

**OHIO**

**House**

**of**

**Representatives**

**JOURNAL**

**TUESDAY, JUNE 10, 2008**

ONE HUNDRED EIGHTY-FIFTH DAY  
Hall of the House of Representatives, Columbus, Ohio  
**Tuesday, June 10, 2008, 11:00 o'clock a.m.**

The House met pursuant to adjournment.

Prayer was offered by Representative Matt Huffman-4th district, followed by the Pledge of Allegiance to the Flag.

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

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

The Upper Arlington High School girls lacrosse team received H. R. No. 215, presented by Representative Celeste-24th district.

The Bexley City Schools Trash to Treasure team received H. R. No. 216, presented by Representatives J. McGregor-20th district and Flowers-19th district.

Students from Central Catholic High School, guests of Representative Oelslager-51st district.

Michael Daniel, a guest of Representative Heydinger-58th district.

Bob and Joyce Chamberlain, guests of Representative Fende-62nd district.

Robin, Margaret, and Kenneth Hopkins, Thomas Young, guests of Representative Letson-64th district.

Jeff O'Brien, a guest of Representative Goyal-73rd district.

Representative DeWine moved that the House advance to the sixth order of business, being motions and resolutions.

The motion was agreed to.

### MOTIONS AND RESOLUTIONS

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

The motion was agreed to.

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

**H. R. No. 217-Speaker Husted.**

Relative to the election of Richard Nero to fill the vacancy in the membership of the House of Representatives created by the resignation of John Widowfield of the 42nd House District.

*WHEREAS, Section 11 of Article II, Ohio Constitution provides for the filling of a vacancy in the membership of the House of Representatives by election by the members of the House of Representatives who are affiliated with the same political party as the person last elected to the seat which has become vacant; and*

*WHEREAS, John Widowfield of the 42nd House District has resigned as a member of the House of Representatives of the 127th General Assembly effective May 28, 2008, thus creating a vacancy in the House of Representatives; therefore be it*

*RESOLVED, By the members of the House of Representatives who are affiliated with the Republican party that Richard Nero, Republican, having the qualifications set forth in the Ohio Constitution and the laws of Ohio to be a member of the House of Representatives from the 42nd House District, is hereby elected, effective June 10, 2008 pursuant to Section 11 of Article II, Ohio Constitution, as a member of the House of Representatives from the 42nd House District, to fill the vacancy created by the unexpired portion of the term of said John Widowfield, ending on December 31, 2008; and be it further*

*RESOLVED, That a copy of this resolution be spread upon the pages of the Journal of the House of Representatives together with the yeas and nays of the members of the House of Representatives affiliated with the Republican party voting on the resolution, and that the Clerk of the House of Representatives shall certify the resolution and vote on its adoption to the Secretary of State.*

The yeas and nays were taken and resulted - yeas 49, nays 0, as follows:

Those who voted in the affirmative were: Representatives

|             |           |             |             |
|-------------|-----------|-------------|-------------|
| Adams       | Aslanides | Bacon       | Batchelder  |
| Blessing    | Brinkman  | Carmichael  | Coley       |
| Collier     | Combs     | Core        | Daniels     |
| DeWine      | Dolan     | Evans       | Gardner     |
| Gibbs       | Goodwin   | Hagan J.    | Harwood     |
| Hite        | Hottinger | Huffman     | Hughes      |
| Jones       | Mandel    | McGregor J. | McGregor R. |
| Mecklenborg | Oelslager | Patton      | Peterson    |
| Raussen     | Reinhard  | Schindel    | Schlichter  |
| Schneider   | Sears     | Setzer      | Stebelton   |
| Stewart J.  | Uecker    | Wachtmann   | Wagner      |
| Webster     | White     | Widener     | Zehringer   |
|             |           |             | Husted-49.  |

The resolution was adopted.

Mr. Nero was escorted to the bar of the House by Representatives DeWine, Flowers, Carmichael, Schneider, Jones, and B. Williams, took the oath of office administered by The Honorable Jon A. Husted, Speaker of the Ohio House of Representatives, and entered upon the discharge of his duties.

State of Ohio  
County of Franklin

I, Richard Nero, do solemnly swear to support the Constitution of the United States and the Constitution of the State of Ohio, and faithfully to discharge and perform all duties incumbent upon me as a member of the Ohio House of Representatives, according to the best of my ability and understanding; and this I do as I shall answer unto God.

/s/ RICHARD NERO

Richard Nero

Sworn to and subscribed before me this 10th day of June, 2008.

/s/ JON A. HUSTED

Jon A. Husted

Speaker

Ohio House of Representatives

Representative Beatty moved that the pending motion of Representative Beatty to reconsider the vote by which **Sub. S. J. R. No. 8-Senator Grendell, et al.**, failed be taken up for immediate consideration.

The question being, "Shall the motion to reconsider the vote by which **Sub. S. J. R. No. 8-Senator Grendell, et al.**, failed be agreed to?"

The yeas and nays were taken and resulted - yeas 92, nays 1, as follows:

Those who voted in the affirmative were: Representatives

|             |             |             |             |
|-------------|-------------|-------------|-------------|
| Adams       | Aslanides   | Bacon       | Batchelder  |
| Beatty      | Blessing    | Bolon       | Book        |
| Boyd        | Brady       | Brown       | Budish      |
| Carmichael  | Celeste     | Chandler    | Coley       |
| Collier     | Combs       | Core        | Daniels     |
| DeGeeter    | DeWine      | Dodd        | Dolan       |
| Domenick    | Dyer        | Evans       | Fende       |
| Fessler     | Flowers     | Foley       | Gardner     |
| Garrison    | Gerberry    | Gibbs       | Goodwin     |
| Goyal       | Hagan J.    | Hagan R.    | Harwood     |
| Heard       | Hite        | Hottinger   | Huffman     |
| Hughes      | Jones       | Koziura     | Letson      |
| Luckie      | Lundy       | Mallory     | Mandel      |
| McGregor J. | McGregor R. | Mecklenborg | Miller      |
| Nero        | Newcomb     | Oelslager   | Okey        |
| Patton      | Peterson    | Rausen      | Redfern     |
| Reinhard    | Sayre       | Schindel    | Schlichter  |
| Schneider   | Sears       | Setzer      | Skindell    |
| Slesnick    | Stebelton   | Stewart D.  | Stewart J.  |
| Strahorn    | Sykes       | Szollosi    | Uecker      |
| Ujvagi      | Wachtmann   | Wagner      | Webster     |
| White       | Widener     | Williams B. | Williams S. |
| Yates       | Yuko        | Zehringer   | Husted-92.  |

Representative Brinkman voted in the negative-1.

