

OHIO

SENATE

JOURNAL

TUESDAY, JUNE 26, 2007

SIXTY-THIRD DAY
Senate Chamber, Columbus, Ohio
Tuesday, June 26, 2007, 1:30 p.m.

The Senate met pursuant to adjournment.

Prayer was offered by Pastor Ken Kirk, Grove City United Methodist Church, Grove City, Ohio, followed by the Pledge of Allegiance to the Flag.

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

**REPORTS OF REFERENCE AND BILLS FOR SECOND
CONSIDERATION**

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

S. B. No. 189-Senator Grendell.

Cosponsors: Senators Spada, Gardner, Mumper, Cates, Schaffer.

To amend sections 317.08, 1501.01, 1504.02, 1506.01, 1506.02, 1506.06, 1506.08, 1506.10 to 1506.12, 1521.01, 1521.20, 1521.21, 1521.22, 1521.23, 1521.24, 1521.25, 1521.26, 1521.27, 1521.28, 1521.29, 1521.99, and 6121.04; to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 1521.20 (1506.38), 1521.21 (1506.39), 1521.22 (1506.40), 1521.23 (1506.41), 1521.24 (1506.42), 1521.25 (1506.43), 1521.26 (1506.44), 1521.27 (1506.45), 1521.28 (1506.46), 1521.29 (1506.47), and 1521.30 (1506.48); to enact section 1506.49; and to repeal section 1506.37 of the Revised Code to revise the law governing coastal management and the control of erosion along Lake Erie.

To the Committee on Environment and Natural Resources.

YES - 4: J. KIRK SCHURING, TOM ROBERTS, TERESA
FEDOR, BILL HARRIS.

NO - 0.

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

The report of the committee was accepted.

Said bill was considered a second time and referred to committee as recommended.

REPORTS OF STANDING AND SELECT COMMITTEES

Senator Clancy submitted the following report:

The standing committee on Highways and Transportation, to which was referred **S. B. No. 44**-Senator Carey, et al., having had the same under consideration, reports it back and recommends its passage.

YES - 9: PATRICIA M. CLANCY, STEPHEN C. AUSTRIA,
STEPHEN BUEHRER, KEVIN J. COUGHLIN, JOY
PADGETT, J. KIRK SCHURING, CAPRI S. CAFARO,
SHIRLEY A. SMITH, JASON H. WILSON.

NO - 0.

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

The report of the committee was accepted.

Senator Clancy submitted the following report:

The standing committee on Highways and Transportation, to which was referred **S. B. No. 132**-Senator Schuring, et al., having had the same under consideration, reports it back and recommends its passage.

Co-Sponsor: Buehrer.

YES - 9: PATRICIA M. CLANCY, STEPHEN C. AUSTRIA,
STEPHEN BUEHRER, KEVIN J. COUGHLIN, JOY
PADGETT, J. KIRK SCHURING, CAPRI S. CAFARO,
SHIRLEY A. SMITH, JASON H. WILSON.

NO - 0.

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

The report of the committee was accepted.

Senator Clancy submitted the following report:

The standing committee on Highways and Transportation, to which was referred **Sub. H. B. No. 9**-Representative Carmichael, et al., having had the same under consideration, reports it back and recommends its passage.

Co-Sponsors: Padgett, Schuring.

YES - 9: PATRICIA M. CLANCY, STEPHEN C. AUSTRIA,
STEPHEN BUEHRER, KEVIN J. COUGHLIN, JOY
PADGETT, J. KIRK SCHURING, JASON H. WILSON,

CAPRI S. CAFARO, SHIRLEY A. SMITH.

NO - 0.

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

The report of the committee was accepted.

Senator Goodman submitted the following report:

The standing committee on Judiciary - Civil Justice, to which was referred **Sub. H. B. No. 56**-Representative Uecker, et al., having had the same under consideration, reports it back and recommends its passage.

Co-Sponsor: Sawyer.

YES - 8: THOMAS SAWYER, LANCE T. MASON, ERIC H. KEARNEY, J. KIRK SCHURING, STEPHEN BUEHRER, KEITH L. FABER, STEVE STIVERS, DAVID GOODMAN.

NO - 0.

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

The report of the committee was accepted.

Senator Schuring submitted the following report:

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

Ricky D. Hoffman, from Bremen, Fairfield County, Ohio, as a Member of the Emergency Response Commission for a new term beginning April 4, 2007 and ending at the close of business January 13, 2009.

Joseph J. Sommer, Democrat, from North Canton, Stark County, Ohio, as a Member of the Recreation and Resources Commission for a term beginning April 4, 2007 and ending at the close of business February 1, 2010, replacing James Garges, who resigned.

Sandra S. Stephenson, from Galena, Delaware County, Ohio, as Director of the Department of Mental Health for a term beginning June 4, 2007.

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

YES - 10: BILL HARRIS, RANDY GARDNER, ROBERT F. SPADA, STEPHEN C. AUSTRIA, JOHN A. CAREY, J. KIRK SCHURING, SUSAN L. MORANO, RAY

MILLER, TOM ROBERTS, TERESA FEDOR.

NO - 0.

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

The yeas and nays were taken and resulted - yeas 33, nays 0, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Austria	Bocchieri	Buehrer
Cafaro	Carey	Cates	Clancy
Coughlin	Faber	Fedor	Gardner
Goodman	Grendell	Jacobson	Kearney
Mason	Miller D	Miller R	Morano
Mumper	Niehaus	Padgett	Roberts
Sawyer	Schaffer	Schuler	Schuring
Smith	Spada	Stivers	Wilson
			Harris-33.

So the Senate advised and consented to said appointments.

BILLS FOR THIRD CONSIDERATION

Am. H. B. No. 89-Representative Coley.

Cosponsors: Representatives Wachtmann, Garrison, Fessler, McGregor, J., Healy, Evans, Wagner, Seitz, Stebelton, Setzer, Latta, Combs, Adams, Hite, Webster, Blessing, Harwood, Aslanides, Bacon, Boyd, Chandler, Collier, Core, DeBose, Dolan, Domenick, Gibbs, Hagan, J., Hottinger, Huffman, Hughes, Jones, Koziura, Mallory, Mandel, McGregor, R., Otterman, Patton, Sayre, Schindel, Schneider, Strahorn, Uecker, Wagoner, White, Wolpert, Zehringer. Senators Goodman, Buehrer, Amstutz, Kearney, Mason, Sawyer.

To amend section 2305.37 of the Revised Code to provide persons who donate consumer goods to a charitable agency with qualified immunity from civil liability for harm that allegedly arises because the consumer goods are not fit for use and to establish a qualified immunity from civil liability for certain charitable agencies that distribute perishable food or consumer goods free of charge to individuals in need, was considered the third time.

The question being, "Shall the bill, **Am. H. B. No. 89**, pass?"

The yeas and nays were taken and resulted - yeas 32, nays 1, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Austria	Bocchieri	Buehrer
Cafaro	Carey	Cates	Clancy
Coughlin	Faber	Fedor	Gardner

Goodman	Grendell	Jacobson	Kearney
Mason	Miller D	Miller R	Morano
Mumper	Niehaus	Padgett	Roberts
Sawyer	Schaffer	Schuler	Schuring
Spada	Stivers	Wilson	Harris-32.

Senator Smith voted in the negative-1.

So the bill passed.

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

Senator Goodman moved to amend the title as follows:

Add the names: "Carey, Cates, Harris, Spada, Schuring, Schuler, Padgett, Niehaus, Clancy, Wilson, Roberts, Schaffer, Faber, Stivers."

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

The motion was agreed to and the title so amended.

Sub. S. B. No. 164-Senator Cates.

Cosponsors: Senators Niehaus, Austria, Clancy, Schuring.

To amend sections 149.43, 2151.152, 2151.23, 2151.39, 3313.64, 5103.031, 5103.032, 5103.035, 5103.0312, 5103.0313, 5103.16, 5103.391, 5126.04, 5153.122, and 5153.123 and to enact sections 5103.23, 5103.231, 5103.232, 5103.233, 5103.234, 5103.235, 5103.236, and 5103.237 of the Revised Code relative to training for foster caregivers, the public record status of identifying information of current and prospective foster caregivers, department of job and family services authority to begin the child placement level of care pilot program and petition Congress for expanded usage of Title IV-E funding, the Interstate Compact on the Placement of Children, and the coordination of the provision of services for foster children with mental retardation or developmental disabilities, and to amend the version of section 149.43 of the Revised Code that is scheduled to take effect September 29, 2007, to maintain the provisions of this act on and after that effective date, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 164**, pass?"

The yeas and nays were taken and resulted - yeas 33, nays 0, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Austria	Boccieri	Buehrer
Cafaro	Carey	Cates	Clancy
Coughlin	Faber	Fedor	Gardner
Goodman	Grendell	Jacobson	Kearney
Mason	Miller D	Miller R	Morano
Mumper	Niehaus	Padgett	Roberts
Sawyer	Schaffer	Schuler	Schuring
Smith	Spada	Stivers	Wilson

Harris-33.

So the bill passed.

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

Senator Cates moved to amend the title as follows:

Add the names: "Carey, Faber, Fedor, Goodman, Harris, Mumper, Miller, D., Morano, Padgett, Smith, Stivers, Wilson, Sawyer, Gardner, Schaffer, Jacobson, Coughlin."

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

The motion was agreed to and the title so amended.

Sub. S. B. No. 163-Senator Niehaus.

Cosponsors: Senators Cates, Kearney, Austria, Clancy, Schuring, Padgett, Sawyer, Schaffer.

To amend sections 109.57, 109.572, 109.60, 109.99, 2151.413, 2151.414, 2151.417, 2151.419, 2151.421, 2151.424, 2151.55, 2151.551, 2151.553, 2151.554, 2151.86, 3107.033, 3107.034, 3107.14, 5101.13, 5101.132, 5101.134, 5103.03, 5103.0319, 5103.0326, 5103.16, 5103.18, 5104.011, 5104.012, 5104.013, 5104.09, and 5104.30, to amend, for the purpose of adopting new section numbers as indicated in parentheses sections 2151.553 (2151.552) and 2151.554 (2151.553), and to enact new section 2151.554 and sections 109.581, 1901.43, 1907.181, 2301.10, 3107.062, 5101.32, 5103.0328, and 5104.022, and to repeal section 2151.552 of the Revised Code to improve foster caregiver background checks, clarify when a court must order a person to be fingerprinted, establish the retained applicant fingerprint database, modify the notifications that must be given before a child is placed in foster care, and make other changes in the law regarding approval of out-of-home care workers, adoptive parents, foster caregivers, and child day-cares, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 163**, pass?"

Senator Niehaus moved to amend as follows:

In line 32, delete "3107.062" and insert "3107.066"

In line 2917, delete "**3107.062**" and insert "**3107.066**"

In line 12 of the title, delete "3107.062" and insert "3107.066"

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

The amendment was agreed to.

The question recurred, "Shall the bill, **Sub. S. B. No. 163**, pass?"

Senator Grendell moved to amend as follows:

In line 25, after "2151.551," insert "2151.552,"

In line 28, delete ", that sections 2151.553"

Delete line 29

In line 30, delete "adopting new section numbers as indicated in parentheses,"

In line 31, delete "new section 2151.554 and"; after "1907.181," insert "2151.555,"

In line 2423, delete "(A)"; strike through "When" and insert "(A)
Subject to division (B) of this section, when"

In line 2424, reinsert "in a county"

Reinsert line 2425

In line 2426, reinsert "being removed from home"; delete the underlined comma

In line 2427, delete "prior to the placement"; reinsert "orally"; delete "in writing"

In line 2429, reinsert ", if the child will attend the schools of the"

Reinsert line 2430

In line 2431, reinsert "representative of the school district's board of education"; after the reinserted "education" insert " .

(B) When a private or governmental entity intends to place a child in a certified foster home, regardless of whether the certified foster home is in the county in which the child resided at the time of being removed from home or is in any other county, and either the child has been determined by a court, a public children services agency, a private child placing agency, or a governmental entity with authority to place the child to be an exceptional behavioral needs child or the child has been adjudicated a delinquent child for committing an act that if committed by an adult would be a felony, a representative of the placing entity, prior to the placement, shall communicate in writing the intended placement to the foster caregiver with whom the child is to be placed and"

In line 2439, delete "(A)" and insert "(B)"

In line 2449, delete "(B)" and insert "(C)"; delete "division (A) of"; delete " .specified" and insert " ;

(1) "Exceptional behavioral needs child" means a child who presents

severe emotional or behavioral management problems, including, but not limited to, a child who displays a high degree of impulsive and acting-out behavior toward themselves or others that often is characterized by verbal and physical aggression, a child who has multiple and severe psychiatric, emotional, and behavioral management problems ranging from personality disorders to aggression toward animals, others, and self, or sexual acting-out, or a child who poses an ongoing danger to self or others documented by one or more of the following licensed professionals:

(a) A psychiatrist;

(b) A licensed psychologist or licensed school psychologist, both as defined in section 4732.01 of the Revised Code;

(c) A person licensed under Chapter 4757. of the Revised Code to engage in the practice of social work;

(d) A person licensed under Chapter 4757. of the Revised Code to engage in the practice of professional counseling;

(e) A person licensed under Chapter 4757. of the Revised Code as an independent marriage and family therapist or a marriage and family therapist.

(2) "Specified"

In line 2457, delete "(A)" and insert "(B)"

In line 2460, reinsert "During"; delete "In"; reinsert "oral"; delete "written"

In line 2461, after "in" insert "division (A) of"; after "Code" insert "and in the written communication described in division (B) of that section"

In line 2467, delete "The child's name and age:"

In line 2468, delete "(2)"

In line 2470, reinsert "(2)"; delete "(3)"

In line 2471 reinsert "(3)"; delete "(4)"

In line 2473, reinsert "(4)"; delete "(5)"

In line 2477, reinsert "(5)"; delete "(6)"

In line 2478, reinsert "(6)"; delete "(7)"

In line 2479, delete "child has been classified treatment level III or"

Delete line 2480

In line 2481, delete "if committed by an adult would be a felony" and insert "representative of the placing entity is providing the written communication described in division (B) of section 2151.55 of the Revised Code"

In line 2483, after the underlined comma insert "in the written communication the representative shall"; after "provide" insert "the child's name and age."

In line 2484, after "home" insert "in which the child is being placed"

In line 2487, delete "classification of the child as treatment level III" and insert "determination that the child is an exceptional behavioral needs child"

Between lines 2490 and 2491, insert:

"**Sec. 2151.552.** ~~No later than five days after~~ If a child who is described in division (A) of section 2151.55 of the Revised Code and about whom any oral communication is required under that division is enrolled in school in the district described in that section division, not later than five days after the child is so enrolled, the placing entity shall provide in writing the information described in division (B) of section 2151.551 of the Revised Code to the school district and the child's foster caregiver."

In line 2491, reinsert "**2151.553**"; delete "2151.552"

In line 2493, reinsert "2151.552"; delete "2151.551"

In line 2494, after "Code" insert "in a written notice provided under that section, and for receiving the discussions and information described in section 2151.551 of the Revised Code in a written notice provided under division (B) of section 2151.55 of the Revised Code"; after "section" insert "regarding the discussions and information described in section 2151.551 of the Revised Code in a written notice provided under division (B) of section 2151.55 of the Revised Code"

In line 2497, reinsert "**2151.554**"; delete "2151.553"; strike through "When" and insert "(A) Subject to division (B) of this section, when"

In line 2499, reinsert "in a county other than"

Reinsert line 2500

In line 2501, reinsert "from home"

In line 2503, delete ", unless that juvenile"

In line 2504, delete "court is the court of jurisdiction in the child's case"

In line 2505, strike through "(A)" and insert "(1)"

In line 2507, strike through "(B)" and insert "(2)"

In line 2509, strike through "(C)" and insert "(3)"

In line 2510, strike through "(D)" and insert "(4)"

Between lines 2511 and 2512, insert:

"(B) When a private or governmental entity places a child who has been adjudicated an unruly child or delinquent child in a certified foster home,

regardless of whether the certified foster home is in the county in which the child resided at the time of being removed from home or is in any other county, and either the child has been determined by a court, a public children services agency, a private child placing agency, or a governmental entity with authority to place the child to be an exceptional behavioral needs child or the child has been adjudicated a delinquent child for committing an act that if committed by an adult would be a felony, the placing entity shall provide the information specified in divisions (A)(1) to (4) of this section to the juvenile court of the county in which the certified foster home is located, unless that juvenile court is the court of jurisdiction in the child's case.

(C) As used in this section, "exceptional behavioral needs child" has the same meaning as in section 2151.55 of the Revised Code."

In line 2512, delete "**2151.554**" and insert "**2151.555**"

In line 2514, delete " sections 2151.55 to 2151.553" and insert " division (B) of section 2151.55 or division (B) of section 2151.554"

In line 4731, after "2151.551," insert "2151.552,"

In line 4734, delete "and section 2151.552"

In line 3 of the title, after "2151.551," insert "2151.552,"

In line 7 of the title, delete ", to amend, for the purpose of"

Delete lines 8 and 9 of the title

In line 10 of the title, delete "2151.554 (2151.553),"; delete "new section"

In line 11 of the title, delete "2151.554 and"; after "1907.181," insert "2151.555,"

In line 13 of the title, delete ", and to repeal section 2151.552"

In line 19 of the title, after "care" insert "if the child is an exceptional behavioral needs child or has been adjudicated a delinquent child for committing a felonious act"

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

The amendment was agreed to.

The question recurred, "Shall the bill, **Sub. S. B. No. 163**, pass?"

The yeas and nays were taken and resulted - yeas 33, nays 0, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Austria	Boccieri	Buehrer
Cafaro	Carey	Cates	Clancy
Coughlin	Faber	Fedor	Gardner
Goodman	Grendell	Jacobson	Kearney
Mason	Miller D	Miller R	Morano
Mumper	Niehaus	Padgett	Roberts

Sawyer
Smith

Schaffer
Spada

Schuler
Stivers

Schuring
Wilson
Harris-33.

So the bill passed.

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

Senator Niehaus moved to amend the title as follows:

Add the names: "Carey, Coughlin, Faber, Fedor, Gardner, Grendell, Harris, Mason, Miller, D., Roberts, Sawyer, Schuler, Spada, Stivers, Mumper, Miller, R., Jacobson."

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

The motion was agreed to and the title so amended.

INTRODUCTION AND FIRST CONSIDERATION OF BILLS

The following bills were introduced and considered the first time:

S. B. No. 190-Senator Morano.

Cosponsors: Senators Kearney, Cafaro, Schuler, Sawyer.

To enact section 5.2235 of the Revised Code to designate the last week of May as "Ohio Turfgrass Week."

S. B. No. 191-Senator Coughlin.

Cosponsors: Senators Schuler, Mumper, Buehrer, Schaffer.

To amend section 5747.01 of the Revised Code to exempt from the personal income tax local, state, and federal government employee and military retirement benefits.

S. B. No. 192-Senator Gardner.

To amend sections 3703.01, 3703.08, and 3781.03 of the Revised Code to permit the board of health of a health district to enter into a contract with a board of county commissioners to authorize the county building department to inspect plumbing in any type of building for which the county department is certified and to permit the board of health of a health district to enter into a contract with the board of health of another health district for the inspection of plumbing within the first board's district.

OFFERING OF RESOLUTIONS

Senator Harris offered the following resolution:

S. R. No. 92-Senator Harris.

Authorizing The Ohio Junior State of America and The Junior Statesmen Foundation to use the Ohio Senate Chambers to conduct their 2007 Ohio Symposium on Leadership and Politics.

The question being, "Shall the resolution, **S. R. No. 92**, be adopted?"

The yeas and nays were taken and resulted - yeas 33, nays 0, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Austria	Boccieri	Buehrer
Cafaro	Carey	Cates	Clancy
Coughlin	Faber	Fedor	Gardner
Goodman	Grendell	Jacobson	Kearney
Mason	Miller D	Miller R	Morano
Mumper	Niehaus	Padgett	Roberts
Sawyer	Schaffer	Schuler	Schuring
Smith	Spada	Stivers	Wilson
			Harris-33.

So the resolution was adopted.

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

The title was agreed to.

Pursuant to Senate Rule No. 54, the following resolutions were offered:

S. R. No. 93-Senator Spada.

Cosponsors: Senators Miller, D., Mason, Smith.

Honoring the Cleveland Metroparks Zoo on its One Hundred Twenty-fifth Anniversary.

S. R. No. 94-Senator Mumper.

Honoring Jean Baldwin for outstanding service to the State of Ohio.

S. R. No. 95-Senator Schaffer.

Honoring the Bloom-Carroll High School softball team on winning the 2007 Division III State Championship.

The question being, "Shall the resolutions listed under the President's prerogative be adopted?"

So the resolutions were adopted.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the Speaker of the House of Representatives has signed the following bill:

Am. Sub. S. B. No. 117 -Senator Jacobson - et al.

Attest:

Laura P. Clemens,
Clerk.

The President signed said bill.

MESSAGE FROM THE PRESIDENT

Pursuant to Executive Order 2007-14S, the President of the Senate appoints the following members to serve on the Governor's Workforce Policy advisory Board:

Senator Schaffer
Senator Wilson

On the motion of Senator Jacobson, the Senate recessed.

The Senate met pursuant to the recess.

On the motion of Senator Niehaus the Senate reverted to the Fourth Order of Business, Reports of Conference Committees

REPORTS OF CONFERENCE COMMITTEES

Senator Carey submitted the following report:

The Committee of Conference to which the matters of difference between the two houses were referred on Am. Sub. H.B. 119, Representative Dolan - et al., having had the same under consideration, recommends to the respective houses as follows:

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

In line 70698, delete "\$2,255,553" and insert "\$2,055,553"

Between lines 70718 and 70719, insert:

"Of the foregoing appropriation item 440-437, Healthy Ohio, \$200,000 in

fiscal year 2009 shall be used for the purchase of pneumococcal vaccinations for children."

Between lines 79872 and 79873, insert:

"**Section _____**. Notwithstanding section 321.261 of the Revised Code, a board of county commissioners of a county with a population exceeding one million two hundred thousand may, by resolution, authorize the use of up to three million dollars in the county's delinquent tax and assessment collection fund to prevent residential mortgage foreclosures in the county and to assist municipal corporations located in the county in the nuisance abatement of deteriorated residential buildings in foreclosure. The funds shall be used to provide financial assistance in the form of loans to borrowers in default on their home mortgages, including for the payment of late fees, to clear arrearage balances, and to augment moneys used in the county's Foreclosure Prevention Program. The funds also shall be used to assist municipal corporations located in the county, upon application to the county department of development for the funds, in the nuisance abatement of deteriorated residential buildings in foreclosure, including paying the costs of boarding up such buildings and lot maintenance and demolition costs. Funds shall not be accessed or used for the purposes provided under this section after June 30, 2008."

In line 70485, after "Abstinence" insert "and Adoption"

In line 70686, after "ABSTINENCE" insert "AND ADOPTION"

In line 70687, after "Abstinence" insert "and Adoption"

In line 77701, delete "report" and insert "submit"

In line 77702, after "Board" insert "for approval"; after the comma insert "and General Revenue Fund encumbrances for planned program subsidy payments of \$1,000,000 or more but below \$50,000,000, which the Director of Budget and Management must report to the Controlling Board,"

Delete lines 64912 through 64919 and insert:

"(3) Two members of the House of Representatives, one member from the majority party and one member from the minority party, appointed by the Speaker of the House of Representatives;

(4) Two members of the Senate, one member from the majority party and one member from the minority party, appointed by the President of the Senate."

In line 78393, delete "and"

In line 78394, after "555.08" insert ", and 557.10"

Between lines 78563 and 78564, insert:

"**Sec. 557.10.** ~~(A)~~ Notwithstanding Chapter 5735. of the Revised Code, the following shall apply for the period of July 1, 2007, through June 30, 2009:

(A)(1) For the discount under section 5735.06 of the Revised Code, if the

monthly report is timely filed and the tax is timely paid, 1.0 ~~per cent~~ % of the total number of gallons of motor fuel received by the motor fuel dealer within the state during the preceding calendar month, less the total number of gallons deducted under divisions (B)(1)(a) and (b) of section 5735.06 of the Revised Code, less 0.50 ~~per cent~~ % of the total number of gallons of motor fuel that were sold to a retail dealer during the preceding calendar month.

(2) For the semiannual periods ending December 31, 2007, June 30, 2008, December 31, 2008, and June 30, 2009, the refund provided to retail dealers under section 5735.141 of the Revised Code shall be 0.50 ~~per cent~~ % of the Ohio motor fuel taxes paid on fuel purchased during those semiannual periods.

(B) ~~Each retail~~ If the monthly report is timely filed and the tax is timely paid, each motor fuel dealer is allowed a vendor tax collection and administration discount equal to 0.90% of the motor fuel taxes paid on motor fuel purchased received by the retail motor fuel dealer during each of the semiannual periods occurring during the biennium beginning July 1, 2007, and ending June 30, 2009. The vendor discount shall be refunded to the retail dealer upon application by the dealer to the Tax Commissioner within 120 days after the end of each such semiannual period in the manner prescribed by the Tax Commissioner on which the dealer remits the motor fuel tax. The discount shall be taken by the motor fuel dealer on the dealer's monthly motor fuel tax report. The vendor discount is in addition to any other discount or refund allowed the motor fuel dealer under division (A) of this section. The vendor discount shall be paid in the same manner and from the same fund as prescribed in section 5735.141 of the Revised Code. As used in this section, "motor fuel" and "retail motor fuel dealer" have the same meanings as in section 5735.01 of the Revised Code.

In line 78565, delete "and"; after "555.08" insert ", and 557.10"

In line 159 of the title, delete "and"; after "555.08" insert ", and 557.10"

In line 2870, after the underlined period insert " However, the chair of the integrating committee or chair of the executive committee, as applicable, shall provide written notice of the chair's intent to forward the application to each member of the integrating committee or executive committee, as applicable, not later than fifteen days prior to forwarding the application."

Between lines 40666 and 40667, insert:

" (3) A county auditor that is designated a deputy registrar may choose to accept payment by means of a financial transaction device, including credit cards and debit cards, for all department of public safety transactions conducted at the office of the county auditor in the county auditor's capacity as deputy registrar. The bureau shall not be required to pay any costs incurred by a county auditor who accepts payment by means of a financial transaction device that result from the county auditor accepting payment by means of a financial transaction device for any such department of public safety transaction."

Delete lines 74291 through 74294

Between lines 74340 and 74341, insert:

"Of the foregoing appropriation item 725-683, Soil and Water Districts, \$100,000 in each fiscal year shall be used as state matching dollars for soil and water quality improvements utilizing best management practices in the Grand Lake St. Marys watershed."

Between lines 66454 and 66455, insert:

"Section ____. SHOVEL READY SITES

The foregoing appropriation item 195-516, Shovel Ready Sites, shall be used for Development Projects, Inc., for advanced technical intelligence centers, the Springfield Port Authority, and other qualifying projects under section 122.083 of the Revised Code."

In line 73023, delete "\$15,167,700 \$15,167,700" and insert "\$14,917,700 \$14,917,700"

Delete lines 73042 through 73047

Adjust totals accordingly

In line 272, delete "5705.214,"

In line 279, delete "5748.021,"

Delete lines 54087 through 54092

In line 60696, reinsert "No board of education shall submit"; delete the balance of the line

In line 60697, delete "electors of the school district of"

In line 60698, reinsert everything after "income"

Delete lines 60699 and 60700

In line 60701, delete "be held during"; reinsert everything after the period

Reinsert lines 60702 and 60703

Delete lines 60717 through 60826

In line 62281, delete "5705.214,"

In line 62288, delete "5748.021,"

In line 80064, delete "5705.214,"

In line 80066, delete "5748.021,"

In line 97 of the title, delete "5705.214,"

In line 105 of the title, delete "5748.021,"

In line 214, delete "333.02, 333.04,"

Delete lines 10065 through 10143

In line 62223, delete "333.02, 333.04,"

In line 80062, delete "333.02, 333.04,"

In line 17 of the title, delete "333.02,"

In line 18 of the title, delete "333.04,"

In line 250, delete "4511.101,"

Delete lines 41086 through 41139

In line 62259, delete "4511.101,"

In line 67 of the title, delete "4511.101,"

In line 253, delete "4753.02, 4753.05, 4753.11,"

In line 303, delete "4753.073, 4753.101,"

Delete lines 42792 through 42921

In line 62262, delete "4753.02, 4753.05, 4753.11,"

In line 80002, delete "4753.02, 4753.05, 4753.073,"

In line 80003, delete "4753.101, 4753.11,"

In line 71 of the title, delete "4753.02, 4753.05, 4753.11,"

In line 136 of the title, delete "4753.073, 4753.101,"

Delete lines 66666 through 66674

In line 69663, delete "\$3,633,390 \$3,633,390" and insert "\$3,597,390
\$3,597,390"

In lines 69667 and 69681, subtract \$36,000 from each fiscal year

Delete lines 69693 through 69706

In line 69707, delete "remainder of" and insert "foregoing"

Delete lines 69819 and 69820

In line 69821, delete the first "to" and insert "shall"

In line 69841 after "technologies" insert "with a preference given to a
high speed integrated network that can transport video, voice, data, and graphics
simultaneously"

Between lines 66495 and 66496, insert:

"Of the foregoing appropriation item 195-684, Supportive Services,
\$50,000 in fiscal year 2008 and \$35,000 in fiscal year 2009 shall be used for
Crawford County to hire a local economic development coordinator."

Delete lines 70930 through 70957

In line 203, after "121.48," insert "121.51,"

Between lines 1931 and 1932, insert:

"Sec. 121.51. There is hereby created in the office of the inspector general the position of deputy inspector general for the department of transportation. The inspector general shall appoint the deputy inspector general, and the deputy inspector general shall serve at the pleasure of the inspector general. A person employed as the deputy inspector general shall have the same qualifications as those specified in section 121.49 of the Revised Code for the inspector general. The inspector general shall provide technical, professional, and clerical assistance to the deputy inspector general. The inspector general shall certify to the director of budget and management the costs ~~incurred by the deputy inspector general~~, including the salaries of the deputy inspector general and the employees assisting the deputy inspector general, that the inspector general expects the deputy inspector general to incur during the fiscal year or such lesser period for which the certification is made. The director of budget and management shall transfer the ~~amount~~ amounts certified to the deputy inspector general for ODOT fund, which is hereby created in the state treasury, from the appropriation made to the department of transportation from which expenditures for general administrative purposes, as distinguished from specific infrastructure projects, are made. The transfers shall be made in accordance with a schedule that the inspector general considers to be appropriate but shall not be in amounts that would create a balance in the fund in excess of need or that would exceed the amount appropriated from the fund. The inspector general shall use the deputy inspector general for ODOT fund to pay costs incurred by the deputy inspector general.

The deputy inspector general shall investigate all wrongful acts or omissions that have been committed or are being committed by employees of the department. In addition, the deputy inspector general shall conduct a program of random review of the processing of contracts associated with building and maintaining the state's infrastructure. The random review program shall be designed by the inspector general. The program shall be confidential and may be altered by the inspector general at any time. The deputy inspector general has the same powers and duties regarding matters concerning the department as those specified in sections 121.42, 121.43, and 121.45 of the Revised Code for the inspector general. Complaints may be filed with the deputy inspector general in the same manner as prescribed for complaints filed with the inspector general under section 121.46 of the Revised Code. All investigations conducted and reports issued by the deputy inspector general are subject to section 121.44 of the Revised Code.

All officers and employees of the department shall cooperate with and provide assistance to the deputy inspector general in the performance of any investigation conducted by the deputy inspector general. In particular, those persons shall make their premises, equipment, personnel, books, records, and

papers readily available to the deputy inspector general. In the course of an investigation, the deputy inspector general may question any officers or employees of the department and any person transacting business with the department and may inspect and copy any books, records, or papers in the possession of the department, taking care to preserve the confidentiality of information contained in responses to questions or the books, records, or papers that are made confidential by law. In performing any investigation, the deputy inspector general shall avoid interfering with the ongoing operations of the department, except insofar as is reasonably necessary to complete the investigation successfully.

At the conclusion of an investigation by the deputy inspector general, the deputy inspector general shall deliver to the director of transportation and the governor any case for which remedial action is necessary. The deputy inspector general shall maintain a public record of the activities of the deputy inspector general to the extent permitted under this section, ensuring that the rights of the parties involved in each case are protected. The inspector general shall include in the annual report required by section 121.48 of the Revised Code a summary of the deputy inspector general's activities during the previous year.

No person shall disclose any information that is designated as confidential in accordance with section 121.44 of the Revised Code or any confidential information that is acquired in the course of an investigation conducted under this section to any person who is not legally entitled to disclosure of that information."

In line 62212, after "121.48," insert "121.51,"

Between lines 78392 and 78393, insert:

"Section _____. That Section 203.10 of Am. Sub. H.B. 67 of the 127th General Assembly be amended to read as follows:

Sec. 203.10. DOT DEPARTMENT OF TRANSPORTATION

FUND	TITLE	FY 2008	FY 2009
Transportation Planning and Research			
Highway Operating Fund Group			
002 771-411	Planning and Research - State	\$ 20,724,547	\$ 21,733,301
002 771-412	Planning and Research - Federal	\$ 29,996,363	\$ 30,264,923
TOTAL HOF Highway Operating Fund Group		\$ 50,720,910	\$ 51,998,224
TOTAL ALL BUDGET FUND GROUPS - Transportation Planning and Research			
		\$ 50,720,910	\$ 51,998,224
Highway Construction			
Highway Operating Fund Group			
002 772-421	Highway Construction - State	\$ 528,722,188	\$ 504,184,419
002 772-422	Highway Construction - Federal	\$ 1,103,979,148	\$ 1,086,733,759
002 772-424	Highway Construction - Other	\$ 106,439,000	\$ 100,379,155
002 772-437	GARVEE Debt Service - State	\$ 10,321,300	\$ 19,273,500

002	772-438	GARVEE Debt Service - Federal	\$	113,915,900	\$	139,015,000
212	772-426	Highway Infrastructure Bank - Federal	\$	4,303,173	\$	4,018,649
212	772-427	Highway Infrastructure Bank - State	\$	8,268,315	\$	10,209,272
212	772-429	Highway Infrastructure Bank - Local	\$	11,000,000	\$	11,499,999
212	772-430	Infrastructure Debt Reserve Title 23-49	\$	1,500,000	\$	1,500,000
213	772-431	Roadway Infrastructure Bank - State	\$	1,000,000	\$	1,000,000
213	772-432	Roadway Infrastructure Bank - Local	\$	6,000,000	\$	6,000,000
213	772-433	Infrastructure Debt Reserve - State	\$	2,000,000	\$	2,000,000
TOTAL HOF Highway Operating Fund Group			\$	1,897,449,024	\$	1,885,813,753

Highway Capital Improvement Fund Group

042	772-723	Highway Construction - Bonds	\$	200,000,000	\$	100,000,000
TOTAL 042 Highway Capital Improvement Fund Group			\$	200,000,000	\$	100,000,000

Infrastructure Bank Obligations Fund Group

045	772-428	Highway Infrastructure Bank - Bonds	\$	450,000,000	\$	400,000,000
TOTAL 045 Infrastructure Bank Obligations Fund Group			\$	450,000,000	\$	400,000,000
TOTAL ALL BUDGET FUND GROUPS - Highway Construction			\$	2,547,449,024	\$	2,385,813,753

Highway Maintenance**Highway Operating Fund Group**

002	773-431	Highway Maintenance - State	\$	403,252,901	\$	417,915,187
TOTAL HOF Highway Operating Fund Group			\$	403,252,901	\$	417,915,187
TOTAL ALL BUDGET FUND GROUPS - Highway Maintenance			\$	403,252,901	\$	417,915,187

Public Transportation**Highway Operating Fund Group**

002	775-452	Public Transportation - Federal	\$	25,471,589	\$	30,391,763
002	775-454	Public Transportation - Other	\$	1,500,000	\$	1,500,000
002	775-459	Elderly and Disabled Special Equipment	\$	4,730,000	\$	4,730,000
212	775-408	Transit Infrastructure Bank - Local	\$	2,500,000	\$	812,685
212	775-455	Title 49 Infrastructure Bank - State	\$	476,485	\$	312,795
213	775-457	Transit Infrastructure Bank - State	\$	500,000	\$	312,082
213	775-460	Transit Infrastructure Bank - Local	\$	1,000,000	\$	1,000,000
TOTAL HOF Highway Operating Fund Group			\$	36,178,074	\$	39,059,325
TOTAL ALL BUDGET FUND GROUPS - Public Transportation			\$	36,178,074	\$	39,059,325

Rail Transportation

Federal Special Revenue Group

3B9 776-662 Rail Transportation - Federal	\$	10,000	\$	10,000
TOTAL FED Federal Special Revenue Fund Group	\$	10,000	\$	10,000

Highway Operating Fund Group

002 776-462 Grade Crossings - Federal	\$	15,000,000	\$	15,000,000
TOTAL HOF Highway Operating Fund Group	\$	15,000,000	\$	15,000,000

State Special Revenue Fund Group

4N4 776-663 Panhandle Lease Reserve Payments	\$	762,500	\$	763,700
4N4 776-664 Rail Transportation - Other	\$	2,111,500	\$	2,111,500
TOTAL SSR State Special Revenue Fund Group	\$	2,874,000	\$	2,875,200
TOTAL ALL BUDGET FUND GROUPS - Rail Transportation	\$	17,884,000	\$	17,885,200

Aviation**State Special Revenue Fund Group**

5W9 777-615 County Airport Maintenance	\$	570,000	\$	570,000
TOTAL SSR State Special Revenue Fund Group	\$	570,000	\$	570,000

Highway Operating Fund Group

002 777-472 Airport Improvements - Federal	\$	405,000	\$	405,000
002 777-475 Aviation Administration	\$	5,210,000	\$	5,358,100
213 777-477 Aviation Infrastructure Bank - State	\$	2,000,000	\$	3,500,000
213 777-478 Aviation Infrastructure Bank - Local	\$	5,996,118	\$	6,000,000
TOTAL HOF Highway Operating Fund Group	\$	13,611,118	\$	15,263,100
TOTAL ALL BUDGET FUND GROUPS - Aviation	\$	14,181,118	\$	15,833,100

Administration**Highway Operating Fund Group**

002 779-491 Administration - State	\$	120,262,864	\$	122,601,493
TOTAL HOF Highway Operating Fund Group	\$	120,262,864	\$	122,601,493
TOTAL ALL BUDGET FUND GROUPS - Administration	\$	120,262,864	\$	122,601,493

Debt Service**Highway Operating Fund Group**

002 770-003 Administration - State - Debt Service	\$	10,555,300	\$	3,614,700
TOTAL HOF Highway Operating Fund Group	\$	10,555,300	\$	3,614,700
TOTAL ALL BUDGET FUND GROUPS - Debt Service	\$	10,555,300	\$	3,614,700

TOTAL Department of Transportation

TOTAL FED Federal Special Revenue Fund Group	\$	10,000	\$	10,000
TOTAL HOF Highway Operating Fund Group	\$	2,547,030,191	\$	2,551,265,782
TOTAL 042 Highway Capital				

Improvement Fund Group	\$	200,000,000	\$	100,000,000
TOTAL 045 Infrastructure Bank				
Obligations Fund Group	\$	450,000,000	\$	400,000,000
TOTAL SSR State Special Revenue Fund Group	\$	3,444,000	\$	3,445,200
TOTAL ALL BUDGET FUND GROUPS	\$	3,200,484,191	\$	3,054,720,982

DEPUTY INSPECTOR GENERAL FOR ODOT FUNDING

Pursuant to section 121.51 of the Revised Code, the Director of Budget and Management, in conjunction with the Inspector General, shall prepare a schedule to transfer the necessary amounts from the Highway Operating Fund to the Deputy Inspector General for ODOT Fund to pay for the activities of the Deputy Inspector General. The amounts transferred are hereby appropriated.

Section ____. That existing Section 203.10 of Am. Sub. H.B. 67 of the 127th General Assembly is hereby repealed."

In line 79987, after "117.112," insert "121.51,"

In line 3 of the title, after "121.48," insert "121.51,"

In line 158 of the title, after "Sections" insert "203.10,"

In line 66137, delete "Project"

In line 66138, after "Development" insert "Projects"

In line 66250, delete "Project"; after "Development" insert "Projects"

In line 69664, delete "\$3,632,413 \$3,632,413" and insert "\$4,632,413 \$4,632,413"

In line 69665, delete "\$7,285,351 \$7,272,351" and insert "\$6,285,351 \$6,272,351"

Between lines 69720 and 69721, insert:

"Of the foregoing appropriation item 935-404, Telecommunications Operating Subsidy, \$1,000,000 in each fiscal year shall be used to support the conversion of Ohio's public educational television stations from analog to federally mandated digital broadcasting technology."

Delete lines 69741 through 69749

In line 66371, after "used" delete the balance of the line and insert "by Development Projects, Inc., for the creation of new jobs to leverage and support mission gains at Wright-Patterson Air Force Base in defense intelligence, aerospace research, and related areas from successful base realignment and closure efforts."

Delete lines 66372 and 66373

Delete lines 6976 through 7156 and insert:

"Sec. 173.35. (A) As used in this section, "PASSPORT administrative agency" means an entity under contract with the department of aging to provide

administrative services regarding the PASSPORT program created under section 173.40 of the Revised Code.

(B) The department of aging shall administer the residential state supplement program under which the state supplements the supplemental security income payments received by aged, blind, or disabled adults under Title XVI of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A., as amended. Residential state supplement payments shall be used for the provision of accommodations, supervision, and personal care services to supplemental security income recipients who the department determines are at risk of needing institutional care.

(C) For an individual to be eligible for residential state supplement payments, all of the following must be the case:

(1) Except as provided by division (G) of this section, the individual must reside in one of the following:

(a) An adult foster home certified under section 173.36 of the Revised Code;

(b) A home or facility, other than a nursing home or nursing home unit of a home for the aging, licensed by the department of health under Chapter 3721. or 3722. of the Revised Code and certified in accordance with standards established by the director of aging under division (D)(2) of this section;

(c) A community alternative home licensed under section 3724.03 of the Revised Code and certified in accordance with standards established by the director of aging under division (D)(2) of this section;

(d) A residential facility as defined in division (A)(1)(d)(ii) of section 5119.22 of the Revised Code licensed by the department of mental health and certified in accordance with standards established by the director of aging under division (D)(2) of this section;

(e) An apartment or room used to provide community mental health housing services certified by the department of mental health under section 5119.611 of the Revised Code and approved by a board of alcohol, drug addiction, and mental health services under division (A)(14) of section 340.03 of the Revised Code and certified in accordance with standards established by the director of aging under division (D)(2) of this section.

(2) Effective July 1, 2000, a PASSPORT administrative agency must have determined that the environment in which the individual will be living while receiving the payments is appropriate for the individual's needs. If the individual is eligible for supplemental security income payments or social security disability insurance benefits because of a mental disability, the PASSPORT administrative agency shall refer the individual to a community mental health agency for the community mental health agency to issue in accordance with section 340.091 of the Revised Code a recommendation on whether the PASSPORT administrative agency should determine that the

environment in which the individual will be living while receiving the payments is appropriate for the individual's needs. Division (C)(2) of this section does not apply to an individual receiving residential state supplement payments on June 30, 2000, until the individual's first eligibility redetermination after that date.

(3) The individual satisfies all eligibility requirements established by rules adopted under division (D) of this section.

(D) (1) The directors of aging and job and family services shall adopt rules in accordance with section 111.15 of the Revised Code as necessary to implement the residential state supplement program.

To the extent permitted by Title XVI of the "Social Security Act," and any other provision of federal law, the director of job and family services shall adopt rules establishing standards for adjusting the eligibility requirements concerning the level of impairment a person must have so that the amount appropriated for the program by the general assembly is adequate for the number of eligible individuals. The rules shall not limit the eligibility of disabled persons solely on a basis classifying disabilities as physical or mental. The director of job and family services also shall adopt rules that establish eligibility standards for aged, blind, or disabled individuals who reside in one of the homes or facilities specified in division (C)(1) of this section but who, because of their income, do not receive supplemental security income payments. The rules may provide that these individuals may include individuals who receive other types of benefits, including, social security disability insurance benefits provided under Title II of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 401, as amended. Notwithstanding division (B) of this section, such payments may be made if funds are available for them.

The director of aging shall adopt rules establishing the method to be used to determine the amount an eligible individual will receive under the program. The amount the general assembly appropriates for the program shall be a factor included in the method that department establishes.

(2) The director of aging shall adopt rules in accordance with Chapter 119. of the Revised Code establishing standards for certification of living facilities described in division (C)(1) of this section.

The directors of aging and mental health shall enter into an agreement to certify facilities that apply for certification and meet the standards established by the director of aging under this division.

(E) The county department of job and family services of the county in which an applicant for the residential state supplement program resides shall determine whether the applicant meets income and resource requirements for the program.

(F) The department of aging shall maintain a waiting list of any individuals eligible for payments under this section but not receiving them because moneys appropriated to the department for the purposes of this section

are insufficient to make payments to all eligible individuals. An individual may apply to be placed on the waiting list even though the individual does not reside in one of the homes or facilities specified in division (C)(1) of this section at the time of application. The director of aging, by rules adopted in accordance with Chapter 119. of the Revised Code, shall specify procedures and requirements for placing an individual on the waiting list and priorities for the order in which individuals placed on the waiting list are to begin to receive residential state supplement payments. Individuals on the waiting list who reside in a community setting not required to be licensed or certified shall have their eligibility for the payments assessed before other individuals on the waiting list. The rules specifying priorities may give priority to individuals placed on the waiting list on or after July 1, 2006, who receive supplemental security income benefits under Title XVI of the "Social Security Act," 86 Stat. 1475 (1972), 42 U.S.C. 1381, as amended. The rules shall not affect the place on the waiting list of any person who was on the list on July 1, 2006. The rules specifying priorities may also set additional priorities based on living arrangement, such as whether an individual resides in a facility listed in division (C)(1) of this section or has been admitted to a nursing facility.

(G) An individual in a licensed or certified living arrangement receiving state supplementation on November 15, 1990, under former section 5101.531 of the Revised Code shall not become ineligible for payments under this section solely by reason of the individual's living arrangement as long as the individual remains in the living arrangement in which the individual resided on November 15, 1990.

(H) The department of aging shall notify each person denied approval for payments under this section of the person's right to a hearing. On request, the hearing shall be provided by the department of job and family services in accordance with section 5101.35 of the Revised Code.

Sec. 173.351. (A) As used in this section:

"Area agency on aging" has the same meaning as in section 173.14 of the Revised Code.

"Long-term care consultation program" means the program the department of aging is required to develop under section 173.42 of the Revised Code.

"Long-term care consultation program administrator" or "administrator" means the department of aging or, if the department contracts with an area agency on aging or other entity to administer the long-term care consultation program for a particular area, that agency or entity.

"Nursing facility" has the same meaning as in section 5111.20 of the Revised Code.

"Residential state supplement program" means the program administered pursuant to section 173.35 of the Revised Code.

(B) Each month, each area agency on aging shall determine whether individuals who reside in the area that the area agency on aging serves and are on a waiting list for the residential state supplement program have been admitted to a nursing facility. If an area agency on aging determines that such an individual has been admitted to a nursing facility, the agency shall notify the long-term care consultation program administrator serving the area in which the individual resides about the determination. The administrator shall determine whether the residential state supplement program is appropriate for the individual and whether the individual would rather participate in the program than continue residing in the nursing facility. If the administrator determines that the residential state supplement program is appropriate for the individual and the individual would rather participate in the program than continue residing in the nursing facility, the administrator shall so notify the department of aging. On receipt of the notice from the administrator, the department of aging shall approve the individual's enrollment in the residential state supplement program in accordance with the priorities specified in rules adopted under division (F) of section 173.35 of the Revised Code. Each quarter, the department of aging shall certify to the director of budget and management the estimated increase in costs of the residential state supplement program resulting from enrollment of individuals in the program pursuant to this section.

(C) Not later than the last day of each calendar year, the director of aging shall submit to the general assembly a report regarding the number of individuals enrolled in the residential state supplement program pursuant to this section and the costs incurred and savings achieved as a result of the enrollments."

In line 15047, after " service" insert " within three days of receiving the military service order"

In line 15057, delete " by clear"

In line 15058, delete " and convincing evidence"

In line 15062, delete " shall not" and insert " may"

In line 15064, after " section" insert " and shall make specific written findings of fact to support any modification under this division"

Between lines 15064 and 15065, insert:

" Upon application by either parent, the court may modify a prior decree allocating parental rights and responsibilities after the parent's active military service has been terminated, hearing testimony and making specific written findings of fact to support the modification."

In line 65176, delete "\$33,661,063 \$36,661,063" and insert "\$38,661,063 \$41,661,063"

In line 65178, delete "\$35,785,051 \$39,285,051" and insert "\$40,785,051 \$44,285,051"

Delete line 65183

In line 65190, delete "\$135,093,075 \$135,093,075" and insert "\$130,093,075 \$130,093,075"

Delete lines 65222 through 65229 and insert:

"Of the foregoing appropriation item 038-401, Treatment Services, \$5 million in each fiscal year shall be used for TANF-eligible expenses for substance abuse and treatment services to children or their families whose income is at or below 200 per cent of the federal poverty level."

