

OHIO

SENATE

JOURNAL

TUESDAY, MARCH 28, 2006

ONE HUNDRED SIXTY-SIXTH DAY
Senate Chamber, Columbus, Ohio
Tuesday, March 28, 2006, 1:30 p.m.

The Senate met pursuant to adjournment.

Prayer was offered by Deacon Doug Mould, Sacred Heart Catholic Church, Coshocton, Ohio, followed by the Pledge of Allegiance to the Flag.

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

On the motion of Senator Gardner the Senate recessed.

The Senate met pursuant to the recess.

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

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

S. B. No. 304-Senators Carey, Clancy, Amstutz.

To amend sections 4765.01, 4765.11, 4765.28, 4765.29, 4765.30, 4765.43, 4765.50, and 4765.99 of the Revised Code to modify the ambulance staffing and personnel certification requirements for emergency medical service organizations that use volunteers.

To the Committee on Health, Human Services and Aging.

S. C. R. No. 29-Senators Schuler, Clancy, Kearney, Niehaus.

To designate the week of May 14, 2006, as "Co-op Education Week" in Ohio.

To the Committee on Education.

YES - 5: JEFF JACOBSON, J. KIRK SCHURING, KIMBERLY A. ZURZ, C. J. PRENTISS, BILL HARRIS.

NO - 0.

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

The report of the committee was accepted.

Said bill and concurrent resolution were considered a second time and referred to committee as recommended.

REPORTS OF STANDING AND SELECT COMMITTEES

Senator Carey submitted the following report:

The standing committee on Finance and Financial Institutions, to which was referred **Am. Sub. H. B. No. 530**-Representative Calvert, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsor: Carey.

YES - 13: JOHN A. CAREY, STEPHEN C. AUSTRIA, PATRICIA M. CLANCY, TOM ROBERTS, DALE MILLER, CHARLES A. WILSON, RAY MILLER, STEVE STIVERS, TOM NIEHAUS, RON AMSTUTZ, RANDY GARDNER, GARY W. CATES, JOY PADGETT.

NO - 0.

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

The report of the committee was accepted.

Senator Jordan submitted the following report:

The standing committee on Judiciary - Criminal Justice, to which was referred **S. B. No. 137**-Senator Goodman, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: Stivers, Zurz, Kearney.

YES - 9: JIM JORDAN, PATRICIA M. CLANCY, STEPHEN C. AUSTRIA, STEVE STIVERS, TIMOTHY J. GRENDELL, J. KIRK SCHURING, MARC DANN, KIMBERLY A. ZURZ, ERIC H. KEARNEY.

NO - 0.

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

The report of the committee was accepted.

Senator Jordan submitted the following report:

The standing committee on Judiciary - Criminal Justice, to which was referred **S. B. No. 260**-Senator Austria, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: Dann, Kearney, Zurz, Clancy.

YES - 9: JIM JORDAN, STEPHEN C. AUSTRIA, TIMOTHY J. GRENDALL, J. KIRK SCHURING, MARC DANN, ERIC H. KEARNEY, KIMBERLY A. ZURZ, PATRICIA M. CLANCY, STEVE STIVERS.

NO - 0.

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

The report of the committee was accepted.

Senator Jordan submitted the following report:

The standing committee on Judiciary - Criminal Justice, to which was referred **Am. Sub. H. B. No. 95**-Representative Seitz, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsor: Dann.

YES - 7: JIM JORDAN, PATRICIA M. CLANCY, STEPHEN C. AUSTRIA, STEVE STIVERS, ERIC H. KEARNEY, KIMBERLY A. ZURZ, MARC DANN.

NO - 0.

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

The report of the committee was accepted.

Senator Jordan submitted the following report:

The standing committee on Judiciary - Criminal Justice, to which was referred **Sub. H. B. No. 96**-Representative Seitz, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: Dann, Zurz, Clancy.

YES - 9: JIM JORDAN, MARC DANN, KIMBERLY A. ZURZ, PATRICIA M. CLANCY, STEPHEN C. AUSTRIA,

STEVE STIVERS, TIMOTHY J. GRENDALL, J. KIRK SCHURING, ERIC H. KEARNEY.

NO - 0.

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

The report of the committee was accepted.

HOUSE AMENDMENTS TO SENATE BILLS AND RESOLUTIONS

The amendments of the House of Representatives to:

Sub. S. B. No. 148-Senators Hottinger, Grendell, Carey, Spada
Representatives Wolpert, Domenick, McGregor, J., Bulp, Uecker, Combs, Yuko, Fende, Blessing, Calvert, Carano, Cassell, Chandler, Daniels, DeBose, Distel, Dolan, Evans, C., Evans, D., Flowers, Hughes, Key, Latta, Otterman, Patton, T., Raussen, Reidelbach, Sayre, Schneider, Seitz, Setzer, Smith, G., Smith, S., Stewart, J., Willamowski, Williams.

To amend section 317.09 of the Revised Code to authorize a county recorder to use electronic or magnetic mediums for recording federal tax and other federal liens and to request the disposal of paper versions of those recorded documents, were taken up.

The question being, "Shall the Senate concur in the amendments of the House of Representatives?"

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

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Carey
Cates	Clancy	Coughlin	Dann
Fedor	Fingerhut	Gardner	Goodman
Grendell	Hagan	Hottinger	Jacobson
Jordan	Kearney	Miller D	Miller R
Mumper	Niehaus	Padgett	Prentiss
Roberts	Schuler	Schuring	Spada
Stivers	Wachtmann	Wilson	Zurz
			Harris-33.

So the Senate concurred in the amendments of the House of Representatives.

BILLS FOR THIRD CONSIDERATION

Sub. S. B. No. 265-Senators Spada, Carey, Mumper, Niehaus, Amstutz, Armbruster, Clancy, Stivers.

To amend sections 3704.02 and 3704.03 of the Revised Code to make changes in the Air Pollution Control Law regarding statutory construction, the costs of compliance with rules, permits to install, air quality monitoring, and best available technology, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 265**, pass?"

Senator Spada moved to amend as follows:

In line 6, delete "sections 3704.02 and" and insert "section"

Delete lines 8 through 28

In line 435, strike through "person responsible for any" and insert "owner or operator of an"

In line 449, delete ", and, for" and insert ". For"

In line 458, after "contaminant" insert "except as otherwise agreed to by the owner or operator of the air contaminant source and the director"

In line 465, after "Act" insert "and except as otherwise agreed to by the owner or operator of an air contaminant source and the director"

In line 575, delete "two" and insert "three"

In line 586, delete "two" and insert "three"

In line 599, delete "established in rules"

In line 600, delete "adopted under this division"

In line 609, after "director" insert ". Further, best available technology requirements established in rules adopted under this division shall not apply to general permits issued prior to January 1, 2006, under rules adopted under this chapter."

For permits to install issued three or more years after the effective date of this amendment, any new or modified air contaminant source that has the potential to emit, taking into account air pollution controls installed on the source, ten or more tons per year of volatile organic compounds or nitrogen oxides shall meet, at a minimum, the requirements of any applicable reasonably available control technology rule in effect as of January 1, 2006, regardless of the location of the source"

In line 633, delete "sections 3704.02 and" and insert "section"

In line 634, delete "are" and insert "is"

In line 1 of the title, delete "sections 3704.02 and" and insert "section"

In line 3 of the title, delete "statutory construction,"

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

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

Those who voted in the affirmative were: Senators

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

Senator Schuring voted in the negative-1.

The amendment was agreed to.

The question recurred, "Shall the bill, **Sub. S. B. No. 265**, pass?"

Senator Hagan moved to amend as follows:

After line 634, insert:

"Section 3. The Director of Budget and Management, in consultation with the Director of Environmental Protection, shall estimate the Environmental Protection Agency's costs of complying with this act, specifically including the costs of adopting, amending, and rescinding rules for the purposes of implementing this act. It is the intent of the General Assembly that any increase in such costs shall be offset by increasing the fees for air pollution control permits issued under Chapter 3704. of the Revised Code and rules adopted under it."

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

Senator Niehaus moved that the amendment be laid on the table.

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

A roll call was requested which was properly supported.

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. S. B. No. 265**, pass?"

Senator Dann moved to amend as follows:

In line 129, after "section" insert "unless the director determines that an installation permit is necessary to protect the public health and welfare or to prevent the creation of a nuisance"

In line 449, after "compliance" delete the balance of the line

Delete lines 450 through 467

In line 468, delete everything before the period and insert:

". For purposes of division (I) of this section, the director shall adopt rules that require monitoring of air contaminant sources that is cost effective and technologically available and that provides the most accurate quantification of air contaminants released into the ambient air. The rules shall establish procedures by which an applicant for a permit to install under rules adopted under this section shall determine the most scientifically accurate and cost-effective monitoring procedures and devices for the air contaminant source that is the subject of the application"

In line 609, after "director" insert "unless the director determines that the application of best available technology requirements is necessary to protect the public health and welfare or to prevent the creation of a nuisance"

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

Senator Niehaus moved that the amendment be laid on the table.

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

A roll call was requested which was properly supported.

The yeas and nays were taken and resulted - yeas 21, nays 12, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Carey
Cates	Clancy	Coughlin	Gardner
Goodman	Grendell	Hottinger	Jacobson
Mumper	Niehaus	Padgett	Schuler
Schuring	Spada	Stivers	Wachtmann
			Harris-21.

Those who voted in the negative were: Senators

Dann	Fedor	Fingerhut	Hagan
Jordan	Kearney	Miller D	Miller R
Prentiss	Roberts	Wilson	Zurz-12.

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. S. B. No. 265**, pass?"

Senator Miller, D. moved to amend as follows:

In line 6, delete "sections 3704.02 and" and insert "section"

Delete lines 8 through 28

In line 449, delete ", and, for sources where a"

Delete lines 450 through 457

In line 458, delete "applicable regulation or rule for that air contaminant"

In line 464, delete ". To the"

Delete lines 465 through 467

In line 468, delete everything before the period

In line 633, delete "sections 3704.02 and" and insert "section"

In line 634, delete "are" and insert "is"

In line 1 of the title, delete "sections 3704.02 and" and insert "section"

In line 3 of the title, delete "statutory construction,"

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

Senator Niehaus moved that the amendment be laid on the table.

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

A roll call was requested which was properly supported.

The yeas and nays were taken and resulted - yeas 22, nays 11, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Carey
Cates	Clancy	Coughlin	Gardner
Goodman	Grendell	Hottinger	Jacobson
Jordan	Mumper	Niehaus	Padgett
Schuler	Schuring	Spada	Stivers
Wachtmann			Harris-22.

Those who voted in the negative were: Senators

Dann	Fedor	Fingerhut	Hagan
Kearney	Miller D	Miller R	Prentiss
Roberts	Wilson		Zurz-11.

The amendment was laid on the table.

The question recurring, "Shall the bill, **Sub. S. B. No. 265**, pass?"

Senator Miller, D. moved to amend as follows:

In line 555, after "(T)" reinsert the balance of the line

Reinsert lines 556 through 571

In line 572, reinsert "with those regulations" and delete the balance of the
line

Delete lines 573 through 608

In line 609, delete everything before the period

In line 4 of the title, after the second comma insert "and"

In line 5 of the title, delete ", and best available technology"

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

Senator Niehaus moved that the amendment be laid on the table.

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

A roll call was requested which was properly supported.

The yeas and nays were taken and resulted - yeas 22, nays 11, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Carey
Cates	Clancy	Coughlin	Gardner
Goodman	Grendell	Hottinger	Jacobson
Jordan	Mumper	Niehaus	Padgett
Schuler	Schuring	Spada	Stivers
Wachtmann			Harris-22.

Those who voted in the negative were: Senators

Dann	Fedor	Fingerhut	Hagan
Kearney	Miller D	Miller R	Prentiss
Roberts	Wilson		Zurz-11.

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. S. B. No. 265**, pass?"

Senator Hagan moved to amend as follows:

In line 294, after "allow" insert ", subject to a case-by-case evaluation and approval by the director."

In line 304, after "operator" insert ", including the risk of denial of the issuance of the permit to install"

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

Senator Niehaus moved that the amendment be laid on the table.

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

A roll call was requested which was properly supported.

The yeas and nays were taken and resulted - yeas 22, nays 11, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Carey
Cates	Clancy	Coughlin	Gardner
Goodman	Grendell	Hottinger	Jacobson
Jordan	Mumper	Niehaus	Padgett
Schuler	Schuring	Spada	Stivers
Wachtmann			Harris-22.

Those who voted in the negative were: Senators

Dann	Fedor	Fingerhut	Hagan
Kearney	Miller D	Miller R	Prentiss
Roberts	Wilson		Zurz-11.

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. S. B. No. 265**, pass?"

Senator Kearney moved to amend as follows:

After line 634, insert:

"Section 3. The General Assembly hereby finds and declares its intention that no part of this act shall be interpreted or applied to encourage, facilitate, allow, or otherwise result, directly or indirectly, in the establishment or reestablishment of a motor vehicle inspection and maintenance program in any part of this state in which a motor vehicle inspection and maintenance program is not operating on the effective date of this act. Further, the General Assembly hereby finds and declares its intention that no part of this act shall be interpreted or applied to encourage, facilitate, allow, or otherwise result, directly or indirectly, in the extension of the motor vehicle inspection and maintenance program in any part of this state in which it is operating on the effective date of this act beyond December 31, 2007, as required by section 3704.14 of the Revised Code. The General Assembly further directs the Director of Environmental Protection to take all necessary actions to ensure that, in implementing the provisions of this act, the Director does nothing to bring about the institution, reinstatement, or extension of the motor vehicle inspection and maintenance program, as applicable, in any part of the state."

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

The amendment was agreed to.

The question recurred, "Shall the bill, **Sub. S. B. No. 265**, pass?"

Senator Hagan moved to amend as follows:

In line 78, after the underlined comma insert "the overall health and environmental benefit within this state of compliance with the rules."

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

Senator Niehaus moved that the amendment be laid on the table.

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

A roll call was requested which was properly supported.

The yeas and nays were taken and resulted - yeas 21, nays 12, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Carey
Cates	Clancy	Coughlin	Gardner
Goodman	Grendell	Hottinger	Jordan
Mumper	Niehaus	Padgett	Schuler
Schuring	Spada	Stivers	Wachtmann
			Harris-21.

Those who voted in the negative were: Senators

Dann	Fedor	Fingerhut	Hagan
Jacobson	Kearney	Miller D	Miller R
Prentiss	Roberts	Wilson	Zurz-12.

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. S. B. No. 265**, pass?"

The yeas and nays were taken and resulted - yeas 26, nays 7, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Carey
Cates	Clancy	Coughlin	Gardner
Goodman	Grendell	Hottinger	Jacobson
Jordan	Kearney	Mumper	Niehaus
Padgett	Prentiss	Schuler	Schuring
Spada	Stivers	Wachtmann	Wilson
Zurz			Harris-26.

Senators Dann, Fedor, Fingerhut, Hagan, Miller D, Miller R, and Roberts voted in the negative-7.

So the bill passed.

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

Senator Spada moved to amend the title as follows:

Add the names: "Goodman, Harris, Wachtmann."

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

The motion was agreed to and the title so amended.

On the motion of Senator Jacobson the Senate recessed.

The Senate met pursuant to the recess.

Sub. H. B. No. 530—Representatives Calvert, Coley, Allen, Aslanides, Collier, Combs, Dolan, Evans, C., Evans, D., Flowers, Hagan, Law, Martin, McGregor, R., Peterson, Schneider, Seitz, Setzer, Webster, White, Widowfield Senator Carey.

To amend sections 9.41, 9.901, 101.543, 107.40, 109.57, 109.572, 113.09, 113.11, 113.12, 117.45, 117.46, 117.47, 117.48, 120.36, 120.52, 120.521, 120.53, 121.37, 122.17, 122.171, 122.72, 122.73, 122.74, 122.90, 124.09, 124.11, 124.134, 124.135, 124.137, 124.138, 124.139, 124.14, 124.151, 124.152, 124.18, 124.181, 124.182, 124.321, 124.324, 124.327, 124.382, 124.384, 124.386, 124.387, 124.389, 124.391, 124.82, 124.821, 124.823, 124.84, 124.87, 125.21, 126.07, 126.21, 126.22, 131.01, 131.02, 131.33, 133.01, 133.04, 133.06, 133.12, 133.18, 141.08, 141.10, 145.70, 173.14, 173.39, 173.391, 173.41, 184.20, 319.301, 340.021, 742.57, 901.23, 927.39, 927.40, 927.41, 927.42, 955.011, 955.16, 955.43, 1309.102, 1309.520, 1309.521, 1317.07, 1321.02, 1333.11, 1333.82, 1523.02, 1901.31, 1901.311, 1901.32, 1901.33, 2151.357, 2152.44, 2305.2341, 2503.20, 2913.01, 2913.02, 2921.321, 2923.46, 2925.44, 2933.43, 3109.14, 3301.0714, 3302.021, 3307.32, 3309.68, 3310.03, 3310.06, 3310.08, 3310.16, 3311.057, 3313.29, 3313.372, 3313.61, 3313.64, 3313.6410, 3313.813, 3314.02, 3314.03, 3314.08, 3314.26, 3314.35, 3314.36, 3315.01, 3317.01, 3317.015, 3317.02, 3317.021, 3317.022, 3317.024, 3317.029, 3317.0216, 3317.03, 3317.051, 3317.053, 3317.06, 3317.07, 3317.082, 3317.11, 3317.19, 3318.052, 3318.37, 3319.17, 3323.091, 3323.13, 3323.20, 3353.02, 3354.10, 3357.10, 3358.06, 3362.01, 3365.02, 3375.121, 3381.15, 3381.17, 3517.152, 3701.041, 3701.341, 3701.65, 3705.242, 3734.57, 3735.67, 3745.114, 3769.087, 3901.383, 3901.3814, 3905.43, 3917.04, 4109.01, 4109.02, 4109.06, 4117.01, 4123.444, 4301.01, 4303.17, 4303.181, 4303.182, 4303.29, 4731.22, 4731.281, 4781.04, 4905.79, 5101.93, 5111.011, 5111.0112, 5111.061, 5111.081, 5111.11, 5111.151, 5111.161, 5111.162, 5111.20, 5111.222, 5111.231, 5111.244, 5111.27, 5111.31, 5111.88, 5111.882, 5111.889, 5111.8811, 5111.8812, 5112.08, 5112.18, 5112.31, 5115.04, 5119.16, 5123.0413, 5123.196, 5123.36, 5139.50, 5505.27, 5531.10, 5577.99, 5703.21, 5703.57, 5705.03, 5705.091, 5705.19, 5705.195, 5705.34, 5709.08, 5709.081, 5709.40, 5709.42, 5709.43, 5709.73, 5709.74, 5709.75, 5709.78, 5709.79, 5709.80, 5711.01, 5725.221, 5727.06, 5727.85, 5729.05, 5733.01, 5733.352, 5733.56, 5733.98, 5735.27, 5739.011, 5739.026, 5739.211, 5741.031, 5743.025, 5743.03, 5743.04, 5743.05, 5743.08, 5743.081, 5743.12, 5743.13, 5743.15, 5743.18, 5743.33, 5743.34, 5743.35, 5745.01, 5747.01, 5747.012, 5747.05, 5747.056, 5747.11, 5747.331, 5748.01, 5748.02, 5751.01, 5751.011, 5751.032, 5751.04, 5751.05, 5751.051, 5751.10, 5751.20, 5751.21, 5751.22, 5751.53, 5923.05, and 6121.02; to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 117.45 (126.35), 117.46 (126.36), 117.47 (126.37), 117.48 (126.38), 173.41 (173.394), 5101.93

(5111.178), 5111.081 (5111.942), 5111.082 (5111.081), 5111.083 (5111.082), 5111.084 (5111.083), and 5111.085 (5111.084); to enact new sections 3325.12, 3365.11, and 5111.18 and sections 124.392, 131.022, 173.27, 307.761, 333.01, 333.02, 333.03, 333.04, 333.05, 333.06, 333.07, 3310.11, 3310.12, 3314.18, 3323.143, 3701.046, 3701.79, 4303.207, 4503.105, 5111.0116, 5111.0117, 5111.0118, 5111.101, 5111.163, 5111.8813, 5111.8814, 5111.8815, 5111.8816, 5111.8817, 5111.941, 5111.943, 5112.311, 5123.37, 5123.371, 5123.372, 5123.373, 5123.374, 5123.375, 5502.261, 5531.101, 5701.11, 5705.211, 5725.222, 5725.98, 5729.101, 5729.102, 5729.98, 5743.021, 5743.321, 5748.011, and 5919.19; and to repeal sections 124.822, 124.92, 3325.12, 3325.17, 3365.11, 4732.04, and 5111.18 of the Revised Code; to amend Section 3 of Sub. H.B. 11 of the 126th General Assembly; to amend Sections 203.09, 203.12, 203.12.12, 203.45, 203.51, 203.54, 203.66, 203.69, 203.84, 203.87, 203.99.01, 203.99.30, 203.99.48, 206.03, 206.09, 206.09.12, 206.09.15, 206.09.21, 206.09.27, 206.09.36, 206.09.39, 206.09.42, 206.09.61, 206.09.63, 206.09.66, 206.09.84, 206.16, 206.42, 206.42.09, 206.48, 206.66, 206.66.22, 206.66.23, 206.66.36, 206.66.64, 206.66.66, 206.66.84, 206.66.85, 206.66.91, 206.67.15, 206.67.21, 206.99, 209.04, 209.06.06, 209.06.09, 209.09.06, 209.09.18, 209.15, 209.18, 209.18.09, 209.24, 209.30, 209.33, 209.36, 209.45, 209.63, 209.63.42, 209.64.60, 209.72, 209.75, 209.78.03, 209.81, 209.90.06, 212.03, 212.24, 212.27, 212.30, 212.33, 557.12, and 612.36.03 of Am. Sub. H.B. 66 of the 126th General Assembly; to amend Sections 23 and 23.01 of Am. Sub. S.B. 189 of the 125th General Assembly; to amend Sections 19.01, 20.01, 22.04, 23.12, and 23.45 of Am. Sub. H.B. 16 of the 126th General Assembly, as subsequently amended; to amend Sections 203.06.06 and 203.06.24 of Am. Sub. H.B. 68 of the 126th General Assembly, as subsequently amended; to amend Section 22 of Am. Sub. S.B. 189 of the 125th General Assembly, as subsequently amended; to repeal Section 5 of Am. Sub. S.B. 234 of the 125th General Assembly; and to repeal Sections 315.03 and 557.09.09 of Am. Sub. H.B. 66 of the 126th General Assembly to make capital reappropriations for the biennium ending June 30, 2008, to make certain supplemental and capital appropriations and to provide authorization and conditions for the operation of state programs, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 530**, pass?"