The motion was agreed to and the vote by which **Sub. S. J. R. No. 8-Senator Grendell, et al. failed** was reconsidered.

**Sub. S. J. R. No. 8-Senator Grendell.**

Cosponsors: Senators Harris, Wagoner, Niehaus, Spada, Jacobson, Seitz, Faber, Mumper, Padgett, Schuler, Cates, Carey, Schaffer, Amstutz, Austria, Cafaro, Buehrer, Fedor, Miller, R., Smith, Mason.

Proposing to enact Section 19b of Article I of the Constitution of the State of Ohio to affirm certain property interests with respect to ground water and other water on or flowing through a property owner's land so as to maintain the stability of Ohio's economy, was taken up for consideration the third time.

The question being, "Shall the joint resolution be adopted?"

Representative Dolan moved to amend the title as follows:

Add the names: "Adams, Bacon, Batchelder, Beatty, Blessing, Brown, Coley, Collier, Combs, Dolan, Dyer, Evans, Fende, Fessler, Flowers, Gardner, Gibbs, Goodwin, Hagan, J., Hite, Hottinger, Huffman, Hughes, Lundy, McGregor, R., Mecklenborg, Nero, Patton, Reinhard, Schindel, Sears, Stebelton, Stewart, J., Szollosi, Uecker, Wachtmann, Webster, Widener, Yuko, Zehringer."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

The question being, "Shall the joint resolution be adopted?"

Representative Beatty moved to amend as follows:

In line 42, delete " **No other provision**" and insert " **Nothing in Section 1e of Article II, Section 36 of Article II, Article VIII, Section 1 of Article X, Section 3 of Article XVIII, or Section 7 of Article XVIII**"

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

The yeas and nays were taken and resulted - yeas 92, nays 1, as follows:

Those who voted in the affirmative were: Representatives

|            |           |           |            |
|------------|-----------|-----------|------------|
| Adams      | Aslanides | Bacon     | Batchelder |
| Beatty     | Blessing  | Bolon     | Book       |
| Boyd       | Brady     | Brown     | Budish     |
| Carmichael | Celeste   | Chandler  | Coley      |
| Collier    | Combs     | Core      | Daniels    |
| DeGeeter   | DeWine    | Dodd      | Dolan      |
| Domenick   | Dyer      | Evans     | Fende      |
| Fessler    | Flowers   | Foley     | Gardner    |
| Garrison   | Gerberry  | Gibbs     | Goodwin    |
| Goyal      | Hagan J.  | Hagan R.  | Harwood    |
| Heard      | Hite      | Hottinger | Huffman    |
| Hughes     | Jones     | Koziura   | Letson     |

|             |             |             |             |
|-------------|-------------|-------------|-------------|
| Luckie      | Lundy       | Mallory     | Mandel      |
| McGregor J. | McGregor R. | Mecklenborg | Miller      |
| Nero        | Newcomb     | Oelslager   | Okey        |
| Patton      | Peterson    | Rausen      | Redfern     |
| Reinhard    | Sayre       | Schindel    | Schlichter  |
| Schneider   | Sears       | Setzer      | Skindell    |
| Slesnick    | Stebelton   | Stewart D.  | Stewart J.  |
| Strahorn    | Sykes       | Szollosi    | Uecker      |
| Ujvagi      | Wachtmann   | Wagner      | Webster     |
| White       | Widener     | Williams B. | Williams S. |
| Yates       | Yuko        | Zehringer   | Husted-92.  |

Representative Brinkman voted in the negative-1.

The motion was agreed to and the resolution so amended.

The question being, "Shall the resolution as amended be adopted?"

The yeas and nays were taken and resulted - yeas 90, nays 3, as follows:

Those who voted in the affirmative were: Representatives

|             |             |             |             |
|-------------|-------------|-------------|-------------|
| Adams       | Aslanides   | Bacon       | Batchelder  |
| Beatty      | Blessing    | Bolon       | Book        |
| Boyd        | Brady       | Brinkman    | Brown       |
| Budish      | Carmichael  | Celeste     | Chandler    |
| Coley       | Collier     | Combs       | Core        |
| Daniels     | DeGeeter    | DeWine      | Dodd        |
| Dolan       | Domenick    | Dyer        | Evans       |
| Fende       | Flowers     | Foley       | Gardner     |
| Garrison    | Gerberry    | Gibbs       | Goodwin     |
| Goyal       | Hagan J.    | Hagan R.    | Harwood     |
| Heard       | Hite        | Hottinger   | Huffman     |
| Hughes      | Jones       | Letson      | Luckie      |
| Lundy       | Mallory     | Mandel      | McGregor J. |
| McGregor R. | Mecklenborg | Miller      | Nero        |
| Newcomb     | Oelslager   | Okey        | Patton      |
| Peterson    | Rausen      | Redfern     | Reinhard    |
| Sayre       | Schindel    | Schlichter  | Schneider   |
| Sears       | Setzer      | Skindell    | Slesnick    |
| Stebelton   | Stewart D.  | Stewart J.  | Strahorn    |
| Sykes       | Szollosi    | Uecker      | Ujvagi      |
| Wachtmann   | Wagner      | Webster     | White       |
| Widener     | Williams B. | Williams S. | Yuko        |
| Zehringer   |             |             | Husted-90.  |

Representatives Fessler, Koziura, and Yates voted in the negative-3.

