	Husted	Jolivette
Kearns	Latta	Martin	McGregor
Niehaus	Oelslager	T. Patton	Peterson
Raga	Rausen	Reidelbach	Reinhard
Schaffer	Schlichter	Schmidt	Schneider
Seitz	Setzer	G. Smith	J. Stewart
Trakas	Wagner	Walcher	Webster
White	Widener	Widowfield	Williams
Wolpert			Householder-54.

Those who voted in the negative were: Representatives

Allen	Barrett	Beatty	Bocieri
Book	Brinkman	Brown	Callender
Carano	Chandler	Cirelli	DeBose
DePiero	Distel	Domenick	Driehaus
Hartnett	Harwood	Hollister	Jerse

Key	Kilbane	Koziura	Mason
Miller	Olman	Otterman	S. Patton
Perry	Price	Redfern	Seaver
Sferra	Skindell	S. Smith	D. Stewart
Strahorn	Sykes	Taylor	Ujvagi
Willamowski	Wilson	Woodard	Yates
			Young-45.

The motion to amend was laid on the table.

The question recurring, "Shall the bill as amended pass?"

Representative Calvert moved to amend as follows:

In line 56376, delete "\$332,691,174" and insert "\$322,691,174".

In line 57151, delete "898-604" and insert "898-402".

In line 60383, delete "\$9,003,496 \$8,935,556" and insert "\$9,033,496 \$8,935,566."

The question being, "Shall the motion to amend be agreed to?"

The yeas and nays were taken and resulted - yeas 88, nays 11, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Blasdel
Brinkman	Brown	Buehrer	Callender
Calvert	Carmichael	Cates	Chandler
Cirelli	Clancy	Collier	Core
Daniels	DeBose	DeWine	Distel
Domenick	Driehaus	C. Evans	D. Evans
Faber	Fessler	Flowers	Gibbs
Gilb	Grendell	Hagan	Hartnett
Harwood	Hollister	Hoops	Hughes
Husted	Jolivet	Kearns	Kilbane
Koziura	Latta	Martin	Mason
McGregor	Miller	Niehaus	Oelslager
Olman	Otterman	S. Patton	T. Patton
Perry	Peterson	Raga	Rausen
Reidelbach	Reinhard	Schaffer	Schlichter
Schmidt	Schneider	Seaver	Seitz
Setzer	Sferra	G. Smith	S. Smith
D. Stewart	J. Stewart	Strahorn	Sykes
Taylor	Trakas	Ujvagi	Wagner
Walcher	Webster	White	Widener
Widowfield	Willamowski	Williams	Wolpert
Woodard	Yates	Young	Householder-88.

Those who voted in the negative were: Representatives

Beatty	Bocchieri	Book	Carano
DePiero	Jerse	Key	Price
Redfern	Skindell		Wilson-11.

The motion was agreed to and the bill so amended.

The question being, "Shall the bill as amended pass?"

Representative Niehaus moved to amend as follows:

In line 230, after "927.69," insert "1306.20,"

In line 315, after "927.701," insert "1306.25, 1306.26, 1306.27, 1306.28, 1306.29,"

Between lines 7938 and 7939, insert:

"Sec. 1306.20. (A) Subject to section 1306.11 and to sections 1306.25 to 1306.29 of the Revised Code, each state agency shall determine if, and the extent to which, it will send and receive electronic records and electronic signatures to and from other persons and otherwise create, generate, communicate, store, process, use, and rely upon electronic records and electronic signatures.

(B)(1) Subject to division (B)(2) of this section, a state agency may waive a requirement in the Revised Code, other than a requirement in sections 1306.01 to 1306.15 of the Revised Code, that relates to any of the following:

- (a) The method of posting or displaying records;
- (b) The manner of sending, communicating, or transmitting records;
- (c) The manner of formatting records.

(2) A state agency may exercise its authority to waive a requirement under division (B)(1) of this section only if the following apply:

(a) The requirement relates to a matter over which the state agency has jurisdiction;

(b) The waiver is consistent with criteria set forth in rules adopted by the state agency. The criteria, to the extent reasonable under the circumstances, shall contain standards to facilitate the use of electronic commerce by persons under the jurisdiction of the state agency consistent with rules adopted by the department of administrative services pursuant to division (A) of section 1306.21 of the Revised Code.