Senator Roberts moved to amend as follows:

In line 132, after "3323.20," insert "3333.26,"

Between lines 18823 and 18824, insert:

"Sec. 3333.26. (A) Any citizen of this state who has resided within the state for one year and who was in the active service of the United States as a soldier, sailor, nurse, or marine between April 6, 1917, and November 11, 1918,

and who has been honorably discharged from such service, shall be admitted to any school, college, or university that receives state funds in support thereof, without being required to pay any tuition or matriculation fee, but is not relieved from the payment of laboratory or similar fees.

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

(a) "Volunteer firefighter" has the meaning given in division (B)(1) of section 146.01 of the Revised Code;

(b) "Public service officer" means an Ohio firefighter, volunteer firefighter, police officer, member of the highway patrol, employee designated to exercise the powers of police officers pursuant to section 1545.13 of the Revised Code, or other peace officer as defined by division (B) of section 2935.01 of the Revised Code, or a person holding any equivalent position in another state;

(c) "Qualified former spouse" means the former spouse of a public service officer, or of a member of the armed services of the United States, who is the custodial parent of a minor child of that marriage pursuant to an order allocating the parental rights and responsibilities for care of the child issued pursuant to section 3109.04 of the Revised Code.

(d) "Operation enduring freedom" means that period of conflict which began October 7, 2001, and ends on a date declared by the president of the United States or the congress.

(e) "Operation Iraqi freedom" means that period of conflict which began March 20, 2003, and ends on a date declared by the president of the United States or the congress.

(f) "Combat zone" means an area which the president of the United States by executive order designates, for purposes of 26 U.S.C. 112, as an area in which armed forces of the United States are or have engaged in combat.

(2) Any resident of this state who is under twenty-six years of age, or under thirty years of age if the resident has been honorably discharged from the armed services of the United States, and who is the child of a public service officer killed in the line of duty or of a member of the armed services of the United States killed in the line of duty during operation enduring freedom or operation Iraqi freedom, and who is admitted to any state university or college as defined in division (A)(1) of section 3345.12 of the Revised Code, community college, state community college, university branch, or technical college, shall not be required to pay any tuition or any student fee for up to four academic years of education, which shall be at the undergraduate level.

A child of a member of the armed services of the United States killed in the line of duty during operation enduring freedom or operation Iraqi freedom is eligible for a waiver of tuition and student fees under this division only if the student is not eligible for a war orphans scholarship authorized by Chapter 5910. of the Revised Code. In any year in which the war orphans scholarship board reduces the percentage of tuition covered by a war orphans scholarship below

one hundred per cent pursuant to division (A) of section 5910.04 of the Revised Code, the waiver of tuition and student fees under this division for a child of a member of the armed services of the United States killed in the line of duty during operation enduring freedom or operation Iraqi freedom shall be reduced by the same percentage.

(3) Any resident of this state who is the spouse or qualified former spouse of a public service officer killed in the line of duty or of a member of the armed services of the United States killed in the line of duty while serving in a combat zone after May 7, 1975, and who is admitted to any state university or college as defined in division (A)(1) of section 3345.12 of the Revised Code, community college, state community college, university branch, or technical college, shall not be required to pay any tuition or any student fee for up to four academic years of education, which shall be at the undergraduate level.

(C) Any institution that is not subject to division (B) of this section and that holds a valid certificate of registration issued under Chapter 3332., a valid certificate issued under Chapter 4709., or a valid license issued under Chapter 4713. of the Revised Code, or that is nonprofit and has a certificate of authorization issued under section 1713.02 of the Revised Code or that is a private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code that reduces tuition and student fees of a student who is eligible to attend an institution of higher education under the provisions of division (B) of this section by an amount indicated by the Ohio board of regents shall be eligible to receive a grant in that amount from the board. Each institution that enrolls students under division (B) of this section shall report to the board, by the first day of July of each year, the number of students who were so enrolled and the average amount of all such tuition and fees waived during the preceding year. The board shall determine the average amount of all such tuition and fees waived during the preceding year. The average amount of tuition and fees waived under division (B) of this section during the preceding year shall be the amount of grants that participating institutions shall receive under this division during the current year, but no grant under this division shall exceed the tuition and student fees due and payable by the student prior to the reduction referred to in this division. Such grants shall be made for four years of undergraduate education of an eligible student."

In line 35285, after "3323.20," insert "3333.26,"

In line 29 of the title, after "3323.20," insert "3333.26,"

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

Senator Stivers moved that the amendment be laid on the table.

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

A roll call was requested which was properly supported.

The yeas and nays were taken and resulted - yeas 21, nays 10, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Carey
Cates	Clancy	Coughlin	Gardner
Grendell	Hottinger	Jacobson	Jordan
Mumper	Niehaus	Padgett	Schuler
Schuring	Spada	Stivers	Wachtmann
			Harris-21.

Those who voted in the negative were: Senators

Dann	Fingerhut	Hagan	Kearney
Miller D	Miller R	Prentiss	Roberts
Wilson			Zurz-10.

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. H. B. No. 530**, pass?"

Senator Miller, R. moved to amend as follows:

In line 138, after "4905.79," insert "5101.34, 5101.341, 5101.342,"

Between lines 23249 and 23250, insert:

"Sec. 5101.34. (A) There is hereby created ~~in the department of job and family services~~ the Ohio commission on fatherhood. The commission shall consist of the following members:

(1)(a) Four members of the house of representatives appointed by the speaker of the house, not more than two of whom are members of the same political party. Two of the members must be from legislative districts that include a county or part of a county that is among the one-third of counties in this state with the highest number per capita of households headed by females.

(b) Two members of the senate appointed by the president of the senate, each from a different political party. One of the members must be from a legislative district that includes a county or part of a county that is among the one-third of counties in this state with the highest number per capita of households headed by females.

(2) The governor, or the governor's designee;

(3) One representative of the judicial branch of government appointed by the chief justice of the supreme court;

(4) The directors of alcohol and drug addiction services, development, health, job and family services, mental health, rehabilitation and correction, and youth services ~~and~~, the superintendent of public instruction, and the chancellor of the board of regents, or their designees;

(5) ~~One representative of the Ohio family and children first cabinet~~

~~council created under section 121.37 of the Revised Code appointed by the chairperson of the council~~The chairs of the commission on minority health and the Ohio civil rights commission, or their designees;

(6) Five representatives of the general public appointed by the governor. These members shall have extensive experience in issues related to fatherhood.

(B) The appointing authorities of the Ohio commission on fatherhood shall make initial appointments to the commission within thirty days after ~~the effective date of this section~~September 29, 1999. Of the initial appointments to the commission made pursuant to divisions (A)(3), ~~(5)~~, and (6) of this section, three of the members shall serve a term of one year and four shall serve a term of two years. Members so appointed subsequently shall serve two-year terms. A member appointed pursuant to division (A)(1) of this section shall serve on the commission until the end of the general assembly from which the member was appointed or until the member ceases to serve in the chamber of the general assembly in which the member serves at the time of appointment, whichever occurs first. The governor or the governor's designee shall serve on the commission until the governor ceases to be governor. ~~The directors and superintendent or their designees~~members designated in divisions (A)(4) and (5) of this section shall serve on the commission until they cease, ~~or the director or superintendent a designee represents ceases, to be director or superintendent to hold the positions described in divisions (A)(4) and (5) of this section.~~ Each member shall serve on the commission from the date of appointment until the end of the term for which the member was appointed. Members may be reappointed.

Vacancies shall be filled in the manner provided for original appointments. Any member appointed to fill a vacancy occurring prior to the expiration date of the term for which the member's predecessor was appointed shall serve on the commission for the remainder of that term. A member shall continue to serve on the commission subsequent to the expiration date of the member's term until the member's successor is appointed or until a period of sixty days has elapsed, whichever occurs first. Members shall serve without compensation but shall be reimbursed for necessary expenses.

Sec. 5101.341. (A) The Ohio commission on fatherhood annually shall elect a chairperson from among its members. ~~The department of job and family services shall provide staff and other support services for the commission. The commission may hire staff and contract for the support services, as necessary.~~

(B) The commission may accept gifts, grants, donations, contributions, benefits, and other funds from any public agency or private source to carry out any or all of the commission's duties. The funds shall be deposited into the Ohio commission on fatherhood fund, which is hereby created in the state treasury. All gifts, grants, donations, contributions, benefits, and other funds received by the commission pursuant to this division shall be used solely to support the operations of the commission.

Sec. 5101.342. (A) The Ohio commission on fatherhood shall ~~be both of~~

the following:

~~(A) Organize a state summit on fatherhood every four years;~~

~~(B)(1) Prepare a report each year that identifies resources available to fund fatherhood-related programs and explores the creation of provide funding for initiatives to do the following:~~

~~(a)(1) Build the parenting skills of fathers;~~

~~(b)(2) Provide employment-related services for low-income, noncustodial fathers;~~

~~(c)(3) Prevent premature fatherhood;~~

~~(d)(4) Provide services to fathers who are inmates in or have just been released from imprisonment in a state correctional institution, as defined in section 2967.01 of the Revised Code, or in any other detention facility, as defined in section 2921.01 of the Revised Code, so that they are able to maintain or reestablish their relationships with their families;~~

~~(e)(5) Reconcile fathers with their families;~~

~~(f)(6) Increase public awareness of the critical role fathers play.~~

~~(2)(B) When funding initiatives pursuant to division (A) of this section the commission shall assign priority based on the following:~~

~~(1) The areas of the state with the highest levels of unemployment;~~

~~(2) The areas of the state with the highest numbers of female-headed households;~~

~~(3) The areas of the state with the most people living in poverty.~~

~~(C) The commission shall prepare a report each year summarizing the commission's funding initiatives for that year. The commission shall submit each the report prepared pursuant to division (B)(1) of this section to the president and minority leader of the senate, speaker and minority leader of the house of representatives, governor, and chief justice of the supreme court. The first report is due not later than one year after the last of the initial appointments to the commission is made under section 5101.341 of the Revised Code."~~

In line 35291, after "4905.79," insert "5101.34, 5101.341, 5101.342,"

In line 40813, strike through "792,483,200" and insert "802,983,200"

In line 40824a, delete "5,427,485,324" and insert "5,437,985,324"

In line 40865a, delete "17,457,315,895" and insert "17,467,815,895"

Between lines 43384 and 43385 insert:

"**Section ____.** OHIO COMMISSION ON FATHERHOOD

Of the foregoing appropriation item 600-689, TANF Block Grant, \$10,500,000 in fiscal year 2007 shall be used to support local fatherhood

programs in accordance with section 5101.342 of the Revised Code. Of the \$10,500,000, \$500,000 in fiscal year 2007 shall be used to support the operating costs of the Ohio Commission on Fatherhood."

In line 36 of the title, after "4905.79," insert "5101.34, 5101.341, 5101.342,"

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

Senator Stivers moved that the amendment be laid on the table.

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

A roll call was requested which was properly supported.

The yeas and nays were taken and resulted - yeas 21, nays 11, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Arnbruster	Austria	Carey
Cates	Clancy	Coughlin	Gardner
Grendell	Hottinger	Jacobson	Jordan
Mumper	Niehaus	Padgett	Schuler
Schuring	Spada	Stivers	Wachtmann
			Harris-21.

Those who voted in the negative were: Senators

Dann	Fedor	Fingerhut	Hagan
Kearney	Miller D	Miller R	Prentiss
Roberts	Wilson		Zurz-11.

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. H. B. No. 530**, pass?"

Senator Miller, R. moved to amend as follows:

Between lines 43384 and 43385, insert:

**"Section _____. OHIO ASSOCIATION OF SECOND HARVEST
FOODBANKS**

Of the foregoing appropriation item 600-689, TANF Block Grant (Fund 3V6), the Department of Job and Family Services shall provide \$2,000,000 in fiscal year 2006 and \$12,000,000 in fiscal year 2007 to the Ohio Association of Second Harvest Foodbanks to be used to expand the Ohio Food Program and the Ohio Agricultural Surplus Production Alliance. Funds may also be used for personal care and household products. The Ohio Association of Second Harvest Foodbanks may use \$500,000 of this funding to cover the costs of transporting food to assist Ohio hunger relief organizations."

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

Senator Stivers moved that the amendment be laid on the table.

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

A roll call was requested which was properly supported.

The yeas and nays were taken and resulted - yeas 21, nays 11, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Carey
Cates	Clancy	Coughlin	Gardner
Grendell	Hottinger	Jacobson	Jordan
Mumper	Niehaus	Padgett	Schuler
Schuring	Spada	Stivers	Wachtmann
			Harris-21.

Those who voted in the negative were: Senators

Dann	Fedor	Fingerhut	Hagan
Kearney	Miller D	Miller R	Prentiss
Roberts	Wilson		Zurz-11.

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. H. B. No. 530**, pass?"

Senator Carey moved to amend as follows:

In line 31647, reinsert "In the case of a licensed issued"

In line 31648, reinsert "to a manufacturer,"

In line 31649, reinsert "upon the manufacturer's removal from the directory"

In line 31650, reinsert all before the period; after "Code" insert ", such manufacturer shall not be permitted to sell cigarettes in this state other than to a licensed cigarette wholesaler for sale outside this state. Such a manufacturer shall provide documentation to the commissioner evidencing that the cigarettes are legal for sale in another state"; reinsert the period

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

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

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Carey
Cates	Clancy	Coughlin	Dann
Fedor	Fingerhut	Gardner	Grendell
Hagan	Hottinger	Jacobson	Jordan
Kearney	Miller D	Miller R	Mumper

Niehaus	Padgett	Prentiss	Roberts
Schuler	Schuring	Spada	Stivers
Wachtmann	Wilson	Zurz	Harris-32.

The amendment was agreed to.

The question recurred, "Shall the bill, **Sub. H. B. No. 530**, pass?"

Senator Roberts moved to amend as follows:

In line 136, after "4109.06," insert "4111.02,"

Between lines 20969 and 20970, insert:

"Sec. 4111.02. (A) Every employer shall pay each of ~~his~~the employer's employees at a wage rate of not less than ~~three~~six dollars and eighty-five cents per hour beginning on ~~September 25, 1990~~January 1, 2007, and not less than ~~four dollars and twenty five cents an hour after March 31, 1991~~the wage rate as adjusted under division (B) of this section on the first day of January of every year beginning on January 1, 2008, except as otherwise provided in this section.

(B) ~~Students enrolled in cooperative vocational education programs approved by the state board of education may be employed at a learner wage rate equal to eighty per cent of the applicable minimum wage for a period not to exceed one hundred eighty days each year from the date of employment as a student in the vocational program.~~On the first day of each January, the minimum wage required under division (A) of this section shall increase by the rate of inflation for the preceding twelve month period as calculated according to the consumer price index for all urban wage earners and clerical workers or its successor index, as rounded to the nearest five cents.

(C) ~~Every employer shall pay each employee in agriculture at a wage rate not less than three dollars and eighty cents per hour beginning on September 25, 1990, and four dollars and twenty five cents per hour after March 31, 1991. This provision does not apply to any employee employed in agriculture if the employee: (1)(a) is employed as a hand harvest laborer and is paid on a piece rate basis in an operation which has been, and is customarily and generally recognized as having been, paid on a piece rate basis in the region of employment, (b) commutes daily from his permanent residence to the farm on which he is so employed, and (c) has been employed in agriculture less than thirteen weeks during the preceding calendar year, or (2)(a) is sixteen years of age or under, is employed as a hand harvest laborer, and is paid on a piece rate basis in an operation which has been, and is customarily and generally recognized as having been, paid on a piece rate basis in the region of employment, (b) is employed on the same farm as his parent or person standing in the place of his parent, and (c) is paid at the same piece rate as employees over age sixteen are paid on the same farm. Such employees shall be paid no less~~

than the amount specified in division (E) of this section.

(D) For any employee engaged in an occupation in which ~~he~~the employee customarily and regularly receives ~~more than thirty dollars per month in tips from patrons or others,~~ the employer may pay as a minimum ~~fifty five~~fifty per cent of the wage prescribed in division (A) of this section beginning on September 25, 1990, and fifty per cent of such wage after March 31, 1991, if all the following occur: (1) the tips or gratuities are proven gratuities as indicated by the employee's declaration for federal insurance contribution act purposes, (2) the employer can establish by ~~his~~the employer's records that for each week where credit is taken, when adding tips received to wages paid, not less than the minimum rate prescribed in division (A) of this section was received by the employee, and (3) the employee was informed by the employer of the provisions of this division. No employer shall use all or part of any tips or gratuities received by employees toward the payment of the statutory minimum hourly wage as required by this division. Nothing prevents employees from entering into an agreement to divide tips or gratuities among themselves.

(E) Notwithstanding the definition of "employer" in division (C) of section 4111.01 of the Revised Code that exempts certain employers from the operation of this chapter, ~~every~~(D) Every employer with less than ~~one~~two hundred fifty thousand dollars gross annual sales shall pay at least two dollars and fifty cents per hour in wages beginning on September 25, 1990, and two dollars and eighty cents per hour in wages after March 31, 1991, to all employees except for those employees who meet the requirements of division (D) of this section, in which event, the employer may pay the wage as specified in division (G) of this section for tipped employees.

(F) Any employer defined as an enterprise under division (s) of section 3 of the federal "Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 U.S.C.A. 203(s), that on March 31, 1990, was subject to division (a)(1) of section 6 of such act, 52 Stat. 1062, 29 U.S.C.A. 206 (a)(1), and that because of the amendment made by subsection (a) of section 3 of the federal "Fair Labor Standards Act Amendments of 1989," P.L. 101-157, is not subject to division (a)(1) of section (6)(a)(1), shall pay its employees:

(1) Not less than two dollars and eighty-two cents an hour beginning on September 25, 1990, except for those employees who meet the requirements of division (D) of this section, in which event the employer shall pay not less than one dollar and fifty-eight cents an hour and, after March 31, 1991, not less than the minimum wage in effect under section 3 of the federal "Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 U.S.C.A. 203 as that section existed on March 31, 1990; and

(2) In accordance with section 7 of the federal "Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 U.S.C.A. 207.

(G) Any employer whose annual gross volume of sales made or business done is less than the dollar amount wage specified in division (s) of section 36 of the federal "Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 U.S.C.A. 203

~~(s), as that section existed on March 31, 1990, but whose gross annual sales is at least one hundred fifty thousand dollars, shall pay:~~

~~(1) Not less than three dollars and thirty-five cents an hour beginning on September 25, 1990, to all employees except for those employees who meet the requirements of division (D) of this section, in which event, the employer shall pay not less than two dollars and one cent an hour beginning on September 25, 1990; and~~

~~(2) In accordance with section 7 of the federal "Fair Labor Standards Act of 1938," 52 Stat. 1060 U.S.C.A. 207 U.S.C. 206, or its successor law.~~

~~(E) On the thirtieth day of each September, beginning one year after the effective date of this act, the gross annual sales amount specified in division (D) of this section shall increase by the rate of inflation for the preceding twelve month period as calculated according to the consumer price index for all urban wage earners and clerical workers or its successor index, as rounded to the nearest one thousand dollars.~~

~~(F) Every employer shall pay to the employer's employees who are under the age of sixteen years the wage rate described in division (D) of this section.~~

~~(G) The state may issue licenses to employers authorizing payment of a wage rate below the wages specified in this section to individuals with mental or physical disabilities that may otherwise adversely affect their opportunity for employment.~~

~~(H) Only the exemptions set forth in this section shall apply to this section.~~

~~(I) Every employer shall do all of the following:~~

~~(1) At the time an employee is hired, inform the new employee of the employer's name, address, telephone number, and other contact information and update such information when it changes;~~

~~(2) Maintain, for not less than three years following the last day of employment of an employee, a record of the name, address, occupation, and rate of pay of; the days and hours worked by; and the amount of compensation paid to every employee of that employer;~~

~~(3) At the request of an employee or person acting on behalf of an employee, disclose to the employee or person acting on behalf of an employee information described in division (I)(2) of this section at no charge.~~

~~(J) An employee, person acting on behalf of one or more employees, or any other interested party may file a complaint with the state for a violation of any provision this section or any law or regulation implementing its provisions. Such complaint shall be promptly investigated and resolved by the state. The employee's name shall be kept confidential unless disclosure is necessary for resolution of a complaint and the employee consents to disclosure. The state may, on its own initiative, investigate an employer's compliance with this section~~

and any law or regulation implementing its provisions. The employer shall make available to the state any records related to such investigation and other information required for enforcement of this section or any law or regulation implementing its provisions. No employer shall discharge or in any other manner discriminate or retaliate against an employee for exercising any rights under this section or any law or regulation implementing its provisions or against any person for providing assistance to an employee or information regarding the same.