In line 71128, delete "\$272,619,061 \$272,619,061" and insert "\$267,619,061 \$267,619,061"

In line 71158, delete "\$4,544,743,498 \$4,703,308,810" and insert "\$4,539,743,498 \$4,698,308,810"

In line 71160, delete "\$9,849,981,030 \$10,522,787,420" and insert "\$9,844,981,030 \$10,517,787,420"

In line 71231, delete "\$16,876,426,814 \$17,621,772,043" and insert "\$16,871,426,814 \$17,616,772,043"

In line 77788, delete "The" and insert "Unless the agency and nuclear electric utility mutually agree to a higher amount by contract, the"

In line 35919, after the period delete the balance of the line and insert "However, the director has and retains jurisdiction to modify, amend, revise, renew, or revoke any permit, rule, order, or other action that has been appealed to the commission. The modification, amendment, revision, renewal, or revocation is subject to applicable public participation and public notice requirements and is subject to an appeal under this section or section 3745.07 of the Revised Code, as applicable. Not later than thirty days after the issuance of the modification, amendment, revision, renewal, or revocation, the director shall file with the commission and serve on each party to the existing appeal a statement notifying the commission and the party that the appealed action was revoked or describing how the appealed action was modified, amended, revised, or changed as part of a renewal, as applicable. A party to the existing appeal is deemed to have appealed such a modification, amendment, revision, renewal, or revocation upon filing with the commission and serving on all parties an objection to the modification, amendment, revision, renewal, or revocation. The objection shall be filed with the commission not later than thirty days after the director files the statement with the commission regarding the modification, amendment, revision, renewal, or revocation. The objection shall state any new grounds of appeal resulting from the modification, amendment, revision, renewal, or revocation. The commission shall not charge a fee for the filing of such an objection."

Delete lines 35920 through 35932

In line 250, after "4505.06," insert "4508.10,"

Between lines 41085 and 41086, insert:

"Sec. 4508.10. (A) A driver training school shall issue a certificate of completion to each person who successfully completes a course of instruction necessary to obtain or maintain a driver's license. The department of public safety shall provide each driver training school with the certificate of completion forms.

(B) The fee for each driver's license certificate of completion provided by the department to a driver training school is four dollars. The director of public safety shall deposit the fees collected under this section into the state treasury to the credit of the state highway safety fund created in section ~~4501.16~~ 4501.06 of the Revised Code.

(C) As used in this section, "driver's license" has the same meaning as in section 4507.01 of the Revised Code."

In line 62259, after "4505.06," insert "4508.10,"

In line 67 of the title, after "4505.06," insert "4508.10,"

In line 275, after "5739.033," insert "5739.035,"

In line 276, after "5739.122," insert "5739.123,"; after "5741.03," insert "5741.05,"

In line 315, after "5739.213," insert "5740.10,"

Delete lines 56781 through 57049 and insert:

"Sec. 5739.033. (A) Except as provided in division (B) of this section, divisions (C) to (I) of this section apply to sales made on and after ~~May 1, 2006~~. ~~Sales made before May 1, 2006, are subject to section 5739.035 of the Revised Code. On and after January 1, 2005, any January 1, 2008. Any vendor may previously required to comply with divisions (C) to (I) of this section and any vendor that irrevocably elect elects to comply with divisions (C) to (I) of this section for all of the vendor's sales and places of business in this state shall continue to source its sales under those divisions.~~

The amount of tax due pursuant to sections 5739.02, 5739.021, 5739.023, and 5739.026 of the Revised Code is the sum of the taxes imposed pursuant to those sections at the sourcing location of the sale as determined under this section or, if applicable, under division (C) of section 5739.031 or section 5739.034 of the Revised Code, or at the situs of the sale as determined under section 5739.035 of the Revised Code. This section applies only to a vendor's or seller's obligation to collect and remit sales taxes under section 5739.02, 5739.021, 5739.023, or 5739.026 of the Revised Code or use taxes under section 5741.02, 5741.021, 5741.022, or 5741.023 of the Revised Code. Division (A) of this section does not apply in determining the jurisdiction for which sellers are required to collect the use tax under section 5741.05 of the Revised Code. This section does not affect the obligation of a consumer to remit use taxes on the storage, use, or other consumption of tangible personal property or on the benefit realized of any service provided, to the jurisdiction of that storage, use, or

consumption, or benefit realized.

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

(a) "Delivery sale" means the taxable sale of tangible personal property or a service that is received by a consumer, or a donee designated by the consumer, in a taxing jurisdiction that is not the taxing jurisdiction in which the vendor has a fixed place of business.

(b) "Agreement" has the same meaning as in section 5740.01 of the Revised Code.

(c) "Governing board" has the same meaning as in section 5740.02 of the Revised Code.

(2) ~~(a) A~~ If the tax commissioner does not make the certification under section 5740.10 of the Revised Code, a vendor that is not required by division (A) of this section to situs sales under divisions (C) to (I) of this section on the date of the commissioner's certification may continue after that date to situs its sales under section 5739.035 of the Revised Code unless it is required, under division (B)(5) of this section, to situs its sales under divisions (C) to (I) of this section.

(3) Except as otherwise provided in divisions (B)(4) and (5) of this section, a vendor with total delivery sales within this state in prior calendar year 2005 that are years, beginning with calendar year 2007, of less than thirty million five hundred thousand dollars may continue to situs its sales under section 5739.035 of the Revised Code from May 1, 2006, through April 30, 2007, except that, if the tax commissioner does not enter a determination in the commissioner's journal under division (B)(2)(b) of this section, those dates shall be May 1, 2006, through December 31, 2007.

~~(b) On or before February 1, 2007, the tax commissioner shall determine whether certified service provider services are being provided by the governing board of the streamlined sales and use tax agreement for all delivery sales. If the commissioner determines that such services are being so provided, the commissioner shall enter the determination in the commissioner's journal and shall provide notice of the determination on the department of taxation's official internet web site. If the commissioner makes such an entry in the journal, then a vendor with total delivery sales in calendar year 2006 that are less than five million dollars may continue to situs its sales under section 5739.035 of the Revised Code from May 1, 2007, through December 31, 2007.~~

~~(3) Beginning January 1, 2008, all vendors shall source their sales under divisions (C) to (I) of this section.~~

(4) Once a vendor has total delivery sales that exceed the dollar amount in division (B)(2)(a) or (b) of this section in this state of five hundred thousand dollars or more for a prior calendar year, the vendor shall source its sales under divisions (C) to (I) of this section and shall continue to source its sales under those divisions ; regardless of the amount of the vendor's total delivery sales in

future years.

(5) A vendor permitted under division (B)(3) of this section to situs its sales under section 5739.035 of the Revised Code that fails to provide, absent a clerical error, the notices required under division (I)(1) of section 5739.035 of the Revised Code shall situs all subsequent sales as required under divisions (C) to (I) of this section.

(C) Except for sales, other than leases, of titled motor vehicles, titled watercraft, or titled outboard motors as provided in section 5741.05 of the Revised Code, or as otherwise provided in this section and section 5739.034 of the Revised Code, all sales shall be sourced as follows:

(1) If the consumer or a donee designated by the consumer receives tangible personal property or a service at a vendor's place of business, the sale shall be sourced to that place of business.

(2) When the tangible personal property or service is not received at a vendor's place of business, the sale shall be sourced to the location known to the vendor where the consumer or the donee designated by the consumer receives the tangible personal property or service, including the location indicated by instructions for delivery to the consumer or the consumer's donee.

(3) If divisions (C)(1) and (2) of this section do not apply, the sale shall be sourced to the location indicated by an address for the consumer that is available from the vendor's business records that are maintained in the ordinary course of the vendor's business, when use of that address does not constitute bad faith.

(4) If divisions (C)(1), (2), and (3) of this section do not apply, the sale shall be sourced to the location indicated by an address for the consumer obtained during the consummation of the sale, including the address associated with the consumer's payment instrument, if no other address is available, when use of that address does not constitute bad faith.

(5) If divisions (C)(1), (2), (3), and (4) of this section do not apply, including in the circumstance where the vendor is without sufficient information to apply any of those divisions, the sale shall be sourced to the address from which tangible personal property was shipped, or from which the service was provided, disregarding any location that merely provided the electronic transfer of the property sold or service provided.

(6) As used in division (C) of this section, "receive" means taking possession of tangible personal property or making first use of a service. "Receive" does not include possession by a shipping company on behalf of a consumer.

(D)(1)(a) Notwithstanding divisions (C)(1) to (5) of this section, a business consumer that is not a holder of a direct payment permit granted under section 5739.031 of the Revised Code, that purchases a digital good, computer software, except computer software received in person by a business consumer

at a vendor's place of business, or a service, and that knows at the time of purchase that such digital good, software, or service will be concurrently available for use in more than one taxing jurisdiction shall deliver to the vendor in conjunction with its purchase an exemption certificate claiming multiple points of use, or shall meet the requirements of division (D)(2) of this section. On receipt of the exemption certificate claiming multiple points of use, the vendor is relieved of its obligation to collect, pay, or remit the tax due, and the business consumer must pay the tax directly to the state.

(b) A business consumer that delivers the exemption certificate claiming multiple points of use to a vendor may use any reasonable, consistent, and uniform method of apportioning the tax due on the digital good, computer software, or service that is supported by the consumer's business records as they existed at the time of the sale. The business consumer shall report and pay the appropriate tax to each jurisdiction where concurrent use occurs. The tax due shall be calculated as if the apportioned amount of the digital good, computer software, or service had been delivered to each jurisdiction to which the sale is apportioned under this division.

(c) The exemption certificate claiming multiple points of use shall remain in effect for all future sales by the vendor to the business consumer until it is revoked in writing by the business consumer, except as to the business consumer's specific apportionment of a subsequent sale under division (D)(1)(b) of this section and the facts existing at the time of the sale.

(2) When the vendor knows that a digital good, computer software, or service sold will be concurrently available for use by the business consumer in more than one jurisdiction, but the business consumer does not provide an exemption certificate claiming multiple points of use as required by division (D)(1) of this section, the vendor may work with the business consumer to produce the correct apportionment. Governed by the principles of division (D)(1)(b) of this section, the vendor and business consumer may use any reasonable, but consistent and uniform, method of apportionment that is supported by the vendor's and business consumer's books and records as they exist at the time the sale is reported for purposes of the taxes levied under this chapter. If the business consumer certifies to the accuracy of the apportionment and the vendor accepts the certification, the vendor shall collect and remit the tax accordingly. In the absence of bad faith, the vendor is relieved of any further obligation to collect tax on any transaction where the vendor has collected tax pursuant to the information certified by the business consumer.

(3) When the vendor knows that the digital good, computer software, or service will be concurrently available for use in more than one jurisdiction, and the business consumer does not have a direct pay permit and does not provide to the vendor an exemption certificate claiming multiple points of use as required in division (D)(1) of this section, or certification pursuant to division (D)(2) of this section, the vendor shall collect and remit the tax based on division (C) of this section.

(4) Nothing in this section shall limit a person's obligation for sales or use tax to any state in which a digital good, computer software, or service is concurrently available for use, nor limit a person's ability under local, state, or federal law, to claim a credit for sales or use taxes legally due and paid to other jurisdictions.

(E) A person who holds a direct payment permit issued under section 5739.031 of the Revised Code is not required to deliver an exemption certificate claiming multiple points of use to a vendor. But such permit holder shall comply with division (D)(2) of this section in apportioning the tax due on a digital good, computer software, or a service for use in business that will be concurrently available for use in more than one taxing jurisdiction.

(F)(1) Notwithstanding divisions (C)(1) to (5) of this section, the consumer of direct mail that is not a holder of a direct payment permit shall provide to the vendor in conjunction with the sale either an exemption certificate claiming direct mail prescribed by the tax commissioner, or information to show the jurisdictions to which the direct mail is delivered to recipients.

(2) Upon receipt of such exemption certificate, the vendor is relieved of all obligations to collect, pay, or remit the applicable tax and the consumer is obligated to pay that tax on a direct pay basis. An exemption certificate claiming direct mail shall remain in effect for all future sales of direct mail by the vendor to the consumer until it is revoked in writing.

(3) Upon receipt of information from the consumer showing the jurisdictions to which the direct mail is delivered to recipients, the vendor shall collect the tax according to the delivery information provided by the consumer. In the absence of bad faith, the vendor is relieved of any further obligation to collect tax on any transaction where the vendor has collected tax pursuant to the delivery information provided by the consumer.

(4) If the consumer of direct mail does not have a direct payment permit and does not provide the vendor with either an exemption certificate claiming direct mail or delivery information as required by division (F)(1) of this section, the vendor shall collect the tax according to division (C)(5) of this section. Nothing in division (F)(4) of this section shall limit a consumer's obligation to pay sales or use tax to any state to which the direct mail is delivered.

(5) If a consumer of direct mail provides the vendor with documentation of direct payment authority, the consumer shall not be required to provide an exemption certificate claiming direct mail or delivery information to the vendor.

(G) If the vendor provides lodging to transient guests as specified in division (B)(2) of section 5739.01 of the Revised Code, the sale shall be sourced to the location where the lodging is located.

(H)(1) As used in this division and division (I) of this section, "transportation equipment" means any of the following:

(a) Locomotives and railcars that are utilized for the carriage of persons

or property in interstate commerce.

(b) Trucks and truck-tractors with a gross vehicle weight rating of greater than ten thousand pounds, trailers, semi-trailers, or passenger buses that are registered through the international registration plan and are operated under authority of a carrier authorized and certificated by the United States department of transportation or another federal authority to engage in the carriage of persons or property in interstate commerce.

(c) Aircraft that are operated by air carriers authorized and certificated by the United States department of transportation or another federal authority to engage in the carriage of persons or property in interstate or foreign commerce.

(d) Containers designed for use on and component parts attached to or secured on the items set forth in division (H)(1)(a), (b), or (c) of this section.

(2) A sale, lease, or rental of transportation equipment shall be sourced pursuant to division (C) of this section.

(I)(1) A lease or rental of tangible personal property that does not require recurring periodic payments shall be sourced pursuant to division (C) of this section.

(2) A lease or rental of tangible personal property that requires recurring periodic payments shall be sourced as follows:

(a) In the case of a motor vehicle, other than a motor vehicle that is transportation equipment, or an aircraft, other than an aircraft that is transportation equipment, such lease or rental shall be sourced as follows:

(i) An accelerated tax payment on a lease or rental taxed pursuant to division (A)(2) of section 5739.02 of the Revised Code shall be sourced to the primary property location at the time the lease or rental is consummated. Any subsequent taxable charges on the lease or rental shall be sourced to the primary property location for the period in which the charges are incurred.

(ii) For a lease or rental taxed pursuant to division (A)(3) of section 5739.02 of the Revised Code, each lease or rental installment shall be sourced to the primary property location for the period covered by the installment.

(b) In the case of a lease or rental of all other tangible personal property, other than transportation equipment, such lease or rental shall be sourced as follows:

(i) An accelerated tax payment on a lease or rental that is taxed pursuant to division (A)(2) of section 5739.02 of the Revised Code shall be sourced pursuant to division (C) of this section at the time the lease or rental is consummated. Any subsequent taxable charges on the lease or rental shall be sourced to the primary property location for the period in which the charges are incurred.

(ii) For a lease or rental that is taxed pursuant to division (A)(3) of

section 5739.02 of the Revised Code, the initial lease or rental installment shall be sourced pursuant to division (C) of this section. Each subsequent installment shall be sourced to the primary property location for the period covered by the installment.

(3) As used in division (I) of this section, "primary property location" means an address for tangible personal property provided by the lessee or renter that is available to the lessor or owner from its records maintained in the ordinary course of business, when use of that address does not constitute bad faith.

Sec. 5739.035. This section only applies to sales that ~~are required to~~ may be situated under this section pursuant to division ~~(A) or~~ (B) of section 5739.033 of the Revised Code.

(A) Except as otherwise provided in this section, the situs of all sales is the vendor's place of business.

(1) If the consumer or the consumer's agent takes possession of the tangible personal property at a place of business of the vendor where the purchase contract or agreement was made, the situs of the sale is that place of business.

(2) If the consumer or the consumer's agent takes possession of the tangible personal property other than at a place of business of the vendor, or takes possession at a warehouse or similar facility of the vendor, the situs of the sale is the vendor's place of business where the purchase contract or agreement was made or the purchase order was received.

(3) If the vendor provides a service specified in division (B)(3)(a), (b), (c), (d), (n), (o), (q), (r), or (s) of section 5739.01 or makes a sale specified in division (B)(8) of section 5739.01 of the Revised Code, the situs of the sale is the vendor's place of business where the service is performed or the contract or agreement for the service was made or the purchase order was received.

(B) If the vendor is a transient vendor as specified in division (B) of section 5739.17 of the Revised Code, the situs of the sale is the vendor's temporary place of business or, if the transient vendor is the lessor of titled motor vehicles, titled watercraft, or titled outboard motors, at the location where the lessee keeps the leased property.

(C) If the vendor makes sales of tangible personal property from a stock of goods carried in a motor vehicle, from which the purchaser makes selection and takes possession, or from which the vendor sells tangible personal property the quantity of which has not been determined prior to the time the purchaser takes possession, the situs of the sale is the location of the motor vehicle when the sale is made.

(D) If the vendor is a delivery vendor as specified in division (D) of section 5739.17 of the Revised Code, the situs of the sale is the place where the tangible personal property is delivered, where the leased property is used, or

where the service is performed or received.

(E) If the vendor provides a service specified in division (B)(3)(e), (g), (h), (j), (k), (l), (m), (p), or (t) of section 5739.01 of the Revised Code, the situs of the sale is the location of the consumer where the service is performed or received.

(F) If the vendor provides lodging to transient guests as specified in division (B)(2) of section 5739.01 of the Revised Code, the situs of the sale is the location where the lodging is located.

(G) If the vendor sells a warranty, maintenance or service contract, or similar agreement as specified in division (B)(7) of section 5739.01 of the Revised Code and the vendor is a delivery vendor, the situs of the sale is the location of the consumer. If the vendor is not a delivery vendor, the situs of the sale is the vendor's place of business where the contract or agreement was made, unless the warranty or contract is a component of the sale of a titled motor vehicle, titled watercraft, or titled outboard motor, in which case the situs of the sale is the county of titling.

(H) Except as otherwise provided in this division, if the vendor sells a prepaid authorization number or a prepaid telephone calling card, the situs of the sale is the vendor's place of business and shall be taxed at the time of sale. If the vendor sells a prepaid authorization number or prepaid telephone calling card through a telephone call, electronic commerce, or any other form of remote commerce, the situs of the sale is the consumer's shipping address, or, if there is no item shipped, at the consumer's billing address.

(I) Division (I) of this section applies only if the tax commissioner makes the certification provided under section 5740.10 of the Revised Code.

(1) In each delivery sale by a vendor permitted to situs its sales under this section, the vendor shall clearly indicate on the invoice or other similar document provided to the purchaser at the time of the sale that the vendor is a vendor permitted to situs its sales under this section.

(2) A purchaser that receives tangible personal property or services in a delivery sale from a vendor permitted to situs its sales under this section may claim a refund of the tax the vendor collected and remitted on the sale in an amount equal to the excess of the tax collected and remitted over the tax that would have been due if the sale had been sited to the tax jurisdiction in which the purchaser received the property or service.

A refund is authorized under this division only if the invoice or other similar document provided to the purchaser at the time of the sale includes the notice required under division (I)(1) of this section.

Refunds shall be filed directly with the tax commissioner and claimed in the manner prescribed by section 5739.07 of the Revised Code.

(3) A purchaser of tangible personal property from a vendor permitted to

situs its sales under this section that removes the property from the tax jurisdiction in which the resident received the property is liable for additional tax in an amount equal to the excess of the tax that would have been due on the sale if the sale had been situated to the tax jurisdiction to which the purchaser removed the property over the tax that the vendor collected and remitted on the sale.

(4) Nothing in this section relieves a person claiming to be authorized to situs sales under this section, but not so authorized, from liability for tax, penalty, interest, or additional charges imposed under this chapter for failure to collect the amount of tax lawfully due applying the situsing provisions of divisions (C) to (I) of section 5739.033 of the Revised Code.

(5) For the purposes of division (I) of this section, "delivery sale" has the same meaning as in section 5739.033 of the Revised Code, and "tax jurisdiction" has the same meaning as in section 5739.24 of the Revised Code."

Between lines 57903 and 57904, insert:

"Sec. 5739.123. (A) As used in this section, "destination-based sourcing requirements" means the manner in which sales are required to be sourced under divisions (C) to (I) of section 5739.033 of the Revised Code.

(B) A vendor who holds a license issued ~~prior to May 1, 2006,~~ under division (A) of section 5739.17 of the Revised Code may apply for temporary compensation to assist the vendor in complying with the destination-based sourcing requirements for the first six months those sourcing requirements become applicable to the vendor under section 5739.033 of the Revised Code. The vendor shall file the application in accordance with division (C) of this section. The compensation shall be the actual amount of tax collected per county for each month of the six-month period, not to exceed twenty-five dollars per county per month, for sales of tangible personal property delivered to each county in which the vendor does not have a fixed place of business and does not, or is not required to, hold a license issued under division (A) of section 5739.17 of the Revised Code for that business. Only amounts paid by the vendor for which the vendor is eligible for a discount under division (B) of section 5739.12 of the Revised Code and that are shown on returns filed during that six-month period shall be considered in calculating the compensation. In no event shall a vendor receive compensation that exceeds its total cost of complying with the destination-based sourcing requirements. For purposes of the six-month compensation period, a partial month shall be considered a month.

(C) A vendor that applies for compensation under this section shall file an application with the tax commissioner on a form prescribed by the commissioner. The application shall be filed within sixty days after the end of the reporting period that includes the last day of the last month of the six-month period for which the vendor is requesting compensation. The commissioner shall determine the amount of compensation to which the vendor is entitled, and if that amount is equal to or greater than the amount claimed on the application, the

commissioner shall certify that amount to the director of budget and management and the treasurer of state for payment from the general revenue fund. If the commissioner determines that the amount of compensation to which the vendor is entitled is less than the amount claimed on the vendor's application, the commissioner shall proceed in accordance with section 5703.70 of the Revised Code.

(D) The compensation provided under this section shall not reduce the amount required to be returned to counties and transit authorities under section 5739.21 of the Revised Code."

Between lines 58006 and 58007, insert:

" **Sec. 5740.10.** (A) As used in this section, "delivery sale" has the same meaning as in section 5739.033 of the Revised Code.

(B) It is the intent of the General Assembly for this state to become a full member in the streamlined sales and use tax agreement to enhance collection of the taxes imposed under Chapters 5739. and 5741. of the Revised Code by remote multi-state sellers. This state's participation has been jeopardized, however, because the agreement does not resolve issues relating to the siting of certain sales and because of the impact the agreement has on businesses located within and outside this state that have annual delivery sales in this state of less than five hundred thousand dollars.

If the tax commissioner determines, on or before October 1, 2007, that the agreement has been amended or interpreted by the streamlined sales tax governing board to allow, beginning January 1, 2008, a vendor with total annual delivery sales within this state of less than five hundred thousand dollars in a prior calendar year, beginning with calendar year 2007, to situs its sales under section 5739.035 of the Revised Code, the commissioner shall certify that determination by journal entry on or before that date, shall provide notice of the determination on the department of taxation's web site, and shall notify vendors and sellers the commissioner reasonably believes to be affected by the certification."

Delete lines 58223 through 58257 and insert:

"**Sec. 5741.03.** (A) ~~Four and two-tenths~~ **One hundred** per cent of all money deposited into the state treasury under sections 5741.01 to 5741.22 of the Revised Code that is not required to be distributed as provided in division (B) ~~or (C)~~ of this section shall be credited to ~~the local government fund for distribution in accordance with section 5747.50 of the Revised Code, six-tenths of one per cent shall be credited to the local government revenue assistance fund for distribution in accordance with section 5747.61 of the Revised Code, and ninety five and two-tenths per cent shall be credited to~~ the general revenue fund.

(B) In any case where any county or transit authority has levied a tax or taxes pursuant to section 5741.021, 5741.022, or 5741.023 of the Revised Code, the tax commissioner shall, within forty-five days after the end of each month,

determine and certify to the director of budget and management the amount of the proceeds of such tax or taxes from billings and assessments received during that month, or shown on tax returns or reports filed during that month, to be returned to the county or transit authority levying the tax or taxes, which amounts shall be determined in the manner provided in section 5739.21 of the Revised Code. The director of budget and management shall transfer, from the ~~same funds and in the same proportions specified in division (A) of this section~~ general revenue fund, to the permissive tax distribution fund created by division (B)(1) of section 4301.423 of the Revised Code and to the local sales tax administrative fund created by division ~~(B)~~ (C) of section 5739.21 of the Revised Code, the amounts certified by the tax commissioner. The tax commissioner shall then, on or before the twentieth day of the month in which such certification is made, provide for payment of such respective amounts to the county treasurer or to the fiscal officer of the transit authority levying the tax or taxes. The amount transferred to the local sales tax administrative fund is for use by the tax commissioner in defraying costs the commissioner incurs in administering such taxes levied by a county or transit authority.

(C) Of the revenue deposited into the state treasury from taxes paid under division (B) of section 5741.05 of the Revised Code, a percentage shall be distributed each fiscal year to all counties and transit authorities that levy a tax under section 5739.021, 5739.023, or 5739.026 of the Revised Code. The percentage to be distributed each fiscal year shall be computed by dividing the amount described in division (C)(1) by the amount described in division (C)(2) of this section:

(1) The total sales and use tax revenue distributed to counties and transit authorities in the calendar year that ended in the preceding fiscal year:

(2) The sum of the total sales and use tax revenue distributed to such counties and transit authorities in that calendar year plus the total revenue collected in that calendar year from the taxes levied under sections 5739.02 and 5741.02 of the Revised Code.

(D) Each county and transit authority shall receive a quarterly distribution each fiscal year from the revenue to be distributed as provided in division (C) of this section. The amount of the distribution for each such county and transit authority shall equal one-fourth of a percentage of the revenue to be distributed in the fiscal year under that division. The percentage shall be computed by dividing the amount described in division (D)(1) by the amount described in division (D)(2) of this section:

(1) The total sales and use tax revenue distributed to the county or transit authority under division (B) of section 5739.21 of the Revised Code in the calendar year that ended in the preceding fiscal year:

(2) The total sales and use tax revenue distributed to all counties and transit authorities under division (B) of section 5739.21 of the Revised Code in that calendar year.

Sec. 5741.05. (A) ~~Beginning January 1, 2005~~ Except as provided in division (B) of this section, a seller that collects the tax levied by sections 5741.02, 5741.021, 5741.022, or 5741.023 of the Revised Code on transactions, other than sales of titled motor vehicles, titled watercraft, or titled outboard motors, shall determine under section 5739.033 or 5739.034 of the Revised Code the jurisdiction for which to collect the tax. A vendor or seller of motor vehicles, watercraft, or outboard motors required to be titled in this state shall collect the tax levied by section 5739.02 or 5741.02 of the Revised Code and the additional taxes levied by division (A)(1) of section 5741.021, division (A)(1) of section 5741.022, and division (A)(1) of section 5741.023 of the Revised Code for the consumer's county of residence as provided in section 1548.06 and division (B) of section 4505.06 of the Revised Code.

(B) (1) Divisions (B) and (C) of this section apply only if the tax commissioner makes the certification under section 5740.10 of the Revised Code.

(2) For the purposes of this division and division (C) of this section, "delivery sale" has the same meaning as in section 5739.033 of the Revised Code, and "tax jurisdiction" has the same meaning as in section 5739.24 of the Revised Code.

(3) Except as otherwise provided in division (B)(4) of this section, and notwithstanding sections 5741.02, 5741.021, 5741.022, and 5741.023 of the Revised Code, beginning January 1, 2008, a seller with total delivery sales in this state in calendar year 2007 and each calendar year thereafter of less than five hundred thousand dollars may elect to collect the tax due under this chapter at a rate equal to the sum of the tax levied under section 5741.02 of the Revised Code and the lowest combined rate of tax levied in any tax jurisdiction in this state under sections 5741.021, 5741.022, and 5741.023 of the Revised Code.

(4) Once a seller has total delivery sales in this state of five hundred thousand dollars or more for a prior calendar year, the seller shall source its sales pursuant to division (A) of this section regardless of the amount of the seller's total delivery sales in future years.

(C)(1) In each sale by a seller permitted to collect use tax under division (B) of this section, the seller shall clearly indicate on each invoice or other similar document provided to the purchaser at the time of the sale that the seller is authorized to collect use tax at the rate prescribed in division (B)(3) of this section.

(2) If a purchaser purchases tangible personal property from a seller permitted to collect use tax pursuant to division (B) of this section and pays the tax due under that division to the seller, no assessment may be made against the purchaser for additional tax due under section 5741.021, 5741.022, or 5741.023 of the Revised Code unless the purchaser subsequently removes the property from the tax jurisdiction in which the resident received the property to another tax jurisdiction with a higher tax rate.

(3) Nothing in this section relieves a person that claims to be authorized to collect the tax as provided in division (B) of this section, but that is not so authorized, from liability for tax, penalties, interest, or additional charges imposed under this chapter for failure to collect the amount of tax lawfully due applying the situsing provisions of division (A) of this section.

(D) A vendor or seller is not responsible for collecting or remitting additional tax if a consumer subsequently stores, uses, or consumes the tangible personal property or service in another jurisdiction with a rate of tax imposed by sections 5741.02, 5741.021, 5741.022, or 5741.023 of the Revised Code that is higher than the amount collected by the vendor or seller pursuant to Chapter 5739. or 5741. of the Revised Code."

In line 62284, after "5739.033," insert "5739.035,"

In line 62285, after "5739.122," insert "5739.123,"; after "5741.03," insert "5741.05,"

In line 79918, delete "and sections" and insert "section"

In line 79919, after "5739.029," insert "division (C) of section"; after "and" insert "section"

In line 80064, after "5739.033," insert "5739.035,"

In line 80065, after "5739.12," insert "5739.123, 5740.10,"; after "5741.02," insert "5741.05,"

Between lines 80229 and 80230, insert:

"Section 5739.035 of the Revised Code as amended by both Am. Sub. H.B. 66 and Am. Sub. S.B. 26 of the 126th General Assembly."

In line 101 of the title, after "5739.033," insert "5739.035,"; after "5739.122," insert "5739.123,"

In line 102 of the title, after "5741.03," insert "5741.05,"

In line 150 of the title, after "5739.213," insert "5740.10,"

Between lines 76745 and 76746, insert:

"CLEVELAND SIGHT CENTER

Of the foregoing appropriation item 415-616, Federal – Vocational Rehabilitation, \$100,000 in each fiscal year shall be provided to the Cleveland Sight Center for Technology Initiative to purchase adaptive technology and software for the employment of Ohioans who are blind or visually impaired."

Between lines 76745 and 76746, insert:

"NATIONAL ACCREDITATION COMPLIANCE

Of the foregoing appropriation item 415-616, Federal – Vocational Rehabilitation, \$125,000 in each fiscal year shall be used to establish and

implement a Community Rehabilitation Program national accreditation compliance and monitoring program administered by the Ohio Association of Rehabilitation Facilities."

In line 62314, after "(A)" insert "(1) Not later than July 2, 2007, the Director of Health shall adopt rules that are identical to the rules adopted by the Public Health Council that were in effect prior to January 1, 2007, and were codified in Chapter 3701-29 of the Administrative Code, except the rules in that chapter that established requirements for separation distances from a water table and soil absorption requirements.

At the same time that the Public Health Council adopts the rules required under division (A)(2) of this section, the Director shall rescind the rules adopted under this division.

The adoption and rescission of rules under this division are not subject to section 119.03 of the Revised Code. However, the Director shall file the adoption and rescission of the rules in accordance with section 119.04 of the Revised Code. Upon that filing, the adoption and rescission of the rules take immediate effect.

(2)"

In line 62340, after "(A)" insert "(1) or (2)"

In line 62347, after "(A)" insert "(1) or (2)"

In line 62361, after "the" insert "Director of Health or the"

In line 62389, after "the" insert "Director of Health or the"

In line 62398, after "the" insert "Director of Health or the"

In line 62440, after "the" insert "Director of Health or the"

In line 62457, after "the" insert "Director of Health or the"; after "Council" insert ", as applicable,"

In line 79244, delete "preventing" and insert "the treatment of sewage and the prevention of"

In line 41403, after "be" insert "not more than"

In line 49302, delete "or a related party"

In line 49303, delete "of the person or government entity"

In line 49307, delete "or a related party of the person"

Between lines 66561 and 66562, insert:

"Section _____. MINORITY BUSINESS DEVELOPMENT ORGANIZATIONS

Notwithstanding Chapter 122. of the Revised Code and any other law to the contrary, of the foregoing appropriation item 195-646, Minority Business

Enterprise Loan, \$300,000 in each fiscal year shall be used to award grants of \$150,000 each to two minority business development organizations in the state. The grants shall be awarded through a competitive process and shall be used for efforts to build capacity and long term sustainability."

In line 207, delete "126.03,"

In line 208, after "126.08," insert "126.16,"

Delete lines 4180 through 4254

Between lines 4350 and 4351, insert:

"Sec. 126.16. (A) This section is in implementation of division (D) of Section 17 of Article VIII, Ohio Constitution, for purposes of issuing direct obligations of the state subject to that section.

(B) For purposes of the computation of debt service under Section 17 of Article VIII, Ohio Constitution, there shall be included debt service payable on bonds that are direct obligations of the state issued under Article VIII, Ohio Constitution, and on those bonds anticipated by bond anticipation notes, to the extent that debt service on those bonds is anticipated to be paid from the state general revenue fund or net state lottery proceeds. Examples of bonds the debt service on which is not anticipated to be paid from either of those sources are bonds of the state issued for highway purposes pursuant to Section 2i or 2m of Article VIII, Ohio Constitution, which, although general obligations of the state, have been and are anticipated to be paid from highway user receipts and not from the general revenue fund or net state lottery proceeds.

(C) If there is no separate constitutional or statutory provision applicable for the purpose, debt service on bonds anticipated by bond anticipation notes shall be estimated as provided in division (C) of this section. That amount, to be certified either by the issuing authority of the particular notes or by the governor or the governor's designee pursuant to division (E) of this section, shall be the estimated amount that would have been payable on bonds maturing serially in each fiscal year after the fiscal year of the issuance of the notes over the maximum period of maturity for the bonds authorized in the particular governing constitutional or statutory provision, as if those bonds had been issued without the prior issuance of the notes, and computed on a substantially level debt service basis applying an interest rate or rates certified to be market rates at the time of issuance of the notes.

(D) In the case of bonds issued to refund or retire bonds, the debt service on the new bonds shall be counted and the debt service on the bonds being refunded or retired shall not be counted.

(E) The governor, or the governor's designee for the purpose, shall determine and certify the fiscal year amounts required to be applied or set aside for payment of debt service, including debt service on any variable rate bonds, the securities to which that debt service relates, the total office of budget and management estimated revenues of the state for the general revenue fund and

from net state lottery proceeds during the particular fiscal year, and any other financial data necessary or appropriate for the purpose of the computations under division (A) of Section 17 of Article VIII, Ohio Constitution, and this section. Those determinations and certifications shall be filed with the director of budget and management, the treasurer of state, and the issuing authority for the particular obligations, at or prior to the time those securities are issued. The governor's designee for the purpose may be the director or assistant director of budget and management, or any employee or official of the governor's office.

(F) For purposes of this section, "securities," "interest or interest equivalent," and "outstanding" have the same meanings as in section 133.01 of the Revised Code, and "debt service" means principal, including any mandatory sinking fund deposits and mandatory redemption payments, and interest or interest equivalent payable on securities, as those payments are stated to come due and to be payable.

(G)(1) As used in this division, "avoided obligations" means direct obligations of the state that are not issued because the capital facilities they would have financed are instead paid for with the proceeds of obligations issued under division (C) of section 183.51 of the Revised Code.

(2) For purposes of computing the limitation on issuing direct obligations of the state under this section and Section 17 of Article VIII, Ohio Constitution, any avoided obligations shall be considered as having been issued. The fiscal year amounts that would have been required to be applied or set aside for payment of debt service over the maximum period of maturity of the avoided obligations had the avoided obligations been issued shall be included in the computations."

In line 62216, delete "126.03,"

In line 62217, after "126.08," insert "126.16,"

In line 79988, delete "126.03" and insert "126.16"

In line 9 of the title, delete "126.03, "; after "126.08," insert "126.16,"

In line 70873, after "(A)" insert "(1)"

In line 70874, delete "conduct a formal assessment of" and insert "develop an assessment template for use by"

In line 70877, after the first comma insert "and"; delete ", Rehabilitation and Correction, and"

Delete lines 70878 through 70880

In line 70881, delete "Department of Health shall" and insert ". The assessment template shall assist the agencies to"

In line 70883, delete "(1)" and insert "(a)"

In line 70887, delete "(2)" and insert "(b)"

In line 70889, delete "(3)" and insert "(c)"

In line 70893, delete "(4)" and insert "(d)"

Between lines 70894 and 70895, insert:

"(2) Each department listed in division (A)(1) of this section shall conduct an assessment of itself using the assessment template. Not later than January 1, 2008, each department shall submit the results of its assessment to the Healthy Ohio program in the Department of Health."

In line 70895, delete "As part of its assessment" and insert "When developing the assessment template"

In line 70900, after "shall" insert "organize and"; delete "written reports" and insert "a summary report"

In line 70901, delete everything before "division" and insert "the assessments conducted under"; after "(A)" insert "(2)"

In line 70902, delete everything after the period

Delete lines 70903 and 70904

In line 70905, delete "required to assess."

In line 70909, delete "first" and insert "summary"

In line 70910, delete "assessment" and insert "assessments"; delete "The Department shall"

Delete lines 70911 and 70912

In line 314, after "5533.91," insert "5703.058,"

Between lines 53815 and 53816, insert:

" **Sec. 5703.058.** Before January 1, 2008, the tax commissioner and the treasurer of state shall consult and jointly adopt policies and procedures for the processing of payments of taxes administered by the tax commissioner such that payments are deposited in or credited to the appropriate account or fund within thirty days after receipt by the commissioner or treasurer. The policies and procedures shall apply to all such payments received on or after January 1, 2008. The policies and procedures are supplemental to rules adopted by the treasurer of state under section 113.08 of the Revised Code."

In line 149 of the title, after "5533.91," insert "5703.058,"

In line 613, strike through "The"

Strike through lines 614 and 615

In line 616, strike through "legislative black caucus member appointment."

In line 215, delete "519.12,"

Delete lines 10781 through 11035

In line 62224, delete "519.12,"

In line 19 of the title, delete "519.12,"

In line 219, after "1557.03," insert "1901.34,"

Between lines 13486 and 13487, insert:

"Sec. 1901.34. (A) Except as provided in divisions (B) and (D) of this section, the village solicitor, city director of law, or similar chief legal officer for each municipal corporation within the territory of a municipal court shall prosecute all cases brought before the municipal court for criminal offenses occurring within the municipal corporation for which that person is the solicitor, director of law, or similar chief legal officer. Except as provided in division (B) of this section, the village solicitor, city director of law, or similar chief legal officer of the municipal corporation in which a municipal court is located shall prosecute all criminal cases brought before the court arising in the unincorporated areas within the territory of the municipal court.

(B) The Auglaize county, Brown county, Clermont county, Hocking county, Holmes county, Jackson county, Morrow county, Ottawa county, and Portage county prosecuting attorneys shall prosecute in municipal court all violations of state law arising in their respective counties. The Carroll county, Crawford county, Hamilton county, Madison county, and Wayne county prosecuting attorneys and beginning January 1, 2008, the Erie county prosecuting attorney shall prosecute all violations of state law arising within the unincorporated areas of their respective counties. The Columbiana county prosecuting attorney shall prosecute in the Columbiana county municipal court all violations of state law arising in the county, except for violations arising in the municipal corporation of East Liverpool, Liverpool township, or St. Clair township. The Darke county prosecuting attorney shall prosecute in the Darke county municipal court all violations of state law arising in the county, except for violations of state law arising in the municipal corporation of Greenville and violations of state law arising in the village of Versailles. The Greene county ~~prosecuting attorney may, with the concurrence of the Greene county board of county commissioners, prosecute in the Fairborn municipal court~~ may provide for the prosecution of all violations of state law arising within the ~~unincorporated areas of Bath and Beaverreek townships in Greene county and prosecute in the Xenia municipal court all violations of state law arising within the unincorporated areas of Ceasarereek, Cedarville, Jefferson, Miami, New Jasper, Ross, Silverereek, Spring Valley, Sugarereek, and Xenia townships~~ territorial jurisdiction of any municipal court located in Greene county.

The prosecuting attorney of any county given the duty of prosecuting in municipal court violations of state law shall receive no additional compensation for assuming these additional duties, except that the prosecuting attorney of Hamilton, Portage, and Wayne counties shall receive compensation at the rate of four thousand eight hundred dollars per year, and the prosecuting attorney of

Auglaize county shall receive compensation at the rate of one thousand eight hundred dollars per year, each payable from the county treasury of the respective counties in semimonthly installments.

(C) The village solicitor, city director of law, or similar chief legal officer shall perform the same duties, insofar as they are applicable to the village solicitor, city director of law, or similar chief legal officer, as are required of the prosecuting attorney of the county. The village solicitor, city director of law, similar chief legal officer or any assistants who may be appointed shall receive for such services additional compensation to be paid from the treasury of the county as the board of county commissioners prescribes.

(D) The prosecuting attorney of any county, other than Auglaize, Brown, Clermont, Hocking, Holmes, Jackson, Morrow, Ottawa, or Portage county, may enter into an agreement with any municipal corporation in the county in which the prosecuting attorney serves pursuant to which the prosecuting attorney prosecutes all criminal cases brought before the municipal court that has territorial jurisdiction over that municipal corporation for criminal offenses occurring within the municipal corporation. The prosecuting attorney of Auglaize, Brown, Clermont, Hocking, Holmes, Jackson, Morrow, Ottawa, or Portage county may enter into an agreement with any municipal corporation in the county in which the prosecuting attorney serves pursuant to which the respective prosecuting attorney prosecutes all cases brought before the Auglaize county, Brown county, Clermont county, Hocking county, Holmes county, Jackson county, Morrow county, Ottawa county, or Portage county municipal court for violations of the ordinances of the municipal corporation or for criminal offenses other than violations of state law occurring within the municipal corporation. For prosecuting these cases, the prosecuting attorney and the municipal corporation may agree upon a fee to be paid by the municipal corporation, which fee shall be paid into the county treasury, to be used to cover expenses of the office of the prosecuting attorney."

In line 62229, after "1557.03," insert "1901.34,"

In line 25 of the title, after "1557.03," insert "1901.34,"

In line 215, after "519.12," insert "709.01,"; after "711.131," insert "718.01,"

Between lines 11035 and 11036, insert:

"**Sec. 709.01.** Territory may be annexed to, merged with, or detached from, municipal corporations, in the manner provided in ~~sections 709.01 to 709.47 of the Revised Code. No~~ this chapter, provided that no territory lying within the boundaries of a military base, camp, or similar installation under the jurisdiction of a military department of the United States government, that is used for the housing of members of the armed forces of the United States and is a center for military operations of the department shall be annexed to or merged with a municipal corporation under ~~sections 709.01 to 709.21 of the Revised Code~~ this chapter without the approval of the secretary of defense of the United

States, ~~his~~ the secretary's designee, or other person having authority under federal law to give such approval."

Between lines 11299 and 11300, insert:

"**Sec. 718.01.** (A) As used in this chapter:

(1) "Adjusted federal taxable income" means a C corporation's federal taxable income before net operating losses and special deductions as determined under the Internal Revenue Code, adjusted as follows:

(a) Deduct intangible income to the extent included in federal taxable income. The deduction shall be allowed regardless of whether the intangible income relates to assets used in a trade or business or assets held for the production of income.

(b) Add an amount equal to five per cent of intangible income deducted under division (A)(1)(a) of this section, but excluding that portion of intangible income directly related to the sale, exchange, or other disposition of property described in section 1221 of the Internal Revenue Code;

(c) Add any losses allowed as a deduction in the computation of federal taxable income if the losses directly relate to the sale, exchange, or other disposition of an asset described in section 1221 or 1231 of the Internal Revenue Code;

(d)(i) Except as provided in division (A)(1)(d)(ii) of this section, deduct income and gain included in federal taxable income to the extent the income and gain directly relate to the sale, exchange, or other disposition of an asset described in section 1221 or 1231 of the Internal Revenue Code;

(ii) Division (A)(1)(d)(i) of this section does not apply to the extent the income or gain is income or gain described in section 1245 or 1250 of the Internal Revenue Code.

(e) Add taxes on or measured by net income allowed as a deduction in the computation of federal taxable income;

(f) In the case of a real estate investment trust and regulated investment company, add all amounts with respect to dividends to, distributions to, or amounts set aside for or credited to the benefit of investors and allowed as a deduction in the computation of federal taxable income;

(g) If the taxpayer is not a C corporation and is not an individual, the taxpayer shall compute adjusted federal taxable income as if the taxpayer were a C corporation, except:

(i) Guaranteed payments and other similar amounts paid or accrued to a partner, former partner, member, or former member shall not be allowed as a deductible expense; and

(ii) Amounts paid or accrued to a qualified self-employed retirement plan with respect to an owner or owner-employee of the taxpayer, amounts paid or

accrued to or for health insurance for an owner or owner-employee, and amounts paid or accrued to or for life insurance for an owner or owner-employee shall not be allowed as a deduction.

Nothing in division (A)(1) of this section shall be construed as allowing the taxpayer to add or deduct any amount more than once or shall be construed as allowing any taxpayer to deduct any amount paid to or accrued for purposes of federal self-employment tax.

Nothing in this chapter shall be construed as limiting or removing the ability of any municipal corporation to administer, audit, and enforce the provisions of its municipal income tax.

(2) "Internal Revenue Code" means the Internal Revenue Code of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended.

(3) "Schedule C" means internal revenue service schedule C filed by a taxpayer pursuant to the Internal Revenue Code.

(4) "Form 2106" means internal revenue service form 2106 filed by a taxpayer pursuant to the Internal Revenue Code.

(5) "Intangible income" means income of any of the following types: income yield, interest, capital gains, dividends, or other income arising from the ownership, sale, exchange, or other disposition of intangible property including, but not limited to, investments, deposits, money, or credits as those terms are defined in Chapter 5701. of the Revised Code, and patents, copyrights, trademarks, tradenames, investments in real estate investment trusts, investments in regulated investment companies, and appreciation on deferred compensation. "Intangible income" does not include prizes, awards, or other income associated with any lottery winnings or other similar games of chance.

(6) "S corporation" means a corporation that has made an election under subchapter S of Chapter 1 of Subtitle A of the Internal Revenue Code for its taxable year.

(7) For taxable years beginning on or after January 1, 2004, "net profit" for a taxpayer other than an individual means adjusted federal taxable income and "net profit" for a taxpayer who is an individual means the individual's profit, other than amounts described in division (F) of this section, required to be reported on schedule C, schedule E, or schedule F.

(8) "Taxpayer" means a person subject to a tax on income levied by a municipal corporation. Except as provided in division (J) of this section, "taxpayer" does not include any person that is a disregarded entity or a qualifying subchapter S subsidiary for federal income tax purposes, but "taxpayer" includes any other person who owns the disregarded entity or qualifying subchapter S subsidiary.

(9) "Taxable year" means the corresponding tax reporting period as prescribed for the taxpayer under the Internal Revenue Code.

(10) "Tax administrator" means the individual charged with direct responsibility for administration of a tax on income levied by a municipal corporation and includes:

(a) The central collection agency and the regional income tax agency and their successors in interest, and other entities organized to perform functions similar to those performed by the central collection agency and the regional income tax agency;

(b) A municipal corporation acting as the agent of another municipal corporation; and

(c) Persons retained by a municipal corporation to administer a tax levied by the municipal corporation, but only if the municipal corporation does not compensate the person in whole or in part on a contingency basis.

(11) "Person" includes individuals, firms, companies, business trusts, estates, trusts, partnerships, limited liability companies, associations, corporations, governmental entities, and any other entity.

(12) "Schedule E" means internal revenue service schedule E filed by a taxpayer pursuant to the Internal Revenue Code.

(13) "Schedule F" means internal revenue service schedule F filed by a taxpayer pursuant to the Internal Revenue Code.

(B) No municipal corporation shall tax income at other than a uniform rate.

(C) No municipal corporation shall levy a tax on income at a rate in excess of one per cent without having obtained the approval of the excess by a majority of the electors of the municipality voting on the question at a general, primary, or special election. The legislative authority of the municipal corporation shall file with the board of elections at least seventy-five days before the day of the election a copy of the ordinance together with a resolution specifying the date the election is to be held and directing the board of elections to conduct the election. The ballot shall be in the following form: "Shall the Ordinance providing for a ... per cent levy on income for (Brief description of the purpose of the proposed levy) be passed?"

	FOR THE INCOME TAX
	AGAINST THE INCOME TAX

In the event of an affirmative vote, the proceeds of the levy may be used only for the specified purpose.

(D)(1) Except as provided in division (E) or (F) of this section, no municipal corporation shall exempt from a tax on income compensation for personal services of individuals over eighteen years of age or the net profit from a business or profession.

(2)(a) For taxable years beginning on or after January 1, 2004, no municipal corporation shall tax the net profit from a business or profession using any base other than the taxpayer's adjusted federal taxable income.

(b) Division (D)(2)(a) of this section does not apply to any taxpayer required to file a return under section 5745.03 of the Revised Code or to the net profit from a sole proprietorship.

(E) The legislative authority of a municipal corporation may, by ordinance or resolution, exempt from withholding and from a tax on income the following:

(1) Compensation arising from the sale, exchange, or other disposition of a stock option, the exercise of a stock option, or the sale, exchange, or other disposition of stock purchased under a stock option; or

(2) Compensation attributable to a nonqualified deferred compensation plan or program described in section 3121(v)(2)(C) of the Internal Revenue Code.