(C) If a state agency creates, uses, receives, or retains electronic records, both of the following apply:

(1) Any rules adopted by a state agency relating to electronic records shall be consistent with rules adopted by the department of administrative services pursuant to division (A) of section 1306.21 of the Revised Code.

(2) Each state agency shall create, use, receive, and retain electronic records in accordance with section 149.40 of the Revised Code.

(D) If a state agency creates, uses, or receives electronic signatures, the state agency shall create, use, or receive the signatures in accordance with rules adopted by the department of administrative services pursuant to division (A) of

section 1306.21 of the Revised Code.

(E)(1) To the extent a state agency retains an electronic record, the state agency may retain a record in a format that is different from the format in which the record was originally created, used, sent, or received only if it can be demonstrated that the alternative format used accurately and completely reflects the record as it was originally created, used, sent, or received.

(2) If a state agency in retaining any set of electronic records pursuant to division (E)(1) of this section alters the format of the records, the state agency shall create a certificate of authenticity for each set of records that is altered.

(3) The department of administrative services, in consultation with the state archivist, shall adopt rules in accordance with section 111.15 of the Revised Code that establish the methods for creating certificates of authenticity pursuant to division (E)(2) of this section.

(F) Whenever any rule of law requires or authorizes the filing of any information, notice, lien, or other document or record with any state agency, a filing made by an electronic record shall have the same force and effect as a filing made on paper in all cases where the state agency has authorized or agreed to such electronic filing and the filing is made in accordance with applicable rules or agreement.

(G) Nothing in sections 1306.01 to 1306.23 of the Revised Code shall be construed to require any state agency to use or permit the use of electronic records and electronic signatures.

(H)(1) Notwithstanding division (C)(1) or (D) of this section, any state agency that, prior to ~~the effective date of this section~~ September 14, 2000, used or permitted the use of electronic records or electronic signatures pursuant to laws enacted, rules adopted, or agency policies adopted before ~~the effective date of this section~~ September 14, 2000, may use or permit the use of electronic records or electronic signatures pursuant to those previously enacted laws, adopted rules, or adopted policies for a period of two years after ~~the effective date of this section~~ September 14, 2000.

(2) Subject to division (H)(3) of this section, after the two-year period described in division (H)(1) of this section has concluded, all state agencies that use or permit the use of electronic records or electronic signatures before ~~the effective date of this section~~ September 14, 2000, shall only use or permit the use of electronic records or electronic signatures consistent with rules adopted by the department of administrative services pursuant to division (A) of section 1306.21 of the Revised Code.

(3) After the two-year period described in division (H)(1) of this section has concluded, the department of administrative services may permit a state agency to use electronic records or electronic signatures that do not comply with division (H)(2) of this section, if the state agency files a written request with the department.

(I) For the purposes of this section, "state agency" means every organized body, office, or agency established by the laws of the state for the exercise of any function of state government, but does not include the general assembly, any legislative agency, the supreme court, the other courts of record in this state, or any judicial agency.

Sec. 1306.25. As used in sections 1306.25 to 1306.29 of the Revised Code:

(A) "Commercial activity" means performing services or providing goods that normally can be obtained from a private enterprise.

(B) "Direct costs" means all costs, whether capital costs, operating costs, or otherwise, that would be eliminated if the service or function to which the costs relate is discontinued.

(C) "Electronic commerce services" means services relating to commercial activity that are the same as, similar to, or overlap information technology-based services provided to the public by two or more competing private enterprises. "Electronic commerce services" includes services made in connection with a transaction completed over a computer network, such as the buying of goods or services over the internet.

(D) "Full cost accounting" means, in accordance with generally accepted accounting principles, accounting for all direct costs and indirect costs, including capital costs, that are incurred in the ownership, management, or operation of electronic commerce services.

(E) "Government agency" means either of the following:

(1) A state agency as defined in section 117.01 of the Revised Code or a similar agency of a county, township, municipal corporation, or other political subdivision of this state, but does not include the general assembly, any legislative agency, the supreme court, any court of record in the state, or any judicial agency;

(2) Any entity that is not majority-owned as private property and is established by law or by order or action of a state agency or similar agency of a county, township, municipal corporation, or other political subdivision, or an officer of that state or similar agency, but does not include an entity established by the general assembly, any legislative agency, the supreme court, any court of record in the state, or any judicial agency.