(K) An action for equitable and monetary relief may be brought against an employer by the attorney general or an employee or person acting on behalf of an employee or all similarly situated employees in any court of competent jurisdiction, including the common pleas court of an employee's county of residence, for any violation of this section or any law or regulation implementing its provisions within three years of the violation or of when the violation ceased if it was of a continuing nature, or within one year after notification to the employee of final disposition by the state of a complaint for the same violation, whichever is later. There shall be no exhaustion, procedural, pleading, or burden of proof requirements beyond those that apply generally to civil suits in order to maintain such action and no liability for costs or attorney's fees on an employee except upon a finding that such action was frivolous in accordance with the same standards that apply generally in civil suits. Where an employer is found by the state or a court to have violated any provision of this section, the employer shall within thirty days of the finding pay the employee back wages, damages, and the employee's costs and reasonable attorney's fees. Damages shall be calculated as an additional two times the amount of the back wages and in the case of a violation of an anti-retaliation provision, an amount set by the state or court sufficient to compensate the employee and deter future violations, but not less than one hundred fifty dollars for each day that the violation continued. Payment under this paragraph shall not be stayed pending any appeal.

(L) This section shall be liberally construed in favor of its purposes.

(M) If any part of this section is held invalid, the remainder of the section shall not be affected by such holding and shall continue in full force and effect.

(N) Notwithstanding section 4111.01 of the Revised Code and any other law to the contrary, for purposes of the this section:

(1) "Employ" has the same meaning as in section 3 of the federal "Fair Labor Standards Act," 29 U.S.C. 203, or its successor law.

(2) "Employee" has the same meaning as in section 3 of the federal "Fair Labor Standards Act," 29 U.S.C. 203, or its successor law, except that "employee" shall not include either of the following:

(a) Employees of a solely family owned and operated business who are family members of an owner;

(b) An individual employed in or about the property of the employer or individual's residence on a casual basis.

(3) "Employer" has the same meaning as in section 3 of the federal "Fair Labor Standards Act," 29 U.S.C. 203, or its successor law, except that "employer" also shall include the state and every political subdivision.

(4) "Independent contractor" and "person" have the same meanings as in section 3 of the federal "Fair Labor Standards Act," 29 U.S.C. 203, or its successor law."

In line 35289, after "4109.06," insert "4111.02,"

In line 34 of the title, after "4109.06," insert "4111.02,"

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

Senator Stivers moved that the amendment be laid on the table.

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

A roll call was requested which was properly supported.

The yeas and nays were taken and resulted - yeas 21, nays 11, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Carey
Cates	Clancy	Coughlin	Gardner
Grendell	Hottinger	Jacobson	Jordan
Mumper	Niehaus	Padgett	Schuler
Schuring	Spada	Stivers	Wachtmann
			Harris-21.

Those who voted in the negative were: Senators

Dann	Fedor	Fingerhut	Hagan
Kearney	Miller D	Miller R	Prentiss
Roberts	Wilson		Zurz-11.

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. H. B. No. 530**, pass?"

Senator Fingerhut moved to amend as follows:

In line 39136, after "203.12.12," insert "203.21,"

Between lines 39291 and 39292, insert:

"Sec. 203.21. AGE DEPARTMENT OF AGING

General Revenue Fund

GRF 490-321 Operating Expenses	\$	2,579,867	\$	2,308,867
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GRF 490-403	PASSPORT	\$ 112,045,715	\$ 121,009,372 <u>129,033,372</u>
GRF 490-405	Golden Buckeye Card	\$ 467,614	\$ 467,614
GRF 490-406	Senior Olympics	\$ 15,638	\$ 15,638
GRF 490-409	Ohio Community Service Council Operations	\$ 203,647	\$ 193,465
GRF 490-410	Long-Term Care Ombudsman	\$ 689,437	\$ 689,437
GRF 490-411	Senior Community Services	\$ 10,630,988	\$ 10,630,988
GRF 490-412	Residential State Supplement	\$ 9,156,771	\$ 9,156,771
GRF 490-414	Alzheimers Alzheimer's Respite	\$ 4,085,888	\$ 4,085,888
GRF 490-416	JCFS Elderly Transportation	\$ 100,000	\$ 100,000
GRF 490-421	PACE	\$ 11,354,145	\$ 10,214,809
GRF 490-422	Assisted Living Waiver	\$ 0	\$ 359,919
GRF 490-506	National Senior Service Corps	\$ 352,943	\$ 352,943
TOTAL GRF	General Revenue Fund	\$ 151,682,653	\$ 159,585,711 <u>167,609,711</u>
General Services Fund Group			
480 490-606	Senior Community Outreach and Education	\$ 372,677	\$ 372,677
TOTAL GSF	General Services Fund Group	\$ 372,677	\$ 372,677
Federal Special Revenue Fund Group			
3C4 490-607	PASSPORT	\$ 198,683,143	\$ 218,196,387 <u>230,232,387</u>
3C4 490-621	PACE-Federal	\$ 10,854,083	\$ 14,586,135
3C4 490-622	Assisted Living-Federal	\$ 0	\$ 5,687,374
3M3 490-611	Federal Aging Nutrition	\$ 27,622,693	\$ 28,037,034
3M4 490-612	Federal Independence Services	\$ 27,907,287	\$ 28,325,896
3R7 490-617	Ohio Community Service Council Programs	\$ 9,170,000	\$ 9,170,000
322 490-618	Federal Aging Grants	\$ 14,834,354	\$ 15,014,494
TOTAL FED	Federal Special Revenue Fund Group	\$ 289,071,560	\$ 319,017,320 <u>331,053,320</u>
State Special Revenue Fund Group			
4C4 490-609	Regional Long-Term Care Ombudsman	\$ 910,000	\$ 935,000

		Program			
4J4	490-610	PASSPORT/Residential State Supplement	\$ 33,263,984	\$	33,263,984
4U9	490-602	PASSPORT Fund	\$ 4,424,969	\$	4,424,969
5BA	490-620	Ombudsman Support	\$ 615,000	\$	0
5CE	490-624	Special Projects	\$ 350,000	\$	0
5K9	490-613	Long-Term Care Consumers Guide	\$ 298,400	\$	820,400
5W1	490-616	Resident Services Coordinator Program	\$ 262,500	\$	262,500
624	490-604	OCSC Community Support	\$ 2,500	\$	2,500
TOTAL SSR State Special Revenue Fund Group			\$ 40,127,353	\$	39,709,353
TOTAL ALL BUDGET FUND GROUPS			\$ 481,254,243	\$	<u>518,685,061</u> <u>538,745,061"</u>

In line 43025, after "203.12.12," insert "203.21,"

In line 44412, after "203.12.12," insert "203.21,"

In line 79 of the title, after "203.12.12," insert "203.21,"

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

Senator Stivers moved that the amendment be laid on the table.

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

A roll call was requested which was properly supported.

The yeas and nays were taken and resulted - yeas 20, nays 13, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Carey
Clancy	Coughlin	Gardner	Goodman
Hottinger	Jacobson	Jordan	Mumper
Niehaus	Padgett	Schuler	Schuring
Spada	Stivers	Wachtmann	Harris-20.

Those who voted in the negative were: Senators

Cates	Dann	Fedor	Fingerhut
Grendell	Hagan	Kearney	Miller D
Miller R	Prentiss	Roberts	Wilson
			Zurz-13.

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. H. B. No. 530**, pass?"

Senator Coughlin moved to amend as follows:

In line 27445, after the underlined question mark insert "This levy will permit variable annual growth in revenue up to(amount specified by school district) per cent for the duration of the levy."

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

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

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Carey
Cates	Clancy	Coughlin	Dann
Fedor	Fingerhut	Gardner	Goodman
Grendell	Hagan	Hottinger	Jacobson
Jordan	Kearney	Miller D	Miller R
Mumper	Niehaus	Padgett	Prentiss
Roberts	Schuler	Schuring	Spada
Stivers	Wachtmann	Wilson	Zurz
			Harris-33.

The amendment was agreed to.

The question recurred, "Shall the bill, **Sub. H. B. No. 530**, pass?"

Senator Fingerhut moved to amend as follows:

In line 39137, after "203.99.01," insert "203.99.21, 203.99.39,"

Between lines 39403 and 39404, insert:

"Sec. 203.99.21. INTERNATIONAL TRADE

The foregoing appropriation item 195-432, International Trade, shall be used to operate and to maintain Ohio's out-of-state trade offices.

The Director of Development may enter into contracts with foreign nationals to staff foreign offices. The contracts may be paid in local currency or United States currency and shall be exempt from section 127.16 of the Revised Code. The director also may establish foreign currency accounts under section 122.05 of the Revised Code for the payment of expenses related to the operation and maintenance of the foreign trade offices.

The foregoing appropriation item 195-432, International Trade, shall be used to fund the International Trade Division and to assist Ohio manufacturers and agricultural producers in exporting to foreign countries in conjunction with the Department of Agriculture.

Of the foregoing appropriation item 195-432, International Trade, up to \$35,000 may be used to purchase gifts for representatives of foreign governments or dignitaries of foreign countries.

BUDGET STABILIZATION FUND TRANSFER FOR NEW TRADE OFFICES

Notwithstanding section 131.43 of the Revised Code and any other provision of law to the contrary, on July 1, 2006, or as soon thereafter as possible, the Director of Budget and Management shall transfer \$2,000,000 in cash from the Budget Stabilization Fund to the General Revenue Fund. These moneys shall be used by the Department of Development, via appropriation item 195-432, International Trade, in the manner described in the following paragraph.

Of the foregoing appropriation item 195-432, International Trade, \$2,000,000 in fiscal year 2007 shall be used by the Department of Development to establish two new foreign trade offices in India, at locations to be determined by the Director of Development, and to establish two new foreign trade offices in the People's Republic of China, at locations to be determined by the Director of Development. The Director of Development may enter into contracts with foreign nationals to staff these new foreign trade offices. The contracts may be paid in local currency or United States currency and shall be exempt from section 127.16 of the Revised Code. The Director also may establish foreign currency accounts under section 122.05 of the Revised Code for the payment of expenses related to the operation and maintenance of the new foreign trade offices.

Sec. 203.99.39. HEAP WEATHERIZATION

Fifteen per cent of the federal funds received by the state for the Home Energy Assistance Block Grant shall be deposited in appropriation item 195-614, HEAP Weatherization (Fund 3K9), and shall be used to provide home weatherization services in the state.

Of the foregoing appropriation item 195-614, HEAP Weatherization, \$200,000 in each fiscal year shall be used for grants to the Ohio Weatherization Training Center, administered by the Corporation for Ohio Appalachian Development, for training and technical assistance services.

STATE SPECIAL PROJECTS

The foregoing fund, Fund 4F2, State Special Projects, shall be used for the deposit of private-sector funds from utility companies and for the deposit of other miscellaneous state funds. Private-sector moneys shall be used to (1) pay the expenses of verifying the income-eligibility of HEAP applicants, (2) market economic development opportunities in the state, and (3) leverage additional federal funds. State funds shall be used to match federal housing grants for the homeless and to market economic development opportunities in the state.

BUDGET STABILIZATION FUND TRANSFER FOR USE BY THE OHIO BUSINESS DEVELOPMENT COUNCIL

Notwithstanding section 131.43 of the Revised Code and any other provision of law to the contrary, on July 1, 2006, or as soon thereafter as

possible, the Director of Budget and Management shall transfer \$2,000,000 in cash from the Budget Stabilization Fund to the State Special Projects Fund (Fund 4F2). These moneys shall be used by the Ohio Business Development Council, via appropriation item 195-676, Promote Ohio, in the manner described in the following paragraph.

Of the foregoing appropriation item 195-676, Promote Ohio, \$2,000,000 in fiscal year 2007 shall be used by the Ohio Business Development Council (OBDC), pursuant to its efforts to promote Ohio as a business-friendly state, to establish "export councils" comprising business leaders from across Ohio who have strong ethnic and commercial ties to developing countries. Requirements for membership and appointments to an export council shall be determined by the OBDC. Specific goals and responsibilities of an export council also shall be determined by the OBDC, and may include trade visits and targeted marketing and advertising campaigns geared toward increasing the amount of Ohio products currently exported to developing countries. As used in this section, "developing countries" includes, but is not limited to, India and the People's Republic of China."

In line 43026, after "203.99.01," insert "203.99.21, 203.99.39,"

Between lines 43568 and 43569, insert:

"Section _____. That Section 203.99 of Am. Sub. H.B. 66 of the 126th General Assembly, as amended by Am. Sub. S.B. 236 of the 126th General Assembly, be amended to read as follows:

Sec. 203.99. DEV DEPARTMENT OF DEVELOPMENT

General Revenue Fund

GRF 195-321	Operating Expenses	\$	2,738,908	\$	2,723,908
GRF 195-401	Thomas Edison Program	\$	17,554,838	\$	17,454,838
GRF 195-404	Small Business Development	\$	1,740,722	\$	1,740,722
GRF 195-405	Minority Business Development Division	\$	1,580,291	\$	1,580,291
GRF 195-407	Travel and Tourism	\$	6,812,845	\$	6,712,845
GRF 195-410	Defense Conversion Assistance	\$	300,000	\$	200,000
GRF 195-412	Business Development Grants	\$	11,750,000	\$	11,750,000
GRF 195-415	Economic Development Division and Regional Offices	\$	5,794,975	\$	5,894,975
GRF 195-416	Governor's Office of Appalachia	\$	4,122,372	\$	4,122,372
GRF 195-422	Third Frontier Action Fund	\$	16,790,000	\$	16,790,000

GRF 195-426	Clean Ohio Implementation	\$ 300,000	\$ 300,000
GRF 195-432	International Trade	\$ 4,223,787	\$ 4,223,787 <u>6,223,787</u>
GRF 195-434	Investment in Training Grants	\$ 12,227,500	\$ 12,227,500
GRF 195-436	Labor/Management Cooperation	\$ 811,869	\$ 811,869
GRF 195-497	CDBG Operating Match	\$ 1,040,956	\$ 1,040,956
GRF 195-498	State Match Energy	\$ 94,000	\$ 94,000
GRF 195-501	Appalachian Local Development Districts	\$ 380,080	\$ 380,080
GRF 195-502	Appalachian Regional Commission Dues	\$ 246,803	\$ 246,803
GRF 195-507	Travel and Tourism Grants	\$ 1,287,500	\$ 1,162,500
GRF 195-515	Economic Development Contingency	\$ 10,000,000	\$ 0
GRF 195-905	Third Frontier Research & Development General Obligation Debt Service	\$ 0	\$ 13,910,000
GRF 195-912	Job Ready Site Development General Obligation Debt Service	\$ 0	\$ 4,124,400
TOTAL GRF General Revenue Fund		\$ 99,797,446	\$ 107,491,846 <u>109,491,846</u>
General Services Fund Group			
135 195-605	Supportive Services	\$ 7,450,000	\$ 7,539,686
5AD 195-667	Investment in Training Expansion	\$ 5,000,000	\$ 5,000,000
5AD 195-668	Worker Guarantee Program	\$ 3,000,000	\$ 3,000,000
5AD 195-677	Economic Development Contingency	\$ 0	\$ 10,000,000
685 195-636	General Reimbursements	\$ 1,000,000	\$ 1,000,000
TOTAL GSF General Services Fund Group		\$ 16,450,000	\$ 26,539,686
Federal Special Revenue Fund Group			
3AE 195-643	Workforce Development Initiatives	\$ 5,800,000	\$ 5,800,000
3K8 195-613	Community Development Block Grant	\$ 65,000,000	\$ 65,000,000

3K9	195-611	Home Energy Assistance Block Grant	\$	90,500,000	\$	90,500,000
3K9	195-614	HEAP Weatherization	\$	16,219,478	\$	16,219,478
3L0	195-612	Community Services Block Grant	\$	25,235,000	\$	25,235,000
3V1	195-601	HOME Program	\$	40,000,000	\$	40,000,000
308	195-602	Appalachian Regional Commission	\$	600,660	\$	600,660
308	195-603	Housing and Urban Development	\$	5,000,000	\$	5,000,000
308	195-605	Federal Projects	\$	15,300,249	\$	15,300,249
308	195-609	Small Business Administration	\$	4,296,381	\$	4,296,381
308	195-618	Energy Federal Grants	\$	3,397,659	\$	3,397,659
335	195-610	Oil Overcharge	\$	3,000,000	\$	3,000,000
TOTAL FED Federal Special Revenue Fund Group			\$	274,349,427	\$	274,349,427
State Special Revenue Fund Group						
4F2	195-639	State Special Projects	\$	290,183	\$	290,183
4F2	195-676	Promote Ohio	\$	5,228,210	\$	5,228,210 <u>7,228,210</u>
4S0	195-630	Enterprise Zone Operating	\$	275,000	\$	275,000
4S1	195-634	Job Creation Tax Credit Operating	\$	375,800	\$	375,800
4W1	195-646	Minority Business Enterprise Loan	\$	2,580,597	\$	2,580,597
444	195-607	Water and Sewer Commission Loans	\$	523,775	\$	523,775
450	195-624	Minority Business Bonding Program Administration	\$	53,967	\$	53,967
451	195-625	Economic Development Financing Operating	\$	2,358,311	\$	2,358,311
5CA	195-678	Shovel Ready Sites	\$	5,000,000	\$	5,000,000
5CG	195-679	Alternative Fuel Transportation	\$	150,000	\$	150,000
5CV	195-680	Defense Conversion Assistance	\$	1,000,000	\$	0
5CY	195-682	Lung Cancer and Lung Disease Research	\$	10,000,000	\$	0
5M4	195-659	Universal Service	\$	210,000,000	\$	210,000,000
5M5	195-660	Energy Efficiency Loan and Grant	\$	12,000,000	\$	12,000,000
5X1	195-651	Exempt Facility Inspection	\$	25,000	\$	25,000

611	195-631	Water and Sewer Administration	\$	15,713	\$	15,713
617	195-654	Volume Cap Administration	\$	200,000	\$	200,000
646	195-638	Low- and Moderate-Income Housing Trust Fund	\$	53,000,000	\$	53,000,000
TOTAL SSR State Special Revenue Fund Group			\$	303,076,556	\$	292,076,556 <u>294,076,556</u>
Facilities Establishment Fund Group						
009	195-664	Innovation Ohio	\$	50,000,000	\$	50,000,000
010	195-665	Research and Development	\$	50,000,000	\$	50,000,000
037	195-615	Facilities Establishment	\$	63,931,149	\$	63,931,149
4Z6	195-647	Rural Industrial Park Loan	\$	3,000,000	\$	3,000,000
5D2	195-650	Urban Redevelopment Loans	\$	5,475,000	\$	5,475,000
5H1	195-652	Family Farm Loan Guarantee	\$	1,000,000	\$	1,000,000
5S8	195-627	Rural Development Initiative	\$	3,000,000	\$	3,000,000
5S9	195-628	Capital Access Loan Program	\$	3,000,000	\$	3,000,000
TOTAL 037 Facilities Establishment Fund Group			\$	179,406,149	\$	179,406,149
Clean Ohio Revitalization Fund						
003	195-663	Clean Ohio Operating	\$	350,000	\$	350,000
TOTAL 003 Clean Ohio Revitalization Fund			\$	350,000	\$	350,000
Third Frontier Research & Development Fund Group						
011	195-686	Third Frontier Operating	\$	713,028	\$	1,932,056
011	195-687	Third Frontier Research & Development Projects	\$	100,000,000	\$	100,000,000
TOTAL 011 Third Frontier Research & Development Fund Group			\$	100,713,028	\$	101,932,056
Job Ready Site Development Fund Group						
012	195-688	Job Ready Site Operating	\$	622,200	\$	746,155
TOTAL 012 Job Ready Site Development Fund Group			\$	622,200	\$	746,155
TOTAL ALL BUDGET FUND			\$	974,764,806	\$	982,891,875

GROUPS

986,891,875

Section ____. That existing Section 203.99 of Am. Sub. H.B. 66 of the 126th General Assembly, as amended by Am. Sub. S.B. 236 of the 126th General Assembly, is hereby repealed."

In line 44413, after "203.87," insert "203.99,"; after "203.99.01," insert "203.99.21, 203.99.39,"

In line 80 of the title, after "203.99.01," insert "203.99.21, 203.99.39,"

In line 98 of the title, after the semicolon insert "to amend Section 203.99 of Am. Sub. H.B. 66 of the 126th General Assembly, as subsequently amended;"

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

Senator Stivers moved that the amendment be laid on the table.

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

A roll call was requested which was properly supported.

The yeas and nays were taken and resulted - yeas 22, nays 11, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Carey
Cates	Clancy	Coughlin	Gardner
Goodman	Grendell	Hottinger	Jacobson
Jordan	Mumper	Niehaus	Padgett
Schuler	Schuring	Spada	Stivers
Wachtmann			Harris-22.

Those who voted in the negative were: Senators

Dann	Fedor	Fingerhut	Hagan
Kearney	Miller D	Miller R	Prentiss
Roberts	Wilson		Zurz-11.

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. H. B. No. 530**, pass?"

Senator Fedor moved to amend as follows:

In line 127, delete "3310.03, 3310.06,"

Delete lines 12907 through 12975

In line 35280, delete "3310.03, 3310.06,"

In line 44404, delete "3310.03, 3310.06,"

In line 21 of the title, delete "3310.03, 3310.06,"

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

Senator Goodman moved that the amendment be laid on the table.

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

A roll call was requested which was properly supported.