If an individual's taxable income includes income against which the taxpayer has taken a deduction for federal income tax purposes as reportable on the taxpayer's form 2106, and against which a like deduction has not been allowed by the municipal corporation, the municipal corporation shall deduct from the taxpayer's taxable income an amount equal to the deduction shown on such form allowable against such income, to the extent not otherwise so allowed as a deduction by the municipal corporation.

In the case of a taxpayer who has a net profit from a business or profession that is operated as a sole proprietorship, no municipal corporation may tax or use as the base for determining the amount of the net profit that shall be considered as having a taxable situs in the municipal corporation, an amount other than the net profit required to be reported by the taxpayer on schedule C or F from such sole proprietorship for the taxable year.

In the case of a taxpayer who has a net profit from rental activity required to be reported on schedule E, no municipal corporation may tax or use as the base for determining the amount of the net profit that shall be considered as having a taxable situs in the municipal corporation, an amount other than the net profit from rental activities required to be reported by the taxpayer on schedule E for the taxable year.

(F) A municipal corporation shall not tax any of the following:

(1) The military pay or allowances of members of the armed forces of the United States and of members of their reserve components, including the Ohio national guard;

(2) The income of religious, fraternal, charitable, scientific, literary, or educational institutions to the extent that such income is derived from tax-exempt real estate, tax-exempt tangible or intangible property, or tax-exempt

activities;

(3) Except as otherwise provided in division (G) of this section, intangible income;

(4) Compensation paid under section 3501.28 or 3501.36 of the Revised Code to a person serving as a precinct election official, to the extent that such compensation does not exceed one thousand dollars annually. Such compensation in excess of one thousand dollars may be subjected to taxation by a municipal corporation. A municipal corporation shall not require the payer of such compensation to withhold any tax from that compensation.

(5) Compensation paid to an employee of a transit authority, regional transit authority, or regional transit commission created under Chapter 306. of the Revised Code for operating a transit bus or other motor vehicle for the authority or commission in or through the municipal corporation, unless the bus or vehicle is operated on a regularly scheduled route, the operator is subject to such a tax by reason of residence or domicile in the municipal corporation, or the headquarters of the authority or commission is located within the municipal corporation;

(6) The income of a public utility, when that public utility is subject to the tax levied under section 5727.24 or 5727.30 of the Revised Code, except a municipal corporation may tax the following, subject to Chapter 5745. of the Revised Code:

(a) Beginning January 1, 2002, the income of an electric company or combined company;

(b) Beginning January 1, 2004, the income of a telephone company.

As used in division (F)(6) of this section, "combined company," "electric company," and "telephone company" have the same meanings as in section 5727.01 of the Revised Code.

(7) On and after January 1, 2003, items excluded from federal gross income pursuant to section 107 of the Internal Revenue Code;

(8) On and after January 1, 2001, compensation paid to a nonresident individual to the extent prohibited under section 718.011 of the Revised Code;

(9)(a) Except as provided in division (F)(9)(b) and (c) of this section, an S corporation shareholder's distributive share of net profits of the S corporation, other than any part of the distributive share of net profits that represents wages as defined in section 3121(a) of the Internal Revenue Code or net earnings from self-employment as defined in section 1402(a) of the Internal Revenue Code.

(b) If, pursuant to division (H) of former section 718.01 of the Revised Code as it existed before March 11, 2004, a majority of the electors of a municipal corporation voted in favor of the question at an election held on November 4, 2003, the municipal corporation may continue after 2002 to tax an S corporation shareholder's distributive share of net profits of an S corporation.

(c) If, on December 6, 2002, a municipal corporation was imposing, assessing, and collecting a tax on an S corporation shareholder's distributive share of net profits of the S corporation to the extent the distributive share would be allocated or apportioned to this state under divisions (B)(1) and (2) of section 5733.05 of the Revised Code if the S corporation were a corporation subject to taxes imposed under Chapter 5733. of the Revised Code, the municipal corporation may continue to impose the tax on such distributive shares to the extent such shares would be so allocated or apportioned to this state only until December 31, 2004, unless a majority of the electors of the municipal corporation voting on the question of continuing to tax such shares after that date vote in favor of that question at an election held November 2, 2004. If a majority of those electors vote in favor of the question, the municipal corporation may continue after December 31, 2004, to impose the tax on such distributive shares only to the extent such shares would be so allocated or apportioned to this state.

(d) For the purposes of division (D) of section 718.14 of the Revised Code, a municipal corporation shall be deemed to have elected to tax S corporation shareholders' distributive shares of net profits of the S corporation in the hands of the shareholders if a majority of the electors of a municipal corporation vote in favor of a question at an election held under division (F)(9)(b) or (c) of this section. The municipal corporation shall specify by ordinance or rule that the tax applies to the distributive share of a shareholder of an S corporation in the hands of the shareholder of the S corporation.

(10) Employee compensation that is not "qualifying wages" as defined in section 718.03 of the Revised Code ;

(11) Beginning August 1, 2007, compensation paid to a person employed within the boundaries of a United States air force base under the jurisdiction of the United States air force that is used for the housing of members of the United States air force and is a center for air force operations, unless the person is subject to taxation because of residence or domicile. If the compensation is subject to taxation because of residence or domicile, municipal income tax shall be payable only to the municipal corporation of residence or domicile.

(G) Any municipal corporation that taxes any type of intangible income on March 29, 1988, pursuant to Section 3 of Amended Substitute Senate Bill No. 238 of the 116th general assembly, may continue to tax that type of income after 1988 if a majority of the electors of the municipal corporation voting on the question of whether to permit the taxation of that type of intangible income after 1988 vote in favor thereof at an election held on November 8, 1988.

(H) Nothing in this section or section 718.02 of the Revised Code shall authorize the levy of any tax on income that a municipal corporation is not authorized to levy under existing laws or shall require a municipal corporation to allow a deduction from taxable income for losses incurred from a sole proprietorship or partnership.

(I)(1) Nothing in this chapter prohibits a municipal corporation from

allowing, by resolution or ordinance, a net operating loss carryforward.

(2) Nothing in this chapter requires a municipal corporation to allow a net operating loss carryforward.

(J)(1) A single member limited liability company that is a disregarded entity for federal tax purposes may elect to be a separate taxpayer from its single member in all Ohio municipal corporations in which it either filed as a separate taxpayer or did not file for its taxable year ending in 2003, if all of the following conditions are met:

(a) The limited liability company's single member is also a limited liability company;

(b) The limited liability company and its single member were formed and doing business in one or more Ohio municipal corporations for at least five years before January 1, 2004;

(c) Not later than December 31, 2004, the limited liability company and its single member each make an election to be treated as a separate taxpayer under division (J) of this section;

(d) The limited liability company was not formed for the purpose of evading or reducing Ohio municipal corporation income tax liability of the limited liability company or its single member;

(e) The Ohio municipal corporation that is the primary place of business of the sole member of the limited liability company consents to the election.

(2) For purposes of division (J)(1)(e) of this section, a municipal corporation is the primary place of business of a limited liability company if, for the limited liability company's taxable year ending in 2003, its income tax liability is greater in that municipal corporation than in any other municipal corporation in Ohio, and that tax liability to that municipal corporation for its taxable year ending in 2003 is at least four hundred thousand dollars."

In line 62224, after "519.12," insert "709.01,"; after "711.131," insert "718.01,"

In line 79990, after "183.52," insert "709.01,"

In line 80062, after "333.04," insert "718.01,"

In line 19 of the title, after "519.12," insert "709.01,"; after "711.131," insert "718.01,"

In line 7778, after the underlined period insert " In addition to the investments authorized in Chapter 135. of the Revised Code, the net proceeds held in an improvement fund may be invested by the treasurer of state in guaranteed investment contracts with providers rated at the time of any investment in the three highest rating categories by two nationally recognized rating agencies, all subject to the terms and conditions set forth in those agreements or the bond proceedings."

In line 70697, delete "may use" and insert "shall distribute"

In line 70699, after the comma delete the balance of the line and insert "in accordance with the section of this act entitled "HEALTHY OHIO ASSESSMENT.""

Delete lines 70700 and 70701

Between lines 70912 and 70913, insert:

"(D) The Department, through the Healthy Ohio program, shall initiate pilot programs throughout the state. The pilot programs shall provide financial support to entities that provide care coordination services to individuals who are at risk for catastrophic and expensive health conditions, as determined by the Department.

In providing the financial support, the Department shall select entities committed to demonstrating the following achievements:

- (1) Eliminating service duplication among entities;
- (2) Ensuring positive outcomes for individuals by confirming an individual's connection to evidence-based interventions;
- (3) Improving focus on at-risk individuals.

Entities participating in the Healthy Ohio pilot programs shall submit written progress reports to the Department in intervals determined by the Department. Financial support shall be provided to participating entities only on a showing of improved outcomes and decreased duplication of services, as determined by the Department.

Care coordination service providers who participate in federal or state programs are eligible to participate in the pilot programs, to the extent permitted by state and federal law."

Between lines 62397 and 62398, insert:

"(4) For purposes of division (C) of this section, "economic impact" means all of the following with respect to the approval or denial of a household sewage treatment system or small flow on-site sewage treatment system, as applicable:

- (a) The cost of a proposed system;
- (b) The cost of an alternative system that will not create a public health nuisance;
- (c) A comparison of the costs of repairing a system as opposed to replacing the system with a new system;
- (d) The value of the dwelling or facility, as applicable, that the system services as indicated in the most recent tax duplicate."

Between lines 62476 and 62477, insert:

"(3) For purposes of this section, a public health nuisance shall be deemed to exist when an inspection conducted by a board of health documents odor, color, or other visual manifestations of raw or poorly treated sewage and either of the following applies:

(a) Water samples exceed five thousand fecal coliform counts per one hundred milliliters (either MPN or MF) in two or more samples when five or fewer samples are collected or in more than twenty per cent of the samples when more than five samples are taken.

(b) Water samples exceed five hundred seventy-six E. Coli counts per one hundred milliliters in two or more samples when five or fewer samples are collected or in more than twenty per cent of the samples when more than five samples are taken."

In line 62477, after "(L)" insert "Neither the Director of Health or the Public Health Council shall adopt rules prior to July 1, 2009, that modify or change the requirements established by this section.

(M)"

Between lines 76824 and 76825, insert:

"088 110-900 Local Government Services Collaboration \$1,000,000 \$0"

In line 76826, delete "\$2,776,274,631" and insert "\$2,777,274,631"

In line 76827, delete "\$5,184,286,631" and insert "\$5,185,286,631"

Between lines 76846 and 76847, insert:

**"Section _____. LOCAL GOVERNMENT SERVICES
COLLABORATION GRANT PROGRAM**

(A) The Director of Development shall administer a Local Government Services Collaboration Grant Program. The Director may adopt rules under section 111.15 of the Revised Code and do all things necessary for that purpose.

(B) There is hereby created in the State Treasury the Local Government Services Collaboration Grant Fund (Fund 088). The fund shall consist of all cash deposited into it pursuant to Section 757.03 of this act. The fund shall be used by the Director of Development in administering the Local Government Services Collaboration Grant Program.

(C) The foregoing appropriation item 110-900, Local Government Services Collaboration, shall be used by the Director of Development to administer the Local Government Services Collaboration Grant Program. Moneys shall be used to provide grants to counties, municipal corporations, and townships that are interested in combining the provision of local government services with those of other counties, municipal corporations, or townships. Individual grant awards shall be used solely for the cost of conducting a feasibility study that addresses whether, and in what manner, counties, municipal corporations, and townships may combine their respective provision of local

government services.

Individual grants shall be available on a competitive basis to a county, municipal corporation, or township that proposes to combine its provision of local government services with those of at least two other counties, municipal corporations, or townships, or with any combination of at least two other counties, municipal corporations, or townships. Grants shall be awarded according to the following formula:

(1) For a total of, or for any combination of, three counties, municipal corporations, or townships, the grant shall be equal to fifty per cent of the total cost of the feasibility study, or not more than \$30,000;

(2) For a total of, or for any combination of, four counties, municipal corporations, or townships, the grant shall be equal to sixty per cent of the total cost of the feasibility study, or not more than \$40,000;

(3) For a total of, or for any combination of, five counties, municipal corporations, or townships, the grant shall be equal to seventy per cent of the total cost of the feasibility study, or not more than \$50,000;

(4) For a total of, or for any combination of, six counties, municipal corporations, or townships, the grant shall be equal to eighty per cent of the total cost of the feasibility study, or not more than \$60,000;

(5) For a total of, or for any combination of, seven counties, municipal corporations, or townships, the grant shall be equal to ninety per cent of the total cost of the feasibility study, or not more than \$70,000;

(6) For a total of, or for any combination of, eight or more counties, municipal corporations, or townships, the grant shall be equal to the total cost of the feasibility study, or not more than \$80,000.

(D) Of the foregoing appropriation item 110-900, Local Government Services Collaboration, not more than \$100,000 over the biennium may be used by the Department of Development for operating expenditures in administering the Local Government Services Collaboration Grant Program.

(E) Applicants for funding under the Local Government Services Collaboration Grant Program are encouraged to utilize the services of state-funded colleges and universities to conduct the feasibility studies referenced under this section.

(F) As used in this section, "local government services" means services typically provided by a county, municipal corporation, or township for the health, safety, and well-being of community residents and includes, but is not limited to, police and fire protection, 9-1-1 emergency service, trash collection, snow removal, road repair, and the provision of public utilities such as water and sewer services.

(G) On or before June 30, 2008, the unencumbered balance of the foregoing appropriation item 110-900, Local Government Services

Collaboration, for fiscal year 2008 is hereby appropriated for the same purpose for fiscal year 2009."

Between lines 79676 and 79677, insert:

"In December 2007, an amount totaling \$1,000,000 shall be credited from amounts otherwise scheduled to be credited to the Local Government Fund to the Local Government Services Collaboration Grant Fund established under section ____ of this act."

In line 79700, after "2006" insert ", except that the amount credited to the Local Government Fund from personal income tax revenue shall be reduced by an additional \$1,000,000 and this reduction shall be borne entirely by the countywide nontownship and nonvillage distribution in January 2008"

In line 64972, after "When" delete the balance of the line

In line 64973, delete "administer" and insert "the Governor creates the administration described in section ____ for"

Between lines 64982 and 64983, insert:

"The Director shall obtain Controlling Board approval before transferring funds or appropriations under division (F) of this section.

(G) Before a proposal for a unified long-term care budget may be implemented, the Joint Legislative Committee on Medicaid Technology and Reform shall approve implementation of the proposal and submit the Committee's approval to the Governor."

Between lines 71251 and 71252, insert:

"Section ____, EXECUTIVE MEDICAID ADMINISTRATION

(A) The Governor shall create an administration to manage all Medicaid policies and functions and promote the efficient and effective delivery of health care. The responsibilities of this body shall include implementation of recommendations of the Ohio Medicaid Administrative Study Council, except its recommendation for the creation of a separate Medicaid department. In addition, the administration created by this section shall do the following:

(1) Set up a governance structure that includes information technology, strategy and planning, program integrity, resource organization, local government relations, and unified budgeting;

(2) Hire an executive director who shall report directly to the Governor.

(B) Division (A) of this section does not authorize the Governor to replace the Department of Job and Family Services as the single state agency to supervise the administration of the Medicaid program."

Between lines 69720 and 69721, insert:

"Funds appropriated to support the conversion to digital technology shall

be distributed by eTech Ohio to the Ohio educational television stations according to a formula agreed to by the stations."

In line 63528, strike through ", the speaker of"

Strike through line 63529

In line 63530, strike through "shall each appoint a representative" and insert " shall appoint two representatives each"

In line 63531, after the second comma insert " and a health insuring corporation licensed to do business in Ohio and recommended by the Ohio association of Health Plans. The speaker shall appoint two representatives each from"

In line 63532, after the comma insert " the Ohio federation of teachers, and the buckeye association of school administrators. The president of the senate shall appoint two representatives each from"

In line 63534, strike through "and"; delete " either"; strike through "a health insuring corporation"; delete " ,a"

Delete line 63535

Strike through line 63536

In line 63537, strike through "association of health plans" and insert " and the Ohio association of public school employees"

In line 63539, delete " serve until"

In line 63540, delete " December 31, 2007; subsequent"; strike through "one-year" and insert " serve until December 31, 2007; subsequent two-year"

In line 63549, strike through "board" and insert " advisory committee"

In line 63550, after "chairperson" insert " at its first meeting after the first day of January each year"

In line 63551, after "meetings" insert " in addition to the meetings that are to be held jointly with the school employees health care board"

In line 63978, after "The" insert "initial"

In line 63979, after the second "the" insert "three"

In line 63980, after "members" insert "whose terms are scheduled to end in September 2007, shall be extended and"; after "on" insert "December 31, 2008. The initial terms of the remaining six current members shall be extended and end on"

In line 63982, delete "The three additional"

Delete lines 63983 and 63984

In line 8458, delete " but"

In line 8459, delete " less than five hundred thousand" and insert " wherein the population of the largest city comprises more than one-third of that county's population"

In line 8527, delete " but less than"

In line 8528, delete " five hundred thousand" and insert " wherein the population of the largest city comprises more than one-third of that county's population"

In line 8533, delete " but less than"

In line 8534, delete " five hundred thousand" and insert " wherein the population of the largest city comprises more than one-third of that county's population"

In line 8624, delete " but"

In line 8625, delete " less than five hundred thousand" and insert " wherein the population of the largest city comprises more than one-third of that county's population"

In line 74001, after "The" delete the balance of the line

In line 74002, delete the comma

In line 74003, after "shall" delete the balance of the line

Delete lines 74004 and 74005

In line 74007, delete "2008" and insert "2009"

In line 74010, delete "The" and insert "Money shall be expended on the pilot program beginning in the first half of calendar year 2009."

Delete lines 74011 and 74012

In line 74018, delete "amendment to the"

In line 74019, delete "sought under this"

In line 74020, delete "section"

Delete lines 74029 through 74032

In line 74033, delete "Center provides under the program."

In line 74043, delete "2009" and insert "2010"

In line 76217, delete "\$211,047" and insert "\$311,047"

Between lines 79624 and 79625, insert:

"Section _____. (A) The Governor is hereby authorized to execute releases in the name of the state releasing to the Dairy Barn Southeastern Ohio's Cultural Arts Center, Inc., the state's reversionary interests retained in the conveyance authorized in Am. H.B. 552 of the 113th General Assembly, which

is recorded at volume 364, page 558 in the office of the Athens County Recorder, and in the conveyance authorized in Am. H.B. 385 of the 116th General Assembly, which is recorded at Official Records volume 25, page 443 in the office of the Athens County Recorder. The release of the reversionary interests will remove impediments to financing of improvements to continue cultural arts programs.

(B) The Department of Administrative Services, with the assistance of the Attorney General, shall prepare the releases of the reversionary interests contained in the conveyances described in division (A) of this section. The releases shall be executed by the Governor in the name of the state and presented in the office of the Auditor of State for recording. The Dairy Barn Southeastern Ohio's Cultural Arts Center, Inc., shall present the releases for recording in the office of the Athens County Recorder.

(C) This section expires one year after its effective date."

In line 8175, delete " the tax"

In line 8176, delete " commissioner," and insert " and"; delete " , and the auditor of state"

In line 8180, delete " Four" and insert " Two"

In line 8181, delete " four" and insert " two"

In line 242, after "3505.23," insert "3509.08,"

Between lines 31622 and 31623, insert:

"Sec. 3509.08. (A) Any qualified elector, who, on account of the elector's own personal illness, physical disability, or infirmity, or on account of the elector's confinement in a jail or workhouse under sentence for a misdemeanor or awaiting trial on a felony or misdemeanor, will be unable to travel from the elector's home or place of confinement to the voting booth in the elector's precinct on the day of any general, special, or primary election may make application in writing for an absent voter's ballot to the director of the board of elections of the elector's county. The application shall include all of the information required under section 3509.03 of the Revised Code and shall state the nature of the elector's illness, physical disability, or infirmity, or the fact that the elector is confined in a jail or workhouse and the elector's resultant inability to travel to the election booth in the elector's precinct on election day. The application shall not be valid if it is delivered to the director before the ninetieth day or after twelve noon of the third day before the day of the election at which the ballot is to be voted.

The absent voter's ballot may be mailed directly to the applicant at the applicant's voting residence or place of confinement as stated in the applicant's application, or the board may designate two board employees belonging to the two major political parties for the purpose of delivering the ballot to the disabled or confined elector and returning it to the board, unless the applicant is confined to a public or private institution within the county, in which case the board shall

designate two board employees belonging to the two major political parties for the purpose of delivering the ballot to the disabled or confined elector and returning it to the board. In all other instances, the ballot shall be returned to the office of the board in the manner prescribed in section 3509.05 of the Revised Code.

Any disabled or confined elector who declares to the two board employees belonging to the two major political parties that the elector is unable to mark the elector's ballot by reason of physical infirmity that is apparent to the employees to be sufficient to incapacitate the voter from marking the elector's ballot properly, may receive, upon request, the assistance of the employees in marking the elector's ballot, and they shall thereafter give no information in regard to this matter. Such assistance shall not be rendered for any other cause.

When two board employees belonging to the two major political parties deliver a ballot to a disabled or confined elector, each of the employees shall be present when the ballot is delivered, when assistance is given, and when the ballot is returned to the office of the board, and shall subscribe to the declaration on the identification envelope.

The secretary of state shall prescribe the form of application for absent voter's ballots under this division.

This chapter applies to disabled and confined absent voter's ballots except as otherwise provided in this section.

(B)(1) Any qualified elector who is unable to travel to the voting booth in the elector's precinct on the day of any general, special, or primary election ~~because of being~~ may apply to the director of the board of elections of the county where the elector is a qualified elector to vote in the election by absent voter's ballot if either of the following apply:

(a) The elector is confined in a hospital as a result of an accident or unforeseeable medical emergency occurring before the election , ~~may apply to the director of the board of elections of the county where the elector is a qualified elector to vote in the election by absent voter's ballot. This application :~~

(b) The elector's minor child is confined in a hospital as a result of an accident or unforeseeable medical emergency occurring before the election.

(2) The application authorized under division (B)(1) of this section shall be made in writing, shall include all of the information required under section 3509.03 of the Revised Code, and shall be delivered to the director not later than three p.m. on the day of the election. The application shall indicate the hospital where the applicant or the applicant's child is confined, the date of the applicant's or the applicant's child's admission to the hospital, and the offices for which the applicant is qualified to vote. The applicant may also request that a member of the applicant's family, as listed in section 3509.05 of the Revised Code, deliver the absent voter's ballot to the applicant. The director, after establishing to the director's satisfaction the validity of the circumstances claimed by the applicant,

shall supply an absent voter's ballot to be delivered to the applicant. When the applicant or the applicant's child is in a hospital in the county where the applicant is a qualified elector and no request is made for a member of the family to deliver the ballot, the director shall arrange for the delivery of an absent voter's ballot to the applicant, and for its return to the office of the board, by two board employees belonging to the two major political parties according to the procedures prescribed in division (A) of this section. When the applicant or the applicant's child is in a hospital outside the county where the applicant is a qualified elector and no request is made for a member of the family to deliver the ballot, the director shall arrange for the delivery of an absent voter's ballot to the applicant by mail, and the ballot shall be returned to the office of the board in the manner prescribed in section 3509.05 of the Revised Code.

~~(2)~~ (3) Any qualified elector who is eligible to vote under division (B) or (C) of section 3503.16 of the Revised Code but is unable to do so because of the circumstances described in division (B) ~~(1)~~ (2) of this section may vote in accordance with division (B)(1) of this section if that qualified elector states in the application for absent voter's ballots that that qualified elector moved or had a change of name under the circumstances described in division (B) or (C) of section 3503.16 of the Revised Code and if that qualified elector complies with divisions (G)(1) to (4) of section 3503.16 of the Revised Code.

(C) Any qualified elector described in division (A) or (B)(1) of this section who needs no assistance to vote or to return absent voter's ballots to the board of elections may apply for absent voter's ballots under section 3509.03 of the Revised Code instead of applying for them under this section."

In line 62251, after "3505.23," insert "3509.08,"

In line 55 of the title, after "3505.23," insert "3509.08,"

Between lines 75157 and 75158, insert:

"Section __. CHALLENGES STUDY

The Chancellor of the Board of Regents shall study the effectiveness and appropriateness of the programs funded in GRF appropriation items 235-415, Jobs Challenge, 235-418, Access Challenge, 235-420, Success Challenge, and 235-433, Economic Growth Challenge, in the context of today's knowledge-based economy with a focus on student-based funding, the workforce development needs of the state in the Twenty-first Century, and incentives for student success. Not later than May 31, 2008, the Chancellor of the Board of Regents shall report the findings of the study to the Governor, the Speaker and the Minority Leader of the House of Representatives, and the President and the Minority Leader of the Senate."

In line 240, delete "3355.01,"

In line 298, delete "3333.201,"

In line 301, delete "3355.15,"

Delete lines 29676 through 29681

Delete lines 30474 through 30490

In line 62249, delete "3355.01,"

Delete lines 76578 through 76584

In line 52 of the title, delete "3355.01,"

In line 129 of the title, delete "3333.201,"

In line 134 of the title, delete "3355.15,"

In line 201, delete "9.30,"

In line 204, delete "125.01, 125.02, 125.021, 125.022, 125.023,"

Delete lines 205 through 206

In line 207, delete "125.25, 125.30,"

In line 215, delete "718.051,"

In line 216, delete "1306.20, 1306.21, 1347.06,"

In line 239, delete "3353.02,"

In line 263, delete "5111.915,"

In line 272, delete "5703.57,"

In line 281, delete "125.18(126.17), 125.30(126.18),"

In line 291, delete "125.011, "; "126.19,"

Delete lines 322 through 335

Delete lines 3198 through 3353

In line 3355, reinsert "department of administrative services"; delete "purchasing"

In line 3356, delete " authorities"

In line 3357, reinsert "the department of"

In line 3358, reinsert "administrative services"; delete " a purchasing authority"

In line 3362, reinsert "department"; delete " purchasing authority"

In line 3366, reinsert "department"; delete " purchasing"

In line 3367, delete " authorities"

In line 3369, reinsert "department"; delete " purchasing authorities"

In line 3371, reinsert "department"; delete " purchasing authorities"

In line 3372, reinsert "department"; delete " purchasing authorities"

In line 3389, reinsert "the department"

In line 3390, reinsert "of administrative services"; delete " a purchasing authority"

In line 3393, reinsert "department"

In line 3394, delete " purchasing authority"

In line 3395, reinsert "department"; delete " purchasing authority"

In line 3397, reinsert "department"; delete " purchasing authority"

In line 3400, reinsert "department"; delete " purchasing"

In line 3401, delete " authority"

In line 3406, reinsert "department"; delete " purchasing"

In line 3407, delete " authority"

In line 3413, reinsert "department"; delete " purchasing"

In line 3414, delete " authority"

In line 3417, reinsert "department"; delete " purchasing authority"

In line 3420, reinsert "department"; delete " purchasing authority"

In line 3425, reinsert "department"; delete " purchasing authority"

In line 3426, reinsert "department"; delete " purchasing"

In line 3427, delete " authority"

In line 3429, reinsert "department"; delete " purchasing"

In line 3430, delete " authority"

Delete lines 3472 through 4080

Delete lines 4351 through 4529

Delete lines 11300 through 11354

Delete lines 11398 through 11550

Delete lines 30155 through 30240

Delete lines 48519 through 48561

Delete lines 53816 through 53878

In line 62210, delete "9.30,"

In line 62213, delete "125.01, 125.02, 125.021, 125.022, 125.023,"

Delete lines 62214 through 62215

In line 62216, delete "125.25, 125.30,"

In line 62224, delete "718.051,"

In line 62225, delete "1306.20, 1306.21, 1347.06,"

In line 62249, delete "3353.02,"

In line 62273, delete "5111.915,"

In line 62281, delete "5703.57,"

Delete lines 77963 through 78069

Delete lines 78758 through 78884

In line 78885, after "235.10.50," insert "and"; delete the third comma

In line 78886, delete "and 329.10"

Delete lines 79040 through 79056

In line 79057, after "235.10.50," insert "and"

In line 79058, delete ", and 329.10"

In line 1 of the title, delete "9.30,"

In line 4 of the title, delete "125.01, 125.02,"

In line 5 of the title, delete "125.021, 125.022, 125.023,"; delete "125.041,"

Delete lines 6 and 7 of the title

In line 8 of the title, delete "125.15, 125.18, 125.25, 125.30,"

In line 19 of the title, delete "718.051,"

In line 20 of the title, delete "1306.20, 1306.21, 1347.06,"

In line 52 of the title, delete "3353.02,"

In line 85 of the title, delete "5111.915,"

In line 96 of the title, delete "5703.57,"

In line 110 of the title, delete "125.18(126.17), 125.30(126.18),"

In line 121 of the title, delete "125.011,"

In line 122 of the title, delete "126.19,"

In line 164 of the title, after "235.10.50," insert "and"

In line 165 of the title, delete ", and 329.10"

In line 162 of the title, delete everything after the comma

Delete line 163 of the title

In line 164 of the title, delete "amended,"

In line 75059, delete "graduate" and insert "doctor of philosophy degree"

In line 75060, after "by" insert "Ohio"

In line 75062, after "state" insert "in collaboration with the Third Frontier Project"

In line 75097, delete "doctoral" and insert "doctor of philosophy"

In line 75098, after "accredited" insert "doctor of philosophy degree-granting"

In line 75101, delete "Plan" and insert "Program and may continue to implement their comprehensive plans that are"

In line 75102, delete "doctoral" and insert "doctor of philosophy degree"

In line 75108, after "from" insert "the funds reallocated by"; after "those" insert "participating"; delete "doctoral" and insert "doctor of philosophy"

In line 75109, delete "electing to set aside a portion of"

Delete line 75110

In line 75111, delete "Share of Instruction,"

In line 75113, delete "Board of Regents shall withhold" and insert "amount of funds"

In line 75114, delete "university's" and insert "university is"; delete "matching share" and insert "to internally reallocate shall equal the sum of the funds it was required to reallocate in the prior fiscal year plus one and one-half per cent of current fiscal year's doctoral reserve"

In line 75115, delete "from its"; delete everything after "as" and insert "attributed by the Board of Regents"

In line 75116, delete "State Share of Instruction"; after "those" insert "participating"

In line 75118, delete "electing"

In line 75119, delete everything before "shall"

In line 75120, after "the" insert "participating"

In line 75121, delete "doctoral degree-granting"; delete everything after "universities" and insert "as determined"

In line 75122, delete everything before "by"

In line 75125, after "match" insert "a portion of the"

In line 75126, delete the first "the" and insert "all"; delete "under" and insert "for"

In line 75127, after the period insert "The Controlling Board may"

increase the set-aside amount in each fiscal year if the Chancellor of the Board of Regents, after meeting all other obligations, identifies unspent and unencumbered General Revenue Fund money within the Board of Regents budget and requests the Controlling Board to increase the set-aside for the Innovation Incentive Program. The amount of the set-aside increased by the Controlling Board shall not exceed the amount of available funds identified by the Chancellor of the Board of Regents.

In each fiscal year, if the total amount of the state matching funds for the Innovation Incentive Program equals or exceeds the total amount of the funds internally reallocated by all participating universities, the state matching funds shall be disbursed through a competitive process. If the total amount of the state matching funds for the Innovation Incentive Program is less than the total amount of the funds internally reallocated by all participating universities, the Board of Regents shall distribute the state matching funds as follows:

(A) Distribute to each participating university the same amount of the state matching funds it received in fiscal year 2007 under the Innovation Incentive Program;

(B) Any excess funds after meeting division (A) of this section shall be distributed based on each participating university's proportional share of the total funding provided in division (A) of this section."

Delete lines 75128 through 75138

In line 75139, delete "Incentive awards."; delete "these"

In line 75140, delete "awards" and insert "state matching funds and the funds they internally reallocated"; delete "doctoral" and insert "doctor of philosophy degree"

Between lines 75140 and 75141, insert:

"The Board of Regents, in consultation with participating universities and the Office of Budget and Management, shall develop guidelines for the length of a transition period and criteria for determining the acceptable level of participation in the Innovation Incentive Program. After completion of the transition period during implementation of the Innovation Incentive Program, in each fiscal year the Board of Regents may withhold up to fifty per cent of the funds each participating state-assisted doctor of philosophy degree-granting university is required to reallocate for that year if the university is not internally reallocating the required amount or does not meet the criteria established by the Board of Regents."

In line 76303, delete ". Upon receiving certification that" and insert "for the purpose of providing scholarships to students who attend community colleges, state community colleges, and technical colleges. The focus of the scholarships shall be consistent with the goal of establishing a skilled workforce in the state. To receive the funds provided in this appropriation item,"

In line 76304, delete "has raised" and insert "shall raise"

In line 76305, delete "resources ," and insert "sources and shall enter into an agreement with the Chancellor of"; delete "shall disburse the foregoing"

In line 76306, delete "appropriation to the Foundation"

In line 300, after "3345.02," insert "3345.35,"

Between lines 30154 and 30155, insert:

" **Sec. 3345.35.** (A) As used in this section, "state institution of higher education" has the same meaning as section 3345.011 of the Revised Code.

(B) There is hereby created a higher education statewide purchasing consortium to be administered by the inter-university council of Ohio. The consortium shall be comprised of the purchasing officer of each state institution of higher education. The board of trustees of each state institution of higher education shall enter into price agreements offered and administered by the consortium.

(C) The consortium shall operate in accordance with sections 9.31, 9.311, 9.312, 9.313, 9.333, 125.09, 125.11, 125.111, 125.13, 127.16, 153.012, 153.54, 340.13, 1551.13, and 4115.31 to 4115.35 of the Revised Code and all provisions of the Revised Code governing purchasing by state institutions of higher education.

(D) The consortium annually shall report price agreement usage and cost savings to the chancellor of the Ohio board of regents.

(E) Each state institution of higher education shall do all of the following:

(1) Enter into price agreements for the purpose of purchasing services, supplies, and major items commonly purchased by state institutions of higher education;

(2) Double the amount of dollars the state institution of higher education spends through the established price agreements every biennium over the preceding biennium;

(3) Report to the consortium monthly price agreement usage and any savings that result from purchasing through consortium initiated and approved price agreements."

Between lines 75766 and 75767, insert:

"Section ____. Based on reports from the Higher Education Statewide Purchasing Consortium under division (D) of section 3345.35 of the Revised Code, the Chancellor of the Ohio Board of Regents shall certify any cost savings reported by members of the Consortium as savings achieved through internal efficiencies for purposes of division (B)(1) of Section 375.30.25 of this act."

In line 79999, after "3345.32," insert "3345.35,"

In line 131 of the title, after "3345.02," insert "3345.35,"

In line 75657, delete "institution" and insert "state university or university branch campus"

In line 75660, delete "institution" and insert "state university or university branch campus"

In line 75662, after the period insert "Community colleges, state community colleges, and technical colleges shall receive additional funds based on a formula developed by the Chancellor of the Board of Regents that incorporates the enrollment growth, a funding guarantee, and the requirement of one per cent savings through identified internal efficiencies as certified by the Chancellor. Not later than August 31, 2007, the Chancellor shall seek Controlling Board's approval of the formula."

In line 75666, delete "institution" and insert "state university or university branch campus"

In line 75669, delete "institution" and insert "state university or university branch campus"

In line 75671, after the period insert "Community colleges, state community colleges, and technical colleges shall receive additional funds based on a formula developed by the Chancellor that incorporates the enrollment growth, a funding guarantee, and the requirement of three per cent savings through identified internal efficiencies as certified by the Chancellor. Not later than August 31, 2008, the Chancellor shall seek Controlling Board's approval of the formula."

In line 75722, delete "with a" and insert "enrolled in"; delete "degree"

In line 75762, delete "December" and insert "March"; delete "2007" and insert "2008"

Between lines 78392 and 78393, insert:

"Section ____. That Section 4 of Sub. H.B. 2 of the 127th General Assembly be amended to read as follows:

Sec. 4. Not later than ~~September 28, 2007~~ March 31, 2008, the Chancellor of the Ohio Board of Regents shall report to the General Assembly, in accordance with division (B) of section 101.68 of the Revised Code, and to the Governor, recommendations to accomplish the following:

- (A) Make college more affordable and accessible for all Ohioans;
- (B) Encourage Ohio graduates to remain in Ohio after earning their degrees;
- (C) Maximize higher education as a driver of the state's economy.

The report also shall include a plan as to how to appropriately utilize the Board of Regents to enhance higher education in Ohio.

Section ____. That existing Section 4 of Sub. H.B. 2 of the 127th General Assembly is hereby repealed."

In line 158 of the title, after the semicolon insert "to amend Section 4 of Sub. H.B. 2 of the 127th General Assembly,"

In line 215, after "711.131," insert "718.03,"

Between lines 11299 and 11300, insert:

"Sec. 718.03. (A) As used in this section:

(1) "Other payer" means any person, other than an individual's employer or the employer's agent, that pays an individual any amount included in the federal gross income of the individual.

(2) "Qualifying wages" means wages, as defined in section 3121(a) of the Internal Revenue Code, without regard to any wage limitations, adjusted as follows:

(a) Deduct ~~any~~ the following amounts:

(i) Any amount included in wages if the amount constitutes compensation attributable to a plan or program described in section 125 of the Internal Revenue Code ;

(ii) For purposes of division (B) of this section, any amount included in wages if the amount constitutes payment on account of sickness or accident disability.

(b) Add the following amounts:

(i) Any amount not included in wages solely because the employee was employed by the employer prior to April 1, 1986;

(ii) Any amount not included in wages because the amount arises from the sale, exchange, or other disposition of a stock option, the exercise of a stock option, or the sale, exchange, or other disposition of stock purchased under a stock option and the municipal corporation has not, by resolution or ordinance, exempted the amount from withholding and tax. Division (A)(2)(b)(ii) of this section applies only to those amounts constituting ordinary income.

(iii) Any amount not included in wages if the amount is an amount described in section 401(k) or 457 of the Internal Revenue Code. Division (A)(2)(b)(iii) of this section applies only to employee contributions and employee deferrals.

(iv) Any amount that is supplemental unemployment compensation benefits described in section 3402(o)(2) of the Internal Revenue Code and not included in wages.

(c) Deduct any amount attributable to a nonqualified deferred compensation plan or program described in section 3121(v)(2)(C) of the Internal Revenue Code if the compensation is included in wages and has, by resolution or

ordinance, been exempted from taxation by the municipal corporation.

(d) Deduct any amount included in wages if the amount arises from the sale, exchange, or other disposition of a stock option, the exercise of a stock option, or the sale, exchange, or other disposition of stock purchased under a stock option and the municipal corporation has, by resolution or ordinance, exempted the amount from withholding and tax.

(B) For taxable years beginning after 2003, no municipal corporation shall require any employer or any agent of any employer or any other payer, to withhold tax with respect to any amount other than qualifying wages. Nothing in this section prohibits an employer from withholding tax on a basis greater than qualifying wages.

(C) An employer is not required to make any withholding with respect to an individual's disqualifying disposition of an incentive stock option if, at the time of the disqualifying disposition, the individual is not an employee of the corporation with respect to whose stock the option has been issued.

(D)(1) An employee is not relieved from liability for a tax by the failure of the employer to withhold the tax as required by a municipal corporation or by the employer's exemption from the requirement to withhold the tax.

(2) The failure of an employer to remit to the municipal corporation the tax withheld relieves the employee from liability for that tax unless the employee colluded with the employer in connection with the failure to remit the tax withheld.

(E) Compensation deferred before ~~the effective date of this amendment~~ June 26, 2003, is not subject to any municipal corporation income tax or municipal income tax withholding requirement to the extent the deferred compensation does not constitute qualifying wages at the time the deferred compensation is paid or distributed."

In line 62224, after "711.131," insert "718.03,"

Between lines 80036 and 80037, insert:

"Section 718.03 of the Revised Code takes effect July 1, 2007."

In line 19 of the title, after "711.131," insert "718.03,"

In line 242, after "3513.21," insert "3517.093,"; after "3517.11," insert "3517.13, 3517.992,"

Between lines 31646 and 31647, insert:

"**Sec. 3517.093.** (A) As used in this section:

(1) "Family member of the holder of the state contract" means both of the following:

(a) The spouse of any person identified in division (A)(3) of this section;

(b) Any child seven years of age through seventeen years of age of any person identified in division (A)(3) of this section.

(2) "Holder of the public office with ultimate responsibility for the award of the contract" means all of the following:

(a) The governor and lieutenant governor, if the contract is awarded by the office of the governor;

(b) The governor, if the governor appoints a public officer who is responsible for the award of the contract, whether or not the appointment is subject to the advice and consent of the senate;

(c) The secretary of state, auditor of state, treasurer of state, and attorney general, if the contract is awarded by the respective office;

(d) The president of the senate, if the contract is awarded by the senate;

(e) The speaker of the house of representatives, if the contract is awarded by the house of representatives.

(3) "Holder of the state contract" means any of the following:

(a) An individual who has been awarded a state contract;

(b) Any partner or owner of a partnership or other unincorporated business that has been awarded a state contract;

(c) Any shareholder of an association, including, without limitation, a professional association organized under Chapter 1785. of the Revised Code, that has been awarded a state contract;

(d) Any administrator of an estate that has been awarded a state contract;

(e) Any executor of an estate that has been awarded a state contract;

(f) Any trustee of a trust that has been awarded a state contract;

(g) Any owner of more than twenty per cent of a corporation or business trust, except a professional association organized under Chapter 1785. of the Revised Code, that has been awarded a state contract.

(h) In the case of a collective bargaining agreement with a labor organization representing employees where the holder of the public office with ultimate responsibility for the award of the state contract is a state official, the labor organization.

(4) "State contract" means a contract awarded by ~~any agency or department of this state, the administrator of workers' compensation, or the employees of the bureau of workers' compensation~~ the holder of the public office with ultimate responsibility for the award of the contract for the purchase of goods costing more than five hundred dollars or services costing more than five hundred dollars.

For the purposes of division (A)(4) of this section, ~~a~~ :

(a) A contract for the purchase of services includes collective bargaining agreements with a labor organization representing employees where the holder of the public office with ultimate responsibility for the award of the agreement is a state official .

(b) A contract shall be considered to be a contract for the purchase of goods or a contract for the purchase of services if the contract constitutes a contract for the purchase of goods or a contract for the purchase of services under the rules adopted by the secretary of state under division (L)(1)(c) of section 3517.13 of the Revised Code.

(5) "Electioneering communication" has the same meaning as in section 3517.1011 of the Revised Code.

(B) Beginning on the date a state contract is awarded and extending until one year following the conclusion of that contract, the holder of the public office with ultimate responsibility for the award of the contract, that officeholder's campaign committee, and any person acting on behalf of that officeholder shall not solicit a contribution from or direct a contribution by the holder of the state contract or a family member of the holder of the state contract to any of the following:

(1) Any candidate or the campaign committee of any candidate;

(2) A political party;

(3) A ballot issue committee or a political action committee or other entity the primary purpose of which is to support or oppose any ballot issue or question that will be presented to voters throughout the entire state;

(4) A legislative campaign fund;

(5) Any person that the holder of the public office knows or should know has done either of the following during the current calendar year or during the two previous calendar years:

(a) Made a disbursement or disbursements for the direct costs of producing or airing electioneering communications;

(b) Made a disbursement or disbursements for the direct costs of producing or airing communications that, if made in Ohio, would constitute electioneering communications.

(C) No candidate, campaign committee, political party, ballot issue committee, political action committee, legislative campaign fund, person, or other entity shall knowingly accept a contribution that is solicited or directed in violation of division (B) of this section.

(D) Division (B) of this section does not apply to solicitations made by the holder of the public office with ultimate responsibility for the award of the contract, that officeholder's campaign committee, or any person acting on behalf of that officeholder for contributions to the officeholder's campaign committee.

(E)(1) Division (B) of this section does not apply to solicitations of contributions from or the directing of contributions by the holder of the state contract before the person became a partner or owner of the partnership or other unincorporated business, shareholder of the association, administrator of the estate, executor of the estate, trustee of the trust, or owner of more than twenty per cent of a corporation or business trust or after the person ceased to hold any of those positions.

(2) Division (B) of this section does not apply to solicitations of contributions from or the directing of contributions by a spouse of the holder of the state contract in any of the following circumstances:

(a) Before the holder of the state contract became a partner or owner of the partnership or other unincorporated business, shareholder of the association, administrator of the estate, executor of the estate, trustee of the trust, or owner of more than twenty per cent of a corporation or business trust;

(b) After the holder of the state contract ceased to be a partner or owner of the partnership or other unincorporated business, shareholder of the association, administrator of the estate, executor of the estate, trustee of the trust, or owner of more than twenty per cent of a corporation or business trust;

(c) Before the two were married;

(d) After the granting of a decree of divorce, dissolution of marriage, or annulment;

(e) After the granting of an order in an action brought solely for legal separation.

(3) Division (B) of this section does not apply to solicitations of contributions from or the directing of contributions by a child seven years of age through seventeen years of age of the holder of the state contract in either of the following circumstances:

(a) Before the holder of the state contract became a partner or owner of the partnership or other unincorporated business, shareholder of the association, administrator of the estate, executor of the estate, trustee of the trust, or owner of more than twenty per cent of a corporation or business trust;

(b) After the holder of the state contract ceased to be a partner or owner of the partnership or other unincorporated business, shareholder of the association, administrator of the estate, executor of the estate, trustee of the trust, or owner of more than twenty per cent of a corporation or business trust."

Between lines 32359 and 32360, insert:

"**Sec. 3517.13.** (A)(1) No campaign committee of a statewide candidate shall fail to file a complete and accurate statement required under division (A)(1) of section 3517.10 of the Revised Code.

(2) No campaign committee of a statewide candidate shall fail to file a

complete and accurate monthly statement, and no campaign committee of a statewide candidate or a candidate for the office of chief justice or justice of the supreme court shall fail to file a complete and accurate two-business-day statement, as required under section 3517.10 of the Revised Code.

As used in this division, "statewide candidate" has the same meaning as in division (F)(2) of section 3517.10 of the Revised Code.

(B) No campaign committee shall fail to file a complete and accurate statement required under division (A)(1) of section 3517.10 of the Revised Code.

(C) No campaign committee shall fail to file a complete and accurate statement required under division (A)(2) of section 3517.10 of the Revised Code.

(D) No campaign committee shall fail to file a complete and accurate statement required under division (A)(3) or (4) of section 3517.10 of the Revised Code.

(E) No person other than a campaign committee shall knowingly fail to file a statement required under section 3517.10 or 3517.107 of the Revised Code.

(F) No person shall make cash contributions to any person totaling more than one hundred dollars in each primary, special, or general election.

(G)(1) No person shall knowingly conceal or misrepresent contributions given or received, expenditures made, or any other information required to be reported by a provision in sections 3517.08 to 3517.13 and 3517.17 of the Revised Code.

(2)(a) No person shall make a contribution to a campaign committee, political action committee, political contributing entity, legislative campaign fund, political party, or person making disbursements to pay the direct costs of producing or airing electioneering communications in the name of another person.

(b) A person does not make a contribution in the name of another when either of the following applies:

(i) An individual makes a contribution from a partnership or other unincorporated business account, if the contribution is reported by listing both the name of the partnership or other unincorporated business and the name of the partner or owner making the contribution as required under division (I) of section 3517.10 of the Revised Code.

(ii) A person makes a contribution in that person's spouse's name or in both of their names.

(H) No person within this state, publishing a newspaper or other periodical, shall charge a campaign committee for political advertising a rate in excess of the rate such person would charge if the campaign committee were a general rate advertiser whose advertising was directed to promoting its business within the same area as that encompassed by the particular office that the

candidate of the campaign committee is seeking. The rate shall take into account the amount of space used, as well as the type of advertising copy submitted by or on behalf of the campaign committee. All discount privileges otherwise offered by a newspaper or periodical to general rate advertisers shall be available upon equal terms to all campaign committees.

No person within this state, operating a radio or television station or network of stations in this state, shall charge a campaign committee for political broadcasts a rate that exceeds:

(1) During the forty-five days preceding the date of a primary election and during the sixty days preceding the date of a general or special election in which the candidate of the campaign committee is seeking office, the lowest unit charge of the station for the same class and amount of time for the same period;

(2) At any other time, the charges made for comparable use of that station by its other users.

(I)(1)(a) Subject to divisions (K), (L), (M), and (N) of this section, no agency or department of this state ~~or any political subdivision~~ shall award any contract for the purchase of goods costing more than five hundred dollars or services costing more than five hundred dollars, and no political subdivision shall award any contract for the purchase of goods with a cost aggregating more than ten thousand dollars in a calendar year or services with a cost aggregating more than ten thousand dollars in a calendar year. to any individual, partnership or other unincorporated business, association, including, without limitation, a professional association organized under Chapter 1785. of the Revised Code, estate, or trust if any of the following has made, as an individual, within the ~~two~~ previous ~~calendar years~~ twenty-four months, one or more contributions totaling in excess of one thousand dollars to the holder of the public office having ultimate responsibility for the award of the contract or to the public officer's campaign committee:

(i) The individual;

(ii) Any partner or owner of the partnership or other unincorporated business;

(iii) Any shareholder of the association;

(iv) Any administrator of the estate;

(v) Any executor of the estate;

(vi) Any trustee of the trust;

(vii) The spouse of any person identified in divisions (I)(1)(a)(i) to (vi) of this section;

(viii) Any child seven years of age through seventeen years of age of any person identified in divisions (I)(1)(a)(i) to (vi) of this section.