The joint resolution was adopted.

Representative DeWine moved that the House revert to the second order of business, being introduction of bills.

The motion was agreed to.

**INTRODUCTION OF BILLS**

The following bills were introduced:

**H. B. No. 588**-Representative Goyal.

Cosponsors: Representatives Dodd, Slesnick, McGregor, J., Harwood, Szollosi, Gerberry, Hughes, Otterman, J., Williams, B., Luckie, Skindell, Mallory, Okey, Evans, Collier, Brady, Mecklenborg, Lundy, Brown, DeGeeter, Strahorn.

To enact section 5.2239 of the Revised Code to designate May as "Melanoma/Skin Cancer Detection and Prevention Month."

**H. B. No. 589**-Representative Dodd.

To amend sections 5512.05, 5512.07, and 5512.08 of the Revised Code to revise the membership of the transportation review advisory council.

Said bills were considered the first time.

**CONSIDERATION OF SENATE AMENDMENTS**

The Senate amendments to **Sub. H. B. No. 71**-Representative White, et al., were taken up for consideration.

**Sub. H. B. No. 71**-Representative White.

Cosponsors: Representatives McGregor, J., Setzer, Brown, Hagan, J., Seitz, Wagoner, Wolpert, Aslanides, Distel, Batchelder, Blessing, Boyd, Chandler, Coley, Domenick, Evans, Flowers, Foley, Hagan, R., Hite, Hottinger, Hughes, Letson, Luckie, Mallory, Otterman, Schneider, Stebelton, Stewart, D., Webster, Williams, S., Yuko. Senators Faber, Wilson, Mumper, Grendell, Cates, Spada, Harris, Kearney.

To amend sections 955.28 and 959.16, to enact new section 959.132 and section 959.161, and to repeal section 959.132 of the Revised Code to provide for the seizure, impoundment, and disposition of dogs involved in dogfighting; to revise requirements and procedures governing the seizure, impoundment, and disposition of companion animals that are the subject of abuse or neglect; and to allow a law enforcement officer to kill a dog that attacks a police dog.

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

The yeas and nays were taken and resulted - yeas 93, nays 0, as follows:

Those who voted in the affirmative were: Representatives

|        |            |          |            |
|--------|------------|----------|------------|
| Adams  | Aslanides  | Bacon    | Batchelder |
| Beatty | Blessing   | Bolon    | Book       |
| Boyd   | Brady      | Brinkman | Brown      |
| Budish | Carmichael | Celeste  | Chandler   |
| Coley  | Collier    | Combs    | Core       |

|             |             |             |             |
|-------------|-------------|-------------|-------------|
| Daniels     | DeGeeter    | DeWine      | Dodd        |
| Dolan       | Domenick    | Dyer        | Evans       |
| Fende       | Fessler     | Flowers     | Foley       |
| Gardner     | Garrison    | Gerberry    | Gibbs       |
| Goodwin     | Goyal       | Hagan J.    | Hagan R.    |
| Harwood     | Heard       | Hite        | Hottinger   |
| Huffman     | Hughes      | Jones       | Koziura     |
| Letson      | Luckie      | Lundy       | Mallory     |
| Mandel      | McGregor J. | McGregor R. | Mecklenborg |
| Miller      | Nero        | Newcomb     | Oelslager   |
| Okey        | Patton      | Peterson    | Rausen      |
| Redfern     | Reinhard    | Sayre       | Schindel    |
| Schlichter  | Schneider   | Sears       | Setzer      |
| Skindell    | Slesnick    | Stebelton   | Stewart D.  |
| Stewart J.  | Strahorn    | Sykes       | Szollosi    |
| Uecker      | Ujvagi      | Wachtmann   | Wagner      |
| Webster     | White       | Widener     | Williams B. |
| Williams S. | Yates       | Yuko        | Zehringer   |
|             |             |             | Husted-93.  |

The Senate amendments were concurred in.

The Senate amendments to **Sub. H. B. No. 195**-Representative Core, et al., were taken up for consideration.

**Sub. H. B. No. 195**-Representative Core.

Cosponsors: Representatives McGregor, J., Evans, Bubb, Combs, Adams, Stebelton, Fende, Hughes, Aslanides, Batchelder, Collier, Daniels, DeBose, Domenick, Dyer, Fessler, Flowers, Gibbs, Jones, Latta, Mandel, McGregor, R., Oelslager, Patton, Schneider, Stewart, J., Uecker, Wachtmann, Wagoner, Webster, Yuko. Senators Cates, Harris, Niehaus, Sawyer, Schaffer, Spada, Wagoner.

To amend sections 109.572, 2921.41, 2925.01, 2925.03, 2925.11, 2925.22, 2953.32, 2961.01, and 2961.02 of the Revised Code to provide that the prescription-related exemption from the drug possession offenses applies only when the controlled substance is obtained pursuant to a lawful prescription, to modify the penalties for "deception to obtain a dangerous drug" and "possession of drugs" under specified circumstances, to modify a criterion for determining the penalty for the trafficking in drugs offenses, to make existing laws prohibiting a person who has been convicted of a felony, including the offense of theft in office, from holding public office and denying such person other specified privileges applicable upon the acceptance of the person's guilty plea or the determination of the person's guilt, and to remove the authority of the Bureau of Criminal Identification and Investigation to review sealed criminal conviction records in conducting a criminal records check regarding license applicants for whom the check was required by Am. Sub. H.B. 104 of the 127th General Assembly.