The yeas and nays were taken and resulted - yeas 21, nays 12, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Carey
Cates	Clancy	Coughlin	Gardner
Goodman	Grendell	Hagan	Hottinger
Jacobson	Jordan	Mumper	Niehaus
Schuler	Spada	Stivers	Wachtmann
			Harris-21.

Those who voted in the negative were: Senators

Dann	Fedor	Fingerhut	Kearney
Miller D	Miller R	Padgett	Prentiss
Roberts	Schuring	Wilson	Zurz-12.

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. H. B. No. 530**, pass?"

Senator Prentiss moved to amend as follows:

In line 121, after "145.70," insert "149.43,"

In line 123, delete "1309.102, 1309.520, 1309.521,"

Between lines 7178 and 7179, insert:

"Sec. 149.43. (A) As used in this section:

(1) "Public record" means records kept by any public office, including, but not limited to, state, county, city, village, township, and school district units, and records pertaining to the delivery of educational services by an alternative school in Ohio kept by a nonprofit or for profit entity operating such alternative school pursuant to section 3313.533 of the Revised Code. "Public record" does not mean any of the following:

(a) Medical records;

(b) Records pertaining to probation and parole proceedings or to proceedings related to the imposition of community control sanctions and post-release control sanctions;

(c) Records pertaining to actions under section 2151.85 and division (C) of section 2919.121 of the Revised Code and to appeals of actions arising under those sections;

(d) Records pertaining to adoption proceedings, including the contents of an adoption file maintained by the department of health under section 3705.12 of the Revised Code;

(e) Information in a record contained in the putative father registry established by section 3107.062 of the Revised Code, regardless of whether the information is held by the department of job and family services or, pursuant to section 3111.69 of the Revised Code, the office of child support in the department or a child support enforcement agency;

(f) Records listed in division (A) of section 3107.42 of the Revised Code or specified in division (A) of section 3107.52 of the Revised Code;

(g) Trial preparation records;

(h) Confidential law enforcement investigatory records;

(i) Records containing information that is confidential under section 2710.03 or 4112.05 of the Revised Code;

(j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;

(k) Inmate records released by the department of rehabilitation and correction to the department of youth services or a court of record pursuant to division (E) of section 5120.21 of the Revised Code;

(l) Records maintained by the department of youth services pertaining to children in its custody released by the department of youth services to the department of rehabilitation and correction pursuant to section 5139.05 of the Revised Code;

(m) Intellectual property records;

(n) Donor profile records;

(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;

(p) Peace officer, firefighter, or EMT residential and familial information;

(q) In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code or a municipal hospital operated pursuant to Chapter 749. of the Revised Code, information that constitutes a trade secret, as defined in section 1333.61 of the Revised Code;

(r) Information pertaining to the recreational activities of a person under the age of eighteen;

(s) Records provided to, statements made by review board members during meetings of, and all work products of a child fatality review board acting under sections 307.621 to 307.629 of the Revised Code, other than the report prepared pursuant to section 307.626 of the Revised Code;

(t) Records provided to and statements made by the executive director of a public children services agency or a prosecuting attorney acting pursuant to section 5153.171 of the Revised Code other than the information released under that section;

(u) Test materials, examinations, or evaluation tools used in an examination for licensure as a nursing home administrator that the board of examiners of nursing home administrators administers under section 4751.04 of the Revised Code or contracts under that section with a private or government entity to administer;

(v) Records the release of which is prohibited by state or federal law;

(w) Proprietary information of or relating to any person that is submitted to or compiled by the Ohio venture capital authority created under section 150.01 of the Revised Code;

(x) Information reported and evaluations conducted pursuant to section 3701.072 of the Revised Code;

(y) Financial statements and data any person submits for any purpose to the Ohio housing finance agency or the controlling board in connection with applying for, receiving, or accounting for financial assistance from the agency, and information that identifies any individual who benefits directly or indirectly from financial assistance from the agency.

(2) "Confidential law enforcement investigatory record" means any record that pertains to a law enforcement matter of a criminal, quasi-criminal, civil, or administrative nature, but only to the extent that the release of the record would create a high probability of disclosure of any of the following:

(a) The identity of a suspect who has not been charged with the offense to which the record pertains, or of an information source or witness to whom confidentiality has been reasonably promised;

(b) Information provided by an information source or witness to whom confidentiality has been reasonably promised, which information would reasonably tend to disclose the source's or witness's identity;

(c) Specific confidential investigatory techniques or procedures or specific investigatory work product;

(d) Information that would endanger the life or physical safety of law enforcement personnel, a crime victim, a witness, or a confidential information source.

(3) "Medical record" means any document or combination of documents, except births, deaths, and the fact of admission to or discharge from a hospital, that pertains to the medical history, diagnosis, prognosis, or medical condition of a patient and that is generated and maintained in the process of medical treatment.

(4) "Trial preparation record" means any record that contains information that is specifically compiled in reasonable anticipation of, or in defense of, a civil or criminal action or proceeding, including the independent thought processes and personal trial preparation of an attorney.

(5) "Intellectual property record" means a record, other than a financial or administrative record, that is produced or collected by or for faculty or staff of a state institution of higher learning in the conduct of or as a result of study or research on an educational, commercial, scientific, artistic, technical, or scholarly issue, regardless of whether the study or research was sponsored by the institution alone or in conjunction with a governmental body or private concern, and that has not been publicly released, published, or patented.

(6) "Donor profile record" means all records about donors or potential donors to a public institution of higher education except the names and reported addresses of the actual donors and the date, amount, and conditions of the actual donation.

(7) "Peace officer, firefighter, or EMT residential and familial information" means either of the following:

(a) Any information maintained in a personnel record of a peace officer, firefighter, or EMT that discloses any of the following:

(i) The address of the actual personal residence of a peace officer, firefighter, or EMT, except for the state or political subdivision in which the peace officer, firefighter, or EMT resides;

(ii) Information compiled from referral to or participation in an employee assistance program;

(iii) The social security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of, or any medical information pertaining to, a peace officer, firefighter, or EMT;

(iv) The name of any beneficiary of employment benefits, including, but not limited to, life insurance benefits, provided to a peace officer, firefighter, or EMT by the peace officer's, firefighter's, or EMT's employer;

(v) The identity and amount of any charitable or employment benefit deduction made by the peace officer's, firefighter's, or EMT's employer from the peace officer's, firefighter's, or EMT's compensation unless the amount of the deduction is required by state or federal law;

(vi) The name, the residential address, the name of the employer, the address of the employer, the social security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of the spouse, a former spouse, or any child of a peace officer, firefighter, or EMT.

(b) Any record that identifies a person's occupation as a peace officer,

firefighter, or EMT other than statements required to include the disclosure of that fact under the campaign finance law.

As used in divisions (A)(7) and (B)(5) of this section, "peace officer" has the same meaning as in section 109.71 of the Revised Code and also includes the superintendent and troopers of the state highway patrol; it does not include the sheriff of a county or a supervisory employee who, in the absence of the sheriff, is authorized to stand in for, exercise the authority of, and perform the duties of the sheriff.

As used in divisions (A)(7) and (B)(5) of this section, "firefighter" means any regular, paid or volunteer, member of a lawfully constituted fire department of a municipal corporation, township, fire district, or village.

As used in divisions (A)(7) and (B)(5) of this section, "EMT" means EMTs-basic, EMTs-I, and paramedics that provide emergency medical services for a public emergency medical service organization. "Emergency medical service organization," "EMT-basic," "EMT-I," and "paramedic" have the same meanings as in section 4765.01 of the Revised Code.

(8) "Information pertaining to the recreational activities of a person under the age of eighteen" means information that is kept in the ordinary course of business by a public office, that pertains to the recreational activities of a person under the age of eighteen years, and that discloses any of the following:

(a) The address or telephone number of a person under the age of eighteen or the address or telephone number of that person's parent, guardian, custodian, or emergency contact person;

(b) The social security number, birth date, or photographic image of a person under the age of eighteen;

(c) Any medical record, history, or information pertaining to a person under the age of eighteen;

(d) Any additional information sought or required about a person under the age of eighteen for the purpose of allowing that person to participate in any recreational activity conducted or sponsored by a public office or to use or obtain admission privileges to any recreational facility owned or operated by a public office.

(9) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.

(10) "Post-release control sanction" has the same meaning as in section 2967.01 of the Revised Code.

(B)(1) Subject to ~~division~~divisions (B)(4) and (6) of this section, all public records shall be promptly prepared and made available for inspection to any person at all reasonable times during regular business hours. Subject to ~~division~~divisions(B)(4) and (6) of this section, upon request, a public office or person responsible for public records shall make copies available at cost, within

a reasonable period of time. In order to facilitate broader access to public records, public offices shall maintain public records in a manner that they can be made available for inspection in accordance with this division.

(2) If any person chooses to obtain a copy of a public record in accordance with division (B)(1) of this section, the public office or person responsible for the public record shall permit that person to choose to have the public record duplicated upon paper, upon the same medium upon which the public office or person responsible for the public record keeps it, or upon any other medium upon which the public office or person responsible for the public record determines that it reasonably can be duplicated as an integral part of the normal operations of the public office or person responsible for the public record. When the person seeking the copy makes a choice under this division, the public office or person responsible for the public record shall provide a copy of it in accordance with the choice made by the person seeking the copy.

(3) Upon a request made in accordance with division (B)(1) of this section, a public office or person responsible for public records shall transmit a copy of a public record to any person by United States mail within a reasonable period of time after receiving the request for the copy. The public office or person responsible for the public record may require the person making the request to pay in advance the cost of postage and other supplies used in the mailing.

Any public office may adopt a policy and procedures that it will follow in transmitting, within a reasonable period of time after receiving a request, copies of public records by United States mail pursuant to this division. A public office that adopts a policy and procedures under this division shall comply with them in performing its duties under this division.

In any policy and procedures adopted under this division, a public office may limit the number of records requested by a person that the office will transmit by United States mail to ten per month, unless the person certifies to the office in writing that the person does not intend to use or forward the requested records, or the information contained in them, for commercial purposes. For purposes of this division, "commercial" shall be narrowly construed and does not include reporting or gathering news, reporting or gathering information to assist citizen oversight or understanding of the operation or activities of government, or nonprofit educational research.

(4) A public office or person responsible for public records is not required to permit a person who is incarcerated pursuant to a criminal conviction or a juvenile adjudication to inspect or to obtain a copy of any public record concerning a criminal investigation or prosecution or concerning what would be a criminal investigation or prosecution if the subject of the investigation or prosecution were an adult, unless the request to inspect or to obtain a copy of the record is for the purpose of acquiring information that is subject to release as a public record under this section and the judge who imposed the sentence or made the adjudication with respect to the person, or the judge's successor in office,

finds that the information sought in the public record is necessary to support what appears to be a justiciable claim of the person.

(5) Upon written request made and signed by a journalist on or after December 16, 1999, a public office, or person responsible for public records, having custody of the records of the agency employing a specified peace officer, firefighter, or EMT shall disclose to the journalist the address of the actual personal residence of the peace officer, firefighter, or EMT and, if the peace officer's, firefighter's, or EMT's spouse, former spouse, or child is employed by a public office, the name and address of the employer of the peace officer's, firefighter's, or EMT's spouse, former spouse, or child. The request shall include the journalist's name and title and the name and address of the journalist's employer and shall state that disclosure of the information sought would be in the public interest.

As used in division (B)(5) of this section, "journalist" means a person engaged in, connected with, or employed by any news medium, including a newspaper, magazine, press association, news agency, or wire service, a radio or television station, or a similar medium, for the purpose of gathering, processing, transmitting, compiling, editing, or disseminating information for the general public.

(6) Before making a copy of a public record available in accordance with division (B)(1) of this section or making a public record accessible through the internet, the public office or person responsible for the public record shall redact from the public record any social security numbers contained in it.

(C)(1) If a person allegedly is aggrieved by the failure of a public office to promptly prepare a public record and to make it available to the person for inspection in accordance with division (B) of this section, or if a person who has requested a copy of a public record allegedly is aggrieved by the failure of a public office or the person responsible for the public record to make a copy available to the person allegedly aggrieved in accordance with division (B) of this section, the person allegedly aggrieved may commence a mandamus action to obtain a judgment that orders the public office or the person responsible for the public record to comply with division (B) of this section and that awards reasonable attorney's fees to the person that instituted the mandamus action. The mandamus action may be commenced in the court of common pleas of the county in which division (B) of this section allegedly was not complied with, in the supreme court pursuant to its original jurisdiction under Section 2 of Article IV, Ohio Constitution, or in the court of appeals for the appellate district in which division (B) of this section allegedly was not complied with pursuant to its original jurisdiction under Section 3 of Article IV, Ohio Constitution.

(2) A person who is allegedly aggrieved by the failure of a public office or person responsible for a public record to redact a social security number from a public record as required by division (B)(6) of this section may commence an action for damages, equitable relief, or both in the court of common pleas of the county in which the violation of that division occurred. The public office or

person responsible for a public record and an employee of the public office or person responsible for a public record are immune from liability in damages in the action unless an employee of the public office or of the person responsible for a public record violated division (B)(6) of this section with malicious purpose, in bad faith, or in a wanton or reckless manner or unless division (A)(6)(a) or (c) of section 2744.03 of the Revised Code applies. If the person who is allegedly aggrieved by the failure to comply with division (B)(6) of this section prevails in the action, the court may award reasonable attorney's fees and court costs to that person.

For purposes of division (C)(2) of this section, "employee" as used in division (A)(6)(a) or (c) of section 2744.03 of the Revised Code includes a person responsible for a public record.

(D) Chapter 1347. of the Revised Code does not limit the provisions of this section.

(E)(1) The bureau of motor vehicles may adopt rules pursuant to Chapter 119. of the Revised Code to reasonably limit the number of bulk commercial special extraction requests made by a person for the same records or for updated records during a calendar year. The rules may include provisions for charges to be made for bulk commercial special extraction requests for the actual cost of the bureau, plus special extraction costs, plus ten per cent. The bureau may charge for expenses for redacting information, the release of which is prohibited by law.

(2) As used in divisions (B)(3) and (E)(1) of this section:

(a) "Actual cost" means the cost of depleted supplies, records storage media costs, actual mailing and alternative delivery costs, or other transmitting costs, and any direct equipment operating and maintenance costs, including actual costs paid to private contractors for copying services.

(b) "Bulk commercial special extraction request" means a request for copies of a record for information in a format other than the format already available, or information that cannot be extracted without examination of all items in a records series, class of records, or data base by a person who intends to use or forward the copies for surveys, marketing, solicitation, or resale for commercial purposes. "Bulk commercial special extraction request" does not include a request by a person who gives assurance to the bureau that the person making the request does not intend to use or forward the requested copies for surveys, marketing, solicitation, or resale for commercial purposes.

(c) "Commercial" means profit-seeking production, buying, or selling of any good, service, or other product.

(d) "Special extraction costs" means the cost of the time spent by the lowest paid employee competent to perform the task, the actual amount paid to outside private contractors employed by the bureau, or the actual cost incurred to create computer programs to make the special extraction. "Special extraction costs" include any charges paid to a public agency for computer or records

services.

(3) For purposes of divisions (E)(1) and (2) of this section, "commercial surveys, marketing, solicitation, or resale" shall be narrowly construed and does not include reporting or gathering news, reporting or gathering information to assist citizen oversight or understanding of the operation or activities of government, or nonprofit educational research."

Delete lines 8606 through 9393

In line 35274, after "145.70," insert "149.43,"

In line 35276, delete "1309.102, 1309.520, 1309.521,"

Between lines 44575 and 44576, insert:

"Section 149.43 of the Revised Code as amended by Am. Sub. H.B. 303, Am. Sub. H.B. 431, and Sub. S.B. 222, all of the 125th General Assembly."

In line 12 of the title, after "145.70," insert "149.43,"

In line 15 of the title, delete "1309.102,"

In line 16 of the title, delete "1309.520, 1309.521,"

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

Senator Stivers moved that the amendment be laid on the table.

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

A roll call was requested which was properly supported.

The yeas and nays were taken and resulted - yeas 21, nays 12, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Carey
Cates	Clancy	Coughlin	Gardner
Goodman	Grendell	Hottinger	Jacobson
Jordan	Mumper	Niehaus	Schuler
Schuring	Spada	Stivers	Wachtmann
			Harris-21.

Those who voted in the negative were: Senators

Dann	Fedor	Fingerhut	Hagan
Kearney	Miller D	Miller R	Padgett
Prentiss	Roberts	Wilson	Zurz-12.

The amendment was laid on the table.

On the motion of Senator Hottinger the Senate recessed.

The Senate met pursuant to the recess.

The question recurred, "Shall the bill, **Sub. H. B. No. 530**, pass?"

Senator Dann moved to amend as follows:

In line 121, delete "319.301,"

In line 129, delete "3317.015,"

In line 165, delete "5705.211,"

Delete lines 7742 through 7932

In line 15299, delete "As soon as"

Delete lines 15300 through 15302

In line 15303, delete all before "No"

Delete lines 15443 through 15474

Delete lines 27353 through 27484

In line 35274, delete "319.301,"

In line 35282, delete "3317.015,"

In line 13 of the title, delete "319.301,"

In line 25 of the title, delete "3317.015,"

In line 72 of the title, delete "5705.211,"

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

Senator Stivers moved that the amendment be laid on the table.

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

A roll call was requested which was properly supported.

The yeas and nays were taken and resulted - yeas 22, nays 10, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Carey
Cates	Clancy	Fingerhut	Gardner
Goodman	Hottinger	Jacobson	Miller D
Miller R	Mumper	Niehaus	Padgett
Schuler	Schuring	Spada	Stivers
Wilson			Harris-22.

Those who voted in the negative were: Senators

Coughlin	Dann	Fedor	Hagan
Jordan	Kearney	Prentiss	Roberts
Wachtmann			Zurz-10.

The amendment was laid on the table.

The question recurring, "Shall the bill, **Sub. H. B. No. 530**, pass?"

Senator Fingerhut moved to amend as follows:

In line 33581, delete "The"

Delete lines 33582 through 33587

In line 33588, delete "distribution center.)"

In line 33590, delete "thresholds" and insert "fifty per cent threshold"

In line 33616, delete "or if it is later"

Delete lines 33617 and 33618

In line 33619, delete everything before the underlined comma

In line 33625, delete "(For purposes of division"

Delete lines 33626 through 33628

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

Senator Amstutz moved that the amendment be laid on the table.

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

A roll call was requested which was properly supported.

The yeas and nays were taken and resulted - yeas 19, nays 13, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Carey
Cates	Clancy	Coughlin	Gardner
Goodman	Grendell	Jacobson	Miller D
Mumper	Niehaus	Padgett	Schuler
Schuring	Stivers		Harris-19.

Those who voted in the negative were: Senators

Dann	Fedor	Fingerhut	Hagan
Hottinger	Jordan	Kearney	Miller R
Prentiss	Roberts	Wachtmann	Wilson
			Zurz-13.

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. H. B. No. 530**, pass?"

Senator Wachtmann moved to amend as follows:

In line 134, after "3705.242," insert "3718.02,"

Between lines 19852 and 19853, insert:

"**Sec. 3718.02.** (A) Not ~~later~~^{sooner} than ~~one year after the effective date of this section~~^{July 1, 2007}, the public health council, in accordance with Chapter 119. of the Revised Code, shall adopt, and subsequently may amend and rescind, rules of general application throughout the state to administer this chapter. Rules adopted under division (A) of this section shall do at least all of the following:

(1) Require that the appropriate board of health approve or disapprove the use of a sewage treatment system if it is not connected to a sanitary sewerage system;

(2) Require that a board of health conduct a site evaluation for any proposed installation of a sewage treatment system;

(3) Prescribe standards for the siting, design, installation, operation, monitoring, maintenance, and abandonment of household sewage treatment systems that may be used in this state. The standards shall include at a minimum all of the following:

(a) Soil absorption specifications;

(b) Specifications for discharging systems that do not conflict with provisions related to the national pollutant discharge elimination system permit program established in section 6111.03 of the Revised Code and rules adopted under it;

(c) Requirements for the maintenance of a system according to the manufacturer's instructions, if available;

(d) Requirements and procedures under which a person may demonstrate the required maintenance of a system in lieu of having an inspection conducted when an inspection otherwise is required.

The rules also shall require that a system that has been or is sited or installed prior to or on the effective date of the rules and that is operating on that date shall be deemed approved unless the system is declared to be a public health nuisance by a board of health.

(4) Prescribe procedures for notification to boards of health of the approval of a sewage treatment system or components of a system by the director of health under section 3718.04 of the Revised Code;

(5) Prescribe criteria and procedures under which boards of health shall issue installation and operation permits for sewage treatment systems. The rules shall require as a condition of an installation permit that the installer of a system must warrant that the system was installed in accordance with all applicable rules and design requirements. In addition, the rules shall require a board of health, not later than sixty days after the issuance of an installation permit, to certify to the director on a form provided by the director that the permit was issued.

(6) Require a board of health to inspect a sewage treatment system not later than eighteen months after its installation to ensure that the system is operating properly. The rules shall require a board of health, not later than sixty days after the inspection, to certify to the director on a form provided by the director that the inspection was performed.

(7) Require a board of health to register installers, service providers, and septage haulers that perform work within the health district; prescribe criteria and procedures for the registration; and prescribe criteria for a demonstration of competency as a part of the registration;

(8) Prescribe requirements for the collection, transportation, disposal, and land application of domestic septage in this state from a sewage treatment system;

(9) Require boards of health to maintain records that are determined necessary to ascertain compliance with this chapter and the rules adopted under it;

(10) Require a board of health and the manufacturer of a sewage treatment system, when possible, to provide instructions for the operation and maintenance of the system. The rules shall authorize the instructions to be posted on the department of health's web site and the manufacturer's web site. In addition, the rules shall require a board of health and a manufacturer to provide a copy of the operation and maintenance instructions, if available, when a board of health or a manufacturer receives a written request for instructions.