(b) Subject to divisions (K), (L), (M), and (N) of this section, no agency

or department of this state ~~or any political subdivision~~ shall award any contract for the purchase of goods costing more than five hundred dollars or services costing more than five hundred dollars, and no political subdivision shall award any contract for the purchase of goods with a cost aggregating more than ten thousand dollars in a calendar year or services with a cost aggregating more than ten thousand dollars in a calendar year, to any individual, partnership or other unincorporated business, association, including, without limitation, a professional association organized under Chapter 1785. of the Revised Code, estate, or trust if any combination of the following has made, within the ~~two~~ previous ~~calendar years~~ twenty-four months, one or more contributions totaling in excess of two thousand dollars to the holder of the public office having ultimate responsibility for the award of the contract or to the public officer's campaign committee:

- (i) The individual;
- (ii) Any partner or owner of the partnership or other unincorporated business;
- (iii) Any shareholder of the association;
- (iv) Any administrator of the estate;
- (v) Any executor of the estate;
- (vi) Any trustee of the trust;
- (vii) The spouse of any person identified in divisions (I)(1)(b)(i) to (vi) of this section;
- (viii) Any child seven years of age through seventeen years of age of any person identified in divisions (I)(1)(b)(i) to (vi) of this section;
- (ix) Any political action committee affiliated with the partnership or other unincorporated business, association, estate, or trust.

(2)(a) Subject to divisions (K), (L), (M), and (N) of this section, if any agency or department of this state ~~or any political subdivision~~ has awarded a contract for the purchase of goods costing more than five hundred dollars or services costing more than five hundred dollars, or if any political subdivision has awarded a contract for the purchase of goods with a cost aggregating more than ten thousand dollars in a calendar year or services with a cost aggregating more than ten thousand dollars in a calendar year, to any individual, partnership or other unincorporated business, association, including, without limitation, a professional association organized under Chapter 1785. of the Revised Code, estate, or trust, none of the following shall, beginning on the date the contract is awarded and extending until one year following the conclusion of that contract, make one or more contributions totaling in excess of one thousand dollars to the holder of the public office having ultimate responsibility for the award of that contract:

- (i) The individual;

- (ii) Any partner or owner of the partnership or other unincorporated business;
- (iii) Any shareholder of the association;
- (iv) Any administrator of the estate;
- (v) Any executor of the estate;
- (vi) Any trustee of the trust;
- (vii) The spouse of any person identified in divisions (I)(2)(a)(i) to (vi) of this section;
- (viii) Any child seven years of age through seventeen years of age of any person identified in divisions (I)(2)(a)(i) to (vi) of this section.

(b) Subject to divisions (K), (L), (M), and (N) of this section, if any agency or department of this state ~~or any political subdivision~~ has awarded a contract for the purchase of goods costing more than five hundred dollars or services costing more than five hundred dollars, or if any political subdivision has awarded a contract for the purchase of goods with a cost aggregating more than ten thousand dollars in a calendar year or services with a cost aggregating more than ten thousand dollars in a calendar year, to any individual, partnership or other unincorporated business, association, including, without limitation, a professional association organized under Chapter 1785. of the Revised Code, estate, or trust, no combination of any of the following shall, beginning on the date the contract is awarded and extending until one year following the conclusion of that contract, make one or more contributions totaling in excess of two thousand dollars to the holder of the public office having ultimate responsibility for the award of that contract:

- (i) The individual;
- (ii) Any partner or owner of the partnership or other unincorporated business;
- (iii) Any shareholder of the association;
- (iv) Any administrator of the estate;
- (v) Any executor of the estate;
- (vi) Any trustee of the trust;
- (vii) The spouse of any person identified in divisions (I)(2)(b)(i) to (vi) of this section;
- (viii) Any child seven years of age through seventeen years of age of any person identified in divisions (I)(2)(b)(i) to (vi) of this section;
- (ix) Any political action committee affiliated with the partnership or other unincorporated business, association, estate, or trust.

(3) Subject to divisions (L), (M), and (N) of this section, no agency or

department of this state ~~or any political subdivision~~ shall enter into any contract for the purchase of goods costing more than five hundred dollars or services costing more than five hundred dollars, and no political subdivision shall enter into any contract for the purchase of goods with a cost aggregating more than ten thousand dollars in a calendar year or services with a cost aggregating more than ten thousand dollars in a calendar year, with an individual, partnership or other unincorporated business, association, including, without limitation, a professional association organized under Chapter 1785. of the Revised Code, estate, or trust unless the agency, department, or political subdivision has received for that calendar year, or the contract includes, a certification by the individual, partnership or other unincorporated business, association, estate, or trust that all of the following persons, if applicable, are in compliance with division (I)(1) of this section:

- (a) The individual;
- (b) Each partner or owner of the partnership or other unincorporated business;
- (c) Each shareholder of the association;
- (d) Each administrator of the estate;
- (e) Each executor of the estate;
- (f) Each trustee of the trust;
- (g) Each spouse of any person identified in divisions (I)(3)(a) to (f) of this section;
- (h) Each child seven years of age to seventeen years of age of any person identified in divisions (I)(3)(a) to (f) of this section;
- (i) Any combination of persons identified in divisions (I)(3)(a) to (h) of this section.

(4)(a) Subject to divisions (K), (L), (M), and (N) of this section, no agency or department of this state ~~or any political subdivision~~ shall award any contract for the purchase of goods costing more than five hundred dollars or services costing more than five hundred dollars, and no political subdivision shall award any contract for the purchase of goods with a cost aggregating more than ten thousand dollars in a calendar year or services with a cost aggregating more than ten thousand dollars in a calendar year, to any partnership or other unincorporated business, association, including, without limitation, a professional association organized under Chapter 1785. of the Revised Code, estate, or trust if a political action committee that is affiliated with the partnership or other unincorporated business, association, estate, or trust has made, within the ~~two previous calendar years~~ twenty-four months, one or more contributions totaling in excess of two thousand dollars to the holder of the public office having ultimate responsibility for the award of the contract or to the public officer's campaign committee.

(b) Subject to divisions (K), (L), (M), and (N) of this section, if any agency or department of this state ~~or any political subdivision~~ has awarded any contract for the purchase of goods costing more than five hundred dollars or services costing more than five hundred dollars, or if any political subdivision has awarded a contract for the purchase of goods with a cost aggregating more than ten thousand dollars in a calendar year or services with a cost aggregating more than ten thousand dollars in a calendar year, to any partnership or other unincorporated business, association, including, without limitation, a professional association organized under Chapter 1785. of the Revised Code, estate, or trust, no political action committee that is affiliated with the partnership or other unincorporated business, association, estate, or trust shall, beginning on the date the contract is awarded and extending until one year following the conclusion of that contract, make one or more contributions totaling in excess of two thousand dollars to the holder of the public office having ultimate responsibility for the award of the contract or to the public officer's campaign committee.

(J)(1)(a) Subject to divisions (K), (L), (M), and (N) of this section, no agency or department of this state ~~or any political subdivision~~ shall award any contract for the purchase of goods costing more than five hundred dollars or services costing more than five hundred dollars, and no political subdivision shall award any contract for the purchase of goods with a cost aggregating more than ten thousand dollars in a calendar year or services with a cost aggregating more than ten thousand dollars in a calendar year, to a corporation or business trust, except a professional association organized under Chapter 1785. of the Revised Code, if any of the following has made, as an individual, within the ~~two~~ previous ~~calendar years~~ twenty-four months, taking into consideration only owners for all of that period, one or more contributions totaling in excess of one thousand dollars to the holder of a public office having ultimate responsibility for the award of the contract or to the public officer's campaign committee:

- (i) An owner of more than twenty per cent of the corporation or business trust;
- (ii) A spouse of an owner of more than twenty per cent of the corporation or business trust;
- (iii) A child seven years of age through seventeen years of age of an owner of more than twenty per cent of the corporation or business trust.

(b) Subject to divisions (K), (L), (M), and (N) of this section, no agency or department of this state ~~or any political subdivision~~ shall award any contract for the purchase of goods costing more than five hundred dollars or services costing more than five hundred dollars, and no political subdivision shall award any contract for the purchase of goods with a cost aggregating more than ten thousand dollars in a calendar year or services with a cost aggregating more than ten thousand dollars in a calendar year, to a corporation or business trust, except a professional association organized under Chapter 1785. of the Revised Code, if any combination of the following has made, within the ~~two~~ previous ~~calendar~~

~~years~~ twenty-four months, taking into consideration only owners for all of that period, one or more contributions totaling in excess of two thousand dollars to the holder of the public office having ultimate responsibility for the award of the contract or to the public officer's campaign committee:

- (i) Owners of more than twenty per cent of the corporation or business trust;
- (ii) Spouses of owners of more than twenty per cent of the corporation or business trust;
- (iii) Children seven years of age through seventeen years of age of owners of more than twenty per cent of the corporation or business trust;
- (iv) Any political action committee affiliated with the corporation or business trust.

(2)(a) Subject to divisions (K), (L), (M), and (N) of this section, if any agency or department of this state ~~or any political subdivision~~ has awarded a contract for the purchase of goods costing more than five hundred dollars or services costing more than five hundred dollars, or if any political subdivision has awarded a contract for the purchase of goods with a cost aggregating more than ten thousand dollars in a calendar year or services with a cost aggregating more than ten thousand dollars in a calendar year. to a corporation or business trust, except a professional association organized under Chapter 1785. of the Revised Code, none of the following shall, beginning on the date the contract is awarded and extending until one year following the conclusion of that contract, make one or more contributions totaling in excess of one thousand dollars to the holder of the public office having ultimate responsibility for the award of that contract:

- (i) An owner of more than twenty per cent of the corporation or business trust;
- (ii) A spouse of an owner of more than twenty per cent of the corporation or business trust;
- (iii) A child seven years of age through seventeen years of age of an owner of more than twenty per cent of the corporation or business trust.

(b) Subject to divisions (K), (L), (M), and (N) of this section, if any agency or department of this state ~~or any political subdivision~~ has awarded a contract for the purchase of goods costing more than five hundred dollars or services costing more than five hundred dollars, or if any political subdivision has awarded a contract for the purchase of goods with a cost aggregating more than ten thousand dollars in a calendar year or services with a cost aggregating more than ten thousand dollars in a calendar year. to a corporation or business trust, except a professional association organized under Chapter 1785. of the Revised Code, no combination of any of the following shall, beginning on the date the contract is awarded and extending until one year following the conclusion of that contract, make one or more contributions totaling in excess of

two thousand dollars to the holder of the public office having ultimate responsibility for the award of that contract:

- (i) Owners of more than twenty per cent of the corporation or business trust;
- (ii) Spouses of owners of more than twenty per cent of the corporation or business trust;
- (iii) Children seven years of age through seventeen years of age of owners of more than twenty per cent of the corporation or business trust;
- (iv) Any political action committee affiliated with the corporation or business trust.

(3) Subject to divisions (L), (M), and (N) of this section, no agency or department of this state ~~or any political subdivision~~ shall enter into any contract for the purchase of goods costing more than five hundred dollars or services costing more than five hundred dollars , and no political subdivision shall enter into any contract for the purchase of goods with a cost aggregating more than ten thousand dollars in a calendar year or services with a cost aggregating more than ten thousand dollars in a calendar year, with a corporation or business trust, except a professional association organized under Chapter 1785. of the Revised Code, unless the agency, department, or political subdivision has received for that calendar year, or the contract includes a certification by the corporation or business trust that all of the following persons, if applicable, are in compliance with division (J)(1) of this section:

- (a) Each owner of more than twenty per cent of the corporation or business trust;
- (b) Each spouse of an owner of more than twenty per cent of the corporation or business trust;
- (c) Each child seven years of age to seventeen years of age of an owner of more than twenty per cent of the corporation or business trust;
- (d) Any combination of persons identified in divisions (J)(3)(a) to (c) of this section.

(4)(a) Subject to divisions (K), (L), (M), and (N) of this section, no agency or department of this state ~~or any political subdivision~~ shall award any contract for the purchase of goods costing more than five hundred dollars or services costing more than five hundred dollars , and no political subdivision shall award any contract for the purchase of goods with a cost aggregating more than ten thousand dollars in a calendar year or services with a cost aggregating more than ten thousand dollars in a calendar year, to any corporation or business trust, except a professional association organized under Chapter 1785. of the Revised Code, if a political action committee that is affiliated with the corporation or business trust has made, within the ~~two previous calendar years~~ twenty-four months, one or more contributions totaling in excess of two thousand dollars to the holder of the public office having ultimate responsibility

for the award of the contract or to the public officer's campaign committee.

(b) Subject to divisions (K), (L), (M), and (N) of this section, if any agency or department of this state ~~or any political subdivision~~ has awarded any contract for the purchase of goods costing more than five hundred dollars or services costing more than five hundred dollars , or if any political subdivision has awarded a contract for the purchase of goods with a cost aggregating more than ten thousand dollars in a calendar year or services with a cost aggregating more than ten thousand dollars in a calendar year, to any corporation or business trust, except a professional association organized under Chapter 1785. of the Revised Code, no political action committee that is affiliated with the corporation or business trust shall, beginning on the date the contract is awarded and extending until one year following the conclusion of that contract, make one or more contributions totaling in excess of two thousand dollars to the holder of the public office having ultimate responsibility for the award of the contract or to the public officer's campaign committee.

(K)(1) For purposes of divisions (I) and (J) of this section, if a public officer who is responsible for the award of a contract is appointed by the governor, whether or not the appointment is subject to the advice and consent of the senate, the office of the governor is considered to have ultimate responsibility for the award of the contract.

(2) For purposes of divisions (I) and (J) of this section, if a public officer who is responsible for the award of a contract is appointed by the elected chief executive officer of a municipal corporation, or appointed by the elected chief executive officer of a county operating under an alternative form of county government or county charter, the office of the chief executive officer is considered to have ultimate responsibility for the award of the contract.

(L)(1)(a) Collective bargaining agreements with labor organizations representing employees shall be considered to be contracts for the purchase of services for the purpose of divisions (I), (J), (Y), and (Z) of this section. The labor organization shall be the recipient of the contract and considered to be an unincorporated business for the purpose of divisions (I), (J), (Y), and (Z) of this section. For purposes of divisions (I), (J), (Y) and (Z) of this section, a political contributing entity or political action committee of the labor organization shall be subject to the same limits as applicable to an affiliated political action committee of an incorporated business.

(b) Divisions (I), (J), (Y), and (Z) of this section do not apply to employment contracts entered into with a single employee.

(c) The secretary of state shall adopt rules under Chapter 119. of the Revised Code that determine what constitutes a contract for the purchase of goods and what constitutes a contract for the purchase of services under divisions (I), (J), (Y), and (Z) of this section and section 3517.093 of the Revised Code.

(2)(a) For the purpose of divisions (I) and (Y) of this section, a political

action committee is affiliated with a partnership or other unincorporated business, association, including, without limitation, a professional association organized under Chapter 1785. of the Revised Code, estate, or trust if the political action committee received, as reported on its most recent statement filed under section 3517.10 of the Revised Code, more than fifty per cent of its contributions from any combination of the persons identified in divisions (I)(1) ~~(a)~~ (b)(ii) to (vi) of this section or divisions (Y)(1) ~~(a)~~ (b)(ii) to (vi) of this section, respectively.

(b) For the purpose of divisions (J) and (Z) of this section, a political action committee is affiliated with a corporation or business trust, except a professional association organized under Chapter 1785. of the Revised Code, if the political action committee received, as reported on its most recent statement filed under section 3517.10 of the Revised Code, more than fifty per cent of its contributions from any combination of the persons identified in division (J)(1) ~~(a)~~ (b)(i) of this section or division (Z)(1) ~~(a)~~ (b)(i) of this section, respectively.

(c) A federal political committee registered with the secretary of state pursuant to section 3517.107 of the Revised Code is a political action committee affiliated with a partnership or other unincorporated business, association, including, without limitation, a professional association organized under Chapter 1785. of the Revised Code, estate, or trust or with a corporation or business trust if the federal political committee received more than fifty per cent of its contributions as specified in divisions (L)(2)(a) or (b) of this section in filings made with the federal election commission.

(M)(1) Divisions (I) and (J) of this section do not apply to contracts awarded by the board of commissioners of the sinking fund, by the supreme court or courts of appeals, by county courts consisting of more than one judge, courts of common pleas consisting of more than one judge, or municipal courts consisting of more than one judge, or by a division of any court if the division consists of more than one judge. This division shall apply to the specified entity only if the members of the entity act collectively in the award of a contract for goods or services.

(2) For the purpose of divisions (I), (J), (Y), and (Z) of this section, contracts approved by the controlling board shall be considered to be awarded solely by the agency or department that submitted the contract to the controlling board.

(N)(1) Divisions (I), (J), (Y), and (Z) of this section apply to contributions made to the holder of a public office having ultimate responsibility for the award of a contract, or to the public officer's campaign committee, during the time the person holds the office and during any time such person was a candidate for the office. Those divisions apply to contributions made to, or to the campaign committee of, a candidate for the public office having ultimate responsibility for the award of the contract during any such time the person is a candidate for that office. For the purpose of this division, a person becomes a candidate for the public office having ultimate authority for the award of the

contract when the person becomes a candidate for that office by filing a declaration of candidacy, a declaration of intent to be a write-in candidate, or a nominating petition, through party nomination at a primary election, or by the filling of a vacancy under section 3513.30 or 3513.31 of the Revised Code.

(2) Divisions (I), (J), (Y), and (Z) of this section do not apply to contributions of a partner, shareholder, administrator, executor, trustee, or owner of more than twenty per cent of a corporation or business trust made before the person held any of those positions or after the person ceased to hold any of those positions in the partnership or other unincorporated business, association, estate, trust, corporation, or business trust whose eligibility to be awarded a contract is being determined, nor to contributions of the person's spouse made before the person held any of those positions, after the person ceased to hold any of those positions, before the two were married, after the granting of a decree of divorce, dissolution of marriage, or annulment, or after the granting of an order in an action brought solely for legal separation. Those divisions do not apply to contributions of the spouse of an individual whose eligibility to be awarded a contract is being determined made before the two were married, after the granting of a decree of divorce, dissolution of marriage, or annulment, or after the granting of an order in an action brought solely for legal separation.

(O) No beneficiary of a campaign fund or other person shall convert for personal use, and no person shall knowingly give to a beneficiary of a campaign fund or any other person, for the beneficiary's or any other person's personal use, anything of value from the beneficiary's campaign fund, including, without limitation, payments to a beneficiary for services the beneficiary personally performs, except as reimbursement for any of the following:

(1) Legitimate and verifiable prior campaign expenses incurred by the beneficiary;

(2) Legitimate and verifiable ordinary and necessary prior expenses incurred by the beneficiary in connection with duties as the holder of a public office, including, without limitation, expenses incurred through participation in nonpartisan or bipartisan events if the participation of the holder of a public office would normally be expected;

(3) Legitimate and verifiable ordinary and necessary prior expenses incurred by the beneficiary while doing any of the following:

(a) Engaging in activities in support of or opposition to a candidate other than the beneficiary, political party, or ballot issue;

(b) Raising funds for a political party, political action committee, political contributing entity, legislative campaign fund, campaign committee, or other candidate;

(c) Participating in the activities of a political party, political action committee, political contributing entity, legislative campaign fund, or campaign committee;

(d) Attending a political party convention or other political meeting.

For purposes of this division, an expense is incurred whenever a beneficiary has either made payment or is obligated to make payment, as by the use of a credit card or other credit procedure or by the use of goods or services received on account.

(P) No beneficiary of a campaign fund shall knowingly accept, and no person shall knowingly give to the beneficiary of a campaign fund, reimbursement for an expense under division (O) of this section to the extent that the expense previously was reimbursed or paid from another source of funds. If an expense is reimbursed under division (O) of this section and is later paid or reimbursed, wholly or in part, from another source of funds, the beneficiary shall repay the reimbursement received under division (O) of this section to the extent of the payment made or reimbursement received from the other source.

(Q) No candidate or public official or employee shall accept for personal or business use anything of value from a political party, political action committee, political contributing entity, legislative campaign fund, or campaign committee other than the candidate's or public official's or employee's own campaign committee, and no person shall knowingly give to a candidate or public official or employee anything of value from a political party, political action committee, political contributing entity, legislative campaign fund, or such a campaign committee, except for the following:

(1) Reimbursement for legitimate and verifiable ordinary and necessary prior expenses not otherwise prohibited by law incurred by the candidate or public official or employee while engaged in any legitimate activity of the political party, political action committee, political contributing entity, legislative campaign fund, or such campaign committee. Without limitation, reimbursable expenses under this division include those incurred while doing any of the following:

(a) Engaging in activities in support of or opposition to another candidate, political party, or ballot issue;

(b) Raising funds for a political party, legislative campaign fund, campaign committee, or another candidate;

(c) Attending a political party convention or other political meeting.

(2) Compensation not otherwise prohibited by law for actual and valuable personal services rendered under a written contract to the political party, political action committee, political contributing entity, legislative campaign fund, or such campaign committee for any legitimate activity of the political party, political action committee, political contributing entity, legislative campaign fund, or such campaign committee.

Reimbursable expenses under this division do not include, and it is a violation of this division for a candidate or public official or employee to accept, or for any person to knowingly give to a candidate or public official or employee

from a political party, political action committee, political contributing entity, legislative campaign fund, or campaign committee other than the candidate's or public official's or employee's own campaign committee, anything of value for activities primarily related to the candidate's or public official's or employee's own campaign for election, except for contributions to the candidate's or public official's or employee's campaign committee.

For purposes of this division, an expense is incurred whenever a candidate or public official or employee has either made payment or is obligated to make payment, as by the use of a credit card or other credit procedure, or by the use of goods or services on account.

(R)(1) Division (O) or (P) of this section does not prohibit a campaign committee from making direct advance or post payment from contributions to vendors for goods and services for which reimbursement is permitted under division (O) of this section, except that no campaign committee shall pay its candidate or other beneficiary for services personally performed by the candidate or other beneficiary.

(2) If any expense that may be reimbursed under division (O), (P), or (Q) of this section is part of other expenses that may not be paid or reimbursed, the separation of the two types of expenses for the purpose of allocating for payment or reimbursement those expenses that may be paid or reimbursed may be by any reasonable accounting method, considering all of the surrounding circumstances.

(3) For purposes of divisions (O), (P), and (Q) of this section, mileage allowance at a rate not greater than that allowed by the internal revenue service at the time the travel occurs may be paid instead of reimbursement for actual travel expenses allowable.

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

(a) "State elective office" has the same meaning as in section 3517.092 of the Revised Code.

(b) "Federal office" means a federal office as defined in the Federal Election Campaign Act.

(c) "Federal campaign committee" means a principal campaign committee or authorized committee as defined in the Federal Election Campaign Act.

(2) No person who is a candidate for state elective office and who previously sought nomination or election to a federal office shall transfer any funds or assets from that person's federal campaign committee for nomination or election to the federal office to that person's campaign committee as a candidate for state elective office.

(3) No campaign committee of a person who is a candidate for state elective office and who previously sought nomination or election to a federal office shall accept any funds or assets from that person's federal campaign

committee for that person's nomination or election to the federal office.

(T)(1) Except as otherwise provided in division (B)(6)(c) of section 3517.102 of the Revised Code, a state or county political party shall not disburse moneys from any account other than a state candidate fund to make contributions to any of the following:

(a) A state candidate fund;

(b) A legislative campaign fund;

(c) A campaign committee of a candidate for the office of governor, lieutenant governor, secretary of state, auditor of state, treasurer of state, attorney general, member of the state board of education, or member of the general assembly.

(2) No state candidate fund, legislative campaign fund, or campaign committee of a candidate for any office described in division (T)(1)(c) of this section shall knowingly accept a contribution in violation of division (T)(1) of this section.

(U) No person shall fail to file a statement required under section 3517.12 of the Revised Code.

(V) No campaign committee shall fail to file a statement required under division (K)(3) of section 3517.10 of the Revised Code.

(W)(1) No foreign national shall, directly or indirectly through any other person or entity, make a contribution, expenditure, or independent expenditure or promise, either expressly or implicitly, to make a contribution, expenditure, or independent expenditure in support of or opposition to a candidate for any elective office in this state, including an office of a political party.

(2) No candidate, campaign committee, political action committee, political contributing entity, legislative campaign fund, state candidate fund, political party, or separate segregated fund shall solicit or accept a contribution, expenditure, or independent expenditure from a foreign national. The secretary of state may direct any candidate, committee, entity, fund, or party that accepts a contribution, expenditure, or independent expenditure in violation of this division to return the contribution, expenditure, or independent expenditure or, if it is not possible to return the contribution, expenditure, or independent expenditure, then to return instead the value of it, to the contributor.

(3) As used in division (W) of this section, "foreign national" has the same meaning as in section 441e(b) of the Federal Election Campaign Act.

(X)(1) No state or county political party shall transfer any moneys from its restricted fund to any account of the political party into which contributions may be made or from which contributions or expenditures may be made.

(2)(a) No state or county political party shall deposit a contribution or contributions that it receives into its restricted fund.

(b) No state or county political party shall make a contribution or an expenditure from its restricted fund.

(3)(a) No corporation or labor organization shall make a gift or gifts from the corporation's or labor organization's money or property aggregating more than ten thousand dollars to any one state or county political party for the party's restricted fund in a calendar year.

(b) No state or county political party shall accept a gift or gifts for the party's restricted fund aggregating more than ten thousand dollars from any one corporation or labor organization in a calendar year.

(4) No state or county political party shall transfer any moneys in the party's restricted fund to any other state or county political party.

(5) No state or county political party shall knowingly fail to file a statement required under section 3517.1012 of the Revised Code.

(Y)(1)(a) Subject to divisions (L), (M)(2), and (N) of this section, the administrator of workers' compensation and the employees of the bureau of workers' compensation shall not conduct any business with or award any contract for the purchase of goods costing more than five hundred dollars or services costing more than five hundred dollars to any individual, partnership or other unincorporated business, association, including, without limitation, a professional association organized under Chapter 1785. of the Revised Code, estate, or trust, if any of the following has made, as an individual, within the ~~two~~ previous ~~calendar years~~ twenty-four months, one or more contributions totaling in excess of one thousand dollars to the campaign committee of the governor or lieutenant governor or to the campaign committee of any candidate for the office of governor or lieutenant governor:

(i) The individual;

(ii) Any partner or owner of the partnership or other unincorporated business;

(iii) Any shareholder of the association;

(iv) Any administrator of the estate;

(v) Any executor of the estate;

(vi) Any trustee of the trust;

(vii) The spouse of any person identified in divisions (Y)(1)(a)(i) to (vi) of this section;

(viii) Any child seven years of age through seventeen years of age of any person identified in divisions (Y)(1)(a)(i) to (vi) of this section.

(b) Subject to divisions (L), (M)(2), and (N) of this section, the administrator of workers' compensation and the employees of the bureau of workers' compensation shall not conduct any business with or award any

contract for the purchase of goods costing more than five hundred dollars or services costing more than five hundred dollars to any individual, partnership or other unincorporated business, association, including, without limitation, a professional association organized under Chapter 1785. of the Revised Code, estate, or trust if any combination of the following has made, within the ~~two~~ previous ~~calendar years~~ twenty-four months, one or more contributions totaling in excess of two thousand dollars to the campaign committee of the governor or lieutenant governor or to the campaign committee of any candidate for the office of governor or lieutenant governor:

- (i) The individual;
- (ii) Any partner or owner of the partnership or other unincorporated business;
- (iii) Any shareholder of the association;
- (iv) Any administrator of the estate;
- (v) Any executor of the estate;
- (vi) Any trustee of the trust;
- (vii) The spouse of any person identified in divisions (Y)(1)(b)(i) to (vi) of this section;
- (viii) Any child seven years of age through seventeen years of age of any person identified in divisions (Y)(1)(b)(i) to (vi) of this section;
- (ix) Any political action committee affiliated with the partnership or other unincorporated business, association, estate, or trust.

(2)(a) Subject to divisions (L), (M)(2), and (N) of this section, if the administrator of workers' compensation or the employees of the bureau of workers' compensation has awarded a contract for the purchase of goods costing more than five hundred dollars or services costing more than five hundred dollars to any individual, partnership or other unincorporated business, association, including, without limitation, a professional association organized under Chapter 1785. of the Revised Code, estate, or trust, none of the following shall, beginning on the date the contract is awarded and extending until one year following the conclusion of that contract, make one or more contributions totaling in excess of one thousand dollars to the campaign committee of the governor or lieutenant governor or to the campaign committee of any candidate for the office of governor or lieutenant governor:

- (i) The individual;
- (ii) Any partner or owner of the partnership or other unincorporated business;
- (iii) Any shareholder of the association;
- (iv) Any administrator of the estate;

(v) Any executor of the estate;

(vi) Any trustee of the trust;

(vii) The spouse of any person identified in divisions (Y)(2)(a)(i) to (vi) of this section;

(viii) Any child seven years of age through seventeen years of age of any person identified in divisions (Y)(2)(a)(i) to (vi) of this section.

(b) Subject to divisions (L), (M)(2), and (N) of this section, if the administrator of workers' compensation or the employees of the bureau of workers' compensation has awarded a contract for the purchase of goods costing more than five hundred dollars or services costing more than five hundred dollars to any individual, partnership or other unincorporated business, association, including, without limitation, a professional association organized under Chapter 1785. of the Revised Code, estate, or trust, no combination of any of the following shall, beginning on the date the contract is awarded and extending until one year following the conclusion of that contract, make one or more contributions totaling in excess of two thousand dollars to the campaign committee of the governor or lieutenant governor or to the campaign committee of any candidate for the office of governor or lieutenant governor:

(i) The individual;

(ii) Any partner or owner of the partnership or other unincorporated business;

(iii) Any shareholder of the association;

(iv) Any administrator of the estate;

(v) Any executor of the estate;

(vi) Any trustee of the trust;

(vii) The spouse of any person identified in divisions (Y)(2)(b)(i) to (vi) of this section;

(viii) Any child seven years of age through seventeen years of age of any person identified in divisions (Y)(2)(b)(i) to (vi) of this section;

(ix) Any political action committee affiliated with the partnership or other unincorporated business, association, estate, or trust.

(3) Subject to divisions (L), (M)(2), and (N) of this section, the administrator of workers' compensation and the employees of the bureau of workers' compensation shall not enter into any contract for the purchase of goods costing more than five hundred dollars or services costing more than five hundred dollars with an individual, partnership or other unincorporated business, association, including, without limitation, a professional association organized under Chapter 1785. of the Revised Code, estate, or trust unless the bureau has received for that calendar year, or the contract includes , a certification by the

individual, partnership or other unincorporated business, association, estate, or trust that all of the following persons, if applicable, are in compliance with division (Y)(1) of this section:

- (a) The individual;
- (b) Each partner or owner of the partnership or other unincorporated business;
- (c) Each shareholder of the association;
- (d) Each administrator of the estate;
- (e) Each executor of the estate;
- (f) Each trustee of the trust;
- (g) Each spouse of any person identified in divisions (Y)(3)(a) to (f) of this section;
- (h) Each child seven years of age to seventeen years of age of any person identified in divisions (Y)(3)(a) to (f) of this section;
- (i) Any combination of persons identified in divisions (Y)(3)(a) to (h) of this section.

(4)(a) Subject to divisions (L), (M)(2), and (N) of this section, the administrator of workers' compensation and the employees of the bureau of workers' compensation shall not conduct any business with or award any contract for the purchase of goods costing more than five hundred dollars or services costing more than five hundred dollars to any partnership or other unincorporated business, association, including, without limitation, a professional association organized under Chapter 1785. of the Revised Code, estate, or trust if a political action committee that is affiliated with the partnership or other unincorporated business, association, estate, or trust has made, within the ~~two~~ previous ~~calendar years~~ twenty-four months, one or more contributions totaling in excess of two thousand dollars to the campaign committee of the governor or lieutenant governor or to the campaign committee of any candidate for the office of governor or lieutenant governor.

(b) Subject to divisions (L), (M)(2), and (N) of this section, if the administrator of workers' compensation or the employees of the bureau of workers' compensation has awarded any contract for the purchase of goods costing more than five hundred dollars or services costing more than five hundred dollars to any partnership or other unincorporated business, association, including, without limitation, a professional association organized under Chapter 1785. of the Revised Code, estate, or trust, no political action committee that is affiliated with the partnership or other unincorporated business, association, estate, or trust shall, beginning on the date the contract is awarded and extending until one year following the conclusion of that contract, make one or more contributions totaling in excess of two thousand dollars to the campaign committee of the governor or lieutenant governor or to the campaign committee

of any candidate for the office of governor or lieutenant governor.

(Z)(1)(a) Subject to divisions (L), (M)(2), and (N) of this section, the administrator of workers' compensation and the employees of the bureau of workers' compensation shall not conduct business with or award any contract for the purchase of goods costing more than five hundred dollars or services costing more than five hundred dollars to a corporation or business trust, except a professional association organized under Chapter 1785. of the Revised Code, if any of the following has made, as an individual, within the ~~two~~ previous ~~calendar years~~ twenty-four months, taking into consideration only owners for all of such period, one or more contributions totaling in excess of one thousand dollars to the campaign committee of the governor or lieutenant governor or to the campaign committee of any candidate for the office of governor or lieutenant governor:

(i) An owner of more than twenty per cent of the corporation or business trust;

(ii) A spouse of an owner of more than twenty per cent of the corporation or business trust;

(iii) A child seven years of age through seventeen years of age of an owner of more than twenty per cent of the corporation or business trust.

(b) Subject to divisions (L), (M)(2), and (N) of this section, the administrator of workers' compensation and the employees of the bureau of workers' compensation shall not conduct any business with or award any contract for the purchase of goods costing more than five hundred dollars or services costing more than five hundred dollars to a corporation or business trust, except a professional association organized under Chapter 1785. of the Revised Code, if any combination of the following has made, within the ~~two~~ previous ~~calendar years~~ twenty-four months, taking into consideration only owners for all of that period, one or more contributions totaling in excess of two thousand dollars to the campaign committee of the governor or lieutenant governor or to the campaign committee of any candidate for the office of governor or lieutenant governor:

(i) Owners of more than twenty per cent of the corporation or business trust;

(ii) Spouses of owners of more than twenty per cent of the corporation or business trust;

(iii) Children seven years of age through seventeen years of age of owners of more than twenty per cent of the corporation or business trust;

(iv) Any political action committee affiliated with the corporation or business trust.

(2)(a) Subject to divisions (L), (M)(2), and (N) of this section, if the administrator of workers' compensation or the employees of the bureau of

workers' compensation has awarded a contract for the purchase of goods costing more than five hundred dollars or services costing more than five hundred dollars to a corporation or business trust, except a professional association organized under Chapter 1785. of the Revised Code, none of the following shall, beginning on the date the contract is awarded and extending until one year following the conclusion of that contract, make one or more contributions totaling in excess of one thousand dollars to the campaign committee of the governor or lieutenant governor or to the campaign committee of any candidate for the office of governor or lieutenant governor:

(i) An owner of more than twenty per cent of the corporation or business trust;

(ii) A spouse of an owner of more than twenty per cent of the corporation or business trust;

(iii) A child seven years of age through seventeen years of age of an owner of more than twenty per cent of the corporation or business trust.

(b) Subject to divisions (L), (M)(2), and (N) of this section, if the administrator of workers' compensation or the employees of the bureau of workers' compensation has awarded a contract for the purchase of goods costing more than five hundred dollars or services costing more than five hundred dollars to a corporation or business trust, except a professional association organized under Chapter 1785. of the Revised Code, no combination of any of the following shall, beginning on the date the contract is awarded and extending until one year following the conclusion of that contract, make one or more contributions totaling in excess of two thousand dollars to the campaign committee of the governor or lieutenant governor or to the campaign committee of any candidate for the office of governor or lieutenant governor:

(i) Owners of more than twenty per cent of the corporation or business trust;

(ii) Spouses of owners of more than twenty per cent of the corporation or business trust;

(iii) Children seven years of age through seventeen years of age of owners of more than twenty per cent of the corporation or business trust;

(iv) Any political action committee affiliated with the corporation or business trust.

(3) Subject to divisions (L), (M)(2), and (N) of this section, the administrator of workers' compensation and the employees of the bureau of workers' compensation shall not enter into any contract for the purchase of goods costing more than five hundred dollars or services costing more than five hundred dollars with a corporation or business trust, except a professional association organized under Chapter 1785. of the Revised Code, unless the bureau has received for that calendar year, or the contract includes a certification by the corporation or business trust that all of the following persons,

if applicable, are in compliance with division (Z)(1) of this section:

- (a) Each owner of more than twenty per cent of the corporation or business trust;
- (b) Each spouse of an owner of more than twenty per cent of the corporation or business trust;
- (c) Each child seven years of age to seventeen years of age of an owner of more than twenty per cent of the corporation or business trust;
- (d) Any combination of persons identified in divisions (Z)(3)(a) to (c) of this section.

(4)(a) Subject to divisions (L), (M)(2), and (N) of this section, the administrator of workers' compensation and the employees of the bureau of workers' compensation shall not conduct business with or award any contract for the purchase of goods costing more than five hundred dollars or services costing more than five hundred dollars to any corporation or business trust, except a professional association organized under Chapter 1785. of the Revised Code, if a political action committee that is affiliated with the corporation or business trust has made, within the ~~two~~ previous ~~calendar years~~ twenty-four months, one or more contributions totaling in excess of two thousand dollars to the campaign committee of the governor or lieutenant governor or to the campaign committee of any candidate for the office of governor or lieutenant governor.

(b) Subject to divisions (L), (M)(2), and (N) of this section, if the administrator of workers' compensation or the employees of the bureau of workers' compensation has awarded any contract for the purchase of goods costing more than five hundred dollars or services costing more than five hundred dollars to any corporation or business trust, except a professional association organized under Chapter 1785. of the Revised Code, no political action committee that is affiliated with the corporation or business trust shall, beginning on the date the contract is awarded and extending until one year following the conclusion of that contract, make one or more contributions totaling in excess of two thousand dollars to the campaign committee of the governor or lieutenant governor or to the campaign committee of any candidate for the office of governor or lieutenant governor.

(AA) No individual, partnership or other incorporated business, association, estate, trust, corporation, or business trust shall knowingly make a false statement on a certification required under division (I)(3), (J)(3), (Y)(3), or (Z)(3) of this section.

Sec. 3517.992. This section establishes penalties only with respect to acts or failures to act that occur on and after August 24, 1995.

(A)(1) A candidate whose campaign committee violates division (A), (B), (C), (D), or (V) of section 3517.13 of the Revised Code, or a treasurer of a campaign committee who violates any of those divisions, shall be fined not more than one hundred dollars for each day of violation.

(2) Whoever violates division (E) or (X)(5) of section 3517.13 of the Revised Code shall be fined not more than one hundred dollars for each day of violation.

(B) A political party that violates division (F)(1) of section 3517.101 of the Revised Code shall be fined not more than one hundred dollars for each day of violation.

(C) Whoever violates division (F)(2) of section 3517.101 or division (G) of section 3517.13 of the Revised Code shall be fined not more than ten thousand dollars or, if the offender is a person who was nominated or elected to public office, shall forfeit the nomination or the office to which the offender was elected, or both.

(D) Whoever violates division (F) of section 3517.13 of the Revised Code shall be fined not more than three times the amount contributed.

(E) Whoever violates division (H) of section 3517.13 of the Revised Code shall be fined not more than one hundred dollars.

(F) Whoever violates division (O), (P), or (Q) of section 3517.13 of the Revised Code is guilty of a misdemeanor of the first degree.

(G) A state or county committee of a political party that violates division (B)(1) of section 3517.18 of the Revised Code shall be fined not more than twice the amount of the improper expenditure.

(H) A state or county political party that violates division (G) of section 3517.101 of the Revised Code shall be fined not more than twice the amount of the improper expenditure or use.

(I)(1) Any individual who violates division (B)(1) of section 3517.102 of the Revised Code and knows that the contribution the individual makes violates that division shall be fined an amount equal to three times the amount contributed in excess of the amount permitted by that division.

(2) Any political action committee that violates division (B)(2) of section 3517.102 of the Revised Code shall be fined an amount equal to three times the amount contributed in excess of the amount permitted by that division.

(3) Any campaign committee that violates division (B)(3) or (5) of section 3517.102 of the Revised Code shall be fined an amount equal to three times the amount contributed in excess of the amount permitted by that division.

(4)(a) Any legislative campaign fund that violates division (B)(6) of section 3517.102 of the Revised Code shall be fined an amount equal to three times the amount transferred or contributed in excess of the amount permitted by that division, as applicable.

(b) Any state political party, county political party, or state candidate fund of a state political party or county political party that violates division (B)(6) of section 3517.102 of the Revised Code shall be fined an amount equal

to three times the amount transferred or contributed in excess of the amount permitted by that division, as applicable.

(c) Any political contributing entity that violates division (B)(7) of section 3517.102 of the Revised Code shall be fined an amount equal to three times the amount contributed in excess of the amount permitted by that division.

(5) Any political party that violates division (B)(4) of section 3517.102 of the Revised Code shall be fined an amount equal to three times the amount contributed in excess of the amount permitted by that division.

(6) Notwithstanding divisions (I)(1), (2), (3), (4), and (5) of this section, no violation of division (B) of section 3517.102 of the Revised Code occurs, and the secretary of state shall not refer parties to the Ohio elections commission, if the amount transferred or contributed in excess of the amount permitted by that division meets either of the following conditions:

(a) It is completely refunded within five business days after it is accepted.

(b) It is completely refunded on or before the tenth business day after notification to the recipient of the excess transfer or contribution by the board of elections or the secretary of state that a transfer or contribution in excess of the permitted amount has been received.

(J)(1) Any campaign committee that violates division (C)(1), (2), (3), or (6) of section 3517.102 of the Revised Code shall be fined an amount equal to three times the amount accepted in excess of the amount permitted by that division.

(2)(a) Any county political party that violates division (C)(4)(a)(ii) or (iii) of section 3517.102 of the Revised Code shall be fined an amount equal to three times the amount accepted.

(b) Any county political party that violates division (C)(4)(a)(i) of section 3517.102 of the Revised Code shall be fined an amount from its state candidate fund equal to three times the amount accepted in excess of the amount permitted by that division.

(c) Any state political party that violates division (C)(4)(b) of section 3517.102 of the Revised Code shall be fined an amount from its state candidate fund equal to three times the amount accepted in excess of the amount permitted by that division.

(3) Any legislative campaign fund that violates division (C)(5) of section 3517.102 of the Revised Code shall be fined an amount equal to three times the amount accepted in excess of the amount permitted by that division.

(4) Any political action committee or political contributing entity that violates division (C)(7) of section 3517.102 of the Revised Code shall be fined an amount equal to three times the amount accepted in excess of the amount permitted by that division.

(5) Notwithstanding divisions (J)(1), (2), (3), and (4) of this section, no violation of division (C) of section 3517.102 of the Revised Code occurs, and the secretary of state shall not refer parties to the Ohio elections commission, if the amount transferred or contributed in excess of the amount permitted to be accepted by that division meets either of the following conditions:

(a) It is completely refunded within five business days after its acceptance.

(b) It is completely refunded on or before the tenth business day after notification to the recipient of the excess transfer or contribution by the board of elections or the secretary of state that a transfer or contribution in excess of the permitted amount has been received.

(K)(1) Any legislative campaign fund that violates division (F)(1) of section 3517.102 of the Revised Code shall be fined twenty-five dollars for each day of violation.

(2) Any legislative campaign fund that violates division (F)(2) of section 3517.102 of the Revised Code shall give to the treasurer of state for deposit into the state treasury to the credit of the Ohio elections commission fund all excess contributions not disposed of as required by division (E) of section 3517.102 of the Revised Code.

(L) Whoever violates section 3517.105 of the Revised Code shall be fined one thousand dollars.

(M)(1) Whoever solicits a contribution in violation of section 3517.092 or violates division (B) of section 3517.09 of the Revised Code is guilty of a misdemeanor of the first degree.

(2) Whoever knowingly accepts a contribution in violation of division (B) or (C) of section 3517.092 of the Revised Code shall be fined an amount equal to three times the amount accepted in violation of either of those divisions and shall return to the contributor any amount so accepted. Whoever unknowingly accepts a contribution in violation of division (B) or (C) of section 3517.092 of the Revised Code shall return to the contributor any amount so accepted.

(N) Whoever violates division (S) of section 3517.13 of the Revised Code shall be fined an amount equal to three times the amount of funds transferred or three times the value of the assets transferred in violation of that division.

(O) Any campaign committee that accepts a contribution or contributions in violation of section 3517.108 of the Revised Code, uses a contribution in violation of that section, or fails to dispose of excess contributions in violation of that section shall be fined an amount equal to three times the amount accepted, used, or kept in violation of that section.

(P) Any political party, state candidate fund, legislative candidate fund,

or campaign committee that violates division (T) of section 3517.13 of the Revised Code shall be fined an amount equal to three times the amount contributed or accepted in violation of that section.

(Q) A treasurer of a committee or another person who violates division (U) of section 3517.13 of the Revised Code shall be fined not more than two hundred fifty dollars.

(R)(1) Whoever violates division (I)(1), (I)(4)(a), (J)(1), (J)(4)(a), (Y)(1), (Y)(4)(a), (Z)(1), or (Z)(4)(a) of section 3517.13 of the Revised Code shall be fined not more than one thousand dollars. Whenever a person is found guilty of violating any of those divisions, the contract awarded in violation of the applicable division shall be rescinded if its terms have not yet been performed.

(2) Whoever violates division (I)(2), (I)(4)(b), (J)(2), (J)(4)(b), (Y)(2), (Y)(4)(b), (Z)(2), or (Z)(4)(b) of section 3517.13 of the Revised Code shall be fined an amount equal to three times the amount contributed in excess of the amount permitted by the applicable division. Whenever a person is found guilty of violating any of those divisions, any contract that makes the person subject to the applicable division may be rescinded at the discretion of the elections commission.

(3) Whoever violates division (AA) of section 3517.13 of the Revised Code is guilty of a felony of the fifth degree, and ~~the~~ any contract that includes , or is dependent upon, the certification made in violation of that division shall be rescinded.

(4) Notwithstanding divisions (R)(1), (2), and (3) of this section, no fine shall be imposed and no contract shall be rescinded if the amount contributed in excess of the amount permitted under division (I), (J), (Y), or (Z) of section 3517.13 of the Revised Code, as applicable, meets both of the following conditions:

(a) It is contributed after the award of the contract for the purchase of goods or services;

(b) Either of the following applies:

(i) It is completely refunded within five business days after it is accepted;

(ii) It is completely refunded on or before the tenth business day after knowledge by the recipient of the excess contribution or notification to the recipient of the excess contribution by the board of elections or the secretary of state that a contribution in excess of the permitted amount has been received, whichever is earlier.

(S) A candidate whose campaign committee violates or a treasurer of a campaign committee who violates section 3517.081 of the Revised Code, and a candidate whose campaign committee violates or a treasurer of a campaign committee or another person who violates division (C) of section 3517.10 of the Revised Code, shall be fined not more than five hundred dollars.

(T) A candidate whose campaign committee violates or a treasurer of a committee who violates division (B) of section 3517.09 of the Revised Code, or a candidate whose campaign committee violates or a treasurer of a campaign committee or another person who violates division (C) of section 3517.09 of the Revised Code shall be fined not more than one thousand dollars.

(U) Whoever violates section 3517.20 of the Revised Code shall be fined not more than five hundred dollars.

(V) Whoever violates section 3517.21 or 3517.22 of the Revised Code shall be imprisoned for not more than six months or fined not more than five thousand dollars, or both.

(W) A campaign committee that is required to file a declaration of no limits under division (D)(2) of section 3517.103 of the Revised Code that, before filing that declaration, accepts a contribution or contributions that exceed the limitations prescribed in section 3517.102 of the Revised Code, shall return that contribution or those contributions to the contributor.

(X) Any campaign committee that fails to file the declaration of filing-day finances required by division (F) of section 3517.109 or the declaration of primary-day finances or declaration of year-end finances required by division (E) of section 3517.1010 of the Revised Code shall be fined twenty-five dollars for each day of violation.

(Y) Any campaign committee that fails to dispose of excess funds or excess aggregate contributions under division (B) of section 3517.109 of the Revised Code in the manner required by division (C) of that section or under division (B) of section 3517.1010 of the Revised Code in the manner required by division (C) of that section shall give to the treasurer of state for deposit into the Ohio elections commission fund created under division (I) of section 3517.152 of the Revised Code all funds not disposed of pursuant to those divisions.

(Z) Any individual, campaign committee, political action committee, political contributing entity, legislative campaign fund, political party, or other entity that violates any provision of sections 3517.09 to 3517.12 of the Revised Code for which no penalty is provided for under any other division of this section shall be fined not more than one thousand dollars.

(AA)(1) Whoever knowingly violates division (W)(1) of section 3517.13 of the Revised Code shall be fined an amount equal to three times the amount contributed, expended, or promised in violation of that division or ten thousand dollars, whichever amount is greater.

(2) Whoever knowingly violates division (W)(2) of section 3517.13 of the Revised Code shall be fined an amount equal to three times the amount solicited or accepted in violation of that division or ten thousand dollars, whichever amount is greater.

(BB) Whoever knowingly violates division (C) or (D) of section 3517.1011 of the Revised Code shall be fined not more than ten thousand dollars

plus not more than one thousand dollars for each day of violation.