(F) "Indirect costs" means all costs, whether capital costs, operating costs, or otherwise, that are not direct costs.

(G) "Private enterprise" means an individual, firm, partnership, joint venture, corporation, association, or other legal entity engaging, in the private sector, in the manufacturing, processing, sale, offering for sale, rental, leasing, delivery, dispensing, distributing, or advertising of goods or services for profit.

Sec. 1306.26. (A) The general assembly finds and declares that the growth

of private enterprises is essential to the health, welfare, and prosperity of this state, and that government competes with the private sector when it provides goods and services to the public.

(B) It is the intent of the general assembly and the purpose of sections 1306.25 to 1306.29 of the Revised Code to protect economic opportunities for private industry against unfair competition by government agencies and to enhance the efficient provision of public goods and services.

(C) Sections 1306.25 to 1306.29 of the Revised Code may be cited as the "electronic government services act."

Sec. 1306.27. (A) Except as provided in section 1306.28 of the Revised Code, if two or more competing private enterprises provide electronic commerce services, a government agency shall not engage, through the expenditure of public moneys, in any activity to provide or offer those electronic commerce services to the public or expand similar electronic commerce services to the public.

(B) Any provider of electronic commerce services that resides or does business in this state has standing to bring a cause of action for appropriate relief in a court of competent jurisdiction challenging the provision of electronic commerce services by a government agency not made in accordance with sections 1306.25 to 1306.29 of the Revised Code.

(C) Nothing in sections 1306.25 to 1306.29 of the Revised Code prohibits a government agency from providing electronic commerce services to the public in the absence of two or more competing private enterprises providing those services.

(D) This section and section 1306.28 of the Revised Code do not apply to any county, township, municipal corporation, or other political subdivision of the state that has expended public funds for the construction, deployment, or operation of a fiber optic network for a public purpose before the effective date of this section.

Sec. 1306.28. (A) A government agency may provide duplicative or competing electronic commerce services to the public if the agency complies with this section.

(B)(1) Before a government agency provides duplicative or competing electronic commerce services to the public, the government agency shall hold a public hearing to allow public comment about the agency's proposed electronic commerce services.

(2) The government agency shall provide at least thirty days' public notice of the time and place of the public hearing described in division (B)(1) of this section in one or more newspapers of general circulation in the county or counties within the jurisdiction of the government agency. During the thirty-day period before the public hearing, the government agency shall make its proposal for providing duplicative or competing electronic commerce services to the public

available for public inspection in a prominent public location within the county or counties where the public notice described in this division is provided.

(C) The public notice described in division (B) of this section also shall set forth all of the following:

(1) The government agency's proposed findings of fact and conclusions of law describing the reasons why it believes it is necessary and in the public interest to provide duplicative or competing electronic commerce services to the public and citing the legal authority that permits the government agency to do so;

(2) The initial and total lifecycle costs of the proposed duplicative or competing electronic commerce services, which include, but are not limited to, all technology, infrastructure, services, contracts, and direct or indirect personnel costs;

(3) The individual per taxpayer cost of the proposed duplicative or competing electronic commerce services on an annualized basis and the cost of these services per user on an annualized basis;

(4) The government agency's reasons for believing that the cost benefits of providing duplicative or competing electronic commerce services require the expenditure of public moneys;

(5) An identification of unmet needs in the consumer marketplace that the proposed duplicative or competing electronic commerce services would fulfill;

(6) A description of how the proposed duplicative or competing electronic commerce services would differ from those provided by two or more competing private enterprises;

(7) An economic impact analysis demonstrating that the offering of the proposed duplicative or competing electronic commerce services by the government agency will not be anticompetitive in its effect on the existing industry and will not adversely impact or distort the marketplace of two or more competing private enterprises providing the same or similar electronic commerce services.

(D)(1) After reviewing comments from the public following the public hearing described in this section, if the head of a government agency decides to proceed with offering duplicative or competing electronic commerce services to the public, the head of the government agency shall sign factual and legal conclusions addressing the comments and each of the factors set forth in the public notice described in division (C) of this section, and send a written notice to the controlling board that sets forth these conclusions and the government agency's decision to proceed.