(11) Prescribe criteria for the provision of written evidence of compliance with rules pertaining to household sewage treatment for purposes of sections 711.05 and 711.10 of the Revised Code;

(12) Prescribe minimum criteria and procedures under which boards of health may establish household sewage treatment district management programs for the purpose of providing a responsive approach toward preventing or solving sewage treatment problems resulting from household sewage treatment systems within the districts established under the program. For purposes of division (A)(12) of this section, a board of health may enter into a contract with any entity to administer a household sewage treatment district management program.

(13) Prescribe standards for the siting, design, installation, operation, monitoring, maintenance, and abandonment of small flow on-site sewage treatment systems that may be used in this state.

The council may adopt other rules under division (A) of this section that it determines are necessary to implement this chapter and to protect the public health and welfare.

At least sixty days prior to adopting a rule under division (A) of this section, the council shall provide boards of health and any other interested parties an opportunity to comment on the rule.

(B) In accordance with section 3709.20 or 3709.21 of the Revised Code, as applicable, and subject to review by and approval of the director under division (C) of section 3718.05 of the Revised Code, a board of health may adopt rules necessary for the public health providing for more stringent standards governing household sewage treatment systems, installers, service providers, or septage haulers than those established in rules of the public health council adopted under division (A) of this section. A board that intends to adopt such rules shall notify the department of health of the rules at least ninety days prior to the proposed date of adoption. The director shall approve or disapprove any such proposed rule within ninety days after receiving notice of it under this division. If the director fails to approve or disapprove a proposed rule within ninety days after receiving notice of it, the proposed rule shall be deemed approved."

In line 35287, after "3705.242," insert "3718.02,"

Between lines 44047 and 44048, insert:

"**Section** ____ . The requirement in section 3718.02 of the Revised Code as it results from this act that rules be adopted not sooner than July 1, 2007, supersedes the requirement in the section as it resulted from Sub. H.B. 231 of the 125th General Assembly that the rules be adopted not later than May 6, 2006."

In line 31 of the title, after "3705.242," insert "3718.02,"

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

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

Those who voted in the affirmative were: Senators

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

Senator Niehaus voted in the negative-1.

The amendment was agreed to.

The question recurred, "Shall the bill, **Sub. H. B. No. 530**, pass?"

Senator Fedor moved to amend as follows:

In line 113, after "109.572," insert "109.575, 109.576, 109.577,"

In line 114, after "121.37," insert "121.402,"

In line 125, after "2503.20," insert "2743.191,"

In line 160, after "333.07," insert "1541.80,"

In line 866, after "service" insert ", except that the superintendent shall not charge a fee for information gathered pursuant to that division when the administrator of a recreational youth athletics organization or entity requests the release of the information in relation to an individual applying to serve as a volunteer coach who is subject to a criminal records check under section 1541.80 of the Revised Code"

In line 891, strike through everything after the semicolon

Strike through lines 892 and 893

In line 894, strike through "general assembly;"

In line 902, strike through "On" and insert:

"In addition to or in conjunction with any request that is made under section 1541.80 of the Revised Code, the administrator of a recreational youth athletics organization or entity may request that the superintendent investigate and determine, with respect to any individual who has applied to be a volunteer coach for the organization or entity, whether the bureau has any information gathered under division (A) of this section that pertains to that individual.

On"; strike through "the"

In line 903, strike through "request" and insert "either of those types of requests"

In line 1018, after "section" insert ", except that the superintendent shall not charge a fee for providing information or criminal records under division (F)(2) of this section when the administrator of a recreational youth athletics organization or entity requests the information or criminal records in relation to an individual applying to serve as a volunteer coach who is subject to a criminal records check under section 1541.80 of the Revised Code"

In line 1020, after "121.08," insert "1541.80,"

In line 1297, after "173.394," insert "1541.80,"

In line 1321, after "is" insert "requested under section 1541.80 of the Revised Code or is"

In line 1331, after "is" insert "requested under section 1541.80 of the Revised Code or is"

In line 1336, after "is" insert "requested under or"

Between lines 1361 and 1362, insert:

"The superintendent shall not charge a fee for providing a criminal records check requested under section 1541.80 of the Revised Code by the administrator of a recreational youth athletics organization or entity in relation to

an individual applying to serve as a volunteer coach."

In line 1383, after "check" insert ", except that the superintendent shall not charge any fee for providing the information when the criminal records check of that person is requested by the administrator of a recreational youth athletics organization or entity under section 1541.80 of the Revised Code because that person is applying to serve as a volunteer coach"

Between lines 1396 and 1397, insert:

~~"Sec. 109.575. A~~Except as otherwise provided in section 1541.80 of the Revised Code, at the time of a person's initial application to an organization or entity to be a volunteer in a position in which the person on a regular basis will have unsupervised access to a child, the organization or entity shall inform the person that, at any time, the person might be required to provide a set of impressions of the person's fingerprints and a criminal records check might be conducted with respect to the person. Not later than thirty days after the effective date of this section, each organization or entity shall notify each current volunteer who is in a position in which the person on a regular basis has unsupervised access to a child that, at any time, the volunteer might be required to provide a set of impressions of the volunteer's fingerprints and a criminal records check might be conducted with respect to the volunteer.

~~Sec. 109.576. (A) H~~Except as otherwise provided in section 1541.80 of the Revised Code, if a person has applied to an organization or entity to be a volunteer in a position in which the person on a regular basis has unsupervised access to a child, if the organization or entity subjects the person to a criminal records check, if the report of the results of the criminal records check indicates that the person has been convicted of or pleaded guilty to any of the offenses described in division (A)(1) of section 109.572 of the Revised Code, and if the organization or entity accepts the person as a volunteer in a position in which the person on a regular basis has unsupervised access to a child, the organization or entity shall notify the parent or guardian of each child for whom it provides services that the volunteer has been convicted of one or more of those offenses but that, nonetheless, the person will be serving the organization or entity in that position. The notification required by this division shall be in writing, and the organization or entity shall send the notice to the parent or guardian on the date the organization or entity commences providing services to the child or on the date the organization or entity decides to accept the person as a volunteer after receiving the report of the results of the criminal records check, whichever is later.

~~(B) H~~Except as otherwise provided in section 1541.80 of the Revised Code, if a person is serving an organization or entity as a volunteer in a position in which the person on a regular basis has unsupervised access to a child, if the organization or entity subjects the person to a criminal records check, if the report of the results of the criminal records check indicates that the person has been convicted of or pleaded guilty to any of the offenses described in division (A)(1) of section 109.572 of the Revised Code, and if the organization or entity

retains the person as a volunteer in the same position or in any other position in which the person on a regular basis has unsupervised access to a child, the organization or entity shall notify the parent or guardian of each child for whom it provides services that the volunteer has been convicted of one or more of those offenses but that, nonetheless, the person will be retained by the organization or entity in that position. The notification required by this division shall be in writing, and the organization or entity shall send the notice to the parent or guardian on the date the organization or entity commences providing services to the child or on the date the organization or entity decides to retain the person after receiving the report of the results of the criminal records check, whichever is later.

(C) A notification to a parent or guardian of a child that is required by division (A) or (B) of this section shall identify by name the person who is accepted or retained as a volunteer in a position in which the person on a regular basis has unsupervised access to a child, and shall state the fact that the person has been convicted of or pleaded guilty to one or more of the offenses described in division (A)(1) of section 109.572 of the Revised Code, but ~~shall~~ not identify the offense or offenses in question.

(D) Divisions (A) to (C) of this section apply regarding any criminal records check performed by the bureau of criminal identification and investigation pursuant to section 109.57, section 109.572, or rules adopted under division (E) of section 109.57 of the Revised Code, any criminal records check performed in any manner by the organization or entity or any of its officers or employees, or any criminal records check performed in any manner by any person upon the request of the organization or entity or any of its officers or employees.

Sec. 109.577. (A) ~~Except as otherwise provided in section 1541.80 of the Revised Code, if~~ an organization or entity uses a volunteer in a position in which the person on a regular basis has unsupervised access to a child and if the volunteer has been subjected to a criminal records check performed by the bureau of criminal identification and investigation pursuant to section 109.57, section 109.572, or rules adopted under division (E) of section 109.57 of the Revised Code, the organization or entity, and its officials and employees, are immune from civil liability that might otherwise be incurred or imposed for any death or any injury or loss to person or property that is caused by any act or omission of the volunteer and that results from or is related to the volunteer having unsupervised access to a child on a regular basis. This immunity does not apply to a person, organization, or entity that has immunity from civil liability in accordance with section 9.86, 2744.02, or 2744.03 of the Revised Code for the good faith compliance, attempted compliance, or failure to comply.

(B) This section does not create a new cause of action or substantive legal right against a person, organization, or entity and does not affect any immunities from civil liability or defenses established by another section of the Revised Code or available at common law, to which a person, organization, or entity may be entitled under circumstances not covered by this section."

Between lines 2240 and 2241, insert:

"**Sec. 121.402.** (A) The governor's community service council shall establish and maintain an educational program that does all of the following:

(1) Makes available to parents and guardians of children notice about the provisions of sections 109.574 to 109.577, ~~section 121.401, and section 121.402,~~ and 1541.80 of the Revised Code and information about how to keep children safe when they are under the care, custody, or control of a person other than the parent or guardian;

(2) Makes available to organizations and entities information regarding the best methods of screening and supervising volunteers, how to obtain a criminal records check of a volunteer, confidentiality issues relating to reports of criminal records checks, and record-keeping regarding the reports;

(3) Makes available to volunteers information regarding the possibility of being subjected to a criminal records check or, in the case of a recreational youth athletics volunteer coach, the requirement for a criminal records check, and information about displaying appropriate behavior to minors;

(4) Makes available to children advice on personal safety and information on what action to take if someone takes inappropriate action towards a child.

(B) The program shall begin making the materials described in this section available not later than one year after ~~the effective date of this section~~ March 22, 2001."

Between lines 9662 and 9663, insert:

"**Sec. 1541.80.** (A) Not later than ninety days after the effective date of this section, the Ohio parks and recreation association shall develop a coach's conduct and ethics policy for volunteer coaches involved in recreational youth athletics. The association shall provide a copy of the policy to each individual who participates in recreational youth athletics.

(B) The conduct and ethics policy that is developed under division (A) of this section shall require a volunteer coach to pledge to do all of the following:

(1) Treat every coach, player, official, parent, and administrator associated with the recreational activity with respect and dignity;

(2) Prevent the placement of a participant in a situation that would jeopardize the participant's health or safety;

(3) Conduct all activities that the volunteer coach controls in a manner that is not harmful to the mental and physical welfare of the participants;

(4) Cooperate with administrators of the recreational athletic activity in the enforcement of the rules associated with the activity;

(5) Manage all games, competitions, and practices in such a manner that all participants have an equal opportunity to improve their athletic skills through

active participation:

(6) Learn the strengths and weaknesses of the participants and encourage the participants to have fun and learn the fundamentals of the recreational athletic activity as well as good sportsmanship;

(7) Report to an administrator of the recreational athletic activity any situation or practice that violates reasonable recreational guidelines;

(8) Comply with any other requirement that the association determines is beneficial to recreational youth athletics.

(C) The association shall include in the conduct and ethics policy a statement that explains the possible disciplinary actions that may occur if a coach violates any requirement in the policy that is established in division (B) of this section.

(D)(1) Notwithstanding sections 109.575 and 109.576 of the Revised Code, a volunteer coach for a recreational youth athletics organization or entity shall be the subject of a criminal records check. The administrator of the recreational youth athletics organization or entity may request the superintendent of the bureau of criminal identification and investigation to conduct the criminal records check under division (A)(1) of section 109.572 of the Revised Code to determine whether that volunteer coach has been convicted of or pleaded guilty to any of the offenses listed or described in that division. Instead of requesting the superintendent to conduct a criminal records check under division (A)(1) of section 109.572 of the Revised Code, the administrator may contract with a qualified private entity engaged in the business of criminal records checks of individuals to conduct the criminal records check of that volunteer coach to determine whether that volunteer coach has been convicted of or pleaded guilty to any of the offenses listed or described in division (A)(1) of section 109.572 of the Revised Code. Notwithstanding sections 109.576 and 109.577 of the Revised Code, a recreational youth athletics organization or entity shall not use a volunteer coach who has been convicted of or pleaded guilty to any of the offenses listed or described in division (A)(1) of section 109.572 of the Revised Code.

The superintendent shall not charge any fee to conduct a criminal records check that the administrator of a recreational youth athletics organization or entity requests under this section and shall not charge any fee for information or criminal records the administrator requests under section 109.57 of the Revised Code in relation to an individual applying to serve as a volunteer coach for the organization or entity.

(2)(a) A recreational youth athletics organization or entity organization or entity is immune from civil liability that might otherwise be incurred or imposed for any injury, death, or loss to person or property that allegedly is caused by an act or omission of a volunteer coach and that results from or is related to the volunteer coach having unsupervised access to a child on a regular basis if all of the following apply:

(i) The administrator of the recreational youth athletics organization or entity causes the conduct of a criminal records check of the volunteer coach as required by this section.

(ii) The recreational youth athletics organization or entity receives a determination from the superintendent of the bureau of criminal identification and investigation or the qualified private entity engaged in the business of criminal records checks of individuals that the volunteer coach has not been convicted of and has not pleaded guilty to any of the offenses listed or described in division (A)(1) of section 109.572 of the Revised Code.

(iii) The recreational youth athletics organization or entity, in good faith reliance on the superintendent's or qualified private entity's determination, uses the individual as a volunteer coach in an athletic activity in which the volunteer coach has unsupervised access to a child on a regular basis.

(b) The immunity from civil liability conferred by division (D)(2)(a) of this section does not apply to a recreational youth athletics organization or entity that has immunity from civil liability under section 9.86 or Chapter 2744. of the Revised Code for an act or omission described in that division.

(c) The immunity from civil liability conferred by division (D)(2)(a) of this section does not create a new cause of action or substantive legal right against a recreational youth athletics organization or entity and does not affect any immunities from civil liability or defenses established by another section of the Revised Code or available at common law to which a recreational youth athletics organization or entity may be entitled under circumstances not covered by this section."

Between lines 10561 and 10562, insert:

"**Sec. 2743.191.** (A)(1) There is hereby created in the state treasury the reparations fund, which shall be used only for the following purposes:

(a) The payment of awards of reparations that are granted by the attorney general;

(b) The compensation of any personnel needed by the attorney general to administer sections 2743.51 to 2743.72 of the Revised Code;

(c) The compensation of witnesses as provided in division (J) of section 2743.65 of the Revised Code;

(d) Other administrative costs of hearing and determining claims for an award of reparations by the attorney general;

(e) The costs of administering sections 2907.28 and 2969.01 to 2969.06 of the Revised Code;

(f) The costs of investigation and decision-making as certified by the attorney general;

(g) The provision of state financial assistance to victim assistance

programs in accordance with sections 109.91 and 109.92 of the Revised Code;

(h) The costs of paying the expenses of sex offense-related examinations and antibiotics pursuant to section 2907.28 of the Revised Code;

(i) The cost of printing and distributing the pamphlet prepared by the attorney general pursuant to section 109.42 of the Revised Code;

(j) Subject to division (D) of section 2743.71 of the Revised Code, the costs associated with the printing and providing of information cards or other printed materials to law enforcement agencies and prosecuting authorities and with publicizing the availability of awards of reparations pursuant to section 2743.71 of the Revised Code;

(k) The payment of costs of administering a DNA specimen collection procedure pursuant to sections 2152.74 and 2901.07 of the Revised Code, of performing DNA analysis of those DNA specimens, and of entering the resulting DNA records regarding those analyses into the DNA database pursuant to section 109.573 of the Revised Code;

(l) The payment of actual costs associated with initiatives by the attorney general for the apprehension, prosecution, and accountability of offenders, and the enhancing of services to crime victims. The amount of payments made pursuant to division (A)(1)(l) of this section during any given fiscal year shall not exceed five per cent of the balance of the reparations fund at the close of the immediately previous fiscal year;

(m) The costs of administering the adult parole authority's supervision of sexually violent predators with an active global positioning system device pursuant to section 2971.05 of the Revised Code.

(2) All costs paid pursuant to section 2743.70 of the Revised Code, the portions of license reinstatement fees mandated by division (F)(2)(b) of section 4511.191 of the Revised Code to be credited to the fund, the portions of the proceeds of the sale of a forfeited vehicle specified in division (C)(2) of section 4503.234 of the Revised Code, payments collected by the department of rehabilitation and correction from prisoners who voluntarily participate in an approved work and training program pursuant to division (C)(8)(b)(ii) of section 5145.16 of the Revised Code, ~~and~~ all moneys collected by the state pursuant to its right of subrogation provided in section 2743.72 of the Revised Code, and any interest earned on the money in the fund shall be deposited in the fund.

(B) In making an award of reparations, the attorney general shall render the award against the state. The award shall be accomplished only through the following procedure, and the following procedure may be enforced by writ of mandamus directed to the appropriate official:

(1) The attorney general shall provide for payment of the claimant or providers in the amount of the award only if the amount of the award is fifty dollars or more.

(2) The expense shall be charged against all available unencumbered moneys in the fund.

(3) If sufficient unencumbered moneys do not exist in the fund, the attorney general shall make application for payment of the award out of the emergency purposes account or any other appropriation for emergencies or contingencies, and payment out of this account or other appropriation shall be authorized if there are sufficient moneys greater than the sum total of then pending emergency purposes account requests or requests for releases from the other appropriations.

(4) If sufficient moneys do not exist in the account or any other appropriation for emergencies or contingencies to pay the award, the attorney general shall request the general assembly to make an appropriation sufficient to pay the award, and no payment shall be made until the appropriation has been made. The attorney general shall make this appropriation request during the current biennium and during each succeeding biennium until a sufficient appropriation is made. If, prior to the time that an appropriation is made by the general assembly pursuant to this division, the fund has sufficient unencumbered funds to pay the award or part of the award, the available funds shall be used to pay the award or part of the award, and the appropriation request shall be amended to request only sufficient funds to pay that part of the award that is unpaid.

(C) The attorney general shall not make payment on a decision or order granting an award until all appeals have been determined and all rights to appeal exhausted, except as otherwise provided in this section. If any party to a claim for an award of reparations appeals from only a portion of an award, and a remaining portion provides for the payment of money by the state, that part of the award calling for the payment of money by the state and not a subject of the appeal shall be processed for payment as described in this section.

(D) The attorney general shall prepare itemized bills for the costs of printing and distributing the pamphlet the attorney general prepares pursuant to section 109.42 of the Revised Code. The itemized bills shall set forth the name and address of the persons owed the amounts set forth in them.

(E) As used in this section, "DNA analysis" and "DNA specimen" have the same meanings as in section 109.573 of the Revised Code."

In line 35266, after "109.572," insert "109.575, 109.576, 109.577,"

In line 35267, after "121.37," insert "121.402,"

In line 35278, after "2503.20," insert "2743.191,"

Between lines 38923 and 38924, insert:

"Section ____. CASH TRANSFERS TO THE ATTORNEY GENERAL'S GENERAL REIMBURSEMENT FUND (FUND 106)

On the first day of July of each fiscal year, or as soon as practicable

thereafter, the Attorney General shall certify to the Director of Budget and Management the amount of criminal records check fee revenue foregone by the Superintendent of the Bureau of Criminal Identification and Investigation pursuant to the criminal records check fee exemption contained in division (D)(1) of section 1541.80 of the Revised Code. Notwithstanding any other law to the contrary, the Director of Budget and Management shall transfer that certified amount in cash from the investment earnings credited to the Attorney General's Reparations Fund (Fund 402) to the credit of the Attorney General's General Reimbursement Fund (Fund 106). If the amount in cash from the investment earnings credited to Fund 402 to be transferred to Fund 106 is less than the certified amount of criminal records check fee revenue foregone, the Attorney General may, upon approval of the Director of Budget and Management, request that difference in cash be transferred from funds in the emergency purposes appropriation of the Controlling Board to Fund 106. The amounts transferred to Fund 106 are hereby appropriated."

In line 44426, after "515.06," insert " _____,"

In line 2 of the title, after "109.572," insert "109.575, 109.576, 109.577,"

In line 4 of the title, after "121.37," insert "121.402,"

In line 18 of the title, after "2503.20," insert "2743.191,"

In line 66 of the title, after "333.07," insert "1541.80,"

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

Senator Mumper moved that the amendment be laid on the table.

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

A roll call was requested which was properly supported.

The yeas and nays were taken and resulted - yeas 21, nays 12, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Carey
Cates	Coughlin	Gardner	Goodman
Grendell	Hottinger	Jacobson	Jordan
Mumper	Niehaus	Padgett	Schuler
Schuring	Spada	Stivers	Wachtmann
			Harris-21.

Those who voted in the negative were: Senators

Clancy	Dann	Fedor	Fingerhut
Hagan	Kearney	Miller D	Miller R
Prentiss	Roberts	Wilson	Zurz-12.

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. H. B. No. 530**, pass?"

The yeas and nays were taken and resulted - yeas 30, nays 3, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Carey
Cates	Clancy	Coughlin	Dann
Fingerhut	Gardner	Goodman	Hagan
Hottinger	Jacobson	Kearney	Miller D
Miller R	Mumper	Niehaus	Padgett
Prentiss	Roberts	Schuler	Schuring
Spada	Stivers	Wachtmann	Wilson
Zurz			Harris-30.

Senators Fedor, Grendell, and Jordan voted in the negative-3.

So the bill passed.