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

The yeas and nays were taken and resulted - yeas 93, nays 0, as follows:

Those who voted in the affirmative were: Representatives

|             |             |             |             |
|-------------|-------------|-------------|-------------|
| Adams       | Aslanides   | Bacon       | Batchelder  |
| Beatty      | Blessing    | Bolon       | Book        |
| Boyd        | Brady       | Brinkman    | Brown       |
| Budish      | Carmichael  | Celeste     | Chandler    |
| Coley       | Collier     | Combs       | Core        |
| Daniels     | DeGeeter    | DeWine      | Dodd        |
| Dolan       | Domenick    | Dyer        | Evans       |
| Fende       | Fessler     | Flowers     | Foley       |
| Gardner     | Garrison    | Gerberry    | Gibbs       |
| Goodwin     | Goyal       | Hagan J.    | Hagan R.    |
| Harwood     | Heard       | Hite        | Hottinger   |
| Huffman     | Hughes      | Jones       | Koziura     |
| Letson      | Luckie      | Lundy       | Mallory     |
| Mandel      | McGregor J. | McGregor R. | Mecklenborg |
| Miller      | Nero        | Newcomb     | Oelslager   |
| Okey        | Patton      | Peterson    | Rausen      |
| Redfern     | Reinhard    | Sayre       | Schindel    |
| Schlichter  | Schneider   | Sears       | Setzer      |
| Skindell    | Slesnick    | Stebelton   | Stewart D.  |
| Stewart J.  | Strahorn    | Sykes       | Szollosi    |
| Uecker      | Ujvagi      | Wachtmann   | Wagner      |
| Webster     | White       | Widener     | Williams B. |
| Williams S. | Yates       | Yuko        | Zehringer   |
|             |             |             | Husted-93.  |

The Senate amendments were concurred in.

The Senate amendments to **Sub. H. B. No. 323**-Representative Gibbs, et al., were taken up for consideration.

**Sub. H. B. No. 323**-Representative Gibbs.

Cosponsors: Representatives Peterson, McGregor, J., Evans, Huffman, Wagner, Miller, Fessler, Seitz, Bubb, Okey, McGregor, R., Fende, Schlichter, Sayre, Aslanides, Zehringer, Reinhard, Core, Hite, Domenick, Adams, Batchelder, Bolon, Collier, Combs, Dolan, Dyer, Gardner, Hagan, J., Harwood, Hughes, Luckie, Newcomb, Patton, Schindel, Setzer, Skindell, Szollosi, Uecker, Williams, B. Senators Wilson, Faber, Grendell, Amstutz, Morano, Mumper, Niehaus, Roberts, Sawyer, Schuler, Seitz, Spada, Harris.

To amend sections 971.01, 971.04, 971.05, 971.06, 971.07, 971.08, 971.09, 971.10, 971.33, 971.34, and 971.99; to amend for the purpose of adopting new section numbers as indicated in parentheses sections 971.04 (971.09), 971.05 (971.10), 971.06 (971.11), 971.07 (971.12), 971.08 (971.13), 971.09 (971.14), and 971.10 (971.15); to enact new sections 971.02, 971.03, 971.04, 971.05, 971.06, 971.07, 971.08, 971.16, 971.17, and 971.18 and section 971.071; and to repeal sections 971.02, 971.03, 971.11, 971.12, 971.13, 971.14, 971.15,

971.16, 971.17, 971.18, 971.21, 971.22, 971.23, 971.24, 971.25, 971.26, 971.27, 971.28, 971.29, 971.30, 971.31, and 971.32 of the Revised Code to revise the Fences Law.

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

The yeas and nays were taken and resulted - yeas 93, nays 0, as follows:

Those who voted in the affirmative were: Representatives

|             |             |             |             |
|-------------|-------------|-------------|-------------|
| Adams       | Aslanides   | Bacon       | Batchelder  |
| Beatty      | Blessing    | Bolon       | Book        |
| Boyd        | Brady       | Brinkman    | Brown       |
| Budish      | Carmichael  | Celeste     | Chandler    |
| Coley       | Collier     | Combs       | Core        |
| Daniels     | DeGeeter    | DeWine      | Dodd        |
| Dolan       | Domenick    | Dyer        | Evans       |
| Fende       | Fessler     | Flowers     | Foley       |
| Gardner     | Garrison    | Gerberry    | Gibbs       |
| Goodwin     | Goyal       | Hagan J.    | Hagan R.    |
| Harwood     | Heard       | Hite        | Hottinger   |
| Huffman     | Hughes      | Jones       | Koziura     |
| Letson      | Luckie      | Lundy       | Mallory     |
| Mandel      | McGregor J. | McGregor R. | Mecklenborg |
| Miller      | Nero        | Newcomb     | Oelslager   |
| Okey        | Patton      | Peterson    | Raussen     |
| Redfern     | Reinhard    | Sayre       | Schindel    |
| Schlichter  | Schneider   | Sears       | Setzer      |
| Skindell    | Slesnick    | Stebelton   | Stewart D.  |
| Stewart J.  | Strahorn    | Sykes       | Szollosi    |
| Uecker      | Ujvagi      | Wachtmann   | Wagner      |
| Webster     | White       | Widener     | Williams B. |
| Williams S. | Yates       | Yuko        | Zehringer   |
|             |             |             | Husted-93.  |

The Senate amendments were concurred in.

The Senate amendments to **Am. Sub. H. B. No. 359**-Representative Huffman, et al., were taken up for consideration.

**Am. Sub. H. B. No. 359**-Representative Huffman.

Cosponsors: Representatives McGregor, J., Peterson, Healy, McGregor, R., Jones, Bacon, Adams, Lundy, Stebelton, Evans, Gibbs, Letson, Slesnick, Patton, Batchelder, Bolon, Boyd, Brown, Chandler, Combs, DeBose, DeGeeter, Dolan, Domenick, Dyer, Flowers, Hite, Hughes, Luckie, Newcomb, Oelslager, Setzer, Skindell, Stewart, D., Strahorn, Williams, S., Yuko. Senators Amstutz, Spada, Roberts, Sawyer, Harris, Miller, D., Miller, R., Padgett, Stivers, Wilson, Smith, Fedor, Mason.