(2) A government agency shall not offer duplicative or competing electronic commerce services to the public without the approval of the controlling board.

(3) The controlling board may continue to exercise oversight with respect

to any approval decision it makes under division (D)(2) of this section.

(E)(1) Any government agency providing electronic commerce services in a jurisdiction where a private enterprise provides the same electronic commerce services shall prepare and publish an annual report about its electronic commerce services.

(2) The annual report described in division (E)(1) of this section substantially shall be in accordance with full cost accounting and shall disclose the amount, source, and cost of working capital utilized by the government agency for providing electronic commerce services.

(F) For purposes of providing the public notice and preparing and publishing the annual report described in this section, a government agency, by any reasonable method consistent with applicable generally accepted accounting principles, shall allocate indirect costs that support multiple electronic commerce services or functions among those services and functions in proportion to the relative burden each service or function places on the cost category.

Sec. 1306.29. (A) Nothing in sections 1306.25 to 1306.28 of the Revised Code applies to the installation, construction, expansion, maintenance, or operation of any physical infrastructure by a political subdivision that is a public cable service provider, in accordance with Chapter 1332. of the Revised Code and whether on its own or in conjunction with other public cable service providers or private cable service providers, for the sole purpose of providing cable service under such authority as otherwise conferred by law.

(B) For purposes of division (A) of this section, "public cable service provider," "private cable service provider," and "cable service" have the same meanings as in section 1332.01 of the Revised Code."

In line 55139, after "927.69," insert "1306.20,"

In line 15 of the title, after "927.69," insert "1306.20,"

In line 133 of the title, after "927.701," insert "1306.25, 1306.26, 1306.27, 1306.28, 1306.29,"

The question being, "Shall the motion to amend be agreed to?"

The yeas and nays were taken and resulted - yeas 53, nays 46, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Blasdel	Brinkman	Buehrer
Calvert	Carmichael	Cates	Clancy
Collier	Core	Daniels	DeWine
C. Evans	D. Evans	Faber	Fessler
Gibbs	Gilb	Grendell	Hagan
Hoops	Husted	Kearns	Kilbane
Martin	Niehaus	Peterson	Raga
Raussen	Reidelbach	Reinhard	Schaffer
Schlichter	Schmidt	Schneider	Seaver
Seitz	Setzer	G. Smith	J. Stewart

Taylor	Trakas	Wagner	Walcher
Webster	White	Widener	Widowfield
Willamowski	Williams	Wolpert	Young
			Householder-53.

Those who voted in the negative were: Representatives

Allen	Barrett	Beatty	Bocchieri
Book	Brown	Callender	Carano
Chandler	Cirelli	DeBose	DePiero
Distel	Domenick	Driehaus	Flowers
Hartnett	Harwood	Hollister	Hughes
Jerse	Jolivette	Key	Koziura
Latta	Mason	McGregor	Miller
Oelslager	Olman	Otterman	S. Patton
T. Patton	Perry	Price	Redfern
Sferra	Skindell	S. Smith	D. Stewart
Strahorn	Sykes	Ujvagi	Wilson
Woodard			Yates-46.

The motion was agreed to and the bill so amended.

The question recurring, "Shall the bill as amended pass?"

The yeas and nays were taken and resulted - yeas 53, nays 46, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Callender	Calvert	Carmichael
Cates	Clancy	Collier	Core
Daniels	DeBose	DeWine	C. Evans
D. Evans	Flowers	Gibbs	Hagan
Hollister	Hoops	Hughes	Husted
Jolivette	Kearns	Kilbane	Latta
Martin	Mason	McGregor	Niehaus
Oelslager	Olman	T. Patton	Peterson
Price	Raga	Raussen	Reinhard
Schaffer	Schlichter	Schmidt	Schneider
Seitz	Setzer	G. Smith	J. Stewart
Sykes	Trakas	Walcher	Webster
White	Widener	Wolpert	Yates
			Householder-53.