(CC)(1) Subject to division (CC)(2) of this section, whoever violates division (H) of section 3517.1011 of the Revised Code shall be fined an amount up to three times the amount disbursed for the direct costs of airing the communication made in violation of that division.

(2) Whoever has been ordered by the Ohio elections commission or by a court of competent jurisdiction to cease making communications in violation of division (H) of section 3517.1011 of the Revised Code who again violates that division shall be fined an amount equal to three times the amount disbursed for the direct costs of airing the communication made in violation of that division.

(DD)(1) Any corporation or labor organization that violates division (X)(3)(a) of section 3517.13 of the Revised Code shall be fined an amount equal to three times the amount given in excess of the amount permitted by that division.

(2) Any state or county political party that violates division (X)(3)(b) of section 3517.13 of the Revised Code shall be fined an amount equal to three times the amount accepted in excess of the amount permitted by that division.

(EE)(1) Whoever solicits or directs a contribution in violation of division (B) of section 3517.093 of the Revised Code is guilty of a misdemeanor of the first degree.

(2) Whoever accepts a contribution in violation of division (C) of section 3517.093 of the Revised Code shall return to the contributor any amount so accepted."

In line 62251, after "3513.21," insert "3517.093,"; after "3517.11," insert "3517.13, 3517.992,"

In line 79115, delete "January 1" and insert "April 4"

Between lines 79160 and 79161, insert:

"Section 735.10. (A) Nothing in division (L)(1)(c) of section 3517.13 of the Revised Code, as enacted by this act, shall exempt the holder of the public office with ultimate responsibility for the award of the contract from complying with section 3517.093 of the Revised Code prior to the Secretary of State adopting rules under division (L)(1)(c) of section 3517.13 of the Revised Code.

As used in division (A) of this section, "holder of the public office with ultimate responsibility for the award of the contract" has the same meaning as in section 3517.093 of the Revised Code.

(B) Nothing in division (L)(1)(c) of section 3517.13 of the Revised Code, as enacted by this act, shall exempt a state agency or department, a political subdivision, the Administrator of Workers' Compensation, or the employees of the Bureau of Workers' Compensation from complying with divisions (I), (J), (Y), and (Z) of that section, as applicable, prior to the Secretary of State adopting

rules under division (L)(1)(c) of that section."

In line 55 of the title, after "3513.21," insert "3517.093,"

In line 56 of the title, after "3517.11," insert "3517.13, 3517.992,"

In line 52987, delete " in the amount of" and insert " that is not less than fifty dollars or more than"

Between lines 66901 and 66902, insert:

"Section ____. THIRD FRONTIER BIOMEDICAL RESEARCH AND COMMERCIALIZATION PROGRAM

The General Assembly and the Governor recognize the role that the biomedical industry has in job creation, innovation, and economic development throughout Ohio. It is the intent of the General Assembly, the Governor, the Director of Development and the Director of Budget and Management to work together to continue to provide comprehensive state support for the biomedical industry as a whole through the Third Frontier Biomedical Research and Commercialization Program."

Delete line 66854 and insert "Of the foregoing appropriation items 195-687, Third Frontier Research and Development Projects, and 195-692, Research & Development Taxable Bond Projects"

In line 66855, delete "Code"; after "2008" delete the balance of the line

Delete lines 66856 and 66857

In line 66858, delete "Projects,"

Between lines 66862 and 66863, insert:

"The proposal for the NextGen Network shall be subject to the process for rating and ranking of projects by the Third Frontier Commission pursuant to Chapter 184. of the Revised Code. The proposal shall compete among other proposals and be merit-selected based upon existing criteria for all Third Frontier-eligible projects. If selected by the Third Frontier Commission, funding for the NextGen Network shall be subject to approval by the Controlling Board."

In line 291, after "131.51," insert "133.061,"

Between lines 5345 and 5346, insert:

" **Sec. 133.061.** (A) This section applies only to a school district that satisfies all of the following conditions:

(1) The district, prior to the effective date of this section, undertook a classroom facilities project under section 3318.37 of the Revised Code.

(2) The district will undertake a subsequent classroom facilities project under section 3318.37 of the Revised Code that will consist of a single building housing grades six through twelve.

(3) The district's project described in division (A)(2) of this section will include locally funded initiatives that are not required by the Ohio school facilities commission.

(4) The district's project described in division (A)(2) of this section will commence within two years after the effective date of this section.

(B) Notwithstanding any other provision of law to the contrary, a school district to which this section applies may incur net indebtedness by the issuance of securities in accordance with the provisions of this chapter in excess of the limit specified in division (B) or (C) of section 133.06 of the Revised Code when necessary to raise the school district portion of the basic project cost and any additional funds necessary to participate in the classroom facilities project described in division (A)(2) of this section, including the cost of items designated by the Ohio school facilities commission as required locally funded initiatives, the cost for site acquisition, and the cost of the locally funded initiatives that are not required by the commission described in division (A)(3) of this section, as long as the district's total net indebtedness after the issuance of those securities does not exceed one hundred twenty-five per cent of the limit prescribed in division (B) of section 133.06 of the Revised Code and the electors of the district approve the issuance of those securities.

The school facilities commission shall notify the superintendent of public instruction whenever a school district will exceed either limit pursuant to this section."

In line 79988, after "126.40," insert "133.061,"

In line 122 of the title, after "131.51," insert "133.061,"

Delete lines 29807 through 29985 and insert:

" **Sec. 3333.60.** As used in sections 3333.61 to 3333.70 of the Revised Code:

(A) "State university or college" has the same meaning as in section 3345.12 of the Revised Code.

(B) "State university" and "state institution of higher education" have the same meanings as in section 3345.011 of the Revised Code.

Sec. 3333.61. The chancellor of the Ohio board of regents shall establish and administer the Ohio innovation partnership, which shall consist of the choose Ohio first scholarship program and the Ohio research scholars program. Under the programs, the chancellor, subject to approval by the controlling board, shall make awards to state universities or colleges for programs and initiatives that recruit students and scientists in the fields of science, technology, engineering, mathematics, and medicine to state universities or colleges, in order to enhance regional educational and economic strengths and meet the needs of the state's regional economies. Awards may be granted for programs and initiatives to be implemented by a state university or college alone or in

collaboration with other state institutions of higher education, nonpublic Ohio universities and colleges, or other public or private Ohio entities. If the chancellor makes an award to a program or initiative that is intended to be implemented by a state university or college in collaboration with other state institutions of higher education or nonpublic Ohio universities or colleges, the chancellor may provide that some portion of the award be received directly by the collaborating universities or colleges consistent with all terms of the Ohio innovation partnership.

The choose Ohio first scholarship program shall assign a number of scholarships to state universities and colleges to recruit Ohio residents as undergraduate, or as provided in section 3333.66 of the Revised Code graduate, students in the fields of science, technology, engineering, mathematics, and medicine, or in science, technology, engineering, mathematics, or medical education. Choose Ohio first scholarships shall be awarded to each participating eligible student as a grant to the state university or college the student is attending and shall be reflected on the student's tuition bill. Choose Ohio first scholarships are student-centered grants from the state to students to use to attend a university or college and are not grants from the state to universities or colleges.

Notwithstanding any other provision of this section or sections 3333.62 to 3333.70 of the Revised Code, a nonpublic four-year Ohio institution of higher education may submit a proposal for choose Ohio first scholarships if the proposal is to be implemented in collaboration with a state university or college. If the chancellor grants a nonpublic institution an award of scholarships, the nonpublic institution shall comply with all requirements of this section, sections 3333.62 to 3333.70 of the Revised Code, and the rules adopted under this section that apply to state universities or colleges awarded choose Ohio first scholarships.

The Ohio research scholars program shall award grants to use in recruiting scientists to the faculties of state universities or colleges.

The chancellor shall adopt rules in accordance with Chapter 119. of the Revised Code to administer the programs.

Sec. 3333.62. The chancellor of the Ohio board of regents shall establish a competitive process for making awards under the choose Ohio first scholarship program and the Ohio research scholars program. The chancellor, on completion of that process, shall make a recommendation to the controlling board asking for approval of each award selected by the chancellor.

Any state university or college may apply for one or more awards under one or both programs. The state university or college shall submit a proposal and other documentation required by the chancellor, in the form and manner prescribed by the chancellor, for each award it seeks. A proposal may propose an initiative to be implemented solely by the state university or college or in collaboration with other state institutions of higher education, nonpublic Ohio

universities or colleges, or other public or nonpublic Ohio entities. A single proposal may seek an award under one or both programs.

The chancellor shall determine which proposals will receive awards each fiscal year, and the amount of each award, on the basis of the merit of each proposal, which the chancellor, subject to approval by the controlling board, shall determine based on one or more of the following criteria:

(A) The quality of the program that is the subject of the proposal and the extent to which additional resources will enhance its quality;

(B) The extent to which the proposal is integrated with the strengths of the regional economy;

(C) The extent to which the proposal is integrated with centers of research excellence within the private sector;

(D) The amount of other institutional, public, or private resources, whether monetary or nonmonetary, that the proposal pledges to leverage;

(E) The extent to which the proposal is collaborative with other public or nonpublic Ohio institutions of higher education;

(F) The extent to which the proposal is integrated with the university's or college's mission and does not displace existing resources already committed to the mission;

(G) The extent to which the proposal facilitates a more efficient utilization of existing faculty and programs;

(H) The extent to which the proposal meets a statewide educational need;

(I) The demonstrated productivity or future capacity of the students or scientists to be recruited;

(J) The extent to which the proposal will create additional capacity in educational or economic areas of need;

(K) The extent to which the proposal will encourage students who received degrees in the fields of science, technology, engineering, mathematics, or medicine from two-year institutions to transfer to state universities or colleges to pursue baccalaureate degrees in science, technology, engineering, mathematics, or medicine;

(L) The extent to which the proposal encourages students enrolled in state universities to transfer into science, technology, engineering, mathematics, or medicine programs;

(M) The extent to which the proposal facilitates the completion of a baccalaureate degree in a cost-effective manner, for example, by facilitating students' completing two years at a two-year institution and two years at a state university or college;

(N) The extent to which the proposal allows attendance at a state

university or college of students who otherwise could not afford to attend;

(O) The extent to which other institutional, public, or private resources pledged to the proposal will be deployed to assist in sustaining students' scholarships over their academic careers;

(P) The extent to which the proposal increases the likelihood that students will successfully complete their degree programs in science, technology, engineering, mathematics, or medicine or in science, technology, engineering, mathematics, or medical education;

(Q) The extent to which the proposal ensures that a student who is awarded a scholarship is appropriately qualified and prepared to successfully complete a degree program in science, technology, engineering, mathematics, or medicine or in science, technology, engineering, mathematics, or medical education.

Sec. 3333.63. The chancellor of the Ohio board of regents shall conduct at least one public meeting annually, prior to deciding awards under the Ohio innovation partnership. At the meeting, an employee of the chancellor shall summarize the proposals submitted for consideration, and each state university or college that has a proposal pending shall have the opportunity to review the summary of their proposal prepared by the chancellor's staff and answer questions or respond to concerns about the proposal raised by the chancellor's staff.

Sec. 3333.64. The chancellor of the Ohio board of regents shall endeavor to make awards under the choose Ohio first scholarship program and the Ohio research scholars program such that the aggregate, statewide amount of other institutional, public, and private money pledged to the proposals in each fiscal year equals at least one hundred per cent of the aggregate amount of the money awarded under both programs that year. The chancellor shall endeavor to make awards under the choose Ohio first scholarship program in such a way that at least fifty per cent of the students receiving the scholarships are involved in a co-op or internship program in a private industry or a university laboratory. The value of institutional, public, or private industry co-ops and internships shall count toward the statewide aggregate amount of other institutional, public, or private money specified in this paragraph.

The chancellor also shall endeavor to distribute awards in such a way that all regions of the state benefit from the economic development impact of the programs and shall guarantee that students from all regions of the state are able to participate in the scholarship program.

Sec. 3333.65. The chancellor of the Ohio board of regents shall require each state university or college that the controlling board approves to receive an award under the Ohio innovation partnership to enter into an agreement governing the use of the award. The agreement shall contain terms the chancellor determines to be necessary, which shall include performance measures, reporting requirements, and an obligation to fulfill pledges of other institutional, public, or

nonpublic resources for the proposal.

The chancellor may require a state university or college that violates the terms of its agreement to repay the award plus interest at the rate required by section 5703.47 of the Revised Code to the chancellor.

If the chancellor makes an award to a program or initiative that is intended to be implemented by a state university or college in collaboration with other state institutions of higher education or nonpublic Ohio universities or colleges, the chancellor may enter into an agreement with the collaborating universities or colleges that permits awards to be received directly by the collaborating universities or colleges consistent with the terms of the program or initiative. In that case, the chancellor shall incorporate into the agreement terms consistent with the requirements of this section.

Sec. 3333.66. (A) In each academic year, no student who receives a choose Ohio first scholarship shall receive less than one thousand five hundred dollars or more than one-half of the highest in-state undergraduate instructional and general fees charged by all state universities. For this purpose, if Miami university is implementing the pilot tuition restructuring plan originally recognized in Am. Sub. H.B. 95 of the 125th general assembly, that university's instructional and general fees shall be considered to be the average full-time in-state undergraduate instructional and general fee amount after taking into account the Ohio resident and Ohio leader scholarships and any other credit provided to all Ohio residents.

(B) The chancellor of the Ohio board of regents shall encourage state universities and colleges, alone or in collaboration with other state institutions of higher education, nonpublic Ohio universities and colleges, or other public or private Ohio entities, to submit proposals under the choose Ohio first scholarship program for initiatives that recruit Ohio residents enrolled in colleges and universities in other states or other countries to return to Ohio and enroll in state universities or colleges as graduate students in the fields of science, technology, engineering, mathematics, and medicine, or in the fields of science, technology, engineering, mathematics, or medical education. If such proposals are submitted and meet the chancellor's competitive criteria for awards, the chancellor, subject to approval by the controlling board, shall give at least one of the proposals preference for an award.

(C) The general assembly intends that money appropriated for the choose Ohio first scholarship program in each fiscal year be used for scholarships in the following academic year.

Sec. 3333.67. Each state university or college that receives an award under the Ohio research scholars program shall deposit the amount it receives into a new or existing endowment fund. The university or college shall maintain the amount received and use income generated from that amount, and other institutional, public, or nonpublic resources, to finance the proposal approved by the chancellor of the Ohio board of regents and the controlling board.

Sec. 3333.68. When making an award under the Ohio innovation partnership, the chancellor of the Ohio board of regents, subject to approval by the controlling board, may commit to giving a state university's or college's proposal preference for future awards after the current fiscal year or fiscal biennium. A proposal's eligibility for future awards remains conditional on all of the following:

(A) Future appropriations of the general assembly;

(B) The university's or college's adherence to the agreement entered into under section 3333.65 of the Revised Code, including its fulfillment of pledges of other institutional, public, or nonpublic resources;

(C) With respect to the choose Ohio first scholarship program, a demonstration that the students receiving the scholarship are satisfied with the state universities or colleges selected by the chancellor to offer the scholarships.

The chancellor and the controlling board shall not commit to awarding any proposal for more than five fiscal years at a time. However, when a commitment for future awards expires, a state university or college may reapply.

Sec. 3333.69. The chancellor of the Ohio board of regents shall monitor each initiative for which an award is granted under the Ohio innovation partnership to ensure the following:

(A) Fiscal accountability, so that the award is used in accordance with the agreement entered into under section 3333.65 of the Revised Code;

(B) Operating progress, so that the initiative is managed to achieve the goals stated in the proposal and in the agreement, and so that problems may be promptly identified and remedied;

(C) Desired outcomes, so that the initiative contributes to the programs' goals of enhancing regional educational and economic strengths and meeting regional economic needs.

Sec. 3333.70. Not later than December 31, 2008, and the thirty-first day of December of each year thereafter, the chancellor of the Ohio board of regents shall submit to the general assembly in accordance with section 101.68 of the Revised Code a report on the academic and economic impact of the Ohio innovation partnership. At a minimum, the report shall include the following:

(A) Progress and performance metrics for each initiative that received an award in the previous fiscal year;

(B) Economic indicators of the impact of each initiative, and all initiatives as a whole, on the regional economies and the statewide economy;

(C) The chancellor's strategy in assigning choose Ohio first scholarships among state universities and colleges and how the actual awards fit that strategy."

Between lines 75300 and 75301, insert:

"The unencumbered balance of appropriation item 235-438, Choose Ohio First Scholarship, at the end of fiscal year 2008 shall be transferred to fiscal year 2009 for use under the same appropriation item. The amounts transferred are hereby appropriated."

In line 7664, delete " limit or alter" and insert " materially impair"

In line 7666, after " of" insert " outstanding"; delete " outstanding"

In line 7667, delete " in any way" and insert " materially"

In line 7668, after the second " of" insert " outstanding"; delete " outstanding"

In line 7669, delete " under the bond proceedings"; after " or" insert " materially"; after " those" insert " outstanding"

In line 7670, after the first underlined comma insert " and"

In line 7673, delete all after " receipts"

Delete lines 7674 through 7676

In line 7677, delete " the issuing authority" and insert " . The bond proceedings may provide or authorize the manner for determining material impairment of the security for any outstanding obligations, including by assessing and evaluating the pledged receipts in the aggregate"

In line 7678, delete " The" and insert " As further provided for in division (H) of this section, the"

In line 220, after "2305.2341," insert "2744.02,"

Between lines 13807 and 13808, insert:

"**Sec. 2744.02.** (A)(1) For the purposes of this chapter, the functions of political subdivisions are hereby classified as governmental functions and proprietary functions. Except as provided in division (B) of this section, a political subdivision is not liable in damages in a civil action for injury, death, or loss to person or property allegedly caused by any act or omission of the political subdivision or an employee of the political subdivision in connection with a governmental or proprietary function.

(2) The defenses and immunities conferred under this chapter apply in connection with all governmental and proprietary functions performed by a political subdivision and its employees, whether performed on behalf of that political subdivision or on behalf of another political subdivision.

(3) Subject to statutory limitations upon their monetary jurisdiction, the courts of common pleas, the municipal courts, and the county courts have jurisdiction to hear and determine civil actions governed by or brought pursuant to this chapter.

(B) Subject to sections 2744.03 and 2744.05 of the Revised Code, a

political subdivision is liable in damages in a civil action for injury, death, or loss to person or property allegedly caused by an act or omission of the political subdivision or of any of its employees in connection with a governmental or proprietary function, as follows:

(1) Except as otherwise provided in this division, political subdivisions are liable for injury, death, or loss to person or property caused by the negligent operation of any motor vehicle by their employees when the employees are engaged within the scope of their employment and authority. The following are full defenses to that liability:

(a) A member of a municipal corporation police department or any other police agency was operating a motor vehicle while responding to an emergency call and the operation of the vehicle did not constitute willful or wanton misconduct;

(b) A member of a municipal corporation fire department or any other firefighting agency was operating a motor vehicle while engaged in duty at a fire, proceeding toward a place where a fire is in progress or is believed to be in progress, or answering any other emergency alarm and the operation of the vehicle did not constitute willful or wanton misconduct;

(c) A member of an emergency medical service owned or operated by a political subdivision was operating a motor vehicle while responding to or completing a call for emergency medical care or treatment, the member was holding a valid commercial driver's license issued pursuant to Chapter 4506. or a driver's license issued pursuant to Chapter 4507. of the Revised Code, the operation of the vehicle did not constitute willful or wanton misconduct, and the operation complies with the precautions of section 4511.03 of the Revised Code.

(2) Except as otherwise provided in sections 3314.07 and 3746.24 of the Revised Code, political subdivisions are liable for injury, death, or loss to person or property caused by the negligent performance of acts by their employees with respect to proprietary functions of the political subdivisions.

(3) Except as otherwise provided in section 3746.24 of the Revised Code, political subdivisions are liable for injury, death, or loss to person or property caused by their negligent failure to keep public roads in repair and other negligent failure to remove obstructions from public roads, except that it is a full defense to that liability, when a bridge within a municipal corporation is involved, that the municipal corporation does not have the responsibility for maintaining or inspecting the bridge.

(4) Except as otherwise provided in section 3746.24 of the Revised Code, political subdivisions are liable for injury, death, or loss to person or property that is caused by the negligence of their employees and that occurs within or on the grounds of, and is due to physical defects within or on the grounds of, buildings that are used in connection with the performance of a governmental function, including, but not limited to, office buildings and courthouses, but not including jails, places of juvenile detention, workhouses, or any other detention

facility, as defined in section 2921.01 of the Revised Code.

(5) In addition to the circumstances described in divisions (B)(1) to (4) of this section, a political subdivision is liable for injury, death, or loss to person or property when civil liability is expressly imposed upon the political subdivision by a section of the Revised Code, including, but not limited to, sections 2743.02 and 5591.37 of the Revised Code. Civil liability shall not be construed to exist under another section of the Revised Code merely because that section imposes a responsibility or mandatory duty upon a political subdivision, because that section provides for a criminal penalty, because of a general authorization in that section that a political subdivision may sue and be sued, or because that section uses the term "shall" in a provision pertaining to a political subdivision.

(C) An order that denies a political subdivision or an employee of a political subdivision the benefit of an alleged immunity from liability as provided in this chapter or any other provision of the law is a final order."

In line 62229, after "2305.2341," insert "2744.02,"

In line 26 of the title, after "2305.2341," insert "2744.02,"

In line 43483, after " (10)" delete the balance of the line

Delete lines 43484 through 43511

In line 43512, delete " (11)"

In line 43523, delete " (12)" and insert " (11)"

In line 43525, delete " (13)" and insert " (12)"

In line 259, delete "5111.011,"

In line 307, delete "5111.0121,"

In line 45740, reinsert "The"; delete " Subject to an executive order issued under section"

In line 45741, delete " 5111.0120 of the Revised Code, the"

In line 45808, reinsert "The"; delete " Subject to an executive order issued under section"

In line 45809, delete " 5111.0120 of the Revised Code, the"

Delete lines 45833 through 45870

In line 45893, delete " 5111.0121" and insert " 5111.0120"

In line 45966, reinsert "The"; delete " Subject to an executive order issued under section"

In line 45967, delete " 5111.0120 of the Revised Code, the"

In line 46026, after " (2)" insert " (B)"; reinsert "The"; delete " (B) Subject to an executive order issued under"

In line 46027, delete " section 5111.0120 of the Revised Code, the"

Delete lines 46116 through 46123

In line 46124, delete " 5111.0121" and insert " 5111.0120"

In line 62268, delete "5111.011,"

Between lines 79957 and 79958, insert:

"**Section** ____ . The amendments to section 5111.014 of the Revised Code are subject to the referendum. Therefore, under Ohio Constitution, Article II, Section 1c and section 1.471 of the Revised Code, the amendments take effect January 1, 2008. If, however, a referendum petition is filed against the amendments, the amendments, unless rejected at the referendum, take effect at the earliest time permitted by law that is on or after the effective date specified in this section."

Delete lines 80088 through 80104

In line 79 of the title, delete "5111.011,"

In line 140 of the title, delete "5111.0121,"

In line 72164, after the period insert "Any amount of this earmark that remains unspent at the end of fiscal year 2008 may be transferred to fiscal year 2009. The opportunity for reimbursement for the purposes for which this earmark is intended shall expire June 30, 2009."

In line 72167, delete "\$25,000" and insert "\$50,000"; delete "each"; after "year" insert "2008"

In line 72170, after the period insert "Any amount of this earmark that remains unspent at the end of fiscal year 2008 may be transferred to fiscal year 2009. The opportunity for reimbursement for the purposes for which this earmark is intended shall expire June 30, 2009."

In line 72185, delete "\$1,000,000" and insert "\$2,000,000"; delete "each"; after "year" insert "2008"

In line 72188, after the period insert "Any amount of this earmark that remains unspent at the end of fiscal year 2008 may be transferred to fiscal year 2009. The opportunity for reimbursement for the purposes for which this earmark is intended shall expire June 30, 2009."

In line 72191, delete "\$100,000" and insert "\$200,000"; delete "each"; after "year" insert "2008"

In line 72194, after the period insert "Any amount of this earmark that remains unspent at the end of fiscal year 2008 may be transferred to fiscal year 2009. The opportunity for reimbursement for the purposes for which this earmark is intended shall expire June 30, 2009."

In line 72221, after the period insert "Any amount of this earmark that

remains unspent at the end of fiscal year 2008 may be transferred to fiscal year 2009. The opportunity for reimbursement for the purposes for which this earmark is intended shall expire June 30, 2009."

In line 72225, delete the first "\$246,128" and insert "\$492,256"; after 2008 delete the balance of the line

In line 72226, delete "fiscal year 2009"

In line 72230, after the period insert "Any amount of this earmark that remains unspent at the end of fiscal year 2008 may be transferred to fiscal year 2009. The opportunity for reimbursement for the purposes for which this earmark is intended shall expire June 30, 2009."

In line 72233, delete "\$100,000" and insert "\$200,000"; delete "each"; after "year" insert "2008"

In line 72236, after the period insert "Any amount of this earmark that remains unspent at the end of fiscal year 2008 may be transferred to fiscal year 2009. The opportunity for reimbursement for the purposes for which this earmark is intended shall expire June 30, 2009."

In line 72246, delete "\$125,000" and insert "\$250,000"; delete "each"; after "year" insert "2008"

In line 72248, after the period insert "Any amount of this earmark that remains unspent at the end of fiscal year 2008 may be transferred to fiscal year 2009. The opportunity for reimbursement for the purposes for which this earmark is intended shall expire June 30, 2009."

In line 72251, delete "\$100,000" and insert "\$200,000"; delete "each"; after "year" insert "2008"

In line 72256, after the period insert "Any amount of this earmark that remains unspent at the end of fiscal year 2008 may be transferred to fiscal year 2009. The opportunity for reimbursement for the purposes for which this earmark is intended shall expire June 30, 2009."

In line 72259, delete "\$250,000" and insert "\$1,000,000"; after 2008 delete the balance of the line

In line 72260, delete "in fiscal year 2009"

In line 72262, after the period insert "Any amount of this earmark that remains unspent at the end of fiscal year 2008 may be transferred to fiscal year 2009. The opportunity for reimbursement for the purposes for which this earmark is intended shall expire June 30, 2009."

In line 72265, delete "\$1,000,000" and insert "\$2,000,000"; delete "each"; after "year" insert "2008"

In line 72268, after the period insert "Any amount of this earmark that remains unspent at the end of fiscal year 2008 may be transferred to fiscal year

2009. The opportunity for reimbursement for the purposes for which this earmark is intended shall expire June 30, 2009."

In line 72283, delete "\$500,000" and insert "\$1,000,000"; delete "each"; after "year" insert "2008"

In line 72287, after the period insert "Any amount of this earmark that remains unspent at the end of fiscal year 2008 may be transferred to fiscal year 2009. The opportunity for reimbursement for the purposes for which this earmark is intended shall expire June 30, 2009."

Delete lines 71551 through 71604

In line 310, after "5111.7010," insert "5111.7011,"

Delete lines 48007 through 48124 and insert:

" **Sec. 5111.70.** (A) As used in sections 5111.70 to 5111.7011 of the Revised Code:

"Applicant" means an individual who applies to participate in the medicaid buy-in for workers with disabilities program.

"Earned income" has the meaning established by rules adopted under section 5111.708 of the Revised Code.

"Employed individual with a medically improved disability" has the same meaning as in 42 U.S.C. 1396d(v).

"Family" means an applicant or participant and the spouse and dependent children of the applicant or participant. If an applicant or participant is under eighteen years of age, "family" also means the parents of the applicant or participant.

"Federal poverty guidelines" has the same meaning as in section 5101.46 of the Revised Code.

"Health insurance" has the meaning established by rules adopted under section 5111.708 of the Revised Code.

"Income" means earned income and unearned income.

"Participant" means an individual who has been determined eligible for the medicaid buy-in for workers with disabilities program and is participating in the program.

"Resources" has the meaning established by rules adopted under section 5111.708 of the Revised Code.

"Spouse" has the meaning established in rules adopted under section 5111.708 of the Revised Code.

"Supplemental security income program" means the program established under Title XVI of the "Social Security Act," 86 Stat. 1329 (1972), 42 U.S.C. 1381, as amended.

"Medicaid buy-in for workers with disabilities program" means the component of the medicaid program established under sections 5111.70 to 5111.7011 of the Revised Code.

"Unearned income" has the meaning established by rules adopted under section 5111.708 of the Revised Code.

(B) Not later than one hundred eighty days after the effective date of this section, the director of job and family services shall submit to the United States secretary of health and human services an amendment to the state medicaid plan and any federal waiver necessary to establish the medicaid buy-in for workers with disabilities program in accordance with 42 U.S.C. 1396a(a) (10)(A)(ii)(XV) and (XVI) and sections 5111.70 to 5111.7011 of the Revised Code. The director shall implement sections 5111.701 to 5111.7011 of the Revised Code if the amendment and, if needed, federal waiver are approved.

Sec. 5111.701. Under the medicaid buy-in for workers with disabilities program, an individual who does all of the following in accordance with rules adopted under section 5111.708 of the Revised Code qualifies for medical assistance under the medicaid program:

(A) Applies for the medicaid buy-in for workers with disabilities program;

(B) Provides satisfactory evidence of all of the following:

(1) That the individual is at least sixteen years of age and under sixty-five years of age;

(2) Except as provided in section 5111.706 of the Revised Code, that one of the following applies to the individual:

(a) The individual is considered disabled for the purpose of the supplemental security income program, regardless of whether the individual receives supplemental security income benefits, and the individual has earnings from employment.

(b) The individual is an employed individual with a medically improved disability.

(3) That the value of the individual's resources, less amounts disregarded pursuant to rules adopted under section 5111.708 of the Revised Code, does not exceed the amount provided for by section 5111.702 of the Revised Code;

(4) That the individual's income, less amounts disregarded pursuant to section 5111.703 of the Revised Code, does not exceed two hundred fifty per cent of the federal poverty guidelines;

(5) That the individual meets the additional eligibility requirements for the medicaid buy-in for workers with disabilities program that the director of job and family services establishes in rules adopted under section 5111.708 of the Revised Code.

(C) To the extent required by section 5111.704 of the Revised Code, pays the premium established under that section.

Sec. 5111.702. (A) Except as provided in division (B) of this section, the maximum value of resources, less amounts disregarded pursuant to rules adopted under section 5111.708 of the Revised Code, that an individual may have without the individual exceeding the resource eligibility limit for the medicaid buy-in for workers with disabilities program shall not exceed ten thousand dollars.

(B) Each calendar year, the director of job and family services shall adjust the resource eligibility limit specified in division (A) of this section by the change in the consumer price index for all items for all urban consumers for the previous calendar year, as published by the United States bureau of labor statistics. The annual adjustment shall go into effect on the earliest date possible.

Sec. 5111.703. For the purpose of determining whether an individual is within the income eligibility limit for the medicaid buy-in for workers with disabilities program, all of the following apply:

(A) Twenty thousand dollars of the individual's earned income shall be disregarded.

(B) No amount that the individual's employer pays to obtain health insurance for one or more members of the individual's family, including any amount of a premium established under section 5111.704 of the Revised Code that the employer pays, shall be treated as the individual's income.

(C) Any other amounts, if any, specified in rules adopted under section 5111.708 of the Revised Code shall be disregarded from the individual's earned income, unearned income, or both.

Sec. 5111.704. An individual whose income exceeds one hundred fifty per cent of the federal poverty guidelines shall pay an annual premium as a condition of qualifying for the medicaid buy-in for workers with disabilities program. The amount of the premium shall be determined as follows:

(A) Subtract one hundred fifty per cent of the federal poverty guidelines, as applicable for a family size equal to the size of the individual's family, from the amount of the income of the individual's family;

(B) Subtract an amount specified in rules adopted under section 5111.708 of the Revised Code from the difference determined under division (A) of this section;

(C) Multiply the difference determined under division (B) of this section by one tenth."

Between lines 48136 and 48137, insert:

" Sec. 5111.707. If the United States secretary of health and human services requires that a provision in the amendment to the state medicaid plan or

the federal waiver request submitted under section 5111.70 of the Revised Code be changed or removed in order for the secretary to approve the amendment or waiver or to avoid an extended delay in the secretary's approval, the director of job and family services shall make the change or removal. The change or removal may cause the medicaid buy-in for workers with disabilities program to include a provision that is inconsistent with sections 5111.70 to 5111.706 of the Revised Code. Such a change or removal shall be made only to the extent necessary to obtain the United States secretary's approval or avoid an extended delay in the secretary's approval and shall be reflected in rules adopted under section 5111.708 of the Revised Code."

Delete lines 48137 through 48192 and insert:

" **Sec. 5111.708.** (A) The director of job and family services, after consulting with the medicaid buy-in advisory council, shall adopt rules in accordance with Chapter 119. of the Revised Code as necessary to implement the medicaid buy-in for workers with disabilities program. The rules shall do all of the following:

(1) Specify assets, asset values, and amounts to be disregarded in determining asset and income eligibility limits for the program;

(2) Establish meanings for the terms "earned income," "health insurance," "resources," "spouse," and "unearned income";

(3) Establish additional eligibility requirements for the program that must be established for the United States secretary of health and human services to approve the program;

(4) For the purpose of division (B) of section 5111.704 of the Revised Code, specify an amount to be subtracted from the difference determined under division (A) of that section.

(B) The director, after consulting with the medicaid buy-in advisory council, may adopt rules in accordance with Chapter 119. of the Revised Code to specify amounts to be disregarded from an individual's earned income, unearned income, or both under division (C) of section 5111.703 of the Revised Code for the purpose of determining whether the individual is within the income eligibility limit for the medicaid buy-in for workers with disabilities program.

Sec. 5111.709. (A) There is hereby created the medicaid buy-in advisory council. The council shall consist of all of the following:

(1) The following voting members:

(a) The executive director of assistive technology of Ohio or the executive director's designee;

(b) The director of the axis center for public awareness of people with disabilities or the director's designee;

(c) The executive director of the cerebral palsy association of Ohio or the executive director's designee;

(d) The chief executive officer of Ohio advocates for mental health or the chief executive officer's designee;

(e) The state director of the Ohio chapter of AARP or the state director's designee;

(f) The director of the Ohio developmental disabilities council created under section 5123.35 of the Revised Code or the director's designee;

(g) The executive director of the governor's council on people with disabilities created under section 3303.41 of the Revised Code or the executive director's designee;

(h) The administrator of the legal rights service created under section 5123.60 of the Revised Code or the administrator's designee;

(i) The chairperson of the Ohio Olmstead task force or the chairperson's designee;

(j) The executive director of the Ohio statewide independent living council or the executive director's designee;

(k) The president of the Ohio chapter of the national multiple sclerosis society or the president's designee;

(l) The executive director of the arc of Ohio or the executive director's designee;

(m) The executive director of the commission on minority health or the executive director's designee;

(n) The executive director of the brain injury association of Ohio or the executive director's designee;

(o) The executive officer of any other advocacy organization who volunteers to serve on the council, or such an executive officer's designee, if the other voting members, at a meeting called by the chairperson elected under division (C) of this section, determine it is appropriate for the advocacy organization to be represented on the council;

(p) One or more participants who volunteer to serve on the council and are selected by the other voting members at a meeting the chairperson calls after the medicaid buy-in for workers with disabilities program is implemented.

(2) The following non-voting members:

(a) The director of job and family services or the director's designee;

(b) The administrator of the rehabilitation services commission or the administrator's designee;

(c) The director of alcohol and drug addiction services or the director's designee;

(d) The director of mental retardation and developmental disabilities or

the director's designee:

(e) The director of mental health or the director's designee:

(f) The executive officer of any other government entity, or the executive officer's designee, if the voting members, at a meeting called by the chairperson, determine it is appropriate for the government entity to be represented on the council.

(B) All members of the medicaid buy-in advisory council shall serve without compensation or reimbursement, except as serving on the council is considered part of their usual job duties.

(C) The voting members of the medicaid buy-in advisory council shall elect one of the members of the council to serve as the council's chairperson for a two-year term. The chairperson may be re-elected to successive terms.

(D) The department of job and family services shall provide the Ohio medicaid buy-in advisory council with accommodations for the council to hold its meetings and shall provide the council with other administrative assistance the council needs to perform its duties."

In line 48193, delete " 5111.709" and insert " 5111.7010"

In line 48196, delete " 5111.707" and insert " 5111.708"

In line 48215, delete " 5111.7010" and insert " 5111.7011"

In line 48271, delete " 5111.7010" and insert " 5111.7011"

In line 48328, delete " assets" and insert " resources"

In line 48332, delete " assets" and insert " resources"

In line 144 of the title, after "5111.7010," insert "5111.7011,"

Delete lines 72574 through 72633, and insert:

"(A) Contingent upon the availability of funding, the Ohio Department of Job and Family Services shall implement and oversee use of a Child Placement Level of Care Tool on a pilot basis. The Department shall implement the pilot program in Cuyahoga County and not more than nine additional counties selected by the Department. The pilot program shall be developed with the participating counties and must be acceptable to all participating counties. A selected county must agree to participate in the pilot program.

(B) The pilot program shall begin not later than July 1, 2008, and end not later than December 31, 2009. The length of the program shall not include any time expended in preparation for implementation or any post-pilot program evaluation activity.

(C)(1) In accordance with sections 125.01 to 125.11 of the Revised Code, the Ohio Department of Job and Family Services shall provide for an independent evaluation of the pilot program to rate the program's success in the

following areas:

- (a) Placement stability, length of stay, and other outcomes for children;
- (b) Cost;
- (c) Worker satisfaction;
- (d) Any other criteria the Department determines will be useful in the consideration of statewide implementation.

(2) The evaluation design shall include:

- (a) A comparison of data to historical outcomes or control counties;
- (b) A retrospective data review of Cuyahoga County's use of the tool;
- (c) A prospective data evaluation in each of the pilot counties.

(D) The Ohio Department of Mental Health shall conduct a study of the children placed using the Child Placement Level of Care Tool, which shall run concurrent with the Ohio Department of Job and Family Services Child Placement Level of Care Tool pilot program. This study shall use both the Child Placement Level of Care Tool and the Ohio Scales in a simultaneous collection of information about children at the time a placement decision is made. Simultaneous data collection using the Ohio Scales and the Placement Level of Care Tool shall be coordinated through collaboration between the Ohio Department of Mental Health and the independent evaluator designated under division (C) of this section to ensure study design integrity and cost efficiency.

Based on this data collection from the Ohio Scales and the Child Placement Level of Care Tool, the study shall focus on analyzing any correlations between the initial placement outcomes and initial scores of problem severity and behavioral health functioning. Through a data sharing agreement with the independent evaluator designated in division (C) of this section, the Department of Mental Health shall also analyze data from subsequent administrations of the Ohio Scales Tool and changes in placement level of care for any correlations. Upon completion of the study, the Ohio Department of Mental Health shall send a copy of the results of the study to the independent evaluator designated under division (C) of this section.

(E) The independent evaluator designated under division (C) of this section shall send a copy of the evaluator's initial evaluation of the Child Placement Level of Care Tool, the Ohio Department of Mental Health's calibration study designated under division (D) of this section, and the continuity of care analysis designated under division (D) of this section to the Ohio Department of Job and Family Services.

(F) The Ohio Department of Job and Family Services may adopt rules in accordance with Chapter 119. of the Revised Code as necessary to carry out the purposes of this section. The Department shall seek maximum federal financial participation to support the pilot and the evaluation."

Delete lines 72641 through 72650, and insert:

"(1) "Child Placement Level of Care Tool" means an assessment tool to be developed by the participating counties to assess a child's placement needs when a child must be removed from the child's own home and cannot be placed with a relative or kin not certified as a foster caregiver that includes assessing a child's behavior, history, psychological state, and the involvement of service systems.

(2) "Ohio Scales Tool" means the Ohio Youth Problems, Functioning, ROLES, and Marker Scales (Ohio Scales, Worker Form) used by the Ohio Department of Mental Health to measure outcomes for youth ages five to eighteen."

Delete lines 72095 through 72099

In line 72102, delete "agreements" and insert "agreement"

In line 71605, after "PASSPORT" insert "AND CHOICES"

In line 71607, before "As" insert "(A)"; delete "section, "PASSPORT" and insert "section:

"Choices program" means the home and community-based services Medicaid waiver component, as defined in section 5111.851 of the Revised Code, that is known as the Choices program and administered by the Department of Aging.

"PASSPORT"

In line 71609, before "The" insert "(B)"

In line 71612, delete "(A)" and insert "(1)"

In line 71614, after "program" insert "and services provided under the Choices program"

In line 71617, delete "(B)" and insert "(2)"

In line 71619, after "program" insert "and services provided under the Choices program"

In line 72085, delete "the Department of Job and Family Services shall use"

In line 72086, delete "to support expenditures of" and insert "shall be used to reimburse"

In line 72096, delete "the Department of Job and Family Services shall use"

In line 72097, delete "to support expenditures of" and insert "shall be used to reimburse"

In line 72105, delete "the Department of Job and Family Services shall

use"

In line 72106, delete "to support" and insert "shall be used for"

In line 72113, after the period insert "Any moneys from the federal TANF Block Grant used for this purpose shall be provided on a reimbursement basis."

In line 72125, after the period insert "Any moneys from the federal TANF Block Grant used for this purpose shall be provided on a reimbursement basis."

In line 72158, after the period insert "Any moneys from the federal TANF Block Grant used for this purpose shall be provided on a reimbursement basis."

In line 46184, after "establishing" insert "procedures for"

In line 46185, delete "Under the rules, each" and insert "Except as provided in division (E) of this section, all provider agreements shall be time-limited in accordance with the procedures established in the rules."

The department of job and family services shall phase-in the use of time-limited provider agreements pursuant to this section during a period commencing not later than January 1, 2008, and ending January 1, 2011.

(B) In the use of time-limited provider agreements pursuant to this section, all of the following apply:

(1) Each"

In line 46186, after "expire" insert "not later than"

Between lines 46186 and 46187, insert:

" (2) During the phase-in period specified in division (A) of this section, the department may provide for the conversion of a provider agreement without a time limit to a provider agreement with a time limit. The department may take an action to convert the provider agreement by sending a notice by regular mail to the address of the provider on record with the department advising the provider of the conversion."

(3) The department may make the effective date of a provider agreement retroactive for a period not to exceed one year from the date of the provider's application for the agreement, as long as the provider met all medicaid program requirements during that period."

In line 46187, delete "(B)" and insert "(C)"; after "agreements" insert "pursuant to this section"

In line 46209, delete "(C)" and insert "(D)"

In line 46211, delete "(B)" and insert "(C)"

Between lines 46213 and 46214, insert:

" (E) The use of time-limited provider agreements pursuant to this section does not apply to provider agreements issued to the following, including any provider agreements issued to the following that are otherwise time-limited under the medicaid program:

(1) A managed care organization under contract with the department pursuant to section 5111.17 of the Revised Code;

(2) A nursing facility, as defined in section 5111.20 of the Revised Code;

(3) An intermediate care facility for the mentally retarded, as defined in section 5111.20 of the Revised Code.

In line 47118, after " (10)" insert " The provider agreement is converted under section 5111.028 of the Revised Code from a provider agreement that is not time-limited to a provider agreement that is time-limited.

(11)"

In line 47123, delete "(11)" and insert "(12)"

In line 47129, delete "(11)" and insert "(12)"

Delete lines 72758 through 72771

In line 47336, after "(3)" delete the balance of the line

Delete lines 47337 through 47343

In line 47344, delete " adjustment or recovery from the individual's estate" and insert " Seek adjustment or recovery from the estate of other individuals as permitted by federal law"

In line 44191, delete " division" and insert " divisions"; after " (B)" insert " and (C)"

Between lines 44224 and 44225, insert:

" (C) The time limitations associated with the requirements in divisions (A)(2) and (A)(4) of this section apply only to submissions of claims to, and payments of claims by, a health insurer to which 42 U.S.C. 1396a(a)(25)(I) applies."

In line 15950, after "shall" insert "annually"

In line 16086, delete "court or"

In line 16089, delete "court or"

In line 16110, delete "court or"

In line 16111, after " agency" insert " administering the court or administrative order"; delete " adjust" and insert " amend"; after " the" insert " amount of"

In line 16112, after "obligation" delete the balance of the line and insert

" to reflect the amount paid when private health insurance is not provided, as"

In line 16113, after "calculated" insert "in the current order"

In line 16115, delete "court or"

In line 16126, delete "payment of" and insert "the period when"

In line 16127, after "support" insert "is required to be paid"; delete "court"

In line 16128, delete "or"

In line 16235, delete "court or"

In line 16240, delete "court or"

In line 16242, after "support" insert "in accordance with the terms of the court or administrative order and"

In line 302, after "3357.13," insert "3503.09,"

In line 30997, strike through "at" and insert "by boards of elections."; strike through "the"

In line 30999, strike through "the"; strike through the third comma

In line 31000, strike through "and prescribe" and insert "consistent with the requirements of section 3503.09 of the Revised Code;

(S) Prescribe"

In line 31001, strike through "those" and insert "boards of elections, designated"; strike through the first "the"

In line 31003, strike through "the"

In line 31005, strike through "(S)" and insert "(T)"

In line 31008, strike through "(T)" and insert "(U)"

In line 31010, strike through "at" and insert "through boards of elections."; after "agencies" insert an underlined comma

In line 31012, strike through "(U)" and insert "(V)"

In line 31024, strike through "(V)" and insert "(W)"

In line 31029, strike through "(W)" and insert "(X)"

In line 31040, strike through "(X)" and insert "(Y)"

In line 31049, strike through "(Y)" and insert "(Z)"

In line 31052, strike through "(Z)" and insert "(AA)"

In line 31057, strike through "(AA)" and insert "(BB)"

In line 31064, delete "(BB)" and insert "(CC)"

Between lines 31437 and 31438, insert:

" **Sec. 3503.09.** (A)(1) The secretary of state shall adopt rules for the electronic transmission by boards of elections, designated agencies, offices of deputy registrars of motor vehicles, public high schools and vocational schools, public libraries, and offices of county treasurers, where applicable, of name and residence changes for voter registration records in the statewide voter registration database.

(2) The secretary of state shall adopt rules for the purpose of improving the speed of processing new voter registrations that permit information from a voter registration application received by a designated agency or an office of deputy registrar of motor vehicles to be made available electronically, in addition to requiring the original voter registration application to be transmitted to the applicable board of elections under division (E)(2) of section 3503.10 or section 3503.11 of the Revised Code.

(B) Rules adopted under division (A) of this section shall do all of the following:

(1) Prohibit any direct electronic connection between a designated agency, office of deputy registrar of motor vehicles, public high school or vocational school, public library, or office of a county treasurer and the statewide voter registration database;

(2) Require any updated voter registration information to be verified by the secretary of state or a board of elections before the information is added to the statewide voter registration database for the purpose of modifying an existing voter registration;

(3) Require each designated agency or office of deputy registrar of motor vehicles that transmits voter registration information electronically to transmit an identifier for data relating to each new voter registration that shall be used by the secretary of state or a board of elections to match the electronic data to the original voter registration application."

In line 134 of the title, after "3357.13," insert "3503.09,"

In line 71342, delete ", including any interest earnings,"

In line 71369, delete ", including any interest earnings,"

Between lines 72287 and 72288, insert:

"A CULTURAL EXCHANGE

Of the foregoing appropriation item 600-689, TANF Block Grant (Fund 3V6), up to \$200,000 in fiscal year 2008 shall be used to reimburse, in accordance with section 5101.801 of the Revised Code, A Cultural Exchange for continuation of the TANF demonstration project, Bank on Book: Investing in our Families."

In line 79850, delete "zoned"

Delete lines 79851 through 79853 and insert ""commercial or industrial parcel subject to assessment" means a parcel that is classified by a county auditor as commercial or industrial according to the county auditor's use codes as listed in the Conservancy Appraisal Record of the Muskingum Watershed Conservancy District."

In line 79868, delete "located"

In line 79869, delete everything before the period and insert "a commercial or industrial parcel subject to assessment"

In line 79870, delete "one hundred twenty" and insert "ninety"

In line 308, after "5111.102," insert "5111.165, 5111.166,"

In line 46071, strike through "copayment" and insert " cost-sharing"

Between lines 47508 and 47509, insert:

" **Sec. 5111.165.** (A) Not later than January 1, 2009, the department of job and family services shall develop a payment system based on a risk-adjusted rate structure for purposes of making payments to the health insuring corporations under contract with the department pursuant to section 5111.17 of the Revised Code. In accordance with the implementation schedule specified in division (C) of this section, the risk-adjusted rate structure shall be applied to the payments made to the health insuring corporations for individuals participating in the care management system under division (B)(1) of section 5111.16 of the Revised Code on the basis of being included in the medicaid recipient category designated by the department as covered families and children.

(B) The department shall consult with the health insuring corporations regarding the methodology to be used in developing the risk-adjusted rate structure. In developing the rate structure, the department shall use all of the following:

(1) Medical information and other relevant encounter data necessary to obtain an accurate reflection of the utilization rates and unit costs of the health care services provided to medicaid recipients in the covered families and children category;

(2) A comprehensive risk adjustment tool, such as the chronic illness and disability payment system developed by the university of California, San Diego;

(3) Medicaid cost reports submitted by the health insuring corporations;

(4) Historical and present information on the health insuring corporation enrollment and medicaid eligibility of medicaid recipients in the covered families and children category;

(5) Actuarially sound assumptions regarding the administrative costs of the health insuring corporations and maintenance of their contingency and surplus financial reserves;

(6) A deviation factor that recognizes the impact of adverse claims for payment of health care services:

(7) Any other information recognized by the society of actuaries as relevant to the development of rates that are actuarially sound according to generally accepted actuarial principles and practices.