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

Senator Carey moved to amend the title as follows:

Add the names: "Harris, Spada."

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

The title was agreed to.

Am. Sub. H. B. No. 46-Representatives Schaffer, McGregor, J., Fessler, Taylor, Reidelbach, Martin, Aslanides, Blessing, Brinkman, Buehrer, Cassell, Chandler, Collier, Combs, Core, Dolan, Domenick, Evans, C., Evans, D., Faber, Flowers, Gilb, Hagan, Hughes, Law, Patton, T., Raussen, Sayre, Schneider, Seitz, Setzer, Smith, G., Trakas, Wagoner, White, Willamowski, Wolpert, Yuko, Coley.

To amend section 9.833 and to enact section 305.172 of the Revised Code to permit political subdivisions to offer and make contributions to health savings accounts for employees, was considered the third time.

The question being, "Shall the bill, **Am. Sub. H. B. No. 46**, pass?"

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

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Carey
Cates	Clancy	Coughlin	Dann
Fedor	Fingerhut	Gardner	Goodman
Grendell	Hagan	Hottinger	Jacobson
Jordan	Kearney	Miller D	Miller R
Mumper	Niehaus	Padgett	Prentiss
Roberts	Schuler	Schuring	Spada
Stivers	Wachtmann	Wilson	Zurz
			Harris-33.

So the bill passed.

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

Senator Coughlin moved to amend the title as follows:

Add the names: "Armbruster, Carey, Cates, Clancy, Coughlin, Gardner, Goodman, Hottinger, Mumper, Niehaus, Schuler, Schuring, Spada, Stivers, Harris."

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

The motion was agreed to and the title so amended.

Sub. H. B. No. 289-Representatives White, Beatty, Barrett, Brown, Smith, S., Martin, Mason, Allen, DeBose, Domenick, Evans, C., Flowers, Harwood, Hughes, Key, McGregor, J., Oelslager, Schlichter, Skindell, Stewart, D., Strahorn, Yuko.

To amend section 121.37 and to enact section 121.374 of the Revised Code regarding the duties of the Ohio Family and Children First Cabinet Council and county family and children first councils, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 289**, pass?"

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

Those who voted in the affirmative were: Senators

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

Senator Grendell voted in the negative-1.

So the bill passed.

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

Senator Coughlin moved to amend the title as follows:

Add the names: "Niehaus, Padgett, Hagan, Zurz, Kearney, Dann, Stivers."

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

The motion was agreed to and the title so amended.

Sub. H. B. No. 363-Representatives Wagner, Willamowski, McGregor, Reidelbach, Sayre, Collier, Brown, Webster, Seitz, Latta, Cassell, Chandler, Coley, Domenick, Evans, C., Flowers, Gibbs, Hartnett, Hughes, Redfern,

Wagoner, Yuko.

To amend section 3375.49 of the Revised Code and to amend Section 503.06 of Am. Sub. H.B. 66 of the 126th General Assembly to allow the board of trustees of a law library association to elect to assume responsibility for paying the entire compensation of the librarian and all assistant librarians of the law library despite the otherwise applicable statutory payment requirements for that compensation, to modify the payment schedule for the board of county commissioners and the board of trustees with regard to the costs of the space in the county courthouse or other building provided for the use of the law library, the utilities for that space, and furniture and fixtures for the law library, to modify the board of county commissioners' obligation to provide space in the county courthouse or any other building in the county seat for the use of the law library and utilities for that space, and to extend the deadline for the report from the Task Force on Law Library Associations to October 31, 2007, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 363**, pass?"

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

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Carey
Cates	Clancy	Coughlin	Dann
Fedor	Fingerhut	Gardner	Goodman
Grendell	Hagan	Hottinger	Jacobson
Jordan	Kearney	Miller D	Miller R
Mumper	Niehaus	Padgett	Prentiss
Roberts	Schuler	Schuring	Spada
Stivers	Wachtmann	Wilson	Zurz
			Harris-33.

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: "Kearney, Clancy, Goodman, Mumper."

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

The motion was agreed to and the title so amended.

Sub. H. B. No. 440-Representatives Stewart, J., Martin, McGregor, J., Ujvagi, Yuko, Reinhard, Seitz, Uecker, Blasdel, Evans, C., Garrison, Hood, Reidelbach, Hagan, Brinkman, Blessing, Sayre, Bulp, Collier, Aslanides, Brown, Cassell, Chandler, Combs, DeBose, Domenick, Fende, Harwood, Hughes, Law, Otterman, Raussen, Schaffer, Strahorn, Taylor, Trakas, Wagner, Wolpert, Barrett, Bocchieri, Book, Buehrer, Calvert, Carano, Carmichael,

Coley, Core, Daniels, Distel, Dolan, Driehaus, Evans, D., Faber, Flowers, Gibbs, Gilb, Hartnett, Healy, Key, Latta, Mason, McGregor, R., Miller, Mitchell, Oelslager, Patton, S., Patton, T., Perry, Peterson, Raga, Schlichter, Setzer, Smith, G., Stewart, D., Wagoner, Webster, White, Widener, Willamowski, Williams, Woodard, Yates, Beatty Senators Carey, Spada, Hottinger, Niehaus, Hagan, Fedor, Mumper.

To amend section 3706.01 and to enact section 3706.101 of the Revised Code and to amend Section 203.27 of Am. Sub. H.B. 66 of the 126th General Assembly to revise the definition of "air quality facility" under the Air Quality Development Authority Law, to create the FutureGen Initiative Fund, and to make an appropriation, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 440**, pass?"

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

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Carey
Cates	Clancy	Coughlin	Dann
Fedor	Fingerhut	Gardner	Goodman
Grendell	Hagan	Hottinger	Jacobson
Jordan	Kearney	Miller D	Miller R
Mumper	Niehaus	Padgett	Prentiss
Roberts	Schuler	Schuring	Spada
Stivers	Wachtmann	Wilson	Zurz
			Harris-33.

So the bill passed.

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

Senator Padgett moved to amend the title as follows:

Add the names: "Amstutz, Armbruster, Dann, Fingerhut, Harris, Kearney, Miller, R., Padgett, Roberts, Schuring, Schuler, Wilson, Zurz, Coughlin, Cates, Goodman."

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

The motion was agreed to and the title so amended.

Sub. H. B. No. 95-Representatives Seitz, McGregor, C. Evans, Allen, Widener, Wolpert, Combs, Latta, T. Patton, Schaffer, Raussen, Wagoner, Faber, Webster, Hoops, Taylor, Gilb, Raga, Brinkman, Hagan, Reidelbach, White, Willamowski, Harwood, Uecker, G. Smith, Gibbs, Schneider, Hartnett, Carmichael, Buehrer, Seaver, Hughes, Collier, Trakas, Flowers, Oelslager, D. Evans, Aslanides, Blessing, Bubb, Calvert, Daniels, Dolan, Domenick, Law, Martin, Reinhard, Setzer, Widowfield Senator Dann.

To amend sections 2152.17, 2901.08, 2903.11, 2907.01, 2907.03, 2907.05, 2919.26, 2929.01, 2929.13, 2929.14, 2941.149, 2953.08, and 3113.31 of the Revised Code relative to the sentences imposed on repeat violent offenders, to the appeal of repeat violent offender sentences, to the penalty for sexual battery and gross sexual imposition when the victim of the offense is under 13 years of age, to the issuance of temporary protection orders and civil protections orders for victims of sexually oriented offenses, and to the Sex Offense Law definition of "sexual conduct, was considered the third time."

The question being, "Shall the bill, **Sub. H. B. No. 95**, pass?"

Senator Gardner moved to amend as follows:

In line 15, after "3113.31" insert "be amended and section 2152.192"; delete "amended" and insert "enacted"

Between lines 146 and 147, insert:

"Sec. 2152.192. If a court or child welfare agency places a delinquent child in an institution or association, as defined in section 5103.02 of the Revised Code, that is certified by the department of job and family services pursuant to section 5103.03 of the Revised Code and if that child has been adjudicated delinquent for committing an act that is a sexually oriented offense in either a prior delinquency adjudication or in the current delinquency adjudication, the court or child welfare agency shall notify the operator of the institution or association and the sheriff of the county in which the institution or association is located that the child has been adjudicated delinquent for committing an act that is a sexually oriented offense."

In line 3 of the title, after "3113.31" insert "and to enact section 2152.192"

In line 11 of the title, after "offenses" insert ", the notification of JFS-certified facilities regarding children adjudicated delinquent for acts that are sexually oriented offenses"

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

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

Those who voted in the affirmative were: Senators

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

The amendment was agreed to.

The question recurred, "Shall the bill, **Sub. H. B. No. 95**, pass?"

Senator Fedor moved to amend as follows:

After the last line in the bill, insert:

"Section 3. (A)(1) As used in this section, "childhood sexual abuse" has the meaning set forth in division (A)(2) of this section, and includes any conduct occurring prior to the effective date of this act but not earlier than thirty-five years prior to the effective date of this act that, had it occurred on or after the effective date of this act, would be childhood sexual abuse under the definition set forth in division (A)(2) of this section. The court need not find that any person has been convicted of or pleaded guilty to an offense under Chapter 2907. of the Revised Code that is specified in that definition in order for the conduct that is the violation constituting that offense to be childhood sexual abuse for purposes of this section.

(2) As used in this section, "childhood sexual abuse" means any conduct that constitutes any of the violations identified in division (A)(1)(a) or (b) of this section and would constitute a criminal offense under the specified section or division of the Revised Code, if the victim of the violation is at the time of the violation a child under eighteen years of age or a mentally retarded, developmentally disabled, or physically impaired child under twenty-one years of age. The court need not find that any person has been convicted of or pleaded guilty to the offense under the specified section or division of the Revised Code in order for the conduct that is the violation constituting the offense to be childhood sexual abuse for purposes of this division. This division applies to any of the following violations committed in the following specified circumstances:

(a) A violation of section 2907.02 or of division (A)(1), (5), (6), (7), (8), (9), (10), (11), or (12) of section 2907.03 of the Revised Code;

(b) A violation of section 2907.05 or 2907.06 of the Revised Code if, at the time of the violation, any of the following apply:

(i) The actor is the victim's natural parent, adoptive parent, or stepparent or the guardian, custodian, or person in loco parentis of the victim.

(ii) The victim is in custody of law or a patient in a hospital or other institution, and the actor has supervisory or disciplinary authority over the victim.

(iii) The actor is a teacher, administrator, coach, or other person in authority employed by or serving in a school for which the state board of education prescribes minimum standards pursuant to division (D) of section 3301.07 of the Revised Code, the victim is enrolled in or attends that school, and the actor is not enrolled in and does not attend that school.

(iv) The actor is a teacher, administrator, coach, or other person in

authority employed by or serving in an institution of higher education, and the victim is enrolled in or attends that institution.

(v) The actor is the victim's athletic or other type of coach, is the victim's instructor, is the leader of a scouting troop of which the victim is a member, or is a person with temporary or occasional disciplinary control over the victim.

(vi) The actor is a mental health professional, the victim is a mental health client or patient of the actor, and the actor induces the victim to submit by falsely representing to the victim that the sexual contact involved in the violation is necessary for mental health treatment purposes.

(vii) The victim is confined in a detention facility, and the actor is an employee of that detention facility.

(viii) The actor is a cleric, and the victim is a member of, or attends, the church or congregation served by the cleric.

(2) "Cleric" has the same meaning as in section 2317.02 of the Revised Code.

(3) "Mental health client or patient" has the same meaning as in section 2305.51 of the Revised Code.

(4) "Mental health professional" has the same meaning as in section 2305.115 of the Revised Code.

(5) "Sexual contact" has the same meaning as in section 2907.01 of the Revised Code.

(6) "Victim" means, except as provided in division (B) of this section, a victim of childhood sexual abuse.

(B) If a person was the victim of childhood sexual abuse that occurred prior to the effective date of this act but not earlier than thirty-five years prior to the effective date of this act, and if a civil action for assault or battery based on the childhood sexual abuse has never been filed by the victim and the period of limitations that was applicable to the assault or battery has expired on or before the effective date of this act or a civil action for assault or battery based on the childhood sexual abuse was filed by the victim and it was dismissed prior to, or is dismissed on or after, the effective date of this act because of the expiration of the period of limitations that was applicable to the assault or battery, notwithstanding the expiration of the period of limitations that applied to assault or battery based on childhood sexual abuse, the victim of childhood sexual abuse may bring an action asserting a claim for assault or battery based on the childhood sexual abuse within one of the following periods of time, as applicable:

(1) Except as provided in division (B)(2) of this section, at any time beginning on the effective date of this act and ending one year after the effective date of this act;

(2) If a civil action for assault or battery based on the childhood sexual abuse was filed and it is pending in any court, including an appellate court, on the effective date of this act, at any time beginning on the effective date of this act and ending two years after the effective date of this act.

(C) If a person was the victim of childhood sexual abuse that occurred prior to the effective date of this act but not earlier than thirty-five years prior to the effective date of this act, and if a civil action for a claim resulting from the childhood sexual abuse has never been filed by the victim and the period of limitations that was applicable to that claim has expired on or before the effective date of this act or a civil action for a claim resulting from the childhood sexual abuse was filed by the victim and it was dismissed prior to, or is dismissed on or after, the effective date of this act because of the expiration of the period of limitations that was applicable to that claim, notwithstanding the expiration of the period of limitations that applied to that type of claim resulting from childhood sexual abuse, the victim of childhood sexual abuse may bring an action asserting the claim resulting from the childhood sexual abuse within one of the following periods of time, as applicable:

(1) Except as provided in division (C)(2) of this section, within the time period specified in division (B)(1) of this section;

(2) If a civil action for the claim resulting from the childhood sexual abuse was filed by the victim and it is pending in any court, including an appellate court, on the effective date of this act, within the time period specified in division (B)(2) of this section."

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

Senator Stivers moved that the amendment be laid on the table.

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

A roll call was requested which was properly supported.

The yeas and nays were taken and resulted - yeas 18, nays 15, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Carey
Cates	Coughlin	Gardner	Goodman
Jacobson	Jordan	Mumper	Niehaus
Padgett	Schuler	Schuring	Stivers
Wachtmann			Harris-18.

Those who voted in the negative were: Senators

Clancy	Dann	Fedor	Fingerhut
Grendell	Hagan	Hottinger	Kearney
Miller D	Miller R	Prentiss	Roberts
Spada	Wilson		Zurz-15.

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. H. B. No. 95**, pass?"

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

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Carey
Cates	Clancy	Coughlin	Dann
Fedor	Fingerhut	Gardner	Goodman
Grendell	Hagan	Hottinger	Jacobson
Jordan	Kearney	Miller D	Miller R
Mumper	Niehaus	Padgett	Prentiss
Roberts	Schuler	Schuring	Spada
Stivers	Wachtmann	Wilson	Zurz
			Harris-33.

So the bill passed.

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

Senator Stivers moved to amend the title as follows:

Add the names: "Cates, Clancy, Gardner, Goodman, Hagan, Hottinger, Mumper, Niehaus, Padgett, Spada, Stivers, Zurz, Wachtmann, Jordan, Jacobson, Armbruster, Fedor, Schuler, Grendell, Roberts, Harris, Austria."

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

The motion was agreed to and the title so amended.

Sub. S. B. No. 260-Senators Austria, Spada, Amstutz, Armbruster, Carey, Cates, Clancy, Coughlin, Dann, Fingerhut, Gardner, Goodman, Grendell, Hagan, Harris, Hottinger, Jacobson, Jordan, Kearney, Mumper, Niehaus, Padgett, Schuler, Schuring, Stivers, Wachtmann, Wilson, Zurz.

To amend sections 109.42, 2743.191, 2907.02, 2907.07, 2921.34, 2923.02, 2929.01, 2929.13, 2929.14, 2929.19, 2930.16, 2941.148, 2950.01, 2950.09, 2950.11, 2967.12, 2967.121, 2971.03, 2971.04, 2971.05, 2971.06, 2971.07, 3109.04, 5120.49, 5120.61, 5120.66, and 5149.10 and to enact section 2941.1418 of the Revised Code to require that a person convicted of rape when the victim is less than 13 or when the person purposely compels the victim to submit by force or threat of force be sentenced to an indefinite prison term of 25 years to life; to require that a person convicted of attempted rape be sentenced to an indefinite prison term of 15 years to life if also convicted of a specification that the completed rape would have been committed against a victim less than 13; to require that a person so sentenced serve that term under the Sexually Violent Predator Law as if a sexually violent predator and automatically is classified a sexual predator for the SORN Law; to permit the court to subject a person so sentenced to supervision with an active global

positioning system device if released from a state correctional institution; to increase the penalty for importuning and establish a presumption for a prison term if the victim is under 13; to require a sheriff to notify the public children services agency of registered sex offenders in the jurisdiction; to provide for the consideration of specified convictions of members of the household of a parent in making child custody determinations and to declare an emergency, was considered the third time.

The question being, "Shall the section, Section 4, setting forth the emergency features of the bill, stand as a part of the bill?"

Senator Hagan moved to amend as follows:

In line 35, after "2950.11," insert "2950.13, 2950.14,"

Between lines 3936 and 3937, insert:

"**Sec. 2950.13.** (A) The attorney general shall do all of the following:

(1) No later than July 1, 1997, establish and maintain a state registry of sex offenders and child-victim offenders that is housed at the bureau of criminal identification and investigation and that contains all of the registration, change of residence, school, institution of higher education, or place of employment address, and verification information the bureau receives pursuant to sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code regarding a person who is convicted of or pleads guilty to, or has been convicted of or pleaded guilty to, either a sexually oriented offense that is not a registration-exempt sexually oriented offense or a child-victim oriented offense or a person who is adjudicated a delinquent child for committing either a sexually oriented offense that is not a registration-exempt sexually oriented offense or a child-victim oriented offense and is classified a juvenile offender registrant or is an out-of-state juvenile offender registrant based on that adjudication, and all of the information the bureau receives pursuant to section 2950.14 of the Revised Code. For a person who was convicted of or pleaded guilty to the sexually oriented offense or child-victim related offense, the registry also shall indicate whether the person was convicted of or pleaded guilty to the offense in a criminal prosecution or in a serious youthful offender case.

(2) In consultation with local law enforcement representatives and no later than July 1, 1997, adopt rules that contain guidelines necessary for the implementation of this chapter;

(3) In consultation with local law enforcement representatives, adopt rules for the implementation and administration of the provisions contained in section 2950.11 of the Revised Code that pertain to the notification of neighbors of an offender or a delinquent child who has committed a sexually oriented offense that is not a registration-exempt sexually oriented offense and has been adjudicated a sexual predator or determined to be a habitual sex offender, an

offender who has committed an aggravated sexually oriented offense, or an offender or delinquent child who has committed a child-victim oriented offense and has been adjudicated a child-victim predator or determined to be a habitual child-victim offender, and rules that prescribe a manner in which victims of either a sexually oriented offense that is not a registration-exempt sexually oriented offense or a child-victim oriented offense committed by an offender or a delinquent child who has been adjudicated a sexual predator or determined to be a habitual sex offender, an offender who has committed an aggravated sexually oriented offense, or an offender or delinquent child who has committed a child-victim oriented offense and has been adjudicated a child-victim predator or determined to be a habitual child-victim offender may make a request that specifies that the victim would like to be provided the notices described in divisions (A)(1) and (2) of section 2950.10 of the Revised Code;

(4) In consultation with local law enforcement representatives and through the bureau of criminal identification and investigation, prescribe the forms to be used by judges and officials pursuant to section 2950.03 of the Revised Code to advise offenders and delinquent children of their duties of filing a notice of intent to reside, registration, notification of a change of residence, school, institution of higher education, or place of employment address and registration of the new, school, institution of higher education, or place of employment address, as applicable, and address verification under sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code, and prescribe the forms to be used by sheriffs relative to those duties of filing a notice of intent to reside, registration, change of residence, school, institution of higher education, or place of employment address notification, and address verification;

(5) Make copies of the forms prescribed under division (A)(4) of this section available to judges, officials, and sheriffs;

(6) Through the bureau of criminal identification and investigation, provide the notifications, the information, and the documents that the bureau is required to provide to appropriate law enforcement officials and to the federal bureau of investigation pursuant to sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code;

(7) Through the bureau of criminal identification and investigation, maintain the verification forms returned under the address verification mechanism set forth in section 2950.06 of the Revised Code;

(8) In consultation with representatives of the officials, judges, and sheriffs, adopt procedures for officials, judges, and sheriffs to use to forward information, photographs, and fingerprints to the bureau of criminal identification and investigation pursuant to the requirements of sections 2950.03, 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code;

(9) In consultation with the director of education, the director of job and family services, and the director of rehabilitation and correction, adopt rules that contain guidelines to be followed by boards of education of a school district,

chartered nonpublic schools or other schools not operated by a board of education, preschool programs, child day-care centers, type A family day-care homes, certified type B family day-care homes, and institutions of higher education regarding the proper use and administration of information received pursuant to section 2950.11 of the Revised Code relative to an offender or delinquent child who has been adjudicated a sexual predator or child-victim predator or determined to be a habitual sex offender or habitual child-victim offender, or an offender who has committed an aggravated sexually oriented offense;

(10) In consultation with local law enforcement representatives and no later than July 1, 1997, adopt rules that designate a geographic area or areas within which the notice described in division (B) of section 2950.11 of the Revised Code must be given to the persons identified in divisions (A)(2) to (8) of that section;

(11) Through the bureau of criminal identification and investigation, not later than January 1, 2004, establish and operate on the internet a sex offender and child-victim offender database that contains information for every offender who has committed either a sexually oriented offense that is not a registration-exempt sexually oriented offense or a child-victim oriented offense and who registers in any county in this state pursuant to section 2950.04 or 2950.041 of the Revised Code. The bureau shall determine the information to be provided on the database for each offender and shall obtain that information from the information contained in the state registry of sex offenders and child-victim offenders described in division (A)(1) of this section, which information, while in the possession of the sheriff who provided it, is a public record open for inspection as described in section 2950.081 of the Revised Code. The information provided for each offender shall include at least the information set forth in division (B) of section 2950.11 of the Revised Code. The database is a public record open for inspection under section 149.43 of the Revised Code, and it shall be searchable by offender name, by county, by zip code, and by school district. The database shall provide a link to the web site of each sheriff who has established and operates on the internet a sex offender and child-victim offender database that contains information for offenders who register in that county pursuant to section 2950.04 or 2950.041 of the Revised Code, with the link being a direct link to the sex offender and child-victim offender database for the sheriff.