To amend section 321.261 of the Revised Code to authorize the prosecutor and treasurer of a county with a population greater than 100,000 to utilize

surplus delinquent tax collections to facilitate nuisance abatement of deteriorated residential buildings in foreclosure and to prosecute criminal and civil real estate transaction-related violations of the law.

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

The yeas and nays were taken and resulted - yeas 91, nays 2, as follows:

Those who voted in the affirmative were: Representatives

|             |             |             |             |
|-------------|-------------|-------------|-------------|
| Adams       | Aslanides   | Bacon       | Batchelder  |
| Beatty      | Blessing    | Bolon       | Book        |
| Boyd        | Brady       | Brinkman    | Brown       |
| Budish      | Carmichael  | Celeste     | Chandler    |
| Coley       | Collier     | Combs       | Daniels     |
| DeGeeter    | DeWine      | Dodd        | Dolan       |
| Domenick    | Dyer        | Evans       | Fende       |
| Flowers     | Foley       | Gardner     | Garrison    |
| Gerberry    | Gibbs       | Goodwin     | Goyal       |
| Hagan J.    | Hagan R.    | Harwood     | Heard       |
| Hite        | Hottinger   | Huffman     | Hughes      |
| Jones       | Koziura     | Letson      | Luckie      |
| Lundy       | Mallory     | Mandel      | McGregor J. |
| McGregor R. | Mecklenborg | Miller      | Nero        |
| Newcomb     | Oelslager   | Okey        | Patton      |
| Peterson    | Rausen      | Redfern     | Reinhard    |
| Sayre       | Schindel    | Schlichter  | Schneider   |
| Sears       | Setzer      | Skindell    | Slesnick    |
| Stebelton   | Stewart D.  | Stewart J.  | Strahorn    |
| Sykes       | Szollosi    | Uecker      | Ujvagi      |
| Wachtmann   | Wagner      | Webster     | White       |
| Widener     | Williams B. | Williams S. | Yates       |
| Yuko        | Zehringer   |             | Husted-91.  |

Representatives Core and Fessler voted in the negative-2.

The Senate amendments were concurred in.

### REPORTS OF CONFERENCE COMMITTEES

Representative Hottinger submitted the following report:

The Committee of Conference to which the matters of difference between the two houses were referred on Am. Sub. H.B. 562, Representative Hottinger - et al., having had the same under consideration, recommends to the respective houses as follows:

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

In line 586, after "provides" insert " ;

(5) Purchase a warehouse in which to store items of the capitol collection trust and, whenever necessary, equipment or other property of the board"

In line 617, delete the underlined semicolon

Delete lines 618 and 619

In line 620, delete everything before the period

In line 31457, delete "The" and insert "If the Capitol Square Review and Advisory Board purchases a warehouse under section 105.41 of the Revised Code, the"; delete "Capitol Square"

In line 31458, delete "Review and Advisory"

In line 31461, delete "a" and insert "the"

Delete line 33808

In line 33809, delete "Parking Garage Operations" and insert "If the Capitol Square Review and Advisory Board purchases a warehouse under section 105.41 of the Revised Code"; after "year" insert "of the foregoing appropriation item 874-601, Underground Parking Garage Operations,"

In line 33812, delete "Capitol Square Review and Advisory"

In line 33814, delete "a" and insert "the"

In line 33474, delete "Sections" and insert "Section"; delete "and 512.70"

Delete lines 33561 through 33588

In line 33589, delete "Sections" and insert "Section"; delete "and 512.70"

In line 37884, delete "Sections" and insert "Section"; delete "and 512.70"

In line 92 of the title, delete "Sections" and insert "Section"; delete "and"

In line 93 of the title, delete "512.70"

In line 124, delete "1561.011,"

In line 125, delete everything before "1751.01,"

In line 143, delete "4131.03,"

In line 169, delete "1561.24, 1561.261, 1567.64, 1567.681,"

Delete lines 5098 through 5609

Delete lines 17310 through 17349

Delete line 31137

In line 31156, delete "4131.03,"

Delete lines 37264 through 37279

In line 37798, delete "1561.011, 1561.16, 1561.17, 1561.23, 1561.24,"

In line 37799, delete everything before "1751.01,"

In line 37817, delete "4131.03,"

In line 37847, delete "715.40,"

Delete line 10 of the title

In line 11 of the title, delete "1561.26, 1565.15,"

In line 36 of the title, delete "4131.03,"

In line 70 of the title, delete "1561.24,"

In line 71 of the title, delete "1561.261, 1567.64, 1567.681,"

In line 37401, delete "offset" and insert "aid growth"

In line 37402, delete "section 5751.21" and insert "division (B) of section 5727.85"

In line 37403, after "of" insert "that"

In line 37404, delete "5727.85 of the Revised Code"

In line 145, after "4511.191," insert "4511.53,"

Between lines 18941 and 18942, insert:

**"Sec. 4511.53.** (A) For purposes of this section, "snowmobile" has the same meaning as given that term in section 4519.01 of the Revised Code.

(B) ~~A No person operating a bicycle shall not ride other than upon or astride the permanent and regular seat attached thereto, and a person operating a motorcycle shall not ride other than upon the permanent and regular seat attached thereto, nor~~ or carry any other person upon such bicycle ~~or motorcycle~~ other than upon a firmly attached and regular seat thereon, ~~nor shall any and no~~ person shall ride upon a bicycle ~~or motorcycle~~ other than upon such a firmly attached and regular seat.