(C) The risk-adjusted rate structure shall be applied in accordance with the following implementation schedule:

(1) In the first year after the rate structure is developed, fifty per cent of each health insuring corporation's payments shall be risk-adjusted.

(2) In the second year after the rate structure is developed and each year thereafter, all of the payments shall be risk-adjusted.

(D) For purposes of making payments that are not risk-adjusted during the first year the risk-adjusted rate structure is implemented, the department shall develop a reasonable payment range under which the payments may be changed because of the rate structure's implementation.

Sec. 5111.166. In implementing the care management system under section 5111.16 of the Revised Code, the department of job and family services shall provide to the health insuring corporations under contract with the department pursuant to section 5111.17 of the Revised Code a monthly report with information on the medicaid recipients enrolled in the corporations who will no longer be eligible for medicaid. The first report shall be provided not later than December 1, 2007.

The department shall provide the reports to the health insuring corporations in an electronic format. The department shall consult with the health insuring corporations to determine the most efficient method of providing the reports."

In line 142 of the title, after "5111.102," insert "5111.165, 5111.166,"

Between lines 70487 and 70488, insert:

"GRF 440-438 Breast and Cervical Cancer Screening \$2,500,000
\$2,500,000"

In line 70498, delete "\$77,299,699 \$85,371,084" and insert "\$79,799,699
\$87,871,084"

In line 70544, delete "\$621,178,762 \$611,909,857" and insert
"\$623,678,762 \$614,409,857"

Delete lines 70593 through 70597

Between lines 70718 and 70719, insert:

"BREAST AND CERVICAL CANCER SCREENING

The foregoing appropriation item 440-438, Breast and Cervical Cancer

Screening, may be used for breast and cervical cancer screenings and services as permitted under the National Breast and Cervical Cancer Early Detection Project."

In line 71148, delete "\$3,420,852,719 \$3,547,124,242" and insert "\$3,397,352,719 \$3,523,624,242"

In line 71149, delete "\$5,208,659,435 \$5,714,381,823" and insert "\$5,172,877,860 \$5,676,523,557"

In line 71150, delete "\$8,629,512,154 \$9,261,506,065" and insert "\$8,570,230,579 \$9,200,147,799"

Between lines 71155 and 71156, insert:

"GRF 600-529 Capital Compensation Program \$7,000,000 \$0"

In line 71158, delete "\$4,544,743,498 \$4,703,308,810" and insert "\$4,528,243,498 \$4,679,808,810"

In line 71159, delete "\$5,305,237,532 \$5,819,478,610" and insert "\$5,269,455,957 \$5,781,620,344"

In line 71160, delete "\$9,849,981,030 \$10,522,787,420" and insert "\$9,797,699,455 \$10,461,429,154"

In line 71231, delete "\$16,876,426,814 \$17,621,772,043" and insert "\$16,824,145,239 \$17,560,413,777"

In line 71410, delete "two and eight-tenths" and insert "one"

In line 71413, delete "six" and insert "three"

In line 71417, delete "nine" and insert "two"

In line 71418, delete "eighty-five" and insert "seventy-five"

In line 71422, delete "nine and eighty-five" and insert "two and seventy-five"

In line 71473, delete "two and eight-tenths" and insert "one"; delete the semi-colon

Delete line 71474

In line 71475, delete "(B)(1)(c) of this section by one half of a per cent"

In line 71478, delete "twelve" and insert "three"

In line 71482, after "than" insert "one hundred two and seventy-five hundredths per cent of"

In line 71486, after "than" insert "one hundred two and seventy-five hundredths per cent of"

Between lines 71550 and 71551, insert:

"Section ____. ADDITIONAL COMPENSATION FOR NURSING FACILITY CAPITAL COSTS

The foregoing appropriation item 600-529, Capital Compensation Program, shall be used to make payments to nursing facilities under the section of this act entitled "FISCAL YEARS 2008 AND 2009 PAYMENTS TO CERTAIN NURSING FACILITIES."

The unencumbered balance of appropriation item 600-529, Capital Compensation Program, at the end of fiscal year 2008 is hereby appropriated to fiscal year 2009 for use under the same appropriation item.

Section ____. FISCAL YEARS 2008 AND 2009 PAYMENTS TO CERTAIN NURSING FACILITIES

(A) As used in this section:

"Capital costs," "cost of ownership," and "renovation" have the same meanings as in section 5111.20 of the Revised Code as that section existed on June 30, 2005.

"Change of operator" has the same meaning as in section 5111.65 of the Revised Code.

"Inpatient days," "Medicaid days," and "nursing facility" have the same meanings as in section 5111.20 of the Revised Code.

"Reviewable activity" has the same meaning as in section 3702.51 of the Revised Code.

(B) The following qualify for per diem payments under this section:

(1) A nursing facility to which both of the following apply:

(a) Both of the following occurred during fiscal year 2006, 2007, or 2008:

(i) The facility obtained certification as a nursing facility from the Director of Health.

(ii) The facility began participating in the Medicaid program.

(b) An application for a certificate of need for the nursing facility was filed with the Director of Health before June 15, 2005.

(2) A nursing facility to which all of the following apply:

(a) The nursing facility does not qualify for a payment pursuant to division (B)(1) of this section.

(b) The nursing facility, before June 30, 2008, completed a capital project for which a certificate of need was filed with the Director of Health before June 15, 2005, and for which at least one of the following occurred before July 1, 2005, or, if the capital project is undertaken to comply with rules adopted by the Public Health Council regarding resident room size or occupancy, before June

30, 2007:

(i) Any materials or equipment for the capital project were delivered;
(ii) Preparations for the physical site of the capital project, including, if applicable, excavation, began;

(iii) Actual work on the capital project began.

(c) The costs of the capital project are not fully reflected in the capital costs portion of the nursing facility's Medicaid reimbursement per diem rate on June 30, 2005.

(d) The nursing facility files a three-month projected capital cost report with the Director of Job and Family Services not later than ninety days after the later of March 30, 2006, or the date the capital project is completed.

(3) A nursing facility that, before June 30, 2008, completed an activity to which all of the following apply:

(a) A request was filed with the Director of Health before July 1, 2005, for a determination of whether the activity is a reviewable activity and the Director determined that the activity is not a reviewable activity.

(b) At least one of the following occurred before July 1, 2005, or, if the nursing facility undertakes the activity to comply with rules adopted by the Public Health Council regarding resident room size or occupancy, before June 30, 2007:

(i) Any materials or equipment for the activity were delivered.

(ii) Preparations for the physical site of the activity, including, if applicable, excavation, began.

(iii) Actual work on the activity began.

(c) The costs of the activity are not fully reflected in the capital costs portion of the nursing facility's Medicaid reimbursement per diem rate on June 30, 2005.

(d) The nursing facility files a three-month projected capital cost report with the Director of Job and Family Services not later than ninety days after the later of March 30, 2006, or the date the activity is completed.

(4) A nursing facility that, before June 30, 2008, completed a renovation to which all of the following apply:

(a) The Director of Job and Family Services approved the renovation before July 1, 2005.

(b) At least one of the following occurred before July 1, 2005, or, if the nursing facility undertakes the renovation to comply with rules adopted by the Public Health Council regarding resident room size or occupancy, before June 30, 2007:

- (i) Any materials or equipment for the renovation were delivered.
- (ii) Preparations for the physical site of the renovation, including, if applicable, excavation, began.
- (iii) Actual work on the renovation began.
- (c) The costs of the renovation are not fully reflected in the capital costs portion of the nursing facility's Medicaid reimbursement per diem rate on June 30, 2005.
- (d) The nursing facility files a three-month projected capital cost report with the Director of Job and Family Services not later than ninety days after the later of March 30, 2006, or the date the renovation is completed.

(C) If a nursing facility qualifies for per diem payments pursuant to division (B)(1) of this section for fiscal year 2008, the nursing facility's per diem payments under this section for fiscal year 2008 shall equal the difference between the capital costs portion of the nursing facility's Medicaid reimbursement per diem rate determined under Section 309.30.20 of this act and the lesser of the following:

(1) Eighty-eight and sixty-five hundredths per cent of the nursing facility's cost of ownership as reported on a three-month projected capital cost report divided by the greater of the number of inpatient days the nursing facility is expected to have during the period covered by the projected capital cost report or the number of inpatient days the nursing facility would have during that period if the nursing facility's occupancy rate was eighty per cent.

(2) The maximum capital per diem rate in effect for fiscal year 2005 for nursing facilities.

(D) If a nursing facility qualifies for per diem payments pursuant to division (B)(1) of this section for fiscal year 2009, the nursing facility's per diem payments under this section for fiscal year 2009 shall equal the difference between the capital costs portion of the nursing facility's Medicaid reimbursement per diem rate determined under Section 309.30.30 of this act and the lesser of the following:

(1) Eighty-eight and sixty-five hundredths per cent of the nursing facility's cost of ownership as reported on a three-month projected capital cost report divided by the greater of the number of inpatient days the nursing facility is expected to have during the period covered by the projected capital cost report or the number of inpatient days the nursing facility would have during that period if the nursing facility's occupancy rate was eighty per cent.

(2) The maximum capital per diem rate in effect for fiscal year 2005 for nursing facilities.

(E) The per diem payments paid for fiscal year 2008 to a nursing facility that qualifies for the payments pursuant to division (B)(2) or (3) of this section shall equal the difference between the capital costs portion of the nursing

facility's Medicaid reimbursement per diem rate determined under Section 309.30.20 of this act and the lesser of the following:

(1) Eighty-eight and sixty-five hundredths per cent of the nursing facility's cost of ownership as reported on a three-month projected capital cost report divided by the greater of the number of inpatient days the nursing facility is expected to have during the period covered by the projected capital cost report or the number of inpatient days the nursing facility would have during that period if the nursing facility's occupancy rate was ninety-five per cent.

(2) The maximum capital per diem rate in effect for fiscal year 2005 for nursing facilities.

(F) The per diem payments paid for fiscal year 2009 to a nursing facility that qualifies for the payments pursuant to division (B)(2) or (3) of this section shall equal the difference between the capital costs portion of the nursing facility's Medicaid reimbursement per diem rate determined under Section 309.30.30 of this act and the lesser of the following:

(1) Eighty-eight and sixty-five hundredths per cent of the nursing facility's cost of ownership as reported on a three-month projected capital cost report divided by the greater of the number of inpatient days the nursing facility is expected to have during the period covered by the projected capital cost report or the number of inpatient days the nursing facility would have during that period if the nursing facility's occupancy rate was ninety-five per cent.

(2) The maximum capital per diem rate in effect for fiscal year 2005 for nursing facilities.

(G) The per diem payments paid to a nursing facility that qualifies for the payments pursuant to division (B)(4) of this section shall equal eighty-five per cent of the nursing facility's capital costs for the renovation as reported on a three-month projected capital cost report divided by the greater of the number of inpatient days the nursing facility is expected to have during the period covered by the projected capital cost report or the number of inpatient days the nursing facility would have during that period if the nursing facility's occupancy rate was ninety-five per cent.

(H) All of the following apply to the per diem payments made under this section:

(1) All nursing facilities' eligibility for the payments shall cease at the earlier of the following:

(a) July 1, 2009;

(b) The date that the total amount of the payments equals seven million dollars.

(2) The payments made for the last quarter that the payments are made may be reduced proportionately as necessary to avoid spending more than seven million dollars under this section.

(3) The per diem payments shall be made for quarterly periods by multiplying the per diem determined for a nursing facility by the number of Medicaid days the nursing facility has for the quarter the payment is made.

(4) Any per diem payments to be made to a nursing facility for a quarter ending before July 2008 shall be made not later than September 30, 2008.

(5) Any per diem payments to be made to a nursing facility for a quarter beginning after June 2008 shall be made not later than three months after the last day of the quarter for which the payments are made.

(6) A change of operator shall not cause the payments to a nursing facility to cease.

(7) The payments shall only be made to a nursing facility for the quarters during fiscal years 2008 and 2009 for which the nursing facility has a valid Medicaid provider agreement.

(8) The payments shall be in addition to a nursing facility's Medicaid reimbursement per diem rate calculated under Section 309.30.20 or 309.30.30 of this act.

(I) The Director of Job and Family Services shall monitor, on a quarterly basis, the per diem payments made to nursing facilities under this section to ensure that not more than a total of seven million dollars is spent under this section.

(J) The determinations that the Director of Job and Family Services makes under this section are not subject to appeal under Chapter 119. of the Revised Code.

(K) The Director of Job and Family Services may adopt rules in accordance with Chapter 119. of the Revised Code as necessary to implement this section. The Director's failure to adopt the rules does not affect the requirement that the per diem payments be made under this section."

In line 67169, delete "\$635,198,000" and insert "\$666,198,000"

In line 67172, delete "\$657,900,000" and insert "\$688,900,000"

In line 67178, delete "\$10,856,609,507" and insert "\$10,887,609,507"

In line 68821, delete "shall" and insert "may"

In line 68822, delete "General Revenue" and insert "Lottery Profits Education Reserve"; delete the second "to" and insert "(Fund 018)"

In line 68823, delete "support appropriation item 200-550, Foundation Funding"

In line 68832, delete "or to the General Revenue Fund"

In line 68833, delete "to support appropriation item 200-550, Foundation Funding"

Between lines 77786 and 77787, insert:

"Section ____. PAYROLL WITHHOLDING FUNDS FOR WORKERS' COMPENSATION ASSESSMENTS

Notwithstanding any provision of law to the contrary, not later than September 30 of each fiscal year, the Director of Budget and Management may transfer up to \$6,336,457 per fiscal year from the General Revenue Fund to the Payroll Withholding Fund (Fund 124). The amount transferred is hereby appropriated in appropriation item 995-673, Payroll Deductions. The Director of Administrative Services may use the amount transferred to pay increased costs to state agencies attributable to managed care assessments, premiums, and other fees charged by the Bureau of Workers' Compensation that would otherwise have been charged to the General Revenue Fund."

Delete lines 71989 through 71997

Between lines 79872 and 79873, insert:

"Section ____. As used in this section, "Ohio Business Gateway" has the same meaning as in section 718.051 of the Revised Code.

The tax collected by a motor vehicle dealer on sales of motor vehicles to nonresident purchasers under the provisions of section 5739.029 of the Revised Code occurring prior to July 1, 2008, shall be reported and remitted as follows:

(A) The motor vehicle dealer shall provide evidence to the clerk of courts that the tax was collected from the nonresident purchaser at the time the dealer applies for title to the vehicle. Notwithstanding section 4505.06 of the Revised Code, the clerk of courts shall issue the appropriate title for any vehicle sold to a nonresident purchaser when the evidence required by this division is provided by the motor vehicle dealer. For purposes of this division, an application for title made by a motor vehicle dealer that indicates the amount of the sales tax collected by the dealer shall constitute the required evidence.

(B) By the tenth day of each month, each motor vehicle dealer shall, for each location from which the dealer makes sales of motor vehicles, remit the tax collected on all motor vehicles sold during the preceding month to nonresident purchasers through the Ohio Business Gateway in the manner prescribed by the Tax Commissioner.

(C) The Ohio Office of Information Technology shall, on or before the fifteenth day of each month, issue a report of nonresident motor vehicle sales tax payments made through the Ohio Business Gateway by each motor vehicle dealer for sales made during the preceding month. The report shall be in the form prescribed by the Tax Commissioner. A copy of the report shall be provided to the Tax Commissioner and to the Registrar of Motor Vehicles.

(D) The Registrar of Motor Vehicles shall compare the report issued by the Ohio Office of Information Technology pursuant to division (C) of this section with the motor vehicle titles issued by its office for vehicles sold to

nonresident purchasers and report any discrepancies to the Tax Commissioner by the last day of the month in which the report is received.

(E) The Commissioner may collect from a motor vehicle dealer any tax due on sales of motor vehicles to nonresident purchasers of motor vehicles pursuant to section 5739.029 of the Revised Code that has not been remitted through the Ohio Business Gateway as provided in this section by assessment in the manner provided in section 5739.13 of the Revised Code.

(F) If any motor vehicle dealer fails to remit tax for any of its locations on sales to nonresident purchasers through the Ohio Business Gateway in the manner provided in division (B) of this section, the Tax Commissioner may assess a late payment fee not to exceed one hundred dollars for each such location. The late payment fee shall be considered as revenue arising from the tax and may be collected by assessment in the manner provided in section 5739.13 of the Revised Code.

(G) The revenue deposited into the state treasury from taxes paid pursuant to section 5739.029 of the Revised Code and this section shall be credited to the state general revenue fund. From the amounts so credited, a share shall be distributed to the counties as follows:

(1) Five-sixtieths of the revenue collected shall be distributed to the county where the sale is situated under 5739.035 of the Revised Code;

(2) Distributions made to each county shall be made not later than seventy-five days after the report is filed under division (C) of this section;

(3) The amount to be so distributed to each county shall be credited to the funds of the county as provided by divisions (A) and (B) of section 5739.211 of the Revised Code."

In line 71148, delete "\$3,420,852,719 \$3,547,124,242" and insert "\$3,371,917,993 \$3,603,598,928"

In line 71149, delete "\$5,208,659,435 \$5,714,381,823" and insert "\$5,173,236,576 \$5,736,989,273"

In line 71150, delete "\$8,629,512,154 \$9,261,506,065" and insert "\$8,545,154,569 \$9,340,588,201"

In line 71158, delete "\$4,544,743,498 \$4,703,308,810" and insert "\$4,495,808,772 \$4,759,783,496"

In line 71159, delete "\$5,305,237,532 \$5,819,478,610" and insert "\$5,269,814,673 \$5,842,086,060"

In line 71160, delete "\$9,849,981,030 \$10,522,787,420" and insert "\$9,765,623,445 \$10,601,869,556"

In line 71231, delete "\$16,876,426,814 \$17,621,772,043" and insert "\$16,792,069,229 \$17,700,854,179"

In line 74139, delete the first "\$3,050,000" and insert "\$3,220,000"

In line 74141, delete "\$131,953,859" and insert "\$132,123,859"

In line 74233, delete "\$338,376,614" and insert "\$338,546,614"

Between lines 74290 and 74291, insert:

"Section _____. SPECIAL NEEDS PARK AND PLAY AREA

Of the foregoing GRF appropriation item 741-321, Division of Natural Areas and Preserves, \$170,000 in fiscal year 2008 shall be used by the City of Stow for the construction of a special needs play area and park facility."

In line 68245, delete the second "a"; delete "therapy" and insert "therapist"

In line 68249, delete "an"

In line 68254, delete "therapy" and insert "therapist"

In line 21775, delete " provided" and insert " offered"

In line 17124, after " section" insert " and the rules adopted under division (L)(10) of this section"

Between lines 17232 and 17233, insert:

" (10) The state board of education shall adopt rules under Chapter 119. of the Revised Code to implement division (L) of this section."

In line 68263, delete "up to"

Between lines 69160 and 69161, insert:

"Section _____. (A) As used in this section:

(1) "Big eight school district" has the same meaning as in section 3314.02 of the Revised Code.

(2) "Early college high school" means a high school that provides students with a personalized learning plan based on an accelerated curriculum combining high school and college-level coursework.

(B) Any early college high school that is operated by a big eight school district in partnership with a private university may operate as a new start-up community school under Chapter 3314. of the Revised Code beginning in the 2007-2008 school year, if all of the following conditions are met:

(1) The governing authority and sponsor of the school enter into a contract in accordance with section 3314.03 of the Revised Code and, notwithstanding division (D) of section 3314.02 of the Revised Code, both parties adopt and sign the contract by July 9, 2007.

(2) Notwithstanding division (A) of section 3314.016 of the Revised Code, the school's governing authority enters into a contract with the private

university under which the university will be the school's operator.

(3) The school provides the same educational program the school provided while part of the big eight school district."

In line 228, after "3314.083," insert "3314.091,"

Between lines 21951 and 21952, insert:

"Sec. 3314.091. (A) A school district is not required to provide transportation for any native student enrolled in a community school if the district board of education has entered into an agreement with the community school's governing authority that designates the community school as responsible for providing or arranging for the transportation of the district's native students to and from the community school. For any such agreement to be effective, it must be certified by the superintendent of public instruction as having met all of the following requirements:

(1) It is submitted to the department of education by a deadline which shall be established by the department.

(2) ~~It~~ In accordance with divisions (C)(1) and (2) of this section, it specifies qualifications, such as residing a minimum distance from the school, for students to have their transportation provided or arranged.

(3) The transportation provided by the community school is subject to all provisions of the Revised Code and all rules adopted under the Revised Code pertaining to pupil transportation.

(4) The sponsor of the community school also has signed the agreement.

(B) (1) For the school year that begins on July 1, 2007, a school district is not required to provide transportation for any native student enrolled in a community school, if the community school during the previous school year transported the students enrolled in the school or arranged for the students' transportation, even if that arrangement consisted of having parents transport their children to and from the school, but did not enter into an agreement to transport or arrange for transportation for those students under division (A) of this section, and if the governing authority of the community school by July 15, 2007, submits written notification to the district board of education stating that the governing authority is accepting responsibility for providing or arranging for the transportation of the district's native students to and from the community school.

(2) For any school year subsequent to the school year that begins on July 1, 2007, a school district is not required to provide transportation for any native student enrolled in a community school if the governing authority of the community school, by the thirty-first day of January of the previous school year, submits written notification to the district board of education stating that the governing authority is accepting responsibility for providing or arranging for the transportation of the district's native students to and from the community school.

If the governing authority of the community school has previously accepted responsibility for providing or arranging for the transportation of a district's native students to and from the community school, under division (B)(1) or (2) of this section, and has since relinquished that responsibility under division (B)(3) of this section, the governing authority shall not accept that responsibility again unless the district board consents to the governing authority's acceptance of that responsibility.

(3) A governing authority's acceptance of responsibility under division (B)(1) or (2) of this section shall cover an entire school year, and shall remain in effect for subsequent school years unless the governing authority submits written notification to the district board that the governing authority is relinquishing the responsibility. However, a governing authority shall not relinquish responsibility for transportation before the end of a school year, and shall submit the notice relinquishing responsibility by the thirty-first day of January, in order to allow the school district reasonable time to prepare transportation for its native students enrolled in the school.

(C)(1) A community school governing authority that enters into an agreement to ~~provide transportation~~ under division (A) of this section, or that accepts responsibility under division (B) of this section, shall provide or arrange transportation free of any charge for each of its enrolled students ~~eligible for transportation as specified in~~ who is required to be transported under section 3327.01 of the Revised Code or who would otherwise be transported by the school district under the district's transportation policy. The governing authority shall report to the department of education the number of students transported or for whom transportation is arranged under this section in accordance with rules adopted by the state board of education.

(2) The governing authority may provide or arrange transportation for any other enrolled student who is not eligible for transportation in accordance with division (C)(1) of this section and may charge a fee for such service up to the actual cost of the service.

~~(2)~~ (3) Notwithstanding anything to the contrary in division ~~(B)~~ (C)(1) or (2) of this section, a community school governing authority shall provide or arrange transportation free of any charge for any disabled student enrolled in the school for whom the student's individualized education program developed under Chapter 3323. of the Revised Code specifies transportation.

~~(C)~~ (D)(1) If a school district board and a community school governing authority elect to enter into an agreement under division (A) of this section, the department of education ~~annually shall pay~~ make payments to the community school ~~the amount specified in division (C)(2) of this section for each of the enrolled students for whom the school's governing authority provides or arranges transportation to and from school. The~~ according to the terms of the agreement for each student actually transported under division (C)(1) of this section.

If a community school governing authority accepts transportation

responsibility under division (B) of this section, the department shall make payments to the community school for each student actually transported or for whom transportation is arranged by the community school under division (C)(1) of this section, calculated as follows:

(a) For any fiscal year which the general assembly has specified that transportation payments to school districts be based on an across-the-board percentage of the district's payment for the previous school year, the per pupil payment to the community school shall be the following quotient:

(i) The total amount calculated for the school district in which the child is entitled to attend school for student transportation other than transportation of children with disabilities; divided by

(ii) The number of students included in the district's transportation ADM for the current fiscal year, as reported under division (B)(13) of section 3317.03 of the Revised Code, plus the number of students enrolled in the community school not counted in the district's transportation ADM who are transported under division (B)(1) or (2) of this section.

(b) For any fiscal year which the general assembly has specified that the transportation payments to school districts be calculated in accordance with division (D) of section 3317.022 of the Revised Code and any rules of the state board of education implementing that division, the payment to the community school shall be the amount so calculated that otherwise would be paid to the school district in which the student is entitled to attend school by the method of transportation the district would have used. The community school, however, is not required to use the same method to transport that student.

As used in this division "entitled to attend school" means entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.

(2) The department shall deduct the payment under division (D)(1) of this section from the state payment under Chapter 3317, state education aid, as defined in section 3314.08 of the Revised Code, and, if necessary, the payment under sections 321.14 and 323.156 of the Revised Code, that is otherwise paid to the school district in which the student enrolled in the community school resides is entitled to attend school. The department shall include the number of the district's native students for whom payment is made to a community school under this division (D)(1) of this section in the calculation of the district's transportation payment under division (D) of section 3317.022 of the Revised Code and the operating appropriations act.

(3) A community school shall be paid under this division (D)(1) of this section only for students who are eligible as specified in section 3327.01 of the Revised Code ~~or who are disabled and whose individualized education program requires transportation~~ and division (C)(1) of this section, and whose transportation to and from school is actually provided ~~or, who actually utilized transportation~~ arranged, or for whom a payment in lieu of transportation is made by the community school's governing authority. To qualify for the payments, the

community school shall report to the department, in the form and manner required by the department, data on the number of students transported or whose transportation is arranged, the number of miles traveled, cost to transport, and any other information requested by the department.

(4) A community school shall use payments received under this ~~division section~~ solely to pay the costs of providing or arranging for the transportation of students who are eligible as specified in section 3327.01 of the Revised Code ~~or who are disabled and whose individualized education program requires transportation~~ and division (C)(1) of this section, which may include payments to a parent, guardian, or other person in charge of a child in lieu of transportation.

~~(2) The payment to a community school governing authority under this section for eligible students shall be made according to the terms of the agreement entered into under this section.~~

~~(D)~~ (E) Except when arranged through payment to a parent, guardian, or person in charge of a child, transportation provided or arranged for by a community school pursuant to an agreement under this section is subject to all provisions of the Revised Code, and all rules adopted under the Revised Code, pertaining to the construction, design, equipment, and operation of school buses and other vehicles transporting students to and from school. The drivers and mechanics of the vehicles are subject to all provisions of the Revised Code, and all rules adopted under the Revised Code, pertaining to drivers and mechanics of such vehicles. The community school also shall comply with sections 3313.201, 3327.09, and 3327.10 ~~and of the Revised Code~~, division (B) of section 3327.16 of the Revised Code and, subject to division (C)(1) of this section, sections 3327.01 and 3327.02 of the Revised Code, as if it were a school district. ~~For purposes of complying with section 3327.10 of the Revised Code, the educational service center that serves the county in which the community school is located shall be the certifying agency, unless the agreement designates the school district as the certifying agency."~~

In line 55095, after "3314.08;" insert " division (D)(2) of section 3314.091;"

In line 62237, after "3314.083," insert "3314.091,"

In line 79993, after "3314.088," insert "3314.091,"

In line 36 of the title, after "3314.083," insert "3314.091,"

In line 22069, reinsert all before " Payments"; delete " Payments"

Reinsert lines 22078 through 22081

In line 22082, reinsert "district's"; after the reinserted "district's" insert " final"; reinsert "student counts"; after " ~~to~~" insert " verified by the superintendent of public instruction based on reports under"; reinsert "section 3317.03 of"

In line 22083, reinsert "the Revised Code"; after the reinserted "Code"

insert ", as adjusted, if so ordered, under division (K) of that section,"; reinsert "as follows:"

In line 22084, reinsert all before "~~reported~~"; after "~~reported~~" insert "verified and adjusted"

Reinsert line 22085

In line 22086, reinsert "average of the numbers"; after "~~reported~~" insert "verified and adjusted"; reinsert "for the first full week"

Reinsert line 22087

In line 22509, after "Code" insert ", as adjusted, if so ordered, under division (K) of that section"; reinsert ". Beginning in"

Reinsert lines 22510 and 22511

In line 22512, reinsert all before "~~reported~~"; after "~~reported~~" insert "verified and adjusted"; reinsert "for October of that"

In line 22513, reinsert all before "~~reported~~"; after "~~reported~~" insert "verified and adjusted"

In line 22514, reinsert all before the first underlined comma; delete ", as adjusted, if so"

In line 22515, delete all before the period

In line 22523, reinsert all after the period

Reinsert lines 22524 through 22527

In line 22533, reinsert "Beginning in fiscal year"

Reinsert lines 22534 through 22537

Reinsert lines 22543 through 22547

Reinsert lines 22553 through 22557

In line 22562, reinsert "Beginning in"

Reinsert lines 22563 through 22567

In line 22572, reinsert "Beginning in"

Reinsert lines 22573 through 22577

In line 22582, reinsert "Beginning in fiscal year"

Reinsert lines 22583 through 22586

In line 22591, reinsert "Beginning in fiscal year"

Reinsert lines 22592 through 22595

In line 24971, reinsert all after the period

Reinsert lines 24972 and 24973

In line 24974, reinsert "week in February."

Reinsert lines 25053 through 25058

In line 25271, reinsert "Beginning in"

Reinsert lines 25272 and 25273

In line 25274, reinsert "February."

In line 25294, reinsert all after the period

Reinsert lines 25295 through 25301

In line 25431, reinsert "Division"

Reinsert line 25432

In line 17672, delete the underlined semicolon

Delete lines 17673 through 17687

In line 17688, delete everything before the period

In line 25475, reinsert "(a)"

In line 25481, reinsert "(i)" and delete "(a)"

In line 25486, reinsert "(ii)" and delete "(b)"

Reinsert lines 25490 through 25495

In line 25685, reinsert "For" and delete the balance of the line

Delete line 25686

In line 25687, delete "For"

In line 25822, reinsert "shall" and delete "may"

In line 25823, reinsert "units under division (A) of section"

Reinsert lines 25824 through 25830

In line 25831, reinsert "and nine thousand five hundred ten dollars" and delete the balance of the line

Delete line 25832

In line 25833, delete everything before the period

In line 25834, reinsert "unit funds" and delete "a grant"

In line 26595, reinsert "(i)"

In line 26600, reinsert "(i)"

In line 26605, reinsert "(i)"

In line 26610, reinsert "(i)"

In line 26615, reinsert "(i)"

In line 26620, reinsert "(i)"

In line 68287, delete "grants" and insert "units"

In line 228, after "3314.083," insert "3314.26,"

In line 21822, after "(O)" insert "(1) The department shall not withhold payments to a community school based on a challenge brought by a school district concerning the community school's enrollment and student residency reports submitted to the department without first providing the governing authority of the community school written notice stating the specific grounds for the challenge and requiring the school district to submit evidence supporting its claim that a particular student should not be included in the community school's enrollment or that payment for that student otherwise should be denied. The department also shall permit the governing authority to submit documentation the governing authority believes confirms or corrects its earlier reports that are subject to challenge. The school district bears the burden of proof. The department shall set a reasonable deadline for the school district and community school to submit documentation regarding the challenge. The department shall not withhold payments pending that deadline. The department immediately shall dismiss any challenge regarding a particular student if the department finds that the school district has not timely submitted evidence as required under this division or otherwise has not met its burden of proof or that the documentation submitted by the governing authority confirms or corrects its earlier reports regarding that student.

(2) If the department finds that the school district has timely submitted evidence and has met its burden of proof and, accordingly, that the particular student for which the district brought the challenge should not be included in the community school's enrollment or that payment otherwise should be denied for that student, the department shall withhold payments to the community school for that student.

If the governing authority of the community school subsequently submits documentation that the department finds confirms or corrects the earlier reports regarding that student, the department shall resume payments to the community school for that student and, if appropriate, shall include payment for the prior months that were withheld.

(3) The department shall not withhold any other payments from a community school without first providing to the governing authority of the community school written notice stating the amount to be withheld, reasons for withholding, and offering an opportunity for a hearing in accordance with division (P)(2) of this section.

(P)"

In line 21855, strike through "(P)" and insert "(Q)"

Between lines 22015 and 22016, insert:

"Sec. 3314.26. (A) Each internet- or computer-based community school shall withdraw from the school any student who, for two consecutive school years, has failed to participate in the spring administration of any test prescribed under section 3301.0710 or 3301.0712 of the Revised Code for the student's grade level and was not excused from the test pursuant to division (C)(1) or (3) of section 3301.0711 of the Revised Code, regardless of whether a waiver was granted for the student under division ~~(P)~~ (Q)(3) of section 3314.08 of the Revised Code. The school shall report any such student's data verification code, as assigned pursuant to section 3301.0714 of the Revised Code, to the department of education. The department shall maintain a list of all data verification codes reported under this division and section 3313.6410 of the Revised Code and provide that list to each internet- or computer-based community school and to each school to which section 3313.6410 of the Revised Code applies.

(B) No internet- or computer-based community school shall receive any state funds under this chapter for any enrolled student whose data verification code appears on the list maintained by the department under division (A) of this section.

Notwithstanding any provision of the Revised Code to the contrary, the parent of any such student shall pay tuition to the internet- or computer-based community school in an amount equal to the state funds the school otherwise would receive for that student, as determined by the department. An internet- or computer-based community school may withdraw any student for whom the parent does not pay tuition as required by this division."

In line 62237, after "3314.083," insert "3314.26,"

In line 79993, after "3314.19," insert "3314.26,"

In line 36 of the title, after "3314.083," insert "3314.26,"

In line 297, delete "3314.088,"

Delete lines 21933 through 21951

In line 79993, delete "3314.088,"

In line 127 of the title, delete "3314.088,"

Between lines 68869 and 68870, insert:

"DISTRIBUTION FORMULAS

The Department of Education shall report the following to the Director of Budget and Management and the Legislative Service Commission:

(A) Changes in formulas for distributing state appropriations, including administratively defined formula factors;

(B) Discretionary changes in formulas for distributing federal appropriations;

(C) Federally mandated changes in formulas for distributing federal appropriations.

Any such changes shall be reported two weeks prior to the effective date of the change."

Delete lines 67868 through 67877

In line 67878, delete "remainder of" and insert "foregoing"

In line 67722, delete "up to"

In line 67477, delete "in"

In line 67478, delete "Dayton/Sinclair Youth Initiative"

In line 67077, delete "\$12,910,665" and insert "\$13,110,665"

In line 67085, delete "\$76,387,144" and insert "\$76,187,144"

In line 67464, delete "\$322,281" and insert "\$272,281"

Between lines 67482 and 67483, insert:

"Of the foregoing appropriation item 200-421, Alternative Education Programs, \$50,000 in fiscal year 2008 and \$250,000 in fiscal year 2009 shall be used for the administration of the Special Education Scholarship Pilot Program established under section 3310.52 of the Revised Code."

Delete lines 67429 through 67436

In line 67084, delete "\$15,765,000 \$15,765,000" and insert \$15,515,000 \$15,515,000"

In line 67102, delete "\$138,619,945 \$139,756,839" and insert "\$138,869,945 \$140,006,839"

In line 67712, delete "\$9,540,000" and insert "\$9,290,000"

In line 68263, delete "\$400,000" and insert "\$650,000"

In line 286, after "(3702.59)," insert "5101.521 (9.15),"

In line 304, after "5101.272," insert "5101.5211, 5101.5212, 5101.5213, 5101.5214, 5101.5215, 5101.5216,"

Between lines 321 and 322, insert:

"**Sec. ~~5101.521~~ 9.15.** When the body of a dead person is found in a township or municipal corporation, and such person was not an inmate of a correctional, benevolent, or charitable institution of this state, and the body is not claimed by any person for private interment or cremation at the person's own expense, or delivered for the purpose of medical or surgical study or dissection in accordance with section 1713.34 of the Revised Code, it shall be disposed of

as follows:

(A) If the person was a legal resident of the county, the proper officers of the township or municipal corporation in which the person's body was found shall cause it to be buried or cremated at the expense of the township or municipal corporation in which the person had a legal residence at the time of death.

(B) If the person had a legal residence in any other county of the state at the time of death, the superintendent of the county home of the county in which such body was found shall cause it to be buried or cremated at the expense of the township or municipal corporation in which the person had a legal residence at the time of death.

(C) If the person was an inmate of a correctional institution of the county or a patient or resident of a benevolent institution of the county, the person had no legal residence in the state, or the person's legal residence is unknown, the superintendent shall cause the person to be buried or cremated at the expense of the county.

Such officials shall provide, at the grave of the person or, if the person's cremated remains are buried, at the grave of the person's cremated remains, a stone or concrete marker on which the person's name and age, if known, and date of death shall be inscribed.

A political subdivision is not relieved of its duty to bury or cremate a person at its expense under this section when the body is claimed by an indigent person."

Between lines 44061 and 44062, insert:

" **Sec. 5101.5211.** (A) As used in sections 5101.5211 to 5101.5216 of the Revised Code:

"Children's buy-in program" means the program established under sections 5101.5211 to 5101.5216 of the Revised Code.

"Countable income" has the meaning established in rules adopted under section 5101.5215 of the Revised Code.

"Creditable coverage" has the same meaning as in 42 U.S.C. 300gg(c)(1), except that it does not mean medical assistance available under the children's buy-in program or the program for medically handicapped children.

"Family" has the meaning established in rules adopted under section 5101.5215 of the Revised Code.

"Federal poverty guidelines" has the same meaning as in section 5101.46 of the Revised Code.

"Program for medically handicapped children" means the program established under sections 3701.021 to 3701.0210 of the Revised Code.

(B) The director of job and family services shall establish the children's

buy-in program in accordance with sections 5101.5211 to 5101.5216 of the Revised Code. The director shall submit to the United States secretary of health and human services an amendment to the state medicaid plan, an amendment to the state child health plan, one or more requests for a federal waiver, or such an amendment and waiver requests as necessary to seek federal matching funds for the children's buy-in program. The director shall not begin implementation of the program until after submitting the amendment, waiver request, or both. The director may begin implementation of the program before receiving approval of the amendment, waiver request, or both using state funds only. The director shall implement the program regardless of whether the amendment, waiver request, or both are denied. The program shall be funded with state funds only if the United States secretary denies federal matching funds for the program.

Sec. 5101.5212. Under the children's buy-in program and subject to section 5101.5213 of the Revised Code, an individual who does both of the following in accordance with rules adopted under section 5101.5215 of the Revised Code qualifies for medical assistance under the program:

(A) Applies for the children's buy-in program;

(B) Provides satisfactory evidence of all of the following:

(1) That the individual is under nineteen years of age;

(2) That the individual's countable income exceeds three hundred per cent of the federal poverty guidelines;

(3) That the individual has not had creditable coverage for at least six months before enrolling in the children's buy-in program;

(4) That one or more of the following apply to the individual:

(a) The individual is unable to obtain creditable coverage due to a pre-existing condition of the individual;

(b) The individual lost the only creditable coverage available to the individual because the individual has exhausted a lifetime benefit limitation;

(c) The premium for the only creditable coverage available to the individual is greater than two hundred per cent of the premium applicable to the individual under the children's buy-in program;

(d) The individual participates in the program for medically handicapped children.

(5) That the individual meets the additional eligibility requirements for the children's buy-in program established in rules adopted under section 5101.5215 of the Revised Code.

Sec. 5101.5213. (A) An individual participating in the children's buy-in program shall be charged a monthly premium established by rules adopted under section 5101.5215 of the Revised Code. The amount of the monthly premium shall not be less than the following:

(1) In the case of an individual with countable income exceeding three hundred per cent but not exceeding four hundred per cent of the federal poverty guidelines, the following amount:

(a) If no other member of the individual's family receives medical assistance under the program with the individual, one hundred dollars;

(b) If one or more members of the individual's family receive medical assistance under the program with the individual, one hundred fifty dollars.

(2) In the case of an individual with countable income exceeding four hundred per cent but not exceeding five hundred per cent of the federal poverty guidelines, the following amount:

(a) If no other member of the individual's family receives medical assistance under the program with the individual, one hundred twenty-five dollars;

(b) If one or more members of the individual's family receive medical assistance under the program with the individual, one hundred seventy-five dollars.

(3) In the case of an individual with countable income exceeding five hundred per cent of the federal poverty guidelines, the full amount of the actuarially determined cost of the premium.

(B) If the premium for the children's buy-in program is not paid for two consecutive months, the individual shall lose eligibility for the program. The individual may not resume participation in the program until the unpaid premiums that accrued before the individual lost eligibility are paid.

Sec. 5101.5214. (A) An individual participating in the children's buy-in program may be charged co-payments to the extent required by rules, if any, adopted under division (B) of section 5101.5215 of the Revised Code.

(B) Notwithstanding division (B) of section 5111.0112 of the Revised Code, if applicable, and to the extent permitted by federal law, a provider may refuse to provide a service to an individual if a co-payment authorized by this section is not paid.

Sec. 5101.5215. (A) The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code as necessary to implement the children's buy-in program, including rules that do all of the following:

(1) Establish the meaning of "countable income" and "family";

(2) For the purpose of section 5101.5212 of the Revised Code, establish additional eligibility requirements for the program;

(3) For the purpose of section 5101.5213 of the Revised Code, establish monthly premiums for the children's buy-in program.

(B) The director may adopt rules in accordance with Chapter 119. of the Revised Code to establish co-payment requirements for individuals participating in the children's buy-in program.

Sec. 5101.5216. The director of job and family services shall prepare a report on the children's buy-in program that examines the program's effectiveness and includes the number of individuals participating in the program and the costs of the program. The director shall submit the report to the governor and general assembly not later than December 31, 2008."

In line 46064, after the underlined period insert " In the case of an individual participating in the children's buy-in program established under sections 5101.5211 to 5101.5216 of the Revised Code, the cost-sharing program shall be consistent with sections 5101.5213 and 5101.5214 of the Revised Code if the children's buy-in program is a component of the medicaid program."

In line 62265, after "5101.51," insert "5101.521,"

Delete lines 71667 through 71719

In line 116 of the title, after "(3702.59)," insert "5101.521 (9.15),"

In line 137 of the title, after "5101.272," insert "5101.5211, 5101.5212, 5101.5213, 5101.5214, 5101.5215, 5101.5216,"

In line 210, after "173.35," insert "173.71,"

In line 255, after "5101.244," insert "5101.26,"

In line 256, delete "5101.51" and insert "5101.47, 5101.50"

In line 286, after "(3702.59)," insert "5101.521 (9.15),"

In line 289, after "3704.14," insert "5101.521,"

In line 304, after "5101.272," insert "5101.52, 5101.522, 5101.523, 5101.524, 5101.525, 5101.526, 5101.527, 5101.528, 5101.529,"

Between lines 321 and 322, insert:

"Sec. ~~5101.521~~ 9.15. When the body of a dead person is found in a township or municipal corporation, and such person was not an inmate of a correctional, benevolent, or charitable institution of this state, and the body is not claimed by any person for private interment or cremation at the person's own expense, or delivered for the purpose of medical or surgical study or dissection in accordance with section 1713.34 of the Revised Code, it shall be disposed of as follows:

(A) If the person was a legal resident of the county, the proper officers of the township or municipal corporation in which the person's body was found shall cause it to be buried or cremated at the expense of the township or municipal corporation in which the person had a legal residence at the time of death.

(B) If the person had a legal residence in any other county of the state at the time of death, the superintendent of the county home of the county in which such body was found shall cause it to be buried or cremated at the expense of the township or municipal corporation in which the person had a legal residence at the time of death.

(C) If the person was an inmate of a correctional institution of the county or a patient or resident of a benevolent institution of the county, the person had no legal residence in the state, or the person's legal residence is unknown, the superintendent shall cause the person to be buried or cremated at the expense of the county.

Such officials shall provide, at the grave of the person or, if the person's cremated remains are buried, at the grave of the person's cremated remains, a stone or concrete marker on which the person's name and age, if known, and date of death shall be inscribed.

A political subdivision is not relieved of its duty to bury or cremate a person at its expense under this section when the body is claimed by an indigent person."

In line 4767, strike through "or" and insert an underlined comma

In line 4768, after "Code" insert " , or the children's health insurance program part III provided for under section 5101.52 of the Revised Code"

Between lines 7209 and 7210, insert:

"**Sec. 173.71.** As used in sections 173.71 to 173.91 of the Revised Code:

(A) "Children's health insurance program" means the children's health insurance program part I ~~and~~ , part II , and part III established under sections 5101.50 to ~~5101.5110~~ 5101.529 of the Revised Code.

(B) "Disability medical assistance program" means the program established under section 5115.10 of the Revised Code.

(C) "Medicaid program" or "medicaid" means the medical assistance program established under Chapter 5111. of the Revised Code.

(D) "National drug code number" means the number registered for a drug pursuant to the listing system established by the United States food and drug administration under the "Drug Listing Act of 1972," 86 Stat. 559, 21 U.S.C. 360, as amended.

(E) "Ohio's best Rx program participant" or "participant" means an individual determined eligible for the Ohio's best Rx program and included under an Ohio's best Rx program enrollment card.

(F) "Participating manufacturer" means a drug manufacturer participating in the Ohio's best Rx program pursuant to a manufacturer agreement entered into under section 173.81 of the Revised Code.

(G) "Participating terminal distributor" means a terminal distributor of dangerous drugs participating in the Ohio's best Rx program pursuant to an agreement entered into under section 173.79 of the Revised Code.

(H) "Political subdivision" has the same meaning as in section 9.23 of the Revised Code.

(I) "State agency" has the same meaning as in section 9.23 of the Revised Code.

(J) "Terminal distributor of dangerous drugs" has the same meaning as in section 4729.01 of the Revised Code.

(K) "Third-party payer" has the same meaning as in section 3901.38 of the Revised Code.

(L) "Trade secret" has the same meaning as in section 1333.61 of the Revised Code.

(M) "Usual and customary charge" means the amount a participating terminal distributor or the drug mail order system included in the Ohio's best Rx program pursuant to section 173.78 of the Revised Code charges when a drug included in the program is purchased by an individual who does not receive a discounted price for the drug pursuant to any drug discount program, including the Ohio's best Rx program or a pharmacy assistance program established by any person or government entity, and for whom no third-party payer or program funded in whole or part with state or federal funds is responsible for all or part of the cost of the drug."

In line 9944, after "5101.515" insert " or 5101.525"

In line 9946, after "II" insert " or part III"

Between lines 43945 and 43946, insert:

"**Sec. 5101.26.** As used in this section and in sections 5101.27 to 5101.30 of the Revised Code:

(A) "County agency" means a county department of job and family services or a public children services agency.

(B) "Fugitive felon" means an individual who is fleeing to avoid prosecution, or custody or confinement after conviction, under the laws of the place from which the individual is fleeing, for a crime or an attempt to commit a crime that is a felony under the laws of the place from which the individual is fleeing or, in the case of New Jersey, a high misdemeanor, regardless of whether the individual has departed from the individual's usual place of residence.

(C) "Information" means records as defined in section 149.011 of the Revised Code, any other documents in any format, and data derived from records and documents that are generated, acquired, or maintained by the department of job and family services, a county agency, or an entity performing duties on behalf of the department or a county agency.

(D) "Law enforcement agency" means the state highway patrol, an agency that employs peace officers as defined in section 109.71 of the Revised Code, the adult parole authority, a county department of probation, a prosecuting attorney, the attorney general, similar agencies of other states, federal law enforcement agencies, and postal inspectors. "Law enforcement agency" includes the peace officers and other law enforcement officers employed by the agency.

(E) "Medical assistance provided under a public assistance program" means medical assistance provided under the programs established under sections 5101.49, 5101.50 to 5101.503, ~~and~~ 5101.51 to 5101.5110, and 5101.52 to 5101.529, Chapters 5111. and 5115., or any other provision of the Revised Code.

(F) "Public assistance" means financial assistance, medical assistance, or social services provided under a program administered by the department of job and family services or a county agency pursuant to Chapter 329., 5101., 5104., 5107., 5108., 5111., or 5115. of the Revised Code or an executive order issued under section 107.17 of the Revised Code.

(G) "Public assistance recipient" means an applicant for or recipient or former recipient of public assistance."

Delete lines 44041 through 44061 and insert:

"Sec. 5101.47. (A) Except as provided in division (B) of this section, the director of job and family services may accept applications, determine eligibility, redetermine eligibility, and perform related administrative activities for one or more of the following:

(1) The medicaid program established by Chapter 5111. of the Revised Code;

(2) The children's health insurance program parts ~~I and~~ I , II , and III provided for under sections 5101.50 ~~and~~ 5101.51 , and 5101.52 of the Revised Code;

(3) Publicly funded child care provided under Chapter 5104. of the Revised Code;

(4) The food stamp program administered by the department of job and family services pursuant to section 5101.54 of the Revised Code;

(5) Other programs the director determines are supportive of children, adults, or families;

(6) Other programs regarding which the director determines administrative cost savings and efficiency may be achieved through the department accepting applications, determining eligibility, redetermining eligibility, or performing related administrative activities.

(B) If federal law requires a face-to-face interview to complete an

eligibility determination for a program specified in or pursuant to division (A) of this section, the face-to-face interview shall not be conducted by the department of job and family services.

(C) Subject to division (B) of this section, if the director elects to accept applications, determine eligibility, redetermine eligibility, and perform related administrative activities for a program specified in or pursuant to division (A) of this section, both of the following apply:

(1) An individual seeking services under the program may apply for the program to the director or to the entity that state law governing the program authorizes to accept applications for the program.

(2) The director is subject to federal statutes and regulations and state statutes and rules that require, permit, or prohibit an action regarding accepting applications, determining or redetermining eligibility, and performing related administrative activities for the program.