(12) Upon the request of any sheriff, provide technical guidance to the requesting sheriff in establishing on the internet a sex offender and child-victim offender database for the public dissemination of some or all of the materials described in division (A) of section 2950.081 of the Revised Code that are public records under that division and that pertain to offenders who register in that county pursuant to section 2950.04 or 2950.041 of the Revised Code and for the public dissemination of information the sheriff receives pursuant to section 2950.14 of the Revised Code;

(13) Through the bureau of criminal identification and investigation, not later than January 1, 2004, establish and operate on the internet a database that enables local law enforcement representatives to remotely search by electronic means the state registry of sex offenders and child-victim offenders described in division (A)(1) of this section and any information the bureau receives pursuant to sections 2950.04, 2950.041, 2950.05, 2950.06, and 2950.14 of the Revised Code. The database shall enable local law enforcement representatives to obtain detailed information regarding each offender and delinquent child who is included in the registry, including, but not limited to the offender's or delinquent child's name, residence address, place of employment if applicable, motor vehicle license plate number if applicable, victim preference if available, date of most recent release from confinement if applicable, fingerprints, and other identification parameters the bureau considers appropriate. The database is not a public record open for inspection under section 149.43 of the Revised Code and shall be available only to law enforcement representatives as described in this division. Information obtained by local law enforcement representatives through use of this database is not open to inspection by the public or by any person other than a person identified in division (A) of section 2950.08 of the Revised Code.

(B) The attorney general in consultation with local law enforcement representatives, may adopt rules that establish one or more categories of neighbors of an offender or delinquent child who, in addition to the occupants of residential premises and other persons specified in division (A)(1) of section 2950.11 of the Revised Code, must be given the notice described in division (B) of that section.

(C) No person, other than a local law enforcement representative, shall knowingly do any of the following:

(1) Gain or attempt to gain access to the database established and operated by the attorney general, through the bureau of criminal identification and investigation, pursuant to division (A)(13) of this section.

(2) Permit any person to inspect any information obtained through use of the database described in division (C)(1) of this section, other than as permitted under that division.

(D) As used in this section, "local law enforcement representatives" means representatives of the sheriffs of this state, representatives of the municipal chiefs of police and marshals of this state, and representatives of the township constables and chiefs of police of the township police departments or police district police forces of this state.

Sec. 2950.14. (A) Prior to releasing an offender who is under the custody and control of the department of rehabilitation and correction and who has been convicted of or pleaded guilty to committing, either prior to, on, or after January 1, 1997, any sexually oriented offense that is not a registration-exempt sexually oriented offense or any child-victim oriented offense, the department of

rehabilitation and correction shall provide all of the information described in division (B) of this section to the bureau of criminal identification and investigation regarding the offender and to the sheriff of the county in which the offender's anticipated future residence is located. Prior to releasing a delinquent child who is in the custody of the department of youth services who has been adjudicated a delinquent child for committing on or after January 1, 2002, any sexually oriented offense that is not a registration-exempt sexually oriented offense or any child-victim oriented offense, and who has been classified a juvenile offender registrant based on that adjudication, the department of youth services shall provide all of the information described in division (B) of this section to the bureau of criminal identification and investigation regarding the delinquent child.

(B) The department of rehabilitation and correction and the department of youth services shall provide all of the following information to the bureau of criminal identification and investigation regarding an offender or delinquent child described in division (A) of this section:

- (1) The offender's or delinquent child's name and any aliases used by the offender or delinquent child;
- (2) All identifying factors concerning the offender or delinquent child;
- (3) The offender's or delinquent child's anticipated future residence;
- (4) The offense and delinquency history of the offender or delinquent child;
- (5) Whether the offender or delinquent child was treated for a mental abnormality or personality disorder while under the custody and control of the department;
- (6) Any other information that the bureau indicates is relevant and that the department possesses.

(C) Upon receipt of the information described in division (B) of this section regarding an offender or delinquent child, the bureau immediately shall enter the information into the state registry of sex offenders and child-victim offenders that the bureau maintains pursuant to section 2950.13 of the Revised Code and into the records that the bureau maintains pursuant to division (A) of section 109.57 of the Revised Code. Upon receipt of that information regarding an offender, the bureau immediately shall enter the information on the sex offender and child-victim offender database it establishes and operates on the internet pursuant to division (A)(11) of section 2950.13 of the Revised Code.

(D) Upon receipt of the information described in division (B) of this section regarding an offender, a sheriff who has established on the internet a sex offender and child-victim offender database for the public dissemination of information regarding such offenders shall enter that information on the database."

In line 5596, after "2950.11," insert "2950.13, 2950.14,"

In line 4 of the title, after "2950.11," insert "2950.13, 2950.14,"

In line 29 of the title, after the semicolon insert "to require the Department of Rehabilitation and Correction to notify sheriffs of the release of sex offenders and child-victim oriented offenders and to require BCII to include on its Internet sex offender database, and sheriffs who operate on the Internet a sex offender database, to include on the database the information received about the offender;"

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

The amendment was agreed to.

The question recurred, "Shall the section, Section 4, setting forth the emergency features of the bill, stand as a part of the bill?"

The yeas and nays were taken and resulted - yeas 31, nays 2, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Carey
Cates	Clancy	Coughlin	Dann
Fedor	Fingerhut	Gardner	Goodman
Grendell	Hagan	Hottinger	Jacobson
Jordan	Kearney	Miller R	Mumper
Niehaus	Padgett	Roberts	Schuler
Schuring	Spada	Stivers	Wachtmann
Wilson	Zurz		Harris-31.

Senators Miller D and Prentiss voted in the negative-2.

So the section, Section 4, setting forth the emergency features of the bill stood as a part of the bill.

The question being, "Shall the bill pass as an emergency measure?"

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

Those who voted in the affirmative were: Senators

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

Senator Miller D voted in the negative-1.

So the bill having received the required constitutional majority passed as an emergency measure.

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

Senator Austria moved to amend the title as follows:

Add the names: "Fedor, Miller, R., Roberts."

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

The motion was agreed to and the title so amended.

Sub. S. B. No. 137-Senators Goodman, Padgett, Clancy, Cates, Gardner, Jacobson, Dann, Stivers, Zurz, Kearney.

To amend section 2151.99 of the Revised Code to increase the penalty for a failure to make a mandatory report of abuse or neglect of a child from a misdemeanor of the fourth degree to a misdemeanor of the first degree if the child who is the subject of the report that is not made suffers or faces the threat of suffering the wound, injury, disability, or condition that would be the basis of the report when the child is under either the direct care or supervision of the offender acting in the offender's official or professional capacity or the direct care or supervision of another person over whom the offender has supervisory control, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 137**, pass?"

Senator Fedor moved to amend as follows:

In line 15, delete "section" and insert "sections 109.57, 109.572, 109.575, 109.576, 109.577, 121.402, and"; after "2151.99" insert "be amended and section 1541.801"

In line 16, delete "amended" and insert "enacted"

Between lines 16 and 17, insert:

"Sec. 109.57. (A)(1) The superintendent of the bureau of criminal identification and investigation shall procure from wherever procurable and file for record photographs, pictures, descriptions, fingerprints, measurements, and other information that may be pertinent of all persons who have been convicted of committing within this state a felony, any crime constituting a misdemeanor on the first offense and a felony on subsequent offenses, or any misdemeanor described in division (A)(1)(a) of section 109.572 of the Revised Code, of all children under eighteen years of age who have been adjudicated delinquent children for committing within this state an act that would be a felony or an offense of violence if committed by an adult or who have been convicted of or pleaded guilty to committing within this state a felony or an offense of violence, and of all well-known and habitual criminals. The person in charge of any county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, community-based correctional facility, halfway house, alternative residential facility, or state correctional institution and the person in charge of any state institution having custody of a person suspected of having committed a

felony, any crime constituting a misdemeanor on the first offense and a felony on subsequent offenses, or any misdemeanor described in division (A)(1)(a) of section 109.572 of the Revised Code or having custody of a child under eighteen years of age with respect to whom there is probable cause to believe that the child may have committed an act that would be a felony or an offense of violence if committed by an adult shall furnish such material to the superintendent of the bureau. Fingerprints, photographs, or other descriptive information of a child who is under eighteen years of age, has not been arrested or otherwise taken into custody for committing an act that would be a felony or an offense of violence if committed by an adult, has not been adjudicated a delinquent child for committing an act that would be a felony or an offense of violence if committed by an adult, has not been convicted of or pleaded guilty to committing a felony or an offense of violence, and is not a child with respect to whom there is probable cause to believe that the child may have committed an act that would be a felony or an offense of violence if committed by an adult shall not be procured by the superintendent or furnished by any person in charge of any county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, community-based correctional facility, halfway house, alternative residential facility, or state correctional institution, except as authorized in section 2151.313 of the Revised Code.

(2) Every clerk of a court of record in this state, other than the supreme court or a court of appeals, shall send to the superintendent of the bureau a weekly report containing a summary of each case involving a felony, involving any crime constituting a misdemeanor on the first offense and a felony on subsequent offenses, involving a misdemeanor described in division (A)(1)(a) of section 109.572 of the Revised Code, or involving an adjudication in a case in which a child under eighteen years of age was alleged to be a delinquent child for committing an act that would be a felony or an offense of violence if committed by an adult. The clerk of the court of common pleas shall include in the report and summary the clerk sends under this division all information described in divisions (A)(2)(a) to (f) of this section regarding a case before the court of appeals that is served by that clerk. The summary shall be written on the standard forms furnished by the superintendent pursuant to division (B) of this section and shall include the following information:

(a) The incident tracking number contained on the standard forms furnished by the superintendent pursuant to division (B) of this section;

(b) The style and number of the case;

(c) The date of arrest;

(d) The date that the person was convicted of or pleaded guilty to the offense, adjudicated a delinquent child for committing the act that would be a felony or an offense of violence if committed by an adult, found not guilty of the offense, or found not to be a delinquent child for committing an act that would be a felony or an offense of violence if committed by an adult, the date of an entry dismissing the charge, an entry declaring a mistrial of the offense in which

the person is discharged, an entry finding that the person or child is not competent to stand trial, or an entry of a nolle prosequi, or the date of any other determination that constitutes final resolution of the case;

(e) A statement of the original charge with the section of the Revised Code that was alleged to be violated;

(f) If the person or child was convicted, pleaded guilty, or was adjudicated a delinquent child, the sentence or terms of probation imposed or any other disposition of the offender or the delinquent child.

If the offense involved the disarming of a law enforcement officer or an attempt to disarm a law enforcement officer, the clerk shall clearly state that fact in the summary, and the superintendent shall ensure that a clear statement of that fact is placed in the bureau's records.

(3) The superintendent shall cooperate with and assist sheriffs, chiefs of police, and other law enforcement officers in the establishment of a complete system of criminal identification and in obtaining fingerprints and other means of identification of all persons arrested on a charge of a felony, any crime constituting a misdemeanor on the first offense and a felony on subsequent offenses, or a misdemeanor described in division (A)(1)(a) of section 109.572 of the Revised Code and of all children under eighteen years of age arrested or otherwise taken into custody for committing an act that would be a felony or an offense of violence if committed by an adult. The superintendent also shall file for record the fingerprint impressions of all persons confined in a county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, community-based correctional facility, halfway house, alternative residential facility, or state correctional institution for the violation of state laws and of all children under eighteen years of age who are confined in a county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, community-based correctional facility, halfway house, alternative residential facility, or state correctional institution or in any facility for delinquent children for committing an act that would be a felony or an offense of violence if committed by an adult, and any other information that the superintendent may receive from law enforcement officials of the state and its political subdivisions.

(4) The superintendent shall carry out Chapter 2950. of the Revised Code with respect to the registration of persons who are convicted of or plead guilty to either a sexually oriented offense that is not a registration-exempt sexually oriented offense or a child-victim oriented offense and with respect to all other duties imposed on the bureau under that chapter.

(5) The bureau shall perform centralized recordkeeping functions for criminal history records and services in this state for purposes of the national crime prevention and privacy compact set forth in section 109.571 of the Revised Code and is the criminal history record repository as defined in that section for purposes of that compact. The superintendent or the superintendent's

designee is the compact officer for purposes of that compact and shall carry out the responsibilities of the compact officer specified in that compact.

(B) The superintendent shall prepare and furnish to every county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, community-based correctional facility, halfway house, alternative residential facility, or state correctional institution and to every clerk of a court in this state specified in division (A)(2) of this section standard forms for reporting the information required under division (A) of this section. The standard forms that the superintendent prepares pursuant to this division may be in a tangible format, in an electronic format, or in both tangible formats and electronic formats.

(C) The superintendent may operate a center for electronic, automated, or other data processing for the storage and retrieval of information, data, and statistics pertaining to criminals and to children under eighteen years of age who are adjudicated delinquent children for committing an act that would be a felony or an offense of violence if committed by an adult, criminal activity, crime prevention, law enforcement, and criminal justice, and may establish and operate a statewide communications network to gather and disseminate information, data, and statistics for the use of law enforcement agencies. The superintendent may gather, store, retrieve, and disseminate information, data, and statistics that pertain to children who are under eighteen years of age and that are gathered pursuant to sections 109.57 to 109.61 of the Revised Code together with information, data, and statistics that pertain to adults and that are gathered pursuant to those sections. In addition to any other authorized use of information, data, and statistics of that nature, the superintendent or the superintendent's designee may provide and exchange the information, data, and statistics pursuant to the national crime prevention and privacy compact as described in division (A)(5) of this section.

(D) The information and materials furnished to the superintendent pursuant to division (A) of this section and information and materials furnished to any board or person under division (F) or (G) of this section are not public records under section 149.43 of the Revised Code.

(E) The attorney general shall adopt rules, in accordance with Chapter 119. of the Revised Code, setting forth the procedure by which a person may receive or release information gathered by the superintendent pursuant to division (A) of this section. A reasonable fee may be charged for this service, except that the superintendent shall not charge a fee for information gathered pursuant to that division when the administrator of a recreational youth athletics organization or entity requests the release of the information in relation to an individual applying to serve as a volunteer coach who is subject to a criminal records check under section 1541.801 of the Revised Code. If a temporary employment service submits a request for a determination of whether a person the service plans to refer to an employment position has been convicted of or pleaded guilty to an offense listed in division (A)(1), (3), (4), (5), or (6) of

section 109.572 of the Revised Code, the request shall be treated as a single request and only one fee shall be charged.

(F)(1) As used in division (F)(2) of this section, "head start agency" means an entity in this state that has been approved to be an agency for purposes of subchapter II of the "Community Economic Development Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, as amended.

(2)(a) In addition to or in conjunction with any request that is required to be made under section 109.572, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 5104.012, 5104.013, 5123.081, 5126.28, 5126.281, or 5153.111 of the Revised Code, the board of education of any school district; the director of mental retardation and developmental disabilities; any county board of mental retardation and developmental disabilities; any entity under contract with a county board of mental retardation and developmental disabilities; the chief administrator of any chartered nonpublic school; the chief administrator of any home health agency; the chief administrator of or person operating any child day-care center, type A family day-care home, or type B family day-care home licensed or certified under Chapter 5104. of the Revised Code; ~~the administrator of any type C family day-care home certified pursuant to Section 1 of Sub. H.B. 62 of the 121st general assembly or Section 5 of Am. Sub. S.B. 160 of the 121st general assembly;~~ the chief administrator of any head start agency; or the executive director of a public children services agency may request that the superintendent of the bureau investigate and determine, with respect to any individual who has applied for employment in any position after October 2, 1989, or any individual wishing to apply for employment with a board of education may request, with regard to the individual, whether the bureau has any information gathered under division (A) of this section that pertains to that individual. ~~On~~

In addition to or in conjunction with any request that is made under section 1541.801 of the Revised Code, the administrator of a recreational youth athletics organization or entity may request that the superintendent investigate and determine, with respect to any individual who has applied to be a volunteer coach for the organization or entity, whether the bureau has any information gathered under division (A) of this section that pertains to that individual.

On receipt of the request either of those types of requests, the superintendent shall determine whether that information exists and, upon request of the person, board, or entity requesting information, also shall request from the federal bureau of investigation any criminal records it has pertaining to that individual. The superintendent or the superintendent's designee also may request criminal history records from other states or the federal government pursuant to the national crime prevention and privacy compact set forth in section 109.571 of the Revised Code. Within thirty days of the date that the superintendent receives a request, the superintendent shall send to the board, entity, or person a report of any information that the superintendent determines exists, including information contained in records that have been sealed under section 2953.32 of the Revised Code, and, within thirty days of its receipt, shall send the board,

entity, or person a report of any information received from the federal bureau of investigation, other than information the dissemination of which is prohibited by federal law.

(b) When a board of education is required to receive information under this section as a prerequisite to employment of an individual pursuant to section 3319.39 of the Revised Code, it may accept a certified copy of records that were issued by the bureau of criminal identification and investigation and that are presented by an individual applying for employment with the district in lieu of requesting that information itself. In such a case, the board shall accept the certified copy issued by the bureau in order to make a photocopy of it for that individual's employment application documents and shall return the certified copy to the individual. In a case of that nature, a district only shall accept a certified copy of records of that nature within one year after the date of their issuance by the bureau.

(3) The state board of education may request, with respect to any individual who has applied for employment after October 2, 1989, in any position with the state board or the department of education, any information that a school district board of education is authorized to request under division (F)(2) of this section, and the superintendent of the bureau shall proceed as if the request has been received from a school district board of education under division (F)(2) of this section.

(4) When the superintendent of the bureau receives a request for information under section 3319.291 of the Revised Code, the superintendent shall proceed as if the request has been received from a school district board of education under division (F)(2) of this section.

(5) When a recipient of a classroom reading improvement grant paid under section 3301.86 of the Revised Code requests, with respect to any individual who applies to participate in providing any program or service funded in whole or in part by the grant, the information that a school district board of education is authorized to request under division (F)(2)(a) of this section, the superintendent of the bureau shall proceed as if the request has been received from a school district board of education under division (F)(2)(a) of this section.

(G) In addition to or in conjunction with any request that is required to be made under section 173.41, 3701.881, 3712.09, 3721.121, or 3722.151 of the Revised Code with respect to an individual who has applied for employment in a position that involves providing direct care to an older adult, the chief administrator of a PASSPORT agency that provides services through the PASSPORT program created under section 173.40 of the Revised Code, home health agency, hospice care program, home licensed under Chapter 3721. of the Revised Code, adult day-care program operated pursuant to rules adopted under section 3721.04 of the Revised Code, or adult care facility may request that the superintendent of the bureau investigate and determine, with respect to any individual who has applied after January 27, 1997, for employment in a position that does not involve providing direct care to an older adult, whether the bureau

has any information gathered under division (A) of this section that pertains to that individual. On receipt of the request, the superintendent shall determine whether that information exists and, on request of the administrator requesting information, shall also request from the federal bureau of investigation any criminal records it has pertaining to that individual. The superintendent or the superintendent's designee also may request criminal history records from other states or the federal government pursuant to the national crime prevention and privacy compact set forth in section 109.571 of the Revised Code. Within thirty days of the date a request is received, the superintendent shall send to the administrator a report of any information determined to exist, including information contained in records that have been sealed under section 2953.32 of the Revised Code, and, within thirty days of its receipt, shall send the administrator a report of any information received from the federal bureau of investigation, other than information the dissemination of which is prohibited by federal law.

(H) Information obtained by a board, administrator, or other person under this section is confidential and shall not be released or disseminated.

(I) The superintendent may charge a reasonable fee for providing information or criminal records under division (F)(2) or (G) of this section, except that the superintendent shall not charge a fee for providing information or criminal records under division (F)(2) of this section when the administrator of a recreational youth athletics organization or entity requests the information or criminal records in relation to an individual applying to serve as a volunteer coach who is subject to a criminal records check under section 1541.801 of the Revised Code.

Sec. 109.572. (A)(1) Upon receipt of a request pursuant to section 121.08, 1541.801, 3301.32, 3301.541, 3319.39, 5104.012, 5104.013, or 5153.111 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following:

(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, felonious sexual penetration in violation of former section 2907.12 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section

2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date, or a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense;

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

(2) On receipt of a request pursuant to section 5123.081 of the Revised Code with respect to an applicant for employment in any position with the department of mental retardation and developmental disabilities, pursuant to section 5126.28 of the Revised Code with respect to an applicant for employment in any position with a county board of mental retardation and developmental disabilities, or pursuant to section 5126.281 of the Revised Code with respect to an applicant for employment in a direct services position with an entity contracting with a county board for employment, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check. The superintendent shall conduct the criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request has been convicted of or pleaded guilty to any of the following:

(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2903.341, 2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, or 3716.11 of the Revised Code;

(b) An existing or former municipal ordinance or law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in division (A)(2)(a) of this section.