No person operating a motorcycle shall ride other than upon or astride the permanent and regular seat or saddle attached thereto, or carry any other person upon such motorcycle other than upon a firmly attached and regular seat or saddle thereon, and no person shall ride upon a motorcycle other than upon such a firmly attached and regular seat or saddle.

~~A~~ No person shall ride upon a motorcycle only that is equipped with a saddle other than while sitting astride the ~~seat~~ saddle, facing forward, with one leg on each side of the motorcycle.

No person shall ride upon a motorcycle that is equipped with a seat other than while sitting upon the seat.

No person operating a bicycle shall carry any package, bundle, or article that prevents the driver from keeping at least one hand upon the handle bars.

No bicycle or motorcycle shall be used to carry more persons at one time than the number for which it is designed and equipped, nor shall any motorcycle be operated on a highway when the handle bars or grips are more than fifteen

inches higher than the seat or saddle for the operator.

No person shall operate or be a passenger on a snowmobile or motorcycle without using safety glasses or other protective eye device. No person who is under the age of eighteen years, or who holds a motorcycle operator's endorsement or license bearing a "novice" designation that is currently in effect as provided in section 4507.13 of the Revised Code, shall operate a motorcycle on a highway, or be a passenger on a motorcycle, unless wearing a protective helmet on the person's head, and no other person shall be a passenger on a motorcycle operated by such a person unless similarly wearing a protective helmet. The helmet, safety glasses, or other protective eye device shall conform with regulations prescribed and promulgated by the director of public safety. The provisions of this paragraph or a violation thereof shall not be used in the trial of any civil action.

(C) Nothing in this section shall be construed as prohibiting the carrying of a child in a seat or trailer that is designed for carrying children and is firmly attached to the bicycle.

(D) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree."

In line 31157, after "4511.191," insert "4511.53,"

In line 37819, after "4511.191," insert "4511.53,"

In line 39 of the title, after "4511.191," insert "4511.53,"

In line 137, after "3501.17," insert "3501.19, 3503.14, 3503.16, 3503.19, 3503.28, 3505.18, 3505.181, 3505.182, 3505.183, 3509.03, 3509.031, 3509.04, 3509.05, 3511.02, 3511.05, 3511.09,"

Between lines 14075 and 14076, insert:

**"Sec. 3501.19.** (A) Except as otherwise provided in division (C) of this section, on each of the following dates, the board of elections shall send a notice by nonforwardable mail to each elector who is registered to vote in a precinct in which an election will be conducted:

(1) The sixtieth day before the day of any special election that may be held on the first Tuesday after the first Monday in August, 2006;

(2) The sixtieth day before the day of the 2006 general election;

(3) The sixtieth day before the day of the 2008 primary election;

(4) The sixtieth day before the day of the 2008 general election.

(B) The notice required under division (A) of this section shall include each of the following:

(1) The day of the election;

(2) The location of the polling place for the precinct in which the elector is registered to vote;

(3) A reminder, which shall be indicated in bold type, stating as follows:

"Voters must bring identification to the polls in order to verify identity. Identification may include a current and valid photo identification, a military identification ~~that shows the voter's name and current address~~, or a copy of a current utility bill, bank statement, government check, paycheck, or other government document, other than this reminder or a voter registration notification, that shows the voter's name and current address. Voters who do not provide one of these documents will still be able to vote by providing the last four digits of the voter's social security number and by casting a provisional ballot. Voters who do not have any of the above forms of identification, including a social security number, will still be able to vote by signing an affirmation swearing to the voter's identity under penalty of election falsification and by casting a provisional ballot."

(C) If the notice sent under division (A) of this section is returned undelivered to the board, the board shall cause the elector's name in the official registration list and in the poll list or signature pollbook for that elector's precinct to be marked to indicate that the notice was returned to the board.

At the first election at which an elector whose name has been so marked appears to vote, the elector shall be required to provide identification to the election officials.

If the elector provides to the election officials a current and valid photo identification, a military identification ~~that shows the voter's name and current address~~, or a copy of a current utility bill, bank statement, government check, paycheck, or other government document, other than a notice of an election mailed by a board of elections under section 3501.19 of the Revised Code or a notice of an election mailed by a board of elections under division (A) of this section or a notice of voter registration notification mailed by a board of elections under section 3503.19 of the Revised Code, the voter shall be permitted to cast a ballot in accordance with division (B) of section 3505.18 of the Revised Code. The board shall correct that elector's registration, if needed, and shall remove the indication that the elector's notice was returned from that elector's name on the official registration list and on the poll list or signature pollbook.

If the elector provides to the election officials a photo identification that does not contain the elector's current address, if the elector provides the last four digits of the elector's social security number, if the elector is unable to provide any of the required forms of identification, if the elector refuses to provide any of the required forms of identification, or if the elector executes an affirmation

under division (A)(4) of section 3505.18 of the Revised Code, the elector shall be permitted to vote by provisional ballot under section 3505.181 of the Revised Code. If the provisional ballot is counted pursuant to division (B)(3) of section 3505.183 of the Revised Code, the board shall correct that elector's registration, if needed, and shall remove the indication that the elector's notice was returned from that elector's name on the official registration list and on the poll list or signature pollbook.

(D) No board of elections shall be required to mail a notice under division (A) of this section to any elector who registered to vote within thirty days prior to the date for mailing the notice under that division.

(E) A notice mailed to an elector under division (A) of this section shall not be considered a government document that contains the voter's name and current address for the purpose of providing identification under sections 3503.14, 3503.16, 3503.19, 3503.28, 3505.18, 3505.181, 3505.182, 3505.183, 3509.03, 3509.031, 3509.04, 3509.05, 3511.02, and 3511.09 of the Revised Code.