Those who voted in the negative were: Representatives

Allen	Barrett	Beatty	Blasdel
Bocchieri	Book	Brinkman	Brown
Buehrer	Carano	Chandler	Cirelli
DePiero	Distel	Domenick	Driehaus
Faber	Fessler	Gilb	Grendell
Hartnett	Harwood	Jerse	Key
Koziura	Miller	Otterman	S. Patton
Perry	Redfern	Reidelbach	Seaver
Sferra	Skindell	S. Smith	D. Stewart
Strahorn	Taylor	Ujvagi	Wagner

Widowfield
Woodard

Willamowski

Williams

Wilson
Young-46.

The bill passed.

The title was agreed to.

Message from the Senate

Mr. Speaker:

I am directed to inform the House of the Representatives that Senate has concurred in the adoption of the concurrent resolution:

H. C. R. No. 8 - Representatives S. Patton, McGregor, Hartnett, Sferra, Otterman, Perry, Seitz, Skindell, Jerse, Fessler, Cirelli, Callender, Miller, DeBose, Flowers, Barrett, Allen, Chandler, Key, Schaffer, Latta, Willamowski, Wolpert, S. Smith, Ujvagi, Calvert, Yates, Brinkman, Schlichter, Reidelbach, Setzer, Kearns, Beatty, Brown, Sykes, Redfern, Strahorn, Woodard, Koziura, Carano, Mason, Driehaus, Price, Trakas, Schneider, Clancy, Buehrer, Hughes, Cates, D. Stewart, Boccieri, Blasdel, Book, Carmichael, Daniels, DePiero, Distel, Domenick, C. Evans, D. Evans, Gibbs, Gilb, Hagan, Harwood, Hollister, Hoops, Jolivette, Kilbane, Niehaus, Oelslager, Olan, Reinhard, Schmidt, Seaver, J. Stewart, Taylor, White, Widowfield, Wilson. Senators Coughlin, Schuler, Brady, Roberts, Dann, Mumper, Stivers, Miller, Austria, Blessing, Carey, Fedor, Fingerhut, Randy Gardner, Robert Gardner, Goodman, Hagan, Harris, Herington, Hottinger, Jacobson, Jordan, Nein, Prentiss, Schuring, Wachtmann, White, Armbruster, Carnes, Spada.

To recognize the service of the Black Brigade in the defense of Cincinnati in 1862.

Attest:

MATTHEW T. SCHULER,
Clerk.

Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has passed the following bills in which the concurrence of the House is requested:

Sub. S. B. No. 11 - Senators Goodman, Blessing, Hottinger, Harris, Jacobson, Randy Gardner, Coughlin, Carey, Prentiss, Spada, Herington, Schuring, Stivers, Dann, Brady, Carnes, Miller, Nein, Roberts, Schuler,

Austria.

To amend sections 109.573, 2953.21, and 2953.23 and to enact sections 2953.71 to 2953.83 of the Revised Code to establish a mechanism and procedures for the DNA testing of certain inmates serving a prison term for a felony or under a sentence of death.

Sub. S. B. No. 47 - Senators Stivers, Coughlin, Schuler, Mumper, Dann, Carey, Jacobson, Goodman, Carnes, Schuring, Jordan, Herington, Wachtmann, Fedor, Fingerhut, Harris, Nein, Armbruster, Amstutz, Spada, Miller, White, Randy Gardner, Austria, Robert Gardner.

To enact section 323.122 of the Revised Code to extend the time within which members of the National Guard and reserve components of the Armed Forces of the United States who have been called to active duty must pay real property and manufactured home taxes, and to declare an emergency.

Sub. S. B. No. 57 - Senators Jacobson, Armbruster, Randy Gardner, Goodman, Harris, Stivers, Herington, Amstutz, Austria, Blessing, Carnes, Dann, Robert Gardner, Hottinger, Mumper.

To amend sections 2917.04 and 2917.13 and to enact section 2917.031 of the Revised Code to increase the penalty under specified circumstances for failure to disperse and misconduct at an emergency and to clarify the required proof for the offenses of riot and aggravated riot.

Attest:

MATTHEW T. SCHULER,
Clerk.

Said bills were considered the first time.

On motion of Representative Cates, the House adjourned until Thursday, April 10, 2003 at 11:00 o'clock a.m.

Attest:

LAURA P. CLEMENS,
Clerk.