(D) The director may adopt rules as necessary to implement this section.

Sec. 5101.50. (A) As used in ~~this section and in sections 5101.51~~ 5101.50 to ~~5101.5110~~ 5101.529 of the Revised Code:

(1) "Children's health insurance program" means the program authorized by Title XXI of the "Social Security Act," 111 Stat. 552 (1997), 42 U.S.C.A. 1397aa.

(2) "Federal poverty guidelines" has the same meaning as in section 5101.46 of the Revised Code.

(B) The director of job and family services may continue to operate the children's health insurance program initially authorized by an executive order issued under section 107.17 of the Revised Code as long as federal financial participation is available for the program. If operated, the program shall provide health assistance to uninsured individuals under nineteen years of age with family incomes not exceeding one hundred fifty per cent of the federal poverty guidelines. In accordance with 42 U.S.C.A. 1397aa, the director may provide for the health assistance to meet the requirements of 42 U.S.C.A. 1397cc, to be provided under the medicaid program established under Chapter 5111. of the Revised Code, or to be a combination of both.

Sec. 5101.52. In accordance with federal law governing the children's health insurance program, the director of job and family services may submit a request for a federal waiver to the United States secretary of health and human services to provide, except as provided in section 5101.526 of the Revised Code, health assistance to individuals under nineteen years of age with family incomes above two hundred per cent of the federal poverty guidelines but not exceeding three hundred per cent of the federal poverty guidelines. If the director submits the plan, the director shall stipulate in the plan that the health assistance will be available only while federal financial participation is available for it and that health assistance shall not begin before January 1, 2008.

Sec. 5101.521. Health assistance provided under section 5101.52 of the Revised Code shall be known as the children's health insurance program part III.

Sec. 5101.522. If the director of job and family services submits a waiver request to the United States secretary of health and human services under section 5101.52 of the Revised Code and the secretary grants the waiver, the director shall implement the children's health insurance program part III in accordance with the waiver. The director may adopt rules in accordance with Chapter 119. of the Revised Code as necessary for the efficient administration of the program, including rules that establish all of the following:

(A) The conditions under which health assistance services will be reimbursed;

(B) The method of reimbursement applicable to services reimbursable under the program;

(C) The amount of reimbursement, or the method by which the amount is to be determined, for each reimbursable service.

Sec. 5101.523. The director of job and family services may contract with a government entity or person to perform the director's administrative duties regarding the children's health insurance program part III, other than the duty to submit a waiver request to the United States secretary of health and human services under section 5101.52 of the Revised Code and the duty to adopt rules under section 5101.522 of the Revised Code.

Sec. 5101.524. In accordance with 42 U.S.C. 1397aa, the director of job and family services shall provide for health assistance under the children's health insurance program part III to meet the requirements of 42 U.S.C. 1397cc, to be provided under the medicaid program established under Chapter 5111. of the Revised Code, or to be a combination of both.

Sec. 5101.525. The director of job and family services may determine applicants' eligibility for the children's health insurance program part III by any of the following means:

(A) Using employees of the department of job and family services;

(B) Assigning the duty to county departments of job and family services;

(C) Contracting with a government entity or person.

Sec. 5101.526. If the director of job and family services determines that federal financial participation for the children's health insurance program part III is insufficient to provide health assistance to all the individuals the director anticipates are eligible for the program, the director may refuse to accept new applications for the program or may make the program's eligibility requirements more restrictive.

Sec. 5101.527. To the extent permitted by 42 U.S.C. 1397cc(e), the director of job and family services shall require an individual receiving health

assistance under the children's health insurance program part III to pay the following as a term of participation in the program:

(A) A premium of not less than forty dollars per month for a family with one individual receiving health assistance under the program;

(B) A premium of not less than eighty dollars per month for a family with two individuals receiving health assistance under the program;

(C) A premium of not less than one hundred twenty dollars per month for a family with three or more individuals receiving health assistance under the program.

Sec. 5101.528. If the children's health insurance program part III is not provided under the medicaid program established under Chapter 5111. of the Revised Code, the director of job and family services shall establish an appeal process for individuals aggrieved by a decision made regarding eligibility for the children's health insurance program part III. The process may be identical to, similar to, or different from the appeal process established by section 5101.35 of the Revised Code.

Sec. 5101.529. A completed application for the medicaid program under Chapter 5111. of the Revised Code shall be treated as an application for health assistance under the children's health insurance program part III."

In line 44084, delete " and" and insert an underlined comma

In line 44085, after " II" insert " , and part III"; delete " 5101.5110" and insert " 5101.529"

In line 62219, after "173.35," insert "173.71,"

In line 62265, after "5101.244," insert "5101.26,"; delete "5101.51," and insert "5101.47, 5101.50, 5101.521"

In line 12 of the title, after "173.35," insert "173.71,"

In line 74 of the title, after "5101.244," insert "5101.26,"; delete "5101.51," and insert "5101.47, 5101.50,"

In line 116 of the title, after "(3702.59)," insert "5101.521 (9.15),"

In line 119 of the title, after "3704.14," insert "5101.521,"

In line 137 of the title, after "5101.272," insert "5101.52, 5101.522, 5101.523, 5101.524, 5101.525, 5101.526, 5101.527, 5101.528, 5101.529,"

In line 224, after "3302.10," insert "3307.01, 3307.31, 3309.01, 3309.51,"

In line 225, after "3313.532," insert "3313.537,"

In line 234, after "3318.36," insert "3319.29, 3319.291, 3319.301, 3319.31,"

In line 240, after "3365.01," insert "3365.02, 3365.03, 3365.04,

3365.041, 3365.05, 3365.07, 3365.09, 3365.11,"

In line 248, after "4112.13," insert "4117.06,"

In line 290, after "117.112," insert "117.113,"

In line 297, after "3317.161," insert "3319.28,"; after "3323.052," insert "3326.01, 3326.02, 3326.03, 3326.04, 3326.05, 3326.06, 3326.07, 3326.08, 3326.09, 3326.10, 3326.11, 3326.12, 3326.13, 3326.14, 3326.15, 3326.16, 3326.17, 3326.18, 3326.19, 3326.20, 3326.21, 3326.22, 3326.23, 3326.31, 3326.32, 3326.33, 3326.34, 3326.35, 3326.36, 3326.37, 3326.38, 3326.49, 3326.50,"

In line 1606, delete " section" and insert " sections"; after " 117.112" insert " and 117.113"

Between lines 1667 and 1668, insert:

" **Sec. 117.113.** The auditor of state shall audit each science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code in accordance with this chapter each fiscal year."

Between lines 17908 and 17909, insert:

"**Sec. 3307.01.** As used in this chapter:

(A) "Employer" means the board of education, school district, governing authority of any community school established under Chapter 3314. of the Revised Code, a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code. college, university, institution, or other agency within the state by which a teacher is employed and paid.

(B) "Teacher" means all of the following:

(1) Any person paid from public funds and employed in the public schools of the state under any type of contract described in section 3319.08 of the Revised Code in a position for which the person is required to have a license issued pursuant to sections 3319.22 to 3319.31 of the Revised Code;

(2) Any person employed as a teacher by a community school or a science, technology, engineering, and mathematics school pursuant to Chapter 3314. or 3326. of the Revised Code;

(3) Any person having a license issued pursuant to sections 3319.22 to 3319.31 of the Revised Code and employed in a public school in this state in an educational position, as determined by the state board of education, under programs provided for by federal acts or regulations and financed in whole or in part from federal funds, but for which no licensure requirements for the position can be made under the provisions of such federal acts or regulations;

(4) Any other teacher or faculty member employed in any school, college, university, institution, or other agency wholly controlled and managed,

and supported in whole or in part, by the state or any political subdivision thereof, including Central state university, Cleveland state university, and the university of Toledo;

(5) The educational employees of the department of education, as determined by the state superintendent of public instruction.

In all cases of doubt, the state teachers retirement board shall determine whether any person is a teacher, and its decision shall be final.

"Teacher" does not include any eligible employee of a public institution of higher education, as defined in section 3305.01 of the Revised Code, who elects to participate in an alternative retirement plan established under Chapter 3305. of the Revised Code.

(C) "Member" means any person included in the membership of the state teachers retirement system, which shall consist of all teachers and contributors as defined in divisions (B) and (D) of this section and all disability benefit recipients, as defined in section 3307.50 of the Revised Code. However, for purposes of this chapter, the following persons shall not be considered members:

(1) A student, intern, or resident who is not a member while employed part-time by a school, college, or university at which the student, intern, or resident is regularly attending classes;

(2) A person denied membership pursuant to section 3307.24 of the Revised Code;

(3) An other system retirant, as defined in section 3307.35 of the Revised Code, or a superannuate;

(4) An individual employed in a program established pursuant to the "Job Training Partnership Act," 96 Stat. 1322 (1982), 29 U.S.C.A. 1501.

(D) "Contributor" means any person who has an account in the teachers' savings fund or defined contribution fund.

(E) "Beneficiary" means any person eligible to receive, or in receipt of, a retirement allowance or other benefit provided by this chapter.

(F) "Year" means the year beginning the first day of July and ending with the thirtieth day of June next following, except that for the purpose of determining final average salary under the plan described in sections 3307.50 to 3307.79 of the Revised Code, "year" may mean the contract year.

(G) "Local district pension system" means any school teachers pension fund created in any school district of the state in accordance with the laws of the state prior to September 1, 1920.

(H) "Employer contribution" means the amount paid by an employer, as determined by the employer rate, including the normal and deficiency rates, contributions, and funds wherever used in this chapter.

(I) "Five years of service credit" means employment covered under this chapter and employment covered under a former retirement plan operated, recognized, or endorsed by a college, institute, university, or political subdivision of this state prior to coverage under this chapter.

(J) "Actuary" means the actuarial consultant to the state teachers retirement board, who shall be either of the following:

(1) A member of the American academy of actuaries;

(2) A firm, partnership, or corporation of which at least one person is a member of the American academy of actuaries.

(K) "Fiduciary" means a person who does any of the following:

(1) Exercises any discretionary authority or control with respect to the management of the system, or with respect to the management or disposition of its assets;

(2) Renders investment advice for a fee, direct or indirect, with respect to money or property of the system;

(3) Has any discretionary authority or responsibility in the administration of the system.

(L)(1) Except as provided in this division, "compensation" means all salary, wages, and other earnings paid to a teacher by reason of the teacher's employment, including compensation paid pursuant to a supplemental contract. The salary, wages, and other earnings shall be determined prior to determination of the amount required to be contributed to the teachers' savings fund or defined contribution fund under section 3307.26 of the Revised Code and without regard to whether any of the salary, wages, or other earnings are treated as deferred income for federal income tax purposes.

(2) Compensation does not include any of the following:

(a) Payments for accrued but unused sick leave or personal leave, including payments made under a plan established pursuant to section 124.39 of the Revised Code or any other plan established by the employer;

(b) Payments made for accrued but unused vacation leave, including payments made pursuant to section 124.13 of the Revised Code or a plan established by the employer;

(c) Payments made for vacation pay covering concurrent periods for which other salary, compensation, or benefits under this chapter are paid;

(d) Amounts paid by the employer to provide life insurance, sickness, accident, endowment, health, medical, hospital, dental, or surgical coverage, or other insurance for the teacher or the teacher's family, or amounts paid by the employer to the teacher in lieu of providing the insurance;

(e) Incidental benefits, including lodging, food, laundry, parking, or

services furnished by the employer, use of the employer's property or equipment, and reimbursement for job-related expenses authorized by the employer, including moving and travel expenses and expenses related to professional development;

(f) Payments made by the employer in exchange for a member's waiver of a right to receive any payment, amount, or benefit described in division (L)(2) of this section;

(g) Payments by the employer for services not actually rendered;

(h) Any amount paid by the employer as a retroactive increase in salary, wages, or other earnings, unless the increase is one of the following:

(i) A retroactive increase paid to a member employed by a school district board of education in a position that requires a license designated for teaching and not designated for being an administrator issued under section 3319.22 of the Revised Code that is paid in accordance with uniform criteria applicable to all members employed by the board in positions requiring the licenses;

(ii) A retroactive increase paid to a member employed by a school district board of education in a position that requires a license designated for being an administrator issued under section 3319.22 of the Revised Code that is paid in accordance with uniform criteria applicable to all members employed by the board in positions requiring the licenses;

(iii) A retroactive increase paid to a member employed by a school district board of education as a superintendent that is also paid as described in division (L)(2)(h)(i) of this section;

(iv) A retroactive increase paid to a member employed by an employer other than a school district board of education in accordance with uniform criteria applicable to all members employed by the employer.

(i) Payments made to or on behalf of a teacher that are in excess of the annual compensation that may be taken into account by the retirement system under division (a)(17) of section 401 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 401(a)(17), as amended. For a teacher who first establishes membership before July 1, 1996, the annual compensation that may be taken into account by the retirement system shall be determined under division (d)(3) of section 13212 of the "Omnibus Budget Reconciliation Act of 1993," Pub. L. No. 103-66, 107 Stat. 472.

(j) Payments made under division (B), (C), or (E) of section 5923.05 of the Revised Code, Section 4 of Substitute Senate Bill No. 3 of the 119th general assembly, Section 3 of Amended Substitute Senate Bill No. 164 of the 124th general assembly, or Amended Substitute House Bill No. 405 of the 124th general assembly;

(k) Anything of value received by the teacher that is based on or attributable to retirement or an agreement to retire.

(3) The retirement board shall determine by rule both of the following:

- (a) Whether particular forms of earnings are included in any of the categories enumerated in this division;
- (b) Whether any form of earnings not enumerated in this division is to be included in compensation.

Decisions of the board made under this division shall be final.

(M) "Superannuate" means both of the following:

- (1) A former teacher receiving from the system a retirement allowance under section 3307.58 or 3307.59 of the Revised Code;
- (2) A former teacher receiving a benefit from the system under a plan established under section 3307.81 of the Revised Code, except that "superannuate" does not include a former teacher who is receiving a benefit based on disability under a plan established under section 3307.81 of the Revised Code.

For purposes of sections 3307.35 and 3307.353 of the Revised Code, "superannuate" also means a former teacher receiving from the system a combined service retirement benefit paid in accordance with section 3307.57 of the Revised Code, regardless of which retirement system is paying the benefit.

Sec. 3307.31. (A) Payments by boards of education and governing authorities of community schools to the state teachers retirement system, as provided in sections 3307.29 and 3307.291 of the Revised Code, shall be made from the amount allocated under section 3314.08 or Chapter 3317. of the Revised Code prior to its distribution to the individual school districts or community schools. The amount due from each school district or community school shall be certified by the secretary of the system to the superintendent of public instruction monthly, or at such times as may be determined by the state teachers retirement board.

The superintendent shall deduct, from the amount allocated to each district or community school under section 3314.08 or Chapter 3317. of the Revised Code, the entire amounts due to the system from such district or school upon the certification to the superintendent by the secretary thereof.

The superintendent shall certify to the director of budget and management the amounts thus due the system for payment.

(B) Payments to the state teachers retirement system by a science, technology, engineering, and mathematics school shall be deducted from the amount allocated under section 3326.33 of the Revised Code and shall be made in the same manner as payments by boards of education under this section.

Sec. 3309.01. As used in this chapter:

(A) "Employer" or "public employer" means boards of education, school districts, joint vocational districts, governing authorities of community schools

established under Chapter 3314. of the Revised Code, a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code, educational institutions, technical colleges, state, municipal, and community colleges, community college branches, universities, university branches, other educational institutions, or other agencies within the state by which an employee is employed and paid, including any organization using federal funds, provided the federal funds are disbursed by an employer as determined by the above. In all cases of doubt, the school employees retirement board shall determine whether any employer is an employer as defined in this chapter, and its decision shall be final.

(B) "Employee" means all of the following:

(1) Any person employed by a public employer in a position for which the person is not required to have a certificate or license issued pursuant to sections 3319.22 to 3319.31 of the Revised Code;

(2) Any person who performs a service common to the normal daily operation of an educational unit even though the person is employed and paid by one who has contracted with an employer to perform the service, and the contracting board or educational unit shall be the employer for the purposes of administering the provisions of this chapter;

(3) Any person, not a faculty member, employed in any school or college or other institution wholly controlled and managed, and wholly or partly supported by the state or any political subdivision thereof, the board of trustees, or other managing body of which shall accept the requirements and obligations of this chapter.

In all cases of doubt, the school employees retirement board shall determine whether any person is an employee, as defined in this division, and its decision is final.

(C) "Prior service" means all service rendered prior to September 1, 1937:

(1) As an employee as defined in division (B) of this section;

(2) As an employee in a capacity covered by the public employees retirement system or the state teachers retirement system;

(3) As an employee of an institution in another state, service credit for which was procured by a member under the provisions of section 3309.31 of the Revised Code.

Prior service, for service as an employee in a capacity covered by the public employees retirement system or the state teachers retirement system, shall be granted a member under qualifications identical to the laws and rules applicable to service credit in those systems.

Prior service shall not be granted any member for service rendered in a capacity covered by the public employees retirement system, the state teachers

retirement system, and this system in the event the service credit has, in the respective systems, been received, waived by exemption, or forfeited by withdrawal of contributions, except as provided in this chapter.

If a member who has been granted prior service should, subsequent to September 16, 1957, and before retirement, establish three years of contributing service in the public employees retirement system, or one year in the state teachers retirement system, then the prior service granted shall become, at retirement, the liability of the other system, if the prior service or employment was in a capacity that is covered by that system.

The provisions of this division shall not cancel any prior service granted a member by the school employees retirement board prior to August 1, 1959.

(D) "Total service," "total service credit," or "Ohio service credit" means all contributing service of a member of the school employees retirement system, and all prior service, computed as provided in this chapter, and all service established pursuant to sections 3309.31, 3309.311, and 3309.33 of the Revised Code. In addition, "total service" includes any period, not in excess of three years, during which a member was out of service and receiving benefits from the state insurance fund, provided the injury or incapacitation was the direct result of school employment.

(E) "Member" means any employee, except an SERS retirant or other system retirant as defined in section 3309.341 of the Revised Code, who has established membership in the school employees retirement system. "Member" includes a disability benefit recipient.

(F) "Contributor" means any person who has an account in the employees' savings fund. When used in the sections listed in division (B) of section 3309.82 of the Revised Code, "contributor" includes any person participating in a plan established under section 3309.81 of the Revised Code.

(G) "Retirant" means any former member who retired and is receiving a service retirement allowance or commuted service retirement allowance as provided in this chapter.

(H) "Beneficiary" or "beneficiaries" means the estate or a person or persons who, as the result of the death of a contributor or retirant, qualifies for or is receiving some right or benefit under this chapter.

(I) "Interest," as specified in division (E) of section 3309.60 of the Revised Code, means interest at the rates for the respective funds and accounts as the school employees retirement board may determine from time to time, except as follows:

(1) The rate of interest credited on employee contributions at retirement shall be four per cent per annum, compounded annually, to and including June 30, 1955; three per cent per annum, compounded annually, from July 1, 1955, to and including June 30, 1963; three and one-quarter per cent per annum, compounded annually, from July 1, 1963, through June 30, 1966; and thereafter,

four per cent per annum compounded annually until a change in the amount is recommended by the system's actuary and approved by the retirement board. Subsequent to June 30, 1959, the retirement board shall discontinue the annual crediting of current interest on a contributor's accumulated contributions. Noncrediting of current interest shall not affect the rate of interest at retirement guaranteed under this division.

(2) In determining the reserve value for purposes of computing the amount of the contributor's annuity, the rate of interest used in the annuity values shall be four per cent per annum through September 30, 1956; three per cent per annum compounded annually from October 1, 1956, through June 30, 1963; three and one-quarter per cent per annum compounded annually from July 1, 1963, through June 30, 1966; and, thereafter, four per cent per annum compounded annually until a change in the amount is recommended by the system's actuary and approved by the retirement board. In the purchase of out-of-state service credit as provided in section 3309.31 of the Revised Code, and in the purchase of an additional annuity, as provided in section 3309.47 of the Revised Code, interest shall be computed and credited to reserves therefor at the rate the school employees retirement board shall fix as regular interest thereon.

(J) "Accumulated contributions" means the sum of all amounts credited to a contributor's account in the employees' savings fund together with any regular interest credited thereon at the rates approved by the retirement board prior to retirement.

(K) "Final average salary" means the sum of the annual compensation for the three highest years of compensation for which contributions were made by the member, divided by three. If the member has a partial year of contributing service in the year in which the member terminates employment and the partial year is at a rate of compensation that is higher than the rate of compensation for any one of the highest three years of annual earnings, the board shall substitute the compensation earned for the partial year for the compensation earned for a similar fractional portion in the lowest of the three high years of annual compensation before dividing by three. If a member has less than three years of contributing membership, the final average salary shall be the total compensation divided by the total number of years, including any fraction of a year, of contributing service.

(L) "Annuity" means payments for life derived from contributions made by a contributor and paid from the annuity and pension reserve fund as provided in this chapter. All annuities shall be paid in twelve equal monthly installments.

(M)(1) "Pension" means annual payments for life derived from appropriations made by an employer and paid from the employers' trust fund or the annuity and pension reserve fund. All pensions shall be paid in twelve equal monthly installments.

(2) "Disability retirement" means retirement as provided in section

3309.40 of the Revised Code.

(N) "Retirement allowance" means the pension plus the annuity.

(O)(1) "Benefit" means a payment, other than a retirement allowance or the annuity paid under section 3309.341 of the Revised Code, payable from the accumulated contributions of the member or the employer, or both, under this chapter and includes a disability allowance or disability benefit.

(2) "Disability allowance" means an allowance paid on account of disability under section 3309.401 of the Revised Code.

(3) "Disability benefit" means a benefit paid as disability retirement under section 3309.40 of the Revised Code, as a disability allowance under section 3309.401 of the Revised Code, or as a disability benefit under section 3309.35 of the Revised Code.

(P) "Annuity reserve" means the present value, computed upon the basis of mortality tables adopted by the school employees retirement board, of all payments to be made on account of any annuity, or benefit in lieu of any annuity, granted to a retiree.

(Q) "Pension reserve" means the present value, computed upon the basis of mortality tables adopted by the school employees retirement board, of all payments to be made on account of any pension, or benefit in lieu of any pension, granted to a retiree or a beneficiary.

(R) "Year" means the year beginning the first day of July and ending with the thirtieth day of June next following.

(S) "Local district pension system" means any school employees' pension fund created in any school district of the state prior to September 1, 1937.

(T) "Employer contribution" means the amount paid by an employer as determined under section 3309.49 of the Revised Code.

(U) "Fiduciary" means a person who does any of the following:

(1) Exercises any discretionary authority or control with respect to the management of the system, or with respect to the management or disposition of its assets;

(2) Renders investment advice for a fee, direct or indirect, with respect to money or property of the system;

(3) Has any discretionary authority or responsibility in the administration of the system.

(V)(1) Except as otherwise provided in this division, "compensation" means all salary, wages, and other earnings paid to a contributor by reason of employment. The salary, wages, and other earnings shall be determined prior to determination of the amount required to be contributed to the employees' savings fund under section 3309.47 of the Revised Code and without regard to whether

any of the salary, wages, or other earnings are treated as deferred income for federal income tax purposes.

(2) Compensation does not include any of the following:

(a) Payments for accrued but unused sick leave or personal leave, including payments made under a plan established pursuant to section 124.39 of the Revised Code or any other plan established by the employer;

(b) Payments made for accrued but unused vacation leave, including payments made pursuant to section 124.13 of the Revised Code or a plan established by the employer;

(c) Payments made for vacation pay covering concurrent periods for which other salary or compensation is also paid or during which benefits are paid under this chapter;

(d) Amounts paid by the employer to provide life insurance, sickness, accident, endowment, health, medical, hospital, dental, or surgical coverage, or other insurance for the contributor or the contributor's family, or amounts paid by the employer to the contributor in lieu of providing the insurance;

(e) Incidental benefits, including lodging, food, laundry, parking, or services furnished by the employer, use of the employer's property or equipment, and reimbursement for job-related expenses authorized by the employer, including moving and travel expenses and expenses related to professional development;

(f) Payments made to or on behalf of a contributor that are in excess of the annual compensation that may be taken into account by the retirement system under division (a)(17) of section 401 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 401(a)(17), as amended. For a contributor who first establishes membership before July 1, 1996, the annual compensation that may be taken into account by the retirement system shall be determined under division (d)(3) of section 13212 of the "Omnibus Budget Reconciliation Act of 1993," Pub. L. No. 103-66, 107 Stat. 472;

(g) Payments made under division (B), (C), or (E) of section 5923.05 of the Revised Code, Section 4 of Substitute Senate Bill No. 3 of the 119th general assembly, Section 3 of Amended Substitute Senate Bill No. 164 of the 124th general assembly, or Amended Substitute House Bill No. 405 of the 124th general assembly;

(h) Anything of value received by the contributor that is based on or attributable to retirement or an agreement to retire, except that payments made on or before January 1, 1989, that are based on or attributable to an agreement to retire shall be included in compensation if both of the following apply:

(i) The payments are made in accordance with contract provisions that were in effect prior to January 1, 1986.

(ii) The employer pays the retirement system an amount specified by the

retirement board equal to the additional liability from the payments.

(3) The retirement board shall determine by rule whether any form of earnings not enumerated in this division is to be included in compensation, and its decision shall be final.

(W) "Disability benefit recipient" means a member who is receiving a disability benefit.

(X) "Actuary" means an individual who satisfies all of the following requirements:

(1) Is a member of the American academy of actuaries;

(2) Is an associate or fellow of the society of actuaries;

(3) Has a minimum of five years' experience in providing actuarial services to public retirement plans.

Sec. 3309.51. (A) Each employer shall pay annually into the employers' trust fund, in such monthly or less frequent installments as the school employees retirement board requires, an amount certified by the school employees retirement board, which shall be as required by Chapter 3309. of the Revised Code.

Payments by school district boards of education to the employers' trust fund of the school employees retirement system may be made from the amounts allocated under Chapter 3317. of the Revised Code prior to their distribution to the individual school districts. The amount due from each school district may be certified by the secretary of the system to the superintendent of public instruction monthly, or at such times as is determined by the school employees retirement board.

Payments by governing authorities of community schools to the employers' trust fund of the school employees retirement system shall be made from the amounts allocated under section 3314.08 of the Revised Code prior to their distribution to the individual community schools. The amount due from each community school shall be certified by the secretary of the system to the superintendent of public instruction monthly, or at such times as determined by the school employees retirement board.

Payments by a science, technology, engineering, and mathematics school to the employers' trust fund of the school employees retirement system shall be made from the amounts allocated under section 3326.33 of the Revised Code prior to their distribution to the school. The amount due from a science, technology, engineering, and mathematics school shall be certified by the secretary of the school employees retirement system to the superintendent of public instruction monthly, or at such times as determined by the school employees retirement board.

(B) The superintendent shall deduct from the amount allocated to each community school under section 3314.08 ~~of the Revised Code~~, to each school

district under Chapter 3317. of the Revised Code , or to each science, technology, engineering, and mathematics school under section 3326.33 of the Revised Code the entire amounts due to the school employees retirement system from such school or school district upon the certification to the superintendent by the secretary thereof.

(C) Where an employer fails or has failed or refuses to make payments to the employers' trust fund, as provided for under Chapter 3309. of the Revised Code, the secretary of the school employees retirement system may certify to the state superintendent of public instruction, monthly or at such times as is determined by the school employees retirement board, the amount due from such employer, and the superintendent shall deduct from the amount allocated to ~~each district or community school~~ the employer under section 3314.08 or 3326.33 or Chapter 3317. of the Revised Code , as applicable, the entire amounts due to the system from ~~such districts or schools~~ the employer upon the certification to the superintendent by the secretary of the school employees retirement system.

(D) The superintendent shall certify to the director of budget and management the amounts thus due the system for payment."

Between lines 18605 and 18606, insert:

"**Sec. 3313.537.** (A) As used in this section, "extracurricular activity" means a pupil activity program that a school or school district operates and is not included in the school district's graded course of study, including an interscholastic extracurricular activity that a school or school district sponsors or participates in and that has participants from more than one school or school district.

(B) (1) A student in grades seven to twelve who is enrolled in a community school established under Chapter 3314. of the Revised Code that is sponsored by the city, local, or exempted village school district in which the student is entitled to attend school pursuant to section 3313.64 or 3313.65 of the Revised Code shall be afforded the opportunity to participate in any extracurricular activities offered at the traditional public school that is operated by the school district and to which the student otherwise would be assigned. If more than one such school operated by the school district serves the student's grade level, the student shall be afforded the opportunity to participate in any extracurricular activities offered at the school to which the student would be assigned by the district superintendent pursuant to section 3319.01 of the Revised Code.

(2) A student who is enrolled in a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code shall be afforded the opportunity to participate in any extracurricular activities offered at the traditional public school that is operated by the school district in which the student is entitled to attend school pursuant to section 3313.64 or 3313.65 of the Revised Code and to which the student otherwise would be assigned. If more than one such school operated by the school district serves the student's grade level, the student shall be afforded the opportunity to participate in any

extracurricular activities offered at the school to which the student would be assigned by the district superintendent pursuant to section 3319.01 of the Revised Code.

(C) In order to participate in any extracurricular activity under this section, the student shall fulfill the same academic, nonacademic, and financial requirements as any other participant, including the rules and policies adopted by the school district under section 3313.535 of the Revised Code. The school district board of education may require ~~the~~ a community school student to enroll and participate in no more than one academic course at the school offering the extracurricular activity as a condition to participating in the activity. In that case, the board shall admit students seeking to enroll in an academic course to fulfill the requirement as space allows after first enrolling students assigned to that school.

(D) No school or school district shall impose fees for a student to participate under this section that exceed any fees charged to other students participating in the same extracurricular activity.

(E) No school district, interscholastic conference, or organization that regulates interscholastic conferences or events shall require a student who is eligible to participate in extracurricular activities under this section to meet eligibility requirements that conflict with this section."

In line 25018, after "3314." insert "or a science, technology, engineering, and mathematics school established under Chapter 3326."

Between lines 25036 and 25037, insert:

" (i) A science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in the school."

In line 25082, after "3314." insert "or a science, technology, engineering, and mathematics school established under Chapter 3326."

In line 25107, after "institution" insert " ;

(j) Enrolled in a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in the school"

In line 25230, after "3314." insert "or a science, technology, engineering, and mathematics school established under Chapter 3326."

In line 25236, after "school" insert "or the science, technology, engineering, and mathematics school"; after "3314.08" insert "or 3326.33"

In line 25238, delete "or" and insert an underlined comma; after "(e)" insert ", or (j)"

In line 25242, after the first " school" insert " or science, technology, engineering, and mathematics school"

In line 25288, after "3314." insert " or a science, technology, engineering, and mathematics school established under Chapter 3326."

In line 25291, after "school" insert " or the science, technology, engineering, and mathematics school"

In line 25450, after "3314." insert " or a science, technology, engineering, and mathematics school established under Chapter 3326."

In line 25454, strike through "community school"

In line 25460, after "school" insert " or the science, technology, engineering, and mathematics school"

Between lines 27561 and 27562, insert:

" **Sec. 3319.28.** (A) As used in this section, "STEM school" means a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code.

(B) Notwithstanding any other provision of the Revised Code or any rule adopted by the state board of education to the contrary, the state board shall issue a two-year provisional educator license for teaching science, technology, engineering, or mathematics in grades six through twelve in a STEM school to any applicant who meets the following conditions:

(1) Holds a bachelor's degree from an accredited institution of higher education in a field related to the subject area to be taught;

(2) Has passed an examination prescribed by the state board in the subject area to be taught.

(C) The holder of a provisional educator license issued under this section shall complete a structured apprenticeship program provided by an educational service center or a teacher preparation program approved under section 3319.23 of the Revised Code, in partnership with the STEM school that employs the license holder. The apprenticeship program shall include the following:

(1) Mentoring by a teacher or administrator who regularly observes the license holder's classroom instruction, provides feedback on the license holder's teaching strategies and classroom management, and engages the license holder in discussions about methods for fostering and measuring student learning;

(2) Regularly scheduled seminars or meetings that address the following topics:

(a) The statewide academic standards adopted by the state board under section 3301.079 of the Revised Code and the importance of aligning curriculum with those standards;

(b) The achievement tests prescribed by section 3301.0710 of the

Revised Code:

(c) The school district and building accountability system established under Chapter 3302. of the Revised Code;

(d) Instructional methods and strategies;

(e) Student development;

(f) Assessing student progress and providing remediation and intervention, as necessary, to meet students' special needs;

(g) Classroom management and record keeping.

(D) After two years of teaching under a provisional educator license issued under this section, a person may apply for a five-year professional educator license in the same subject area named in the provisional license. The state board shall issue the applicant a professional educator license if the applicant meets the following conditions:

(1) The applicant completed the apprenticeship program described in division (C) of this section.

(2) The applicant receives a positive recommendation indicating that the applicant is an effective teacher from both of the following:

(a) The chief administrative officer of the STEM school that most recently employed the applicant as a classroom teacher;

(b) The educational service center or teacher preparation program administrator in charge of the apprenticeship program completed by the applicant.

(E) The department of education shall evaluate the experiences of STEM schools with classroom teachers holding provisional educator licenses issued under this section. The evaluation shall cover the first two school years for which licenses are issued and shall consider at least the schools' satisfaction with the teachers and the operation of the apprenticeship programs.

Sec. 3319.29. Each application for any license ~~or~~ , certificate ~~pursuant to sections 3319.22 to 3319.27 of the Revised Code or for any~~ , or permit ~~pursuant to section 3319.301, 3319.302, 3319.303, or 3319.304 of the Revised Code under this chapter~~, or renewal or duplicate of such a license, certificate, or permit, shall be accompanied by the payment of a fee in the amount established under division (A) of section 3319.51 of the Revised Code. Any fees received under this section shall be paid into the state treasury to the credit of the state board of education licensure fund established under division (B) of section 3319.51 of the Revised Code.

Any person applying for or holding a license, certificate, or permit ~~pursuant to this section and sections 3319.22 to 3319.27 or section 3319.301, 3319.302, 3319.303, or 3319.304 of the Revised Code under this chapter~~ is subject to sections 3123.41 to 3123.50 of the Revised Code and any applicable

rules adopted under section 3123.63 of the Revised Code and sections 3319.31 and 3319.311 of the Revised Code.

Sec. 3319.291. (A) The state board of education shall require each of the following persons, at the times prescribed by division (A) of this section, to submit two complete sets of fingerprints and written permission that authorizes the superintendent of public instruction to forward the fingerprints to the bureau of criminal identification and investigation pursuant to division (F) of section 109.57 of the Revised Code and that authorizes that bureau to forward the fingerprints to the federal bureau of investigation for purposes of obtaining any criminal records that the federal bureau maintains on the person:

(1) Any person initially applying for any certificate, license, or permit described in this chapter or in division (B) of section 3301.071 ; or in section 3301.074 ; ~~3319.088, 3319.29, 3319.302, or 3319.304, or in division (A) of section 3319.303~~ of the Revised Code at the time that application is made;

(2) Any person applying for renewal of any certificate, license, or permit described in division (A)(1) of this section at the time that application is made;

(3) Any person who is teaching under a professional teaching certificate issued under former section 3319.22 or under section 3319.222 of the Revised Code upon a date prescribed by the state board that is not later than five years after the date that the certificate was issued or renewed;

(4) Any person who is teaching under a permanent teaching certificate issued under former section 3319.22 or under section 3319.222 of the Revised Code upon a date prescribed by the state board and every five years thereafter.

(B) Except as provided in division (C) of this section, prior to issuing or renewing any certificate, license, or permit described in division (A)(1) or (2) of this section and in the case of a person required to submit fingerprints and written permission under division (A)(3) or (4) of this section, the state board or the superintendent of public instruction shall request the superintendent of the bureau of criminal identification and investigation to investigate and determine whether the bureau has any information, gathered pursuant to division (A) of section 109.57 of the Revised Code, pertaining to any person submitting fingerprints and written permission under this section. If the person does not present proof that the person has been a resident of this state for the five-year period immediately prior to the date upon which the investigation described in this division is requested, or does not provide evidence that within that five-year period the superintendent of the bureau of criminal identification and investigation has requested information about the person from the federal bureau of investigation, the state board or the superintendent of public instruction shall request the superintendent of the bureau of criminal identification and investigation to obtain any criminal records that the federal bureau of investigation has on the person. If the person presents proof that the person has been a resident of this state for that five-year period, the state board or the superintendent of public instruction may request the superintendent of the bureau of criminal identification and investigation to obtain any criminal records that

the federal bureau of investigation has on the person.

(C) The state board or the superintendent of public instruction may choose not to request any information required by division (B) of this section if the person applying for the issuance or renewal of a certificate, license, or permit described in division (A)(1) or (2) of this section or the person required to submit fingerprints and written permission under division (A)(3) or (4) of this section provides proof that a criminal records check was conducted on the person as a condition of employment pursuant to section 3319.39 of the Revised Code within the immediately preceding year. The state board or the superintendent of public instruction may accept a certified copy of records that were issued by the bureau of criminal identification and investigation and that are presented by a person applying for the issuance or renewal of a certificate, license, or permit described in this section in lieu of requesting that information under division (B) of this section if the records were issued by the bureau within the immediately preceding year.

Sec. 3319.301. (A) As used in this section, "STEM school" means a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code.

(B) The state board of education shall issue permits to individuals who are not licensed as required by sections 3319.22 to 3319.30 of the Revised Code, but who are otherwise qualified, to teach classes for not more than a total of twelve hours a week, except that an individual teaching in a STEM school may teach classes for not more than a total of forty hours a week. The state board, by rule, shall set forth the qualifications, other than licensure under sections 3319.22 to 3319.30 of the Revised Code, to be met by individuals in order to be issued a permit as provided in this section. Such qualifications shall include the possession of a baccalaureate, master's, or doctoral degree in, or significant experience related to, the subject the individual is to teach. Applications for permits pursuant to this section shall be made in accordance with section 3319.29 of the Revised Code.

The state board, by rule, shall authorize the board of education of each school district and each STEM school to engage individuals holding permits issued under this section to teach classes for not more than ~~a~~ the total number of ~~twelve~~ hours a week specified in the permit. The rules shall include provisions with regard to each of the following:

(1) That a board of education or STEM school shall engage a nonlicensed individual to teach pursuant to this section on a volunteer basis, or by entering into a contract with the individual or the individual's employer on such terms and conditions as are agreed to between the board or school and the individual or the individual's employer;

(2) That an employee of the board of education or STEM school who is licensed under sections 3319.22 to 3319.30 of the Revised Code shall directly supervise a nonlicensed individual who is engaged to teach pursuant to this

section until the superintendent of the school district or the chief administrative officer of the STEM school is satisfied that the nonlicensed individual has sufficient understanding of, and experience in, effective teaching methods to teach without supervision.

~~(B)~~ (C) A nonlicensed individual engaged to teach pursuant to this section is a teacher for the purposes of Title XXXIII of the Revised Code except for the purposes of Chapters 3307. and 3317. and sections 3319.07 to 3319.31 of the Revised Code. Such an individual is not an employee of the ~~school district board of education or STEM school~~ for the purpose of Titles I or XLI or Chapter 3309. of the Revised Code.

~~(C)~~ (D) Students enrolled in a class taught by a nonlicensed individual pursuant to this section and rules adopted thereunder shall receive the same credit as if the class had been taught by an employee licensed pursuant to sections 3319.22 to 3319.30 of the Revised Code.

~~(D)~~ (E) No board of education of any school district shall engage any one or more nonlicensed individuals if such employment displaces from employment an existing licensed employee of the district.

Sec. 3319.31. (A) As used in this section and sections 3123.41 to 3123.50 and 3319.311 of the Revised Code, "license" means a certificate, license, or permit described in this chapter or in division (B) of section 3301.071 ; or in section 3301.074 ; ~~3319.088, 3319.29, 3319.302, or 3319.304, or in division (A) of section 3319.303~~ of the Revised Code.

(B) For any of the following reasons, the state board of education, in accordance with Chapter 119. and section 3319.311 of the Revised Code, may refuse to issue a license to an applicant, may limit a license it issues to an applicant, or may suspend, revoke, or limit a license that has been issued to any person:

(1) Engaging in an immoral act, incompetence, negligence, or conduct that is unbecoming to the applicant's or person's position;

(2) A plea of guilty to, a finding of guilt by a jury or court of, or a conviction of any of the following:

(a) A felony;

(b) A violation of section 2907.04 or 2907.06 or division (A) or (B) of section 2907.07 of the Revised Code;

(c) An offense of violence;

(d) A theft offense, as defined in section 2913.01 of the Revised Code;

(e) A drug abuse offense, as defined in section 2925.01 of the Revised Code, that is not a minor misdemeanor;

(f) A violation of an ordinance of a municipal corporation that is substantively comparable to an offense listed in divisions (B)(2)(a) to (e) of this

section.

(C) The state board may take action under division (B) of this section on the basis of substantially comparable conduct occurring in a jurisdiction outside this state or occurring before a person applies for or receives any license.

(D) The state board may adopt rules in accordance with Chapter 119. of the Revised Code to carry out this section and section 3319.311 of the Revised Code."

Between lines 29065 and 29066, insert:

" **Sec. 3326.01.** As used in this chapter, "STEM" is an abbreviation of "science, technology, engineering, and mathematics."

Sec. 3326.02. There is hereby established a STEM subcommittee of the partnership for continued learning consisting of the following members:

(A) The superintendent of public instruction;

(B) The chancellor of the Ohio board of regents;

(C) The director of development;

(D) Four members of the public, two of whom shall be appointed by the governor, one of whom shall be appointed by the speaker of the house of representatives, and one of whom shall be appointed by the president of the senate. Members of the public shall be appointed based on their expertise in business or in STEM fields and shall not be at-large members of the partnership for continued learning. The initial members of the subcommittee shall be appointed under division (D) of this section not later than forty-five days after the effective date of this section.

All members of the subcommittee appointed under division (D) of this section shall serve at the pleasure of their appointing authority.

Members of the subcommittee shall receive no compensation for their services.

Sec. 3326.03. (A) The STEM subcommittee shall authorize the establishment of and award grants to science, technology, engineering, and mathematics schools through a request for proposals.

The STEM subcommittee may approve up to five STEM schools to operate under this chapter in the school year that begins July 1, 2008. The limit prescribed in this paragraph does not affect the number of schools that may be approved for operation in subsequent school years.

No STEM school established under this chapter may open for instruction earlier than July 1, 2008.

The subcommittee shall determine the criteria for the proposals, accept and evaluate the proposals, and choose which proposals to approve to become a STEM school and to receive grants. In approving proposals for STEM schools,

the subcommittee shall consider locating the schools in diverse geographic regions of the state so that all students have access to a STEM school.

(B) Proposals may be submitted only by a partnership of public and private entities consisting of at least all of the following:

(1) A city, exempted village, local, or joint vocational school district;

(2) Higher education entities;

(3) Business organizations.

(C) Each proposal shall include at least the following:

(1) Assurances that the STEM school will be under the oversight of a governing body and a description of the members of that governing body and how they will be selected;

(2) Assurances that the STEM school will operate in compliance with this chapter and the provisions of the proposal as accepted by the subcommittee;

(3) Evidence that the school will offer a rigorous, diverse, integrated, and project-based curriculum to students in any of grades six through twelve, with the goal to prepare those students for college, the workforce, and citizenship, and that does all of the following:

(a) Emphasizes the role of science, technology, engineering, and mathematics in promoting innovation and economic progress;

(b) Incorporates scientific inquiry and technological design;

(c) Includes the arts and humanities;

(d) Emphasizes personalized learning and teamwork skills.

(4) Evidence that the school will attract school leaders who support the curriculum principles of division (C)(3) of this section;

(5) A description of how the school's curriculum will be developed and approved in accordance with section 3326.09 of the Revised Code;

(6) Evidence that the school will utilize an established capacity to capture and share knowledge for best practices and innovative professional development;

(7) Evidence that the school will operate in collaboration with a partnership that includes institutions of higher education and businesses;

(8) Assurances that the school has received commitments of sustained and verifiable fiscal and in-kind support from regional education and business entities;

(9) A description of how the school's assets will be distributed if the school closes for any reason.

Sec. 3326.04. (A) The STEM subcommittee shall award grants to support the operation of STEM programs of excellence to serve students in any of grades

kindergarten through eight through a request for proposals.

(B) Proposals may be submitted by any of the following:

(1) The board of education of a city, exempted village, or local school district;

(2) The governing authority of a community school established under Chapter 3314. of the Revised Code.

(C) Each proposal shall demonstrate to the satisfaction of the STEM subcommittee that the program meets at least the following standards:

(1) The program will serve all students enrolled in the district or school in the grades for which the program is designed.

(2) The program will offer a rigorous and diverse curriculum that is based on scientific inquiry and technological design, that emphasizes personalized learning and teamwork skills, and that will expose students to advanced scientific concepts within and outside the classroom.

(3) The program will not limit participation of students on the basis of intellectual ability, measures of achievement, or aptitude.

(4) The program will utilize an established capacity to capture and share knowledge for best practices and innovative professional development.

(5) The program will operate in collaboration with a partnership that includes institutions of higher education and businesses.

(6) The program will include teacher professional development strategies that are augmented by community and business partners.

(D) The STEM subcommittee shall give priority to proposals for new or expanding innovative programs.

Sec. 3326.05. The partnership for continued learning, through the STEM subcommittee, may make recommendations to the general assembly and the governor for the training of STEM educators.

Sec. 3326.06. The partnership for continued learning, through the STEM subcommittee, shall work with an Ohio-based nonprofit enterprise selected by the subcommittee to support the strategic and operational coordination of public and private STEM education initiatives and resources focused on curriculum development, instruction, assessment, teacher quality enhancement, leadership recruitment and training, and community engagement. The nonprofit enterprise selected by the STEM subcommittee shall have the proven ability to accumulate resources to enhance education quality across the educational continuum, from preschool to college, shall have experience in large-scale management of science and technology resources, and shall have a documented institutional mission to advance STEM education.

Sec. 3326.07. Each science, technology, engineering, and mathematics

school established under this chapter is a public school, is part of the state's program of education, and may continue in operation for as long as the school is in compliance with the provisions of this chapter and with the proposal for its establishment as approved by the STEM subcommittee. If the school closes for any reason, its assets shall be distributed in the manner provided in the proposal for its establishment as required by division (C)(9) of section 3326.03 of the Revised Code.

Sec. 3326.08. (A) The governing body of each science, technology, engineering, and mathematics school shall employ and fix the compensation for the administrative officers, teachers, and nonteaching employees of the STEM school necessary for the school to carry out its mission and shall oversee the operations of the school. The governing body of each STEM school shall employ a chief administrative officer to serve as the school's instructional and administrative leader. The chief administrative officer shall be granted the authority to oversee the recruitment, retention, and employment of teachers and nonteaching employees.

(B) The department of education shall monitor the oversight of each STEM school exercised by the school's governing body and shall monitor the school's compliance with this chapter and with the proposal for the establishment of the school as it was approved by the STEM subcommittee of the partnership for continued learning under section 3326.04 of the Revised Code. If the department finds that the school is not in compliance with this chapter or with the proposal, the department shall consult with the STEM subcommittee, and the subcommittee may order the school to close on the last day of the school year in which the subcommittee issues its order.

(C) The governing body of each STEM school shall comply with sections 121.22 and 149.43 of the Revised Code.

Sec. 3326.09. Subject to approval by its governing body, the curriculum of each science, technology, engineering, and mathematics school shall be developed by a team that consists of at least the school's chief administrative officer, a teacher, a representative of the higher education institution that is a collaborating partner in the school, described in the proposal for establishment of the school as required by division (C)(7) of section 3326.03 of the Revised Code, and a member of the public with expertise in the application of science, technology, engineering, or mathematics.

Sec. 3326.10. Each science, technology, engineering, and mathematics school shall adopt admission procedures that specify the following:

(A)(1) Admission shall be open to individuals entitled and eligible to attend school pursuant to section 3313.64 or 3313.65 of the Revised Code in a school district in the state.

(2) Students who are not residents of Ohio shall not be permitted to enroll in a science, technology, engineering, and mathematics school.

(B) There will be no discrimination in the admission of students to the school on the basis of race, creed, color, disability, or sex.

(C) The school will comply with all federal and state laws regarding the education of students with disabilities.

(D) The school will not limit admission to students on the basis of intellectual ability, measures of achievement or aptitude, or athletic or artistic ability; the school will assert its best effort to attract a diverse student body that reflects the community; and the school will recruit students from disadvantaged and underrepresented groups.

Sec. 3326.11. Each science, technology, engineering, and mathematics school established under this chapter and its governing body shall comply with sections 9.90, 9.91, 109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.18, 2921.42, 2921.43, 3301.0712, 3301.0714, 3301.0715, 3313.14, 3313.15, 3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 3313.481, 3313.482, 3313.50, 3313.536, 3313.608, 3313.6012, 3313.6013, 3313.6014, 3313.61, 3313.611, 3313.614, 3313.615, 3313.643, 3313.648, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 3313.80, 3313.801, 3313.96, 3319.073, 3319.21, 3319.313, 3319.314, 3319.315, 3319.32, 3319.321, 3319.35, 3319.39, 3319.45, 3321.01, 3321.13, 3321.14, 3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and Chapters 102., 117., 1347., 2744., 3307., 3309., 3365., 3742., 4112., 4123., 4141., and 4167. of the Revised Code as if it were a school district.