**Sec. 3503.14.** (A) The secretary of state shall prescribe the form and content of the registration, change of residence, and change of name forms used in this state. The forms shall meet the requirements of the National Voter Registration Act of 1993 and shall include spaces for all of the following:

- (1) The voter's name;
- (2) The voter's address;
- (3) The current date;
- (4) The voter's date of birth;
- (5) The voter to provide one or more of the following:
  - (a) The voter's driver's license number, if any;
  - (b) The last four digits of the voter's social security number, if any;

(c) A copy of a current and valid photo identification, a copy of a military identification ~~that shows the voter's name and current address~~, or a copy of a current utility bill, bank statement, government check, paycheck, or other government document, other than a notice of an election mailed by a board of elections under section 3501.19 of the Revised Code or a notice of voter registration mailed by a board of elections under section 3503.19 of the Revised Code, that shows the voter's name and address.

- (6) The voter's signature.

The registration form shall include a space on which the person registering an applicant shall sign the person's name and provide the person's address and a space on which the person registering an applicant shall name the employer who is employing that person to register the applicant.



Except for forms prescribed by the secretary of state under section 3503.11 of the Revised Code, the secretary of state shall permit boards of elections to produce forms that have subdivided spaces for each individual alphanumeric character of the information provided by the voter so as to accommodate the electronic reading and conversion of the voter's information to data and the subsequent electronic transfer of that data to the statewide voter registration database established under section 3503.15 of the Revised Code.

(B) None of the following persons who are registering an applicant in the course of that official's or employee's normal duties shall sign the person's name, provide the person's address, or name the employer who is employing the person to register an applicant on a form prepared under this section:

- (1) An election official;
- (2) A county treasurer;
- (3) A deputy registrar of motor vehicles;
- (4) An employee of a designated agency;
- (5) An employee of a public high school;
- (6) An employee of a public vocational school;
- (7) An employee of a public library;
- (8) An employee of the office of a county treasurer;
- (9) An employee of the bureau of motor vehicles;
- (10) An employee of a deputy registrar of motor vehicles;
- (11) An employee of an election official.

(C) Except as provided in section 3501.382 of the Revised Code, any applicant who is unable to sign the applicant's own name shall make an "X," if possible, which shall be certified by the signing of the name of the applicant by the person filling out the form, who shall add the person's own signature. If an applicant is unable to make an "X," the applicant shall indicate in some manner that the applicant desires to register to vote or to change the applicant's name or residence. The person registering the applicant shall sign the form and attest that the applicant indicated that the applicant desired to register to vote or to change the applicant's name or residence.

(D) No registration, change of residence, or change of name form shall be rejected solely on the basis that a person registering an applicant failed to sign the person's name or failed to name the employer who is employing that person to register the applicant as required under division (A) of this section.

(E) As used in this section, "registering an applicant" includes any effort, for compensation, to provide voter registration forms or to assist persons in completing or returning those forms.

**Sec. 3503.16.** (A) Whenever a registered elector changes the place of residence of that registered elector from one precinct to another within a county or from one county to another, or has a change of name, that registered elector shall report the change by delivering a change of residence or change of name form, whichever is appropriate, as prescribed by the secretary of state under section 3503.14 of the Revised Code to the state or local office of a designated agency, a public high school or vocational school, a public library, the office of the county treasurer, the office of the secretary of state, any office of the registrar or deputy registrar of motor vehicles, or any office of a board of elections in person or by a third person. Any voter registration, change of address, or change of name application, returned by mail, may be sent only to the secretary of state or the board of elections.

A registered elector also may update the registration of that registered elector by filing a change of residence or change of name form on the day of a special, primary, or general election at the polling place in the precinct in which that registered elector resides or at the board of elections or at another site designated by the board.

(B)(1)(a) Any registered elector who moves within a precinct on or prior to the day of a general, primary, or special election and has not filed a notice of change of residence with the board of elections may vote in that election by going to that registered elector's assigned polling place, completing and signing a notice of change of residence, showing identification in the form of a current and valid photo identification, a military identification ~~that shows the voter's name and current address~~, or a copy of a current utility bill, bank statement, government check, paycheck, or other government document, other than a notice of an election mailed by a board of elections under section 3501.19 of the Revised Code or a notice of voter registration mailed by a board of elections under section 3503.19 of the Revised Code, that shows the name and current address of the elector, and casting a ballot. If the elector provides either a driver's license or a state identification card issued under section 4507.50 of the Revised Code that does not contain the elector's current residence address, the elector shall provide the last four digits of the elector's driver's license number or state identification card number, and the precinct election official shall mark the poll list or signature pollbook to indicate that the elector has provided a driver's license or state identification card number with a former address and record the last four digits of the elector's driver's license number or state identification card number.

(b) Any registered elector who changes the name of that registered elector and remains within a precinct on or prior to the day of a general, primary, or special election and has not filed a notice of change of name with the board of elections may vote in that election by going to that registered elector's assigned polling place, completing and signing a notice of a change of name, and casting a provisional ballot under section 3505.181 of the Revised Code.

(2) Any registered elector who moves from one precinct to another

within a county or moves from one precinct to another and changes the name of that registered elector on or prior to the day of a general, primary, or special election and has not filed a notice of change of residence or change of name, whichever is appropriate, with the board of elections may vote in that election if that registered elector complies with division (G) of this section or does all of the following:

(a) Appears at anytime during regular business hours on or after the twenty-eighth day prior to the election in which that registered elector wishes to vote or, if the election is held on the day of a presidential primary election, the twenty-fifth day prior to the election, through noon of the Saturday prior to the election at the office of the board of elections, appears at any time during regular business hours on the Monday prior to the election at the office of the board of elections, or appears on the day of the election at either of the following locations:

(i) The polling place in the precinct in which that registered elector resides;

(ii) The office of the board of elections or, if pursuant to division (C) of section 3501.10 of the Revised Code the board has designated another location in the county at which registered electors may vote, at that other location instead of the office of the board of elections.