(3) On receipt of a request pursuant to section 173.41, 3712.09, 3721.121, or 3722.151 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check with respect to any person who has applied for employment in a position that involves providing direct care to an older adult. The superintendent shall conduct the criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following:

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

(b) An existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in division (A)(3)(a) of this section.

(4) On receipt of a request pursuant to section 3701.881 of the Revised Code with respect to an applicant for employment with a home health agency as a person responsible for the care, custody, or control of a child, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check. The superintendent shall conduct the criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following:

(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code or a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense;

(b) An existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in division (A)(4)(a) of this section.

(5) On receipt of a request pursuant to section 5111.95 or 5111.96 of the Revised Code with respect to an applicant for employment with a waiver agency participating in a department of job and family services administered home and community-based waiver program or an independent provider participating in a department administered home and community-based waiver program in a position that involves providing home and community-based waiver services to consumers with disabilities, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check. The superintendent shall conduct the criminal records check in the manner

described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following:

(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.12, 2919.24, 2919.25, 2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code, felonious sexual penetration in violation of former section 2907.12 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date;

(b) An existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in division (A)(5)(a) of this section.

(6) On receipt of a request pursuant to section 3701.881 of the Revised Code with respect to an applicant for employment with a home health agency in a position that involves providing direct care to an older adult, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check. The superintendent shall conduct the criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following:

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

(b) An existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in division (A)(6)(a) of this section.

(7) When conducting a criminal records check upon a request pursuant to

section 3319.39 of the Revised Code for an applicant who is a teacher, in addition to the determination made under division (A)(1) of this section, the superintendent shall determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any offense specified in section 3319.31 of the Revised Code.

(8) On a request pursuant to section 2151.86 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following:

(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date, a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense, or felonious sexual penetration in violation of former section 2907.12 of the Revised Code;

(b) A violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in division (A)(8)(a) of this section.

(9) When conducting a criminal records check on a request pursuant to section 5104.013 of the Revised Code for a person who is an owner, licensee, or administrator of a child day-care center or type A family day-care home or an authorized provider of a certified type B family day-care home, the superintendent, in addition to the determination made under division (A)(1) of this section, shall determine whether any information exists that indicates that the person has been convicted of or pleaded guilty to any of the following:

(a) A violation of section 2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2921.11, 2921.13, or 2923.01 of the Revised Code, a violation of section 2923.02 or 2923.03 of the Revised Code that relates to a crime specified in this division or division (A)(1)(a) of this section, or a second violation of section 4511.19 of the Revised Code within five years of the date of

application for licensure or certification.

(b) A violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses or violations described in division (A)(9)(a) of this section.

(10) On receipt of a request for a criminal records check from an individual pursuant to section 4749.03 or 4749.06 of the Revised Code, accompanied by a completed copy of the form prescribed in division (C)(1) of this section and a set of fingerprint impressions obtained in a manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists indicating that the person who is the subject of the request has been convicted of or pleaded guilty to a felony in this state or in any other state. If the individual indicates that a firearm will be carried in the course of business, the superintendent shall require information from the federal bureau of investigation as described in division (B)(2) of this section. The superintendent shall report the findings of the criminal records check and any information the federal bureau of investigation provides to the director of public safety.

(11) Not later than thirty days after the date the superintendent receives the request, completed form, and fingerprint impressions, the superintendent shall send the person, board, or entity that made the request any information, other than information the dissemination of which is prohibited by federal law, the superintendent determines exists with respect to the person who is the subject of the request that indicates that the person previously has been convicted of or pleaded guilty to any offense listed or described in division (A)(1), (2), (3), (4), (5), (6), (7), (8), (9), or (10) of this section, as appropriate. The superintendent shall send the person, board, or entity that made the request a copy of the list of offenses specified in division (A)(1), (2), (3), (4), (5), (6), (7), (8), (9), or (10) of this section, as appropriate. If the request was made under section 3701.881 of the Revised Code with regard to an applicant who may be both responsible for the care, custody, or control of a child and involved in providing direct care to an older adult, the superintendent shall provide a list of the offenses specified in divisions (A)(4) and (6) of this section.

(B) The superintendent shall conduct any criminal records check requested under section 121.08, 173.41, 1541.801, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 4749.03, 4749.06, 5104.012, 5104.013, 5111.95, 5111.96, 5123.081, 5126.28, 5126.281, or 5153.111 of the Revised Code as follows:

(1) The superintendent shall review or cause to be reviewed any relevant information gathered and compiled by the bureau under division (A) of section 109.57 of the Revised Code that relates to the person who is the subject of the request, including any relevant information contained in records that have been sealed under section 2953.32 of the Revised Code;

(2) If the request received by the superintendent asks for information from the federal bureau of investigation, the superintendent shall request from the federal bureau of investigation any information it has with respect to the person who is the subject of the request and shall review or cause to be reviewed any information the superintendent receives from that bureau.

(3) The superintendent or the superintendent's designee may request criminal history records from other states or the federal government pursuant to the national crime prevention and privacy compact set forth in section 109.571 of the Revised Code.

(C)(1) The superintendent shall prescribe a form to obtain the information necessary to conduct a criminal records check from any person for whom a criminal records check is requested under section 1541.801 of the Revised Code or is required by section 121.08, 173.41, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 4749.03, 4749.06, 5104.012, 5104.013, 5111.95, 5111.96, 5123.081, 5126.28, 5126.281, or 5153.111 of the Revised Code. The form that the superintendent prescribes pursuant to this division may be in a tangible format, in an electronic format, or in both tangible and electronic formats.

(2) The superintendent shall prescribe standard impression sheets to obtain the fingerprint impressions of any person for whom a criminal records check is requested under section 1541.801 of the Revised Code or is required by section 121.08, 173.41, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 4749.03, 4749.06, 5104.012, 5104.013, 5111.95, 5111.96, 5123.081, 5126.28, 5126.281, or 5153.111 of the Revised Code. Any person for whom a records check is requested under or required by any of those sections shall obtain the fingerprint impressions at a county sheriff's office, municipal police department, or any other entity with the ability to make fingerprint impressions on the standard impression sheets prescribed by the superintendent. The office, department, or entity may charge the person a reasonable fee for making the impressions. The standard impression sheets the superintendent prescribes pursuant to this division may be in a tangible format, in an electronic format, or in both tangible and electronic formats.

(3) Subject to division (D) of this section, the superintendent shall prescribe and charge a reasonable fee for providing a criminal records check requested under section 121.08, 173.41, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 4749.03, 4749.06, 5104.012, 5104.013, 5111.95, 5111.96, 5123.081, 5126.28, 5126.281, or 5153.111 of the Revised Code. The person making a criminal records request under section 121.08, 173.41, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 4749.03, 4749.06, 5104.012, 5104.013, 5111.95, 5111.96, 5123.081, 5126.28, 5126.281, or 5153.111 of the Revised Code shall pay the fee prescribed pursuant to this division. A person making a request under section 3701.881 of the Revised Code for a criminal records check for an applicant who may be both responsible for the care, custody, or control of a child and involved in providing

direct care to an older adult shall pay one fee for the request.

The superintendent shall not charge a fee for providing a criminal records check requested under section 1541.801 of the Revised Code by the administrator of a recreational youth athletics organization or entity in relation to an individual applying to serve as a volunteer coach.

(4) The superintendent of the bureau of criminal identification and investigation may prescribe methods of forwarding fingerprint impressions and information necessary to conduct a criminal records check, which methods shall include, but not be limited to, an electronic method.

(D) A determination whether any information exists that indicates that a person previously has been convicted of or pleaded guilty to any offense listed or described in division (A)(1)(a) or (b), (A)(2)(a) or (b), (A)(3)(a) or (b), (A)(4)(a) or (b), (A)(5)(a) or (b), (A)(6), (A)(7)(a) or (b), (A)(8)(a) or (b), or (A)(9)(a) or (b) of this section that is made by the superintendent with respect to information considered in a criminal records check in accordance with this section is valid for the person who is the subject of the criminal records check for a period of one year from the date upon which the superintendent makes the determination. During the period in which the determination in regard to a person is valid, if another request under this section is made for a criminal records check for that person, the superintendent shall provide the information that is the basis for the superintendent's initial determination at a lower fee than the fee prescribed for the initial criminal records check, except that the superintendent shall not charge any fee for providing the information when the criminal records check of that person is requested by the administrator of a recreational youth athletics organization or entity under section 1541.801 of the Revised Code because that person is applying to serve as a volunteer coach.

(E) As used in this section:

(1) "Criminal records check" means any criminal records check conducted by the superintendent of the bureau of criminal identification and investigation in accordance with division (B) of this section.

(2) "Home and community-based waiver services" and "waiver agency" have the same meanings as in section 5111.95 of the Revised Code.

(3) "Independent provider" has the same meaning as in section 5111.96 of the Revised Code.

(4) "Minor drug possession offense" has the same meaning as in section 2925.01 of the Revised Code.

(5) "Older adult" means a person age sixty or older.

Sec. 109.575. At~~Except~~ as otherwise provided in section 1541.801 of the Revised Code, at the time of a person's initial application to an organization or entity to be a volunteer in a position in which the person on a regular basis will have unsupervised access to a child, the organization or entity shall inform the

person that, at any time, the person might be required to provide a set of impressions of the person's fingerprints and a criminal records check might be conducted with respect to the person. ~~Not later than thirty days after the effective date of this section, each organization or entity shall notify each current volunteer who is in a position in which the person on a regular basis has unsupervised access to a child that, at any time, the volunteer might be required to provide a set of impressions of the volunteer's fingerprints and a criminal records check might be conducted with respect to the volunteer.~~

Sec. 109.576. (A) ~~Except as otherwise provided in section 1541.801 of the Revised Code, if~~ a person has applied to an organization or entity to be a volunteer in a position in which the person on a regular basis has unsupervised access to a child, if the organization or entity subjects the person to a criminal records check, if the report of the results of the criminal records check indicates that the person has been convicted of or pleaded guilty to any of the offenses described in division (A)(1) of section 109.572 of the Revised Code, and if the organization or entity accepts the person as a volunteer in a position in which the person on a regular basis has unsupervised access to a child, the organization or entity shall notify the parent or guardian of each child for whom it provides services that the volunteer has been convicted of one or more of those offenses but that, nonetheless, the person will be serving the organization or entity in that position. The notification required by this division shall be in writing, and the organization or entity shall send the notice to the parent or guardian on the date the organization or entity commences providing services to the child or on the date the organization or entity decides to accept the person as a volunteer after receiving the report of the results of the criminal records check, whichever is later.

(B) ~~Except as otherwise provided in section 1541.801 of the Revised Code, if~~ a person is serving an organization or entity as a volunteer in a position in which the person on a regular basis has unsupervised access to a child, if the organization or entity subjects the person to a criminal records check, if the report of the results of the criminal records check indicates that the person has been convicted of or pleaded guilty to any of the offenses described in division (A)(1) of section 109.572 of the Revised Code, and if the organization or entity retains the person as a volunteer in the same position or in any other position in which the person on a regular basis has unsupervised access to a child, the organization or entity shall notify the parent or guardian of each child for whom it provides services that the volunteer has been convicted of one or more of those offenses but that, nonetheless, the person will be retained by the organization or entity in that position. The notification required by this division shall be in writing, and the organization or entity shall send the notice to the parent or guardian on the date the organization or entity commences providing services to the child or on the date the organization or entity decides to retain the person after receiving the report of the results of the criminal records check, whichever is later.

(C) A notification to a parent or guardian of a child that is required by

division (A) or (B) of this section shall identify by name the person who is accepted or retained as a volunteer in a position in which the person on a regular basis has unsupervised access to a child, and shall state the fact that the person has been convicted of or pleaded guilty to one or more of the offenses described in division (A)(1) of section 109.572 of the Revised Code, but ~~shall~~ not identify the offense or offenses in question.

(D) Divisions (A) to (C) of this section apply regarding any criminal records check performed by the bureau of criminal identification and investigation pursuant to section 109.57, section 109.572, or rules adopted under division (E) of section 109.57 of the Revised Code, any criminal records check performed in any manner by the organization or entity or any of its officers or employees, or any criminal records check performed in any manner by any person upon the request of the organization or entity or any of its officers or employees.

Sec. 109.577. (A) ~~Except as otherwise provided in section 1541.801 of the Revised Code,~~ if an organization or entity uses a volunteer in a position in which the person on a regular basis has unsupervised access to a child and if the volunteer has been subjected to a criminal records check performed by the bureau of criminal identification and investigation pursuant to section 109.57, section 109.572, or rules adopted under division (E) of section 109.57 of the Revised Code, the organization or entity, and its officials and employees, are immune from civil liability that might otherwise be incurred or imposed for any death or any injury or loss to person or property that is caused by any act or omission of the volunteer and that results from or is related to the volunteer having unsupervised access to a child on a regular basis. This immunity does not apply to a person, organization, or entity that has immunity from civil liability in accordance with section 9.86, 2744.02, or 2744.03 of the Revised Code for the good faith compliance, attempted compliance, or failure to comply.

(B) This section does not create a new cause of action or substantive legal right against a person, organization, or entity and does not affect any immunities from civil liability or defenses established by another section of the Revised Code or available at common law, to which a person, organization, or entity may be entitled under circumstances not covered by this section.

Sec. 121.402. (A) The governor's community service council shall establish and maintain an educational program that does all of the following:

(1) Makes available to parents and guardians of children notice about the provisions of sections 109.574 to 109.577, ~~section 121.401, and section 121.402,~~ and 1541.801 of the Revised Code and information about how to keep children safe when they are under the care, custody, or control of a person other than the parent or guardian;

(2) Makes available to organizations and entities information regarding the best methods of screening and supervising volunteers, how to obtain a criminal records check of a volunteer, confidentiality issues relating to reports of

criminal records checks, and record-keeping regarding the reports;

(3) Makes available to volunteers information regarding the possibility of being subjected to a criminal records check or, in the case of a recreational youth athletics volunteer coach, the requirement for a criminal records check, and information about displaying appropriate behavior to minors;

(4) Makes available to children advice on personal safety and information on what action to take if someone takes inappropriate action towards a child.

(B) The program shall begin making the materials described in this section available not later than one year after ~~the effective date of this section~~ March 22, 2001.

Sec. 1541.801. (A) Notwithstanding sections 109.575 and 109.576 of the Revised Code, a volunteer coach for a recreational youth athletics organization or entity shall be the subject of a criminal records check. The administrator of the recreational youth athletics organization or entity may request the superintendent of the bureau of criminal identification and investigation to conduct the criminal records check under division (A)(1) of section 109.572 of the Revised Code to determine whether that volunteer coach has been convicted of or pleaded guilty to any of the offenses listed or described in that division. Instead of requesting the superintendent to conduct a criminal records check under division (A)(1) of section 109.572 of the Revised Code, the administrator may contract with a qualified private entity engaged in the business of criminal records checks of individuals to conduct the criminal records check of that volunteer coach to determine whether that volunteer coach has been convicted of or pleaded guilty to any of the offenses listed or described in division (A)(1) of section 109.572 of the Revised Code. Notwithstanding sections 109.576 and 109.577 of the Revised Code, a recreational youth athletics organization or entity shall not use a volunteer coach who has been convicted of or pleaded guilty to any of the offenses listed or described in division (A)(1) of section 109.572 of the Revised Code.

The superintendent shall not charge any fee to conduct a criminal records check that the administrator of a recreational youth athletics organization or entity requests under this section and shall not charge any fee for information or criminal records the administrator requests under section 109.57 of the Revised Code in relation to an individual applying to serve as a volunteer coach for the organization or entity.

(B)(1) A recreational youth athletics organization or entity organization or entity is immune from civil liability that might otherwise be incurred or imposed for any injury, death, or loss to person or property that allegedly is caused by an act or omission of a volunteer coach and that results from or is related to the volunteer coach having unsupervised access to a child on a regular basis if all of the following apply:

(a) The administrator of the recreational youth athletics organization or entity causes the conduct of a criminal records check of the volunteer coach as

required by this section.

(b) The recreational youth athletics organization or entity receives a determination from the superintendent of the bureau of criminal identification and investigation or the qualified private entity engaged in the business of criminal records checks of individuals that the volunteer coach has not been convicted of and has not pleaded guilty to any of the offenses listed or described in division (A)(1) of section 109.572 of the Revised Code.

(c) The recreational youth athletics organization or entity, in good faith reliance on the superintendent's or qualified private entity's determination, uses the individual as a volunteer coach in an athletic activity in which the volunteer coach has unsupervised access to a child on a regular basis.

(2) The immunity from civil liability conferred by division (D)(2)(a) of this section does not apply to a recreational youth athletics organization or entity that has immunity from civil liability under section 9.86 or Chapter 2744. of the Revised Code for an act or omission described in that division.

(3) The immunity from civil liability conferred by division (D)(2)(a) of this section does not create a new cause of action or substantive legal right against a recreational youth athletics organization or entity and does not affect any immunities from civil liability or defenses established by another section of the Revised Code or available at common law to which a recreational youth athletics organization or entity may be entitled under circumstances not covered by this section."

In line 39, delete "section" and insert "sections 109.57, 109.572, 109.575, 109.576, 109.577, 121.402, and"

In line 40, delete "is" and insert "are"

After line 40, insert:

"Section 3. Section 109.572 of the Revised Code is presented in this act as a composite of the section as amended by both Am. Sub. H.B. 11 and Am. Sub. H.B. 117 of the 125th General Assembly and Am. Sub. H.B. 68 of the 126th General Assembly. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the composite is the resulting version of the section in effect prior to the effective date of the section as presented in this act.

Section 4. CASH TRANSFERS TO THE ATTORNEY GENERAL'S GENERAL REIMBURSEMENT FUND (FUND 106)

On the first day of July of each fiscal year, or as soon as practicable thereafter, the Attorney General shall certify to the Director of Budget and Management the amount of criminal records check fee revenue foregone by the Superintendent of the Bureau of Criminal Identification and Investigation pursuant to the criminal records check fee exemption contained in division

(D)(1) of section 1541.80 of the Revised Code. Notwithstanding any other law to the contrary, the Director of Budget and Management shall transfer that certified amount in cash from the investment earnings credited to the Attorney General's Reparations Fund (Fund 402) to the credit of the Attorney General's General Reimbursement Fund (Fund 106). If the amount in cash from the investment earnings credited to Fund 402 to be transferred to Fund 106 is less than the certified amount of criminal records check fee revenue foregone, the Attorney General may, upon approval of the Director of Budget and Management, request that difference in cash be transferred from funds in the emergency purposes appropriation of the Controlling Board to Fund 106. The amounts transferred to Fund 106 are hereby appropriated."

In line 1 of the title, delete "section" and insert "sections 109.57, 109.572, 109.575, 109.576, 109.577, 121.402, and"; after "2151.99" insert "and to enact section 1541.801"

In line 14 of the title, after "control" insert ", to make coaches subject to a criminal records check and prohibit their use if they have been convicted of or pleaded guilty to specified offenses, and to exempt recreational youth athletics organizations and entities from the criminal records check fee requirement if the Bureau of Criminal Identification and Investigation conducts the criminal records check"

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

Senator Stivers moved that the amendment be laid on the table.

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

A roll call was requested which was properly supported.

The yeas and nays were taken and resulted - yeas 21, nays 12, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Carey
Cates	Coughlin	Gardner	Goodman
Grendell	Hottinger	Jacobson	Jordan
Mumper	Niehaus	Padgett	Schuler
Schuring	Spada	Stivers	Wachtmann
			Harris-21.

Those who voted in the negative were: Senators

Clancy	Dann	Fedor	Fingerhut
Hagan	Kearney	Miller D	Miller R
Prentiss	Roberts	Wilson	Zurz-12.

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. S. B. No. 137**, pass?"

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

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Carey
Cates	Clancy	Coughlin	Dann
Fedor	Fingerhut	Gardner	Goodman
Grendell	Hagan	Hottinger	Jacobson
Jordan	Kearney	Miller D	Miller R
Mumper	Niehaus	Padgett	Prentiss
Roberts	Schuler	Schuring	Spada
Stivers	Wachtmann	Wilson	Zurz
			Harris-33.

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: "Hottinger, Fedor, Spada."

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

The motion was agreed to and the title so amended.

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

To enact sections 2911.10 and 2911.23 of the Revised Code to create the offense of criminal trespass on a place of public amusement and to clarify the element of "trespass" in the offenses of aggravated burglary, burglary, and breaking and entering, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 96**, pass?"

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

Those who voted in the affirmative were: Senators

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

Senator Miller D voted in the negative-1.

So the bill passed.

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

Senator Clancy moved to amend the title as follows:

Add the names: "Kearney, Mumper, Niehaus, Schuler."

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. 305-Senators Stivers, Goodman.

To amend section 3731.01 of the Revised Code to exempt long-term stay hotels from the Hotel License Law.

S. B. No. 306-Senators Zurz, Jacobson, Clancy, Dann, Kearney, Miller, D., Spada.

To amend sections 1547.49, 1547.99, 3767.32, 3767.99, and 4511.82 of the Revised Code to establish penalties for depositing potentially dangerous litter on public or private property or in or on the waters of the state, to increase the penalty for littering from a motor vehicle or watercraft, and to make littering penalties consistent.

OFFERING OF RESOLUTIONS

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

S. R. No. 184-Senator Dale Miller.

Honoring Patrolman Mike Molnar for heroism.

S. R. No. 185-Senator Roberts.

Honoring Kristin King on receiving a 2006 Olympic Bronze Medal.

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

So the resolutions were adopted.

On the motion of Senator Jacobson, the Senate adjourned until Wednesday, March 29, 2006 at 1:30 p.m.

Attest:

DAVID A. BATTOCLETTI,
Clerk.