Sec. 3326.12. Each science, technology, engineering, and mathematics school and its governing body shall comply with Chapter 3323. of the Revised Code as if it were a school district. The school district in which a STEM school student is entitled to attend school and the student's school district of residence, if different, are not obligated to provide the student with a free appropriate public education under Chapter 3323. of the Revised Code for as long as the student attends a STEM school.

Sec. 3326.13. Teachers employed by a science, technology, engineering, and mathematics school shall be highly qualified teachers, as defined in section 3319.074 of the Revised Code, and shall be licensed under sections 3319.22 to 3319.31 of the Revised Code and rules of the state board of education implementing those sections.

Sec. 3326.14. Each science, technology, engineering, and mathematics school and its governing body shall administer the tests required by sections 3301.0710 and 3301.0711 of the Revised Code, as if it were a school district, except that, notwithstanding any provision of those sections to the contrary, any student enrolled in a grade lower than the tenth grade in a STEM school may take one or more of the Ohio graduation tests prescribed under division (B) of section 3301.0710 of the Revised Code on any of the dates prescribed in division (C)(3) of that section.

Sec. 3326.15. Each science, technology, engineering, and mathematics school and its governing body shall comply with section 3313.603 of the Revised Code as if it were a school district. However, a STEM school may permit a student to earn units of high school credit based on a demonstration of subject area competency instead of or in combination with completing hours of classroom instruction prior to the adoption by the state board of education of the plan for granting high school credit based on competency, as required by division (J) of that section. Upon adoption of the plan, each STEM school shall comply with that plan and award units of high school credit in accordance with the plan.

Sec. 3326.16. Each science, technology, engineering, and mathematics school and its governing body shall comply with all health and safety provisions of law applicable to school buildings.

Sec. 3326.17. (A) The department of education shall issue an annual report card for each science, technology, engineering, and mathematics school that includes all information applicable to school buildings under section 3302.03 of the Revised Code.

(B) For each student enrolled in a STEM school, the department shall combine data regarding the academic performance of that student with comparable data from the school district in which the student is entitled to attend school pursuant to section 3313.64 or 3313.65 of the Revised Code for the purpose of calculating the performance of the district as a whole on the report card issued for the district under section 3302.03 of the Revised Code.

(C) Each STEM school and its governing body shall comply with section 3302.04 of the Revised Code, including division (E) of that section to the extent possible, except that any action required to be taken by a school district pursuant to that section shall be taken by the school. However, the school shall not be required to take any action described in division (F) of that section.

Sec. 3326.18. (A) Except as provided under division (B) of this section, employees of a science, technology, engineering, and mathematics school may organize and collectively bargain pursuant to Chapter 4117. of the Revised Code. Notwithstanding division (D)(1) of section 4117.06 of the Revised Code, a unit containing teaching and nonteaching employees employed under this section shall be considered an appropriate unit.

(B) If a science, technology, engineering, and mathematics school is created by converting all or part of an existing school operated by a school district or an existing conversion community school established under Chapter 3314. of the Revised Code, at the time of conversion, the employees assigned to the STEM school shall remain part of any collective bargaining unit in which they were included immediately prior to the conversion and shall remain subject to any collective bargaining agreement for that unit in effect on the first day of July of the year in which the STEM school initially begins operation and shall be subject to any subsequent collective bargaining agreement for that unit, unless a

petition is certified as sufficient under division (E) of this section with regard to those employees. Any new employees assigned to the STEM school also shall be included in the unit to which they would have been assigned had the conversion not taken place and shall be subject to the collective bargaining agreement for that unit unless a petition is certified as sufficient under division (E) of this section with regard to those employees.

Notwithstanding division (B) of section 4117.01 of the Revised Code, the board of education of the school district that operated or sponsored the STEM school prior to conversion and not the STEM school shall be regarded, for purposes of Chapter 4117. of the Revised Code, as the "public employer" of the employees assigned to a conversion STEM school subject to a collective bargaining agreement pursuant to this division unless a petition is certified under division (E) of this section with regard to those employees. Only on and after the effective date of a petition certified as sufficient under division (E) of this section shall division (A) of this section apply to those employees and only on and after the effective date of that petition shall Chapter 4117. of the Revised Code apply to the school with regard to those employees.

(C) Notwithstanding sections 4117.03 to 4117.18 of the Revised Code and Section 4 of Amended Substitute Senate Bill No. 133 of the 115th general assembly, the employees assigned to a conversion STEM school who are subject to a collective bargaining agreement pursuant to division (B) of this section shall cease to be subject to that agreement and all subsequent agreements pursuant to that division and shall cease to be part of the collective bargaining unit that is subject to that and all subsequent agreements, if a majority of the employees assigned to the STEM school who are subject to that collective bargaining agreement sign and submit to the state employment relations board a petition requesting all of the following:

(1) That all the employees assigned to the STEM school who are subject to that agreement be removed from the bargaining unit that is subject to that agreement and be designated by the state employment relations board as a new and separate bargaining unit for purposes of Chapter 4117. of the Revised Code;

(2) That the employee organization certified as the exclusive representative of the employees of the bargaining unit from which the employees are to be removed be certified as the exclusive representative of the new and separate bargaining unit for purposes of Chapter 4117. of the Revised Code;

(3) That the STEM school be regarded as the "public employer" of those employees for purposes of Chapter 4117. of the Revised Code.

(D) Notwithstanding sections 4117.03 to 4117.18 of the Revised Code and Section 4 of Amended Substitute Senate Bill No. 133 of the 115th general assembly, the employees assigned to a conversion STEM school who are subject to a collective bargaining agreement pursuant to division (B) of this section shall cease to be subject to that agreement and all subsequent agreements pursuant to that division, shall cease to be part of the collective bargaining unit that is

subject to that and all subsequent agreements, and shall cease to be represented by any exclusive representative of that collective bargaining unit, if a majority of the employees assigned to the STEM school who are subject to that collective bargaining agreement sign and submit to the state employment relations board a petition requesting all of the following:

(1) That all the employees assigned to the STEM school who are subject to that agreement be removed from the bargaining unit that is subject to that agreement;

(2) That any employee organization certified as the exclusive representative of the employees of that bargaining unit be decertified as the exclusive representative of the employees assigned to the STEM school who are subject to that agreement;

(3) That the STEM school be regarded as the "public employer" of those employees for purposes of Chapter 4117. of the Revised Code.

(E) Upon receipt of a petition under division (C) or (D) of this section, the state employment relations board shall check the sufficiency of the signatures on the petition. If the signatures are found sufficient, the board shall certify the sufficiency of the petition and so notify the parties involved, including the board of education of the school district that operated or sponsored the STEM school prior to conversion, the STEM school, and any exclusive representative of the bargaining unit. The changes requested in a certified petition shall take effect on the first day of the month immediately following the date on which the sufficiency of the petition is certified under this division.

Sec. 3326.19. The provisions of Chapter 124. of the Revised Code shall not apply to the employment of nonteaching employees by a science, technology, engineering, and mathematics school.

Sec. 3326.20. (A) As used in this section, "native student" means a student entitled to attend school in the school district under section 3313.64 or 3313.65 of the Revised Code.

(B) Unless the proposal for the establishment of a science, technology, engineering, and mathematics school, as it was approved by the STEM subcommittee of the partnership for continued learning under section 3326.03 of the Revised Code, otherwise provides for the transportation of students to and from the STEM school, the board of education of each city, local, and exempted village school district shall provide transportation to and from school for its district's native students enrolled in the STEM school in the same manner that section 3327.01 of the Revised Code requires for its native students enrolled in nonpublic schools.

Sec. 3326.21. (A) Each science, technology, engineering, and mathematics school shall have a treasurer who is licensed under section 3301.074 of the Revised Code. The governing body of the school and the treasurer shall comply with sections 3301.072, 3313.22 to 3313.32, 3313.51, and

3315.08 of the Revised Code in the same manner as a school district board of education and a district treasurer.

(B) Financial records of each STEM school shall be maintained in the same manner as are financial records of school districts, pursuant to rules of the auditor of state.

Sec. 3326.22. Each science, technology, engineering, and mathematics school and its governing body shall enforce sections 3321.13, 3321.19, and 3321.191 of the Revised Code as if it were a school district with regard to students who are truant or otherwise absent from the school without legitimate excuse.

Sec. 3326.23. The governing body of each science, technology, engineering, and mathematics school annually shall provide the following assurances in writing to the department of education not later than ten business days prior to the opening of the school:

(A) That the school has a plan for providing special education and related services to students with disabilities and has demonstrated the capacity to provide those services in accordance with Chapter 3323. of the Revised Code and federal law;

(B) That the school has a plan and procedures for administering the achievement tests and diagnostic assessments prescribed by sections 3301.0710 and 3301.0715 of the Revised Code;

(C) That school personnel have the necessary training, knowledge, and resources to properly use and submit information to all databases maintained by the department for the collection of education data, including the education management information system established under section 3301.0714 of the Revised Code;

(D) That all required information about the school has been submitted to the Ohio education directory system or any successor system;

(E) That all classroom teachers are licensed in accordance with sections 3319.22 to 3319.31 of the Revised Code or are engaged to teach pursuant to section 3319.301 of the Revised Code;

(F) That the school's treasurer is in compliance with section 3326.21 of the Revised Code;

(G) That the school has complied with section 3319.39 of the Revised Code with respect to all employees who are responsible for the care, custody, or control of a child and that the school has conducted a criminal records check of each of its governing body members;

(H) That the school holds all of the following:

(1) Proof of property ownership or a lease for the facilities used by the school;

(2) A certificate of occupancy;

(3) Liability insurance for the school, as required by section 3326.11 of the Revised Code;

(4) A satisfactory health and safety inspection;

(5) A satisfactory fire inspection;

(6) A valid food permit, if applicable.

(I) That the governing body has conducted a pre-opening site visit to the school for the school year for which the assurances are provided;

(J) That the school has designated a date it will open for the school year for which the assurances are provided;

(K) That the school has met all of the governing body's requirements for opening and any other requirements of the governing body.

Sec. 3326.31. As used in sections 3326.31 to 3326.50 of the Revised Code:

(A) "Applicable special education weight" means the multiple specified in section 3317.013 of the Revised Code for a disability described in that section.

(B) "Applicable vocational education weight" means the multiple specified in section 3317.014 of the Revised Code for vocational education programs or classes described in that section.

(C) "Formula amount" has the same meaning as in section 3317.02 of the Revised Code.

(D) "IEP" means an individualized education program as defined in section 3323.01 of the Revised Code.

(E) A student is "included in the poverty student count of the student's resident district" if the student's family receives assistance under the Ohio works first program.

(F) "Resident district" means the school district in which a student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.

(G) "State education aid" has the same meaning as in section 5751.20 of the Revised Code.

Sec. 3326.32. Each science, technology, engineering, and mathematics school shall report to the department of education, in the form and manner required by the department, all of the following information:

(A) The total number of students enrolled in the school;

(B) The number of students who are receiving special education and related services pursuant to an IEP;

(C) For each student reported under division (B) of this section, which

category specified in divisions (A) to (F) of section 3317.013 of the Revised Code applies to the student:

(D) The full-time equivalent number of students who are enrolled in vocational education programs or classes described in each of divisions (A) and (B) of section 3317.014 of the Revised Code that are provided by the STEM school;

(E) The resident district of each student;

(F) Any additional information the department determines necessary to make payments under this chapter.

Sec. 3326.33. For each student enrolled in a science, technology, engineering, and mathematics school established under this chapter, the department of education annually shall deduct from the state education aid of a student's resident school district and, if necessary, from the payment made to the district under sections 321.24 and 323.156 of the Revised Code and pay to the school the sum of the following:

(A) The sum of the formula amount plus the per pupil amount of the base funding supplements specified in divisions (C)(1) to (4) of section 3317.012 of the Revised Code.

(B) If the student is receiving special education and related services pursuant to an IEP, the product of the applicable special education weight times the formula amount;

(C) If the student is enrolled in vocational education programs or classes that are described in section 3317.014 of the Revised Code, are provided by the school, and are comparable as determined by the superintendent of public instruction to school district vocational education programs and classes eligible for state weighted funding under section 3317.014 of the Revised Code, the product of the applicable vocational education weight times the formula amount times the percentage of time the student spends in the vocational education programs or classes;

(D) If the student is included in the poverty student count of the student's resident district, the per pupil amount of the district's payment under division (C) of section 3317.029 of the Revised Code;

(E) If the student is identified as limited English proficient and the student's resident district receives a payment for services to limited English proficient students under division (F) of section 3317.029 of the Revised Code, the per pupil amount of the district's payment under that division, calculated in the same manner as per pupil payments are calculated under division (C)(6) of section 3314.08 of the Revised Code;

(F) If the student's resident district receives a payment under division (G), (H), or (I) of section 3317.029 of the Revised Code, the per pupil amount of the district's payments under each division, calculated in the same manner as per

pupil payments are calculated under divisions (C)(7) and (8) of section 3314.08 of the Revised Code;

(G) If the student's resident district receives a parity aid payment under section 3317.0217 of the Revised Code, the per pupil amount calculated for the district under division (C) or (D) of that section.

Sec. 3326.34. If a science, technology, engineering, and mathematics school established under this chapter incurs costs for a fiscal year for a student receiving special education and related services pursuant to an IEP for a disability described in divisions (B) to (F) of section 3317.013 of the Revised Code that exceed the threshold catastrophic cost for serving the student as specified in division (C)(3)(b) of section 3317.022 of the Revised Code, the STEM school may submit to the superintendent of public instruction documentation, as prescribed by the superintendent, of all its costs for that student. Upon submission of documentation for a student of the type and in the manner prescribed, the department of education shall pay to the school an amount equal to the school's costs for the student in excess of the threshold catastrophic costs.

The school shall only report under this section, and the department shall only pay for, the costs of educational expenses and the related services provided to the student in accordance with the student's IEP. Any legal fees, court costs, or other costs associated with any cause of action relating to the student may not be included in the amount.

Sec. 3326.35. The department of education shall adjust the amounts paid under section 3326.33 of the Revised Code to reflect any enrollment of students in science, technology, engineering, and mathematics schools for less than the equivalent of a full school year.

Sec. 3326.36. The department of education shall reduce the amounts paid to a science, technology, engineering, and mathematics school under section 3326.33 of the Revised Code to reflect payments made to colleges under division (B) of section 3365.07 of the Revised Code. A student shall be considered enrolled in the school for any portion of the school year the student is attending a college under Chapter 3365. of the Revised Code.

Sec. 3326.37. The department of education shall not pay to a science, technology, engineering, and mathematics school any amount for any of the following:

(A) Any student who has graduated from the twelfth grade of a public or nonpublic school;

(B) Any student who is not a resident of the state;

(C) Any student who was enrolled in a STEM school during the previous school year when tests were administered under section 3301.0711 of the Revised Code but did not take one or more of the tests required by that section and was not excused pursuant to division (C)(1) or (3) of that section, unless the

superintendent of public instruction grants the student a waiver from the requirement to take the test. The superintendent may grant a waiver only for good cause in accordance with rules adopted by the state board of education.

(D) Any student who has attained the age of twenty-two years, except for veterans of the armed services whose attendance was interrupted before completing the recognized twelve-year course of the public schools by reason of induction or enlistment in the armed forces and who apply for enrollment in a STEM school not later than four years after termination of war or their honorable discharge. If, however, any such veteran elects to enroll in special courses organized for veterans for whom tuition is paid under federal law, or otherwise, the department shall not pay to the school any amount for that veteran.

Sec. 3326.38. A science, technology, engineering, and mathematics school may do all of the following:

(A) Apply to the department of education for gifted unit funding;

(B) Apply to any state or federal agency for grants that a school district or public school may receive under federal or state law or any appropriations act of the general assembly;

(C) Apply to any private entity or foundation for additional funds.

Sec. 3326.49. A science, technology, engineering, and mathematics school may not levy taxes or issue bonds secured by tax revenues.

Sec. 3326.50. A science, technology, engineering, and mathematics school shall not charge tuition for any student enrolled in the school."

In line 30687, strike through all after "(L)"

Strike through line 30688

In line 30689, strike through "(D) of section 3314.08" and insert "STEM school" means a science, technology, engineering, and mathematics school established under Chapter 3326."

Between lines 30689 and 30690, insert:

"**Sec. 3365.02.** There is hereby established the post-secondary enrollment options program under which a secondary grade student who is a resident of this state may enroll at a college, on a full- or part-time basis, and complete nonsectarian courses for high school and college credit.

Secondary grade students in a nonpublic school may participate in the post-secondary enrollment options program if the chief administrator of such school notifies the department of education by the first day of April prior to the school year in which the school's students will participate.

The state board of education, after consulting with the board of regents, shall adopt rules governing the program. The rules shall include:

(A) Requirements for school districts, community schools, or

participating nonpublic schools to provide information about the program prior to the first day of March of each year to all students enrolled in grades eight through eleven;

(B) A requirement that a student or the student's parent inform the district board of education, the governing authority of a community school, the STEM school chief administrative officer, or the nonpublic school administrator by the thirtieth day of March of the student's intent to participate in the program during the following school year. The rule shall provide that any student who fails to ~~notify a district board, the governing authority of a community school, or the nonpublic school administrator~~ provide the notification by the required date may not participate in the program during the following school year without the written consent of the district superintendent, the governing authority of a community school, the STEM school chief administrative officer, or the nonpublic school administrator.

(C) Requirements that school districts ~~and~~ , community schools , and STEM schools provide counseling services to students in grades eight through eleven and to their parents before the students participate in the program under this chapter to ensure that students and parents are fully aware of the possible risks and consequences of participation. Counseling information shall include without limitation:

- (1) Program eligibility;
- (2) The process for granting academic credits;
- (3) Financial arrangements for tuition, books, materials, and fees;
- (4) Criteria for any transportation aid;
- (5) Available support services;
- (6) Scheduling;

(7) The consequences of failing or not completing a course in which the student enrolls and the effect of the grade attained in the course being included in the student's grade point average, if applicable;

(8) The effect of program participation on the student's ability to complete the district's , ~~community school's~~, or ~~nonpublic~~ school's graduation requirements;

(9) The academic and social responsibilities of students and parents under the program;

(10) Information about and encouragement to use the counseling services of the college in which the student intends to enroll.

(D) A requirement that the student and the student's parent sign a form, provided by the school district or school, stating that they have received the counseling required by division (C) of this section and that they understand the responsibilities they must assume in the program;

(E) The options required by section 3365.04 of the Revised Code;

(F) A requirement that a student may not enroll in any specific college course through the program if the student has taken high school courses in the same subject area as that college course and has failed to attain a cumulative grade point average of at least 3.0 on a 4.0 scale, or the equivalent, in such completed high school courses.

Sec. 3365.03. (A) Notwithstanding any other provision of law, a student enrolled in a school district, a community school, a STEM school, or a participating nonpublic school may apply to a college to enroll in it during the student's ninth, tenth, eleventh, or twelfth grade school year under this chapter. For purposes of this division, during the period of an expulsion imposed under division (B) of section 3313.66 of the Revised Code or extended under division (F) of that section, a student is ineligible to apply to enroll in a college under this section, unless the student is admitted to another school district or community school, or a participating nonpublic school. If a student is enrolled in a college under this section at the time the student is expelled under division (B) of section 3313.66 of the Revised Code, the student's status for the remainder of the college term in which the expulsion is imposed shall be determined under section 3365.041 of the Revised Code.

(B) If a college accepts a student who applies under this section, it shall send written notice to the student, the student's school district, community school, STEM school, or nonpublic school, and the superintendent of public instruction within ten days after acceptance. Within ten days after each enrollment for a term, the college shall also send the student, the student's school district, community school, STEM school, or nonpublic school, and the superintendent of public instruction a written notice indicating the courses and hours of enrollment of the student and the option elected by the student under division (A) or (B) of section 3365.04 of the Revised Code for each course.

Sec. 3365.04. The rules adopted under section 3365.02 of the Revised Code shall provide for students to enroll in courses under either of the following options:

(A) The student may elect at the time of enrollment to be responsible for payment of all tuition and the cost of all textbooks, materials, and fees associated with the course. The college shall notify the student about payment of tuition and fees in the customary manner followed by the college. A student electing this option also shall elect, at the time of enrollment, whether to receive only college credit or high school credit and college credit for the course.

(1) The student may elect to receive only college credit for the course. Except as provided in section 3365.041 of the Revised Code, if the student successfully completes the course, the college shall award the student full credit for the course, but the board of education, community school governing authority, STEM school, or nonpublic participating school shall not award the high school credit.

(2) The student may elect to receive both high school credit and college credit for the course. Except as provided in section 3365.041 of the Revised Code, if the student successfully completes the course, the college shall award the student full credit for the course and the board of education, community school governing authority, STEM school, or nonpublic school shall award the student high school credit.

(B) The student may elect at the time of enrollment for each course to have the college reimbursed under section 3365.07 of the Revised Code. Except as provided in section 3365.041 of the Revised Code, if the student successfully completes the course, the college shall award the student full credit for the course, the board of education, community school governing authority, STEM school, or nonpublic school shall award the student high school credit, and the college shall be reimbursed in accordance with section 3365.07 of the Revised Code.

When determining a school district's formula ADM under section 3317.03 of the Revised Code, the time a participant is attending courses under division (A) of this section shall be considered as time the participant is not attending or enrolled in school anywhere, and the time a participant is attending courses under division (B) of this section shall be considered as time the participant is attending or enrolled in the district's schools.

Sec. 3365.041. (A) When a school district superintendent ~~or~~ the governing authority of a community school , or the chief administrative officer of a STEM school expels a student under division (B) of section 3313.66 of the Revised Code, the district superintendent , governing authority, or ~~board~~ chief administrative officer shall send a written notice of the expulsion to any college in which the expelled student is enrolled under section 3365.03 of the Revised Code at the time the expulsion is imposed. The notice shall indicate the date the expulsion is scheduled to expire. The notice also shall indicate whether the district board of education ~~or~~ , community school governing authority , or the STEM school has adopted a policy under section 3313.613 of the Revised Code to deny high school credit for post-secondary courses taken during an expulsion. If the expulsion is extended under division (F) of section 3313.66 of the Revised Code, the district superintendent ~~or~~ , community school governing authority , or STEM school chief administrative officer shall notify the college of the extension.

(B) A college may withdraw its acceptance under section 3365.03 of the Revised Code of a student who is expelled from school under division (B) of section 3313.66 of the Revised Code. As provided in section 3365.03 of the Revised Code, regardless of whether the college withdraws its acceptance of the student for the college term in which the student is expelled, the student is ineligible to enroll in a college under that section for subsequent college terms during the period of the expulsion, unless the student enrolls in another school district or community school, or a participating nonpublic school during that period.

If a college withdraws its acceptance of an expelled student who elected either option of division (A)(1) or (2) of section 3365.04 of the Revised Code, the college shall refund tuition and fees paid by the student in the same proportion that it refunds tuition and fees to students who voluntarily withdraw from the college at the same time in the term.

If a college withdraws its acceptance of an expelled student who elected the option of division (B) of section 3365.04 of the Revised Code, the school district ~~or~~ a community school , or STEM school shall not award high school credit for the college courses in which the student was enrolled at the time the college withdrew its acceptance, and any reimbursement under section 3365.07 of the Revised Code for the student's attendance prior to the withdrawal shall be the same as would be paid for a student who voluntarily withdrew from the college at the same time in the term. If the withdrawal results in the college's receiving no reimbursement, the college may require the student to return or pay for the textbooks and materials it provided the student free of charge under section 3365.08 of the Revised Code.

(C) When a student who elected the option of division (B) of section 3365.04 of the Revised Code is expelled under division (B) of section 3313.66 of the Revised Code from a school district ~~or~~ a community school , or STEM school that has adopted a policy under section 3313.613 of the Revised Code, that election is automatically revoked for all college courses in which the student is enrolled during the college term in which the expulsion is imposed. Any reimbursement under section 3365.07 of the Revised Code for the student's attendance prior to the expulsion shall be the same as would be paid for a student who voluntarily withdrew from the college at the same time in the term. If the revocation results in the college's receiving no reimbursement, the college may require the student to return or pay for the textbooks and materials it provided the student free of charge under section 3365.08 of the Revised Code.

No later than five days after receiving an expulsion notice from the superintendent of a district ~~or~~ the governing authority of a community school , or the chief administrative officer of a STEM school that has adopted a policy under section 3313.613 of the Revised Code, the college shall send a written notice to the expelled student that the student's election of division (B) of section 3365.04 of the Revised Code is revoked. If the college elects not to withdraw its acceptance of the student, the student shall pay all applicable tuition and fees for the college courses and shall pay for the textbooks and materials that the college provided under section 3365.08 of the Revised Code.

Sec. 3365.05. High school credit awarded for courses successfully completed under this chapter shall count toward the graduation requirements and subject area requirements of the school district, community school, STEM school, or nonpublic school. If a course comparable to one a student completed at a college is offered by the district ~~, community school, or nonpublic~~ school, the board or school shall award comparable credit for the course completed at the college. If no comparable course is offered by the district ~~, community~~

~~school, or nonpublic school~~, the board or school shall grant an appropriate number of credits in a similar subject area to the student.

If there is a dispute between a school district board ~~or~~ a community school governing authority ~~, or a STEM school~~ and a student regarding high school credits granted for a course, the student may appeal the ~~board's or governing authority's~~ decision to the state board of education. The state board's decision regarding any high school credits granted under this section is final.

Evidence of successful completion of each course and the high school credits awarded by the district ~~, community school, or participating nonpublic school~~ shall be included in the student's record. The record shall indicate that the credits were earned as a participant under this chapter and shall include the name of the college at which the credits were earned. The district ~~board, community school governing authority, or nonpublic school~~ shall determine whether and the manner in which the grade achieved in a course completed at a college under division (A)(2) or (B) of section 3365.04 of the Revised Code will be counted in any cumulative grade point average maintained for the student.

Sec. 3365.07. (A) The rules adopted under section 3365.02 of the Revised Code shall specify a method for each of the following:

(1) Determining, with respect to any participant, the percentage of a full-time educational program constituted by the participant's total educational program. That percentage shall be the participant's full-time equivalency percentage for purposes of the computation required by division (B)(1) of this section.

(2) In the case of a participant who is not enrolled in a participating nonpublic school, determining the percentage of a participant's school day during which the participant is participating in each of the following:

(a) Programs provided by the city, local, or exempted village school district, ~~or a community school, or a STEM school~~;

(b) Programs provided by a joint vocational school district;

(c) Programs provided by a college under division (B) of section 3365.04 of the Revised Code.

The sum of divisions (A)(2)(a) to (c) of this section shall equal one hundred per cent.

(3) In the case of a participant who is not enrolled in a participating nonpublic school, determining the percentage of a participant's enrollment that shall be deemed to be enrollment in a joint vocational school district and the percentage that shall be deemed to be enrollment in a city, local, or exempted village school district. The sum of such percentages shall equal one hundred per cent.

(4) In the case of a participant who is enrolled in a participating nonpublic school, determining the percentage of a participant's school day during

which the participant is participating in programs provided by a college under division (B) of section 3365.04 of the Revised Code.

(B) Each July, the department of education shall pay each college for any participant enrolled in the college in the prior school year under division (B) of section 3365.04 of the Revised Code an amount computed as follows:

(1) Multiply the tuition base by the participant's full-time equivalency percentage and multiply the resulting amount by a percentage equal to the percentage of the participant's school day apportioned to the college under division (A)(2)(c) or (4) of this section, as applicable.

(2) Pay the college the lesser of:

(a) The amount computed under division (B)(1) of this section;

(b) The actual costs that would have been the responsibility of the participant had the participant elected to enroll under division (A) of section 3365.04 of the Revised Code, as verified by the department, of tuition, textbooks, materials, and fees directly related to any courses elected by the participant during the prior school year under division (B) of section 3365.04 of the Revised Code.

(C) The department shall not reimburse any college for any course taken by a participant under division (A) of section 3365.04 of the Revised Code.

(D) If the participant was not enrolled in a participating nonpublic school, the amount paid under division (B) of this section for each participant shall be subtracted from the school foundation payments made to the participant's school district or, if the participant was enrolled in a community school or a STEM school, from the ~~community school~~ payments made to the participant's school under section 3314.08 or 3326.33 of the Revised Code. If the participant was enrolled in a joint vocational school district, a portion of the amount shall be subtracted from the payments to the joint vocational school district and a portion shall be subtracted from the payments to the participant's city, local, or exempted village school district. The amount of the payment subtracted from the city, local, or exempted village school district shall be computed as follows:

(1) Add the following:

(a) The percentage of the participant's enrollment in the school district, determined under division (A)(3) of this section; and

(b) Twenty-five per cent times the percentage of the participant's enrollment in the joint vocational school district, determined under division (A)(3) of this section.

(2) Multiply the sum obtained under division (D)(1) of this section by the amount computed under division (B)(2) of this section.

The balance of the payment shall be subtracted from the joint vocational district's school foundation payments.

(E) If the participant was enrolled in a participating nonpublic school, the amount paid under division (B) of this section shall be subtracted from moneys set aside by the general assembly for such purpose from funds appropriated for the purposes of section 3317.06 of the Revised Code.

Sec. 3365.09. Section 3365.07 and divisions (A) and (C) of section 3365.08 of the Revised Code do not apply to any college course in which a student is enrolled if during the term such student is enrolled in the college course the student is also a full-time student in the student's district, community school, STEM school, or nonpublic school. The rules adopted under section 3365.02 of the Revised Code shall prescribe a method for determining whether a student is enrolled full-time in the student's district, community school, STEM school, or nonpublic school.

Sec. 3365.11. (A) If the superintendent of the school district or the chief administrator of the community school or STEM school in which a participant is enrolled determines that the participant has not attained a passing final grade in a college course in which the participant enrolled under this chapter, the superintendent or chief administrator shall seek reimbursement from the participant or the participant's parent for the amount of state funds paid to the college on behalf of the participant for that college course. The board of education of the school district or the governing authority of the community school, or the STEM school in accordance with division (C) of section 3313.642 of the Revised Code, may withhold grades and credits received by the participant for district or community school courses taken by the participant until the participant or the participant's parent provides reimbursement.

(B) If the chief administrator of the nonpublic school in which a participant is enrolled determines that the participant has not attained a passing final grade in a college course in which the participant enrolled under this chapter, the chief administrator shall seek reimbursement from the participant or the participant's parent for the amount of state funds paid to the college on behalf of the participant for enrollment in that college course. Upon the collection of any funds from a participant or participant's parent under this division, the chief administrator of a nonpublic school shall send an amount equal to the funds collected to the superintendent of public instruction. The superintendent of public instruction shall credit that amount to the general revenue fund."

Between lines 38492 and 38493, insert:

"Sec. 4117.06. (A) The state employment relations board shall decide in each case the unit appropriate for the purposes of collective bargaining. The determination is final and conclusive and not appealable to the court.

(B) The board shall determine the appropriateness of each bargaining unit and shall consider among other relevant factors: the desires of the employees; the community of interest; wages, hours, and other working conditions of the public employees; the effect of over-fragmentation; the efficiency of operations of the public employer; the administrative structure of the public employer; and

the history of collective bargaining.

(C) The board may determine a unit to be the appropriate unit in a particular case, even though some other unit might also be appropriate.

(D) In addition, in determining the appropriate unit, the board shall not:

(1) Decide that any unit is appropriate if the unit includes both professional and nonprofessional employees, unless a majority of the professional employees and a majority of the nonprofessional employees first vote for inclusion in the unit;

(2) Include guards or correction officers at correctional or mental institutions, special police officers appointed in accordance with sections 5119.14 and 5123.13 of the Revised Code, psychiatric attendants employed at mental health forensic facilities, youth leaders employed at juvenile correction facilities, or any public employee employed as a guard to enforce against other employees rules to protect property of the employer or to protect the safety of persons on the employer's premises in a unit with other employees;

(3) Include members of a police or fire department or members of the state highway patrol in a unit with other classifications of public employees of the department;

(4) Designate as appropriate a bargaining unit that contains more than one institution of higher education; nor shall it within any such institution of higher education designate as appropriate a unit where such designation would be inconsistent with the accreditation standards or interpretations of such standards, governing such institution of higher education or any department, school, or college thereof. For the purposes of this division, any branch or regional campus of a public institution of higher education is part of that institution of higher education.

(5) Designate as appropriate a bargaining unit that contains employees within the jurisdiction of more than one elected county office holder, unless the county-elected office holder and the board of county commissioners agree to such other designation;

(6) With respect to members of a police department, designate as appropriate a unit that includes rank and file members of the department with members who are of the rank of sergeant or above;

(7) Except as otherwise provided by division (A)(3) of section 3314.10 or division (B) of section 3326.18 of the Revised Code, designate as appropriate a bargaining unit that contains employees from multiple community schools established under Chapter 3314. or multiple science, technology, engineering, and mathematics schools established under Chapter 3326. of the Revised Code. For purposes of this division, more than one unit may be designated within a single community school or science, technology, engineering, and mathematics school.

This section shall not be deemed to prohibit multiunit bargaining."

In line 62233, after "3302.10," insert "3307.01, 3307.31, 3309.01, 3309.51,"

In line 62234, after "3313.532," insert "3313.537,"

In line 62244, after "3318.36," insert "3319.29, 3319.291, 3319.301, 3319.31,"

In line 62250, after "3365.01, insert "3365.02, 3365.03, 3365.04, 3365.041, 3365.05, 3365.07, 3365.09, 3365.11,"

In line 62257, after "4112.13," insert "4117.06,"

In line 67902, delete "\$2,783,000" and insert "\$3,000,000"

In line 67903, delete "start-up"; delete "new"; delete "under the section" and insert a period

Delete line 67904

In line 67906, delete "\$3,500,000" and insert "\$3,283,000"

In line 67907, delete "under the section of this act" and insert a period

Delete line 67908

Delete lines 67935 through 68006

In line 79997, after "3318.12," insert "3326.01, 3326.02, 3326.03, 3326.04, 3326.05, 3326.06, 3326.07, 3326.08, 3326.09, 3326.10, 3326.11, 3326.12, 3326.13, 3326.14, 3326.15, 3326.16, 3326.17, 3326.18, 3326.19, 3326.20, 3326.21, 3326.22, 3326.23, 3326.31, 3326.32, 3326.33, 3326.34, 3326.35, 3326.36, 3326.37, 3326.38, 3326.49, 3326.50,"

In line 31 of the title, after "3302.10," insert "3307.01, 3307.31, 3309.01, 3309.51,"

In line 32 of the title, after "3313.532," insert "3313.537,"

In line 45 of the title, after "3318.36," insert "3319.29, 3319.291, 3319.301, 3319.31,"

In line 53 of the title, after "3365.01," insert "3365.02, 3365.03, 3365.04, 3365.041, 3365.05, 3365.07, 3365.09, 3365.11,"

In line 64 of the title, after "4112.13," insert "4117.06,"

In line 120 of the title, after "117.112," insert "117.113,"

In line 128 of the title, after "3317.161," insert "3319.28,"; after "3323.052," insert "3326.01, 3326.02, 3326.03, 3326.04, 3326.05, 3326.06, 3326.07, 3326.08, 3326.09, 3326.10, 3326.11, 3326.12, 3326.13, 3326.14, 3326.15, 3326.16, 3326.17, 3326.18, 3326.19, 3326.20, 3326.21, 3326.22, 3326.23, 3326.31, 3326.32, 3326.33, 3326.34, 3326.35, 3326.36, 3326.37,

3326.38, 3326.49, 3326.50,"

In line 79228, after "Union" insert ";

(23) One member appointed by the Ohio Society of Professional Engineers"

In line 62439, after the period insert "The Environmental Protection Agency, within ninety days or as quickly as possible after the effective date of this section, shall seek a revision to the general NPDES permit, issued pursuant to the federal Water Pollution Control Act as defined in section 6111.01 of the Revised Code, in order not to require a memorandum of understanding with a board of health or the authority having the duties of a board of health and that allows a property owner to seek coverage under the general NPDES permit for purposes of this division. A board of health or the authority having the duties of a board of health voluntarily may enter into a memorandum of understanding with the Environmental Protection Agency to implement the general NPDES permit. In the interim, the Agency shall work with boards of health or authorities having the duties of boards of health and with property owners in order to facilitate the owners' securing an NPDES permit in counties without a memorandum of understanding."

In line 6 of amendment CC-3122, after "(1)" insert "Effective July 2, 2007, the rules adopted by the Public Health Council under section 3718.02 of the Revised Code that took effect on January 1, 2007, are not valid."

In line 79210, delete "One member" and insert "Two members"

In line 11270, after "or" insert " rules governing"; reinsert "household sewage treatment"

In line 11272, strike through "rules governing household sewage"; delete " treatment"

In line 11273, strike through "systems," and insert " systems."

In line 20037, after " (A)(1)(b)" insert " of this section"

In line 29685, after the first "regents" insert "or to the chancellor of the Ohio board of regents"; delete "of the Ohio board of regents"

In line 29701, after "regents" insert "or to the chancellor"

In line 34752, strike through "(1)"

In line 46190, after " department" insert " of job and family services"

In line 48576, strike through "(1)"

In line 62318, correct the spelling of "Code"

In line 62519, remove the underscoring

In line 62520, remove the underscoring

In line 62521, remove the underscoring

In line 62522, remove the underscoring

In line 62546, delete " ~~county department board~~" and insert "board"

In line 62549, delete " ~~, and with~~" and insert ", and with ~~rules governing~~"

In line 62550, delete " household sewage treatment" and insert "household sewage treatment ~~systems~~"

In line 62551, delete the underlined comma and insert a comma

In line 62603, remove the underscoring

In line 62604, remove the underscoring

In line 62605, remove the underscoring

In line 62656, delete " ~~county department board~~" and insert "board"

In line 62658, delete " ~~, and with~~" and insert ", and with ~~rules governing~~"

In line 62659, delete " household sewage treatment" and insert "household sewage treatment ~~systems~~"

In line 62660, delete the underlined comma and insert a comma

In line 62716, delete " ~~or~~" and insert a comma

In line 62718, delete " or household sewage treatment" and insert "or ~~rules governing~~ household sewage treatment ~~systems~~"

In line 62719, delete the underlined comma and insert a comma

In line 62727, reinsert "April 15, 2005"; delete " the"

In line 62728, delete everything before the comma

In line 64956, delete "490-XXX," and insert "490-423,"

In line 64958, delete "600-XXX," and insert "600-435,"

In line 64961, delete "322-XXX," and insert "322-406,"

In line 64962, delete "333-XXX," and insert "335-411,"

In line 75908, delete "Super Computer" and insert "Supercomputer"

In line 75926, delete "Super Computer" and insert "Supercomputer"

In line 79208, delete "Housing" and insert "Homes"

Delete lines 79468 through 79473

In line 125 of the title, delete "3119.032" and insert "3119.302"

In line 64595, delete "July" and insert "October"

In line 64599, delete "July" and insert "October"

In line 277, after "5743.20," insert "5743.99,"

Between lines 58529 and 58530, insert:

"Sec. 5743.99. (A) ~~Whoever~~ (1) Except as provided in division (A)(2) of this section, whoever violates section 5743.10, 5743.11, or 5743.12 or division (C) of section 5743.54 of the Revised Code is guilty of a misdemeanor of the first degree. If the offender has been previously convicted of an offense under this division, violation is a felony of the fourth degree.

(2) Unless the total number of cigarettes exceeds one thousand two hundred, an individual who violates section 5743.10 of the Revised Code is guilty of a minor misdemeanor. If the offender has been previously convicted of an offense under this division, violation is a misdemeanor of the first degree.

(B) Whoever violates section 5743.111, 5743.112, 5743.13, 5743.14, 5743.59, or 5743.60 of the Revised Code is guilty of a felony of the fourth degree. If the offender has been previously convicted of an offense under this division, violation is a felony of the second degree.

(C) Whoever violates section 5743.41 or 5743.42 of the Revised Code is guilty of a misdemeanor of the fourth degree. If the offender has been previously convicted of an offense under this division, violation is a misdemeanor of the third degree.

(D) Whoever violates section 5743.21 of the Revised Code is guilty of a misdemeanor of the first degree. If the offender has been previously convicted of an offense under this division, violation is a felony of the fifth degree.

(E) Whoever violates division (F) of section 5743.03 of the Revised Code is guilty of a misdemeanor of the fourth degree.

(F) Whoever violates any provision of this chapter, or any rule promulgated by the tax commissioner under authority of this chapter, for the violation of which no penalty is provided elsewhere, is guilty of a misdemeanor of the fourth degree.

(G) In addition to any other penalty imposed upon a person convicted of a violation of section 5743.112 or 5743.60 of the Revised Code who was the operator of a motor vehicle used in the violation, the court shall suspend for not less than thirty days or more than three years the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege. The court shall send a copy of its suspension order and determination to the registrar of motor vehicles, and the registrar, pursuant to the order and determination, shall impose a suspension of the same duration. No judge shall suspend the first thirty days of suspension of an offender's license, permit, or privilege required by this division."

In line 62286, after "5743.20," insert "5743.99,"

In line 80065, after "5743.20," insert "5743.99,"

In line 102 of the title, after "5743.20," insert "5743.99,"

Delete lines 70461 through 70467

Adjust totals accordingly

Managers on the Part of the
House of Representatives

Managers on the Part of the
Senate

/S/ MATTHEW J. DOLAN
MATTHEW J. DOLAN

/S/ JOHN A. CAREY, JR.
JOHN A. CAREY, JR.

/S/ LARRY L. FLOWERS
LARRY L. FLOWERS

/S/ TOM NIEHAUS
TOM NIEHAUS

/S/ MICHAEL J. SKINDELL
MICHAEL J. SKINDELL

/S/ DALE MILLER
DALE MILLER

The report of the Committee of Conference was laid over under the rule.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the House of Representatives has passed the following bills in which the concurrence of the Senate is requested:

Am. Sub. H. B. No. 142 -Representative Batchelder

Cosponsors: Representatives Bacon, Williams, B., Combs, Chandler, Bupp, Fessler, Latta, Harwood, Fende, Adams, Wachtmann, White, Collier, Aslanides, Domenick, Boyd, DeBose, Distel, Dyer, Flowers, Gibbs, Hagan, J., Healy, Hite, Hughes, Mallory, Mandel, Oelslager, Otterman, Patton, Peterson, Schindel, Wagoner, Webster, Yuko, Zehringer

To amend sections 2917.31 and 3313.482 of the Revised Code to increase the penalty for inducing panic to a felony of the second degree when a school or an institution of higher education is involved, and to permit school districts to make up excess calamity days by adding extra hours to the remaining days in the school year.

Sub. H. B. No. 149 -Representatives Daniels, Strahorn

Cosponsors: Representatives Stewart, J., Driehaus, Aslanides, Bolon, McGregor, J., Wolpert, Luckie, Gibbs, Hagan, R., Combs, Flowers, Healy, Setzer, Hagan, J., Lundy, Williams, S., Heard, Sykes, Widener, Hughes, Adams, Garrison, Uecker, Huffman, DeBose, Fessler, Distel, Blessing, Patton, Domenick, Fende, Bupp, Beatty, Collier, Peterson, Okey, Stewart, D., Foley, Boyd, Carmichael, Reinhard, Hite, Brown, Gerberry, Koziura, Miller, Sayre, Seitz, Ujvagi, Wachtmann, Webster, Zehringer

To amend sections 4725.01, 4725.09, 4725.16, 4725.23, 4725.26, 4725.28, and 4731.44 and to enact sections 4725.011, 4725.012, and 4725.091 of the

Revised Code to modify the laws governing the State Board of Optometry and the practice of optometry, including the laws authorizing optometrists to administer and prescribe drugs.

H. B. No. 157 -Representative Hughes

Cosponsors: Representatives Bubb, Schindel, Huffman, McGregor, J., Seitz, Combs, Miller, Collier, Fende, Evans, Widener, Latta, Setzer, Stebelton, Uecker, Yuko, Adams, Luckie, Gibbs, Aslanides, Bacon, Batchelder, Bolon, Book, Boyd, Brady, Brown, Budish, Coley, Distel, Domenick, Dyer, Flowers, Foley, Garrison, Gerberry, Hagan, R., Harwood, Lundy, Mandel, Oelslager, Otterman, Patton, Sayre, Stewart, D., Wachtmann, Williams, B., Zehringer

To amend section 5747.08 of the Revised Code to require a box on personal income tax returns that a taxpayer may check to authorize a paid tax preparer to speak to the Department of Taxation about certain matters concerning the return.

H. B. No. 190 -Representative Hite

Cosponsors: Representatives Bubb, Wagner, McGregor, J., Combs, Adams, Goodwin, Wagoner, Stebelton, Webster, Letson, Hottinger, Peterson, Latta, Huffman, Otterman, Okey, Setzer, Dyer, Patton, Lundy, Luckie, Garrison, Evans, Celeste, Heard, Collier, Schlichter, Brady, Aslanides, Bacon, Bolon, Boyd, Budish, Core, DeBose, Domenick, Fende, Fessler, Flowers, Gibbs, Goyal, Hagan, J., Harwood, Healy, Hughes, Koziura, Mallory, Mandel, Oelslager, Sayre, Schindel, Stewart, D., Sykes, Szollosi, Williams, B., Yuko, Zehringer

To amend sections 3301.0710 and 3301.0711 of the Revised Code to specify administration dates for the elementary achievement tests.

H. B. No. 194 -Representative Zehringer

Cosponsors: Representatives Seitz, Evans, Adams, Huffman, McGregor, J., Reinhard, Goodwin, Daniels, Flowers, Carmichael, Webster, Hite, Domenick, Batchelder, Book, Chandler, Coley, DeWine, Dolan, Hughes, Latta, Mandel, Otterman, Patton, Wagoner

To amend section 121.22 of the Revised Code to allow joint township hospitals to hold an executive session for purposes of discussing trade secrets.

Sub. H. B. No. 213 -Representatives Combs, Wagner

Cosponsors: Representatives McGregor, J., Evans, Yuko, Brown, Stebelton, Hughes, Bacon, Barrett, Batchelder, Bolon, Boyd, Bubp, Celeste, Coley, DeGeeter, Dodd, Domenick, Driehaus, Dyer, Fende, Flowers, Gibbs, Goyal, Hagan, J., Harwood, Hite, Hottinger, Latta, Mandel, Okey, Otterman, Patton, Schindel, Strahorn, Szollosi, Uecker, Wagoner, Webster, White, Williams, B., Wolpert

To amend sections 109.57, 109.572, 109.60, 109.99, 2151.413, 2151.414, 2151.417, 2151.419, 2151.421, 2151.424, 2151.86, 3107.033, 3107.034, 3107.14, 5101.13, 5101.132, 5101.134, 5103.03, 5103.0319, 5103.0326, 5103.16, 5103.18, 5104.011, 5104.012, 5104.013, 5104.09, and 5104.30 and to enact sections 109.581, 1901.43, 1907.181, 2301.10, 3107.062, 5101.32, 5103.0328, and 5104.022 of the Revised Code to improve foster caregiver background checks, clarify when a court must order a person to be fingerprinted, establish the retained applicant fingerprint database, and make other changes in the law regarding approval of out-of-home care workers, adoptive parents, foster caregivers, and child day-cares.

Attest:

Laura P. Clemens,
Clerk.

Said bills were considered the first time.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the House of Representatives has concurred in the passage of the following bills:

Sub. S. B. No. 24 -Senator Carey

Cosponsors: Senators Niehaus, Grendell, Spada, Harris, Padgett, Mumper, Buehrer, Schaffer, Clancy, Roberts, Miller, D., Kearney, Cates, Goodman, Sawyer, Cafaro, Faber, Wilson, Morano, Fedor, Stivers Representatives Collier, Celeste, Zehringer, Hagan, R., Wolpert, Mallory, Hagan, J., Reinhard, Schindel, Otterman, Heard, Combs, Williams, B., DeBose, Lundy, McGregor, J., Ujvagi, Chandler, Stebelton, Aslanides, Blessing, Daniels, Domenick, Fende, Flowers, Garrison, Harwood, Hottinger, Hughes, Letson, Luckie, Patton, Raussen, Sayre, Schlichter, Seitz, Setzer, Szollosi, Uecker, Wagoner, Webster, Yates, Yuko

To amend sections 122.086, 122.087, 122.089, 122.0810, 122.0812, 122.0814, 122.0817, 122.0819, and 122.951 of the Revised Code to require the Director of Development to adopt rules regarding the annual competitive process for the Job Ready Site Program and to increase the maximum grant amount that may be awarded under the Industrial Site Improvement Fund.

S. B. No. 143 -Senator Padgett

Cosponsors: Senators Spada, Carey, Gardner, Boccieri, Schuler, Clancy, Miller, R., Kearney, Sawyer, Morano, Cates, Miller, D., Roberts, Schuring, Wilson, Harris, Fedor Representatives Setzer, Sykes, Collier, Stebelton, Garrison, Brady, Evans, Okey, Patton, Dyer, Lundy, Williams, B., Aslanides, Bacon, Beatty, Bolon, Boyd, Celeste, Chandler, Combs, DeBose, Dodd, Domenick, Fende, Flowers, Goyal, Hagan, J., Hagan, R., Harwood, Hottinger, Hughes, Latta, Letson, Luckie, Mallory, Mandel, McGregor, J., Otterman, Peterson, Stewart, D., Stewart, J., Wagoner, Webster, White, Zehringer

To amend sections 4753.02, 4753.05, and 4753.11 and to enact sections 4753.073 and 4753.101 of the Revised Code to establish a limited student permit category for speech language pathology interns, and to declare an emergency.

Attest:

Laura P. Clemens,
Clerk.

On the motion of Senator Niehaus, the Senate adjourned until Wednesday, June 27, 2007, 1:30 p.m.

Attest:

DAVID A. BATTOCLETTI,
Clerk.