(b) Completes and signs, under penalty of election falsification, a notice of change of residence or change of name, whichever is appropriate, and files it with election officials at the polling place, at the office of the board of elections, or, if pursuant to division (C) of section 3501.10 of the Revised Code the board has designated another location in the county at which registered electors may vote, at that other location instead of the office of the board of elections, whichever is appropriate;

(c) Votes a provisional ballot under section 3505.181 of the Revised Code at the polling place, at the office of the board of elections, or, if pursuant to division (C) of section 3501.10 of the Revised Code the board has designated another location in the county at which registered electors may vote, at that other location instead of the office of the board of elections, whichever is appropriate, using the address to which that registered elector has moved or the name of that registered elector as changed, whichever is appropriate;

(d) Completes and signs, under penalty of election falsification, a statement attesting that that registered elector moved or had a change of name, whichever is appropriate, on or prior to the day of the election, has voted a provisional ballot at the polling place in the precinct in which that registered elector resides, at the office of the board of elections, or, if pursuant to division (C) of section 3501.10 of the Revised Code the board has designated another location in the county at which registered electors may vote, at that other location instead of the office of the board of elections, whichever is appropriate, and will not vote or attempt to vote at any other location for that particular

election. The statement required under division (B)(2)(d) of this section shall be included on the notice of change of residence or change of name, whichever is appropriate, required under division (B)(2)(b) of this section.

(C) Any registered elector who moves from one county to another county within the state on or prior to the day of a general, primary, or special election and has not registered to vote in the county to which that registered elector moved may vote in that election if that registered elector complies with division (G) of this section or does all of the following:

(1) Appears at any time during regular business hours on or after the twenty-eighth day prior to the election in which that registered elector wishes to vote or, if the election is held on the day of a presidential primary election, the twenty-fifth day prior to the election, through noon of the Saturday prior to the election at the office of the board of elections or, if pursuant to division (C) of section 3501.10 of the Revised Code the board has designated another location in the county at which registered electors may vote, at that other location instead of the office of the board of elections, appears during regular business hours on the Monday prior to the election at the office of the board of elections or, if pursuant to division (C) of section 3501.10 of the Revised Code the board has designated another location in the county at which registered electors may vote, at that other location instead of the office of the board of elections, or appears on the day of the election at the office of the board of elections or, if pursuant to division (C) of section 3501.10 of the Revised Code the board has designated another location in the county at which registered electors may vote, at that other location instead of the office of the board of elections;

(2) Completes and signs, under penalty of election falsification, a notice of change of residence and files it with election officials at the board of elections or, if pursuant to division (C) of section 3501.10 of the Revised Code the board has designated another location in the county at which registered electors may vote, at that other location instead of the office of the board of elections;

(3) Votes a provisional ballot under section 3505.181 of the Revised Code at the office of the board of elections or, if pursuant to division (C) of section 3501.10 of the Revised Code the board has designated another location in the county at which registered electors may vote, at that other location instead of the office of the board of elections, using the address to which that registered elector has moved;

(4) Completes and signs, under penalty of election falsification, a statement attesting that that registered elector has moved from one county to another county within the state on or prior to the day of the election, has voted at the office of the board of elections or, if pursuant to division (C) of section 3501.10 of the Revised Code the board has designated another location in the county at which registered electors may vote, at that other location instead of the office of the board of elections, and will not vote or attempt to vote at any other location for that particular election. The statement required under division (C)(4) of this section shall be included on the notice of change of residence required

under division (C)(2) of this section.

(D) A person who votes by absent voter's ballots pursuant to division (G) of this section shall not make written application for the ballots pursuant to Chapter 3509. of the Revised Code. Ballots cast pursuant to division (G) of this section shall be set aside in a special envelope and counted during the official canvass of votes in the manner provided for in sections 3505.32 and 3509.06 of the Revised Code insofar as that manner is applicable. The board shall examine the pollbooks to verify that no ballot was cast at the polls or by absent voter's ballots under Chapter 3509. or 3511. of the Revised Code by an elector who has voted by absent voter's ballots pursuant to division (G) of this section. Any ballot determined to be insufficient for any of the reasons stated above or stated in section 3509.07 of the Revised Code shall not be counted.

Subject to division (C) of section 3501.10 of the Revised Code, a board of elections may lease or otherwise acquire a site different from the office of the board at which registered electors may vote pursuant to division (B) or (C) of this section.

(E) Upon receiving a change of residence or change of name form, the board of elections shall immediately send the registrant an acknowledgment notice. If the change of residence or change of name form is valid, the board shall update the voter's registration as appropriate. If that form is incomplete, the board shall inform the registrant in the acknowledgment notice specified in this division of the information necessary to complete or update that registrant's registration.

(F) Change of residence and change of name forms shall be available at each polling place, and when these forms are completed, noting changes of residence or name, as appropriate, they shall be filed with election officials at the polling place. Election officials shall return completed forms, together with the pollbooks and tally sheets, to the board of elections.

The board of elections shall provide change of residence and change of name forms to the probate court and court of common pleas. The court shall provide the forms to any person eighteen years of age or older who has a change of name by order of the court or who applies for a marriage license. The court shall forward all completed forms to the board of elections within five days after receiving them.

(G) A registered elector who otherwise would qualify to vote under division (B) or (C) of this section but is unable to appear at the office of the board of elections or, if pursuant to division (C) of section 3501.10 of the Revised Code the board has designated another location in the county at which registered electors may vote, at that other location, on account of personal illness, physical disability, or infirmity, may vote on the day of the election if that registered elector does all of the following:

(1) Makes a written application that includes all of the information required under section 3509.03 of the Revised Code to the appropriate board for

an absent voter's ballot on or after the twenty-seventh day prior to the election in which the registered elector wishes to vote through noon of the Saturday prior to that election and requests that the absent voter's ballot be sent to the address to which the registered elector has moved if the registered elector has moved, or to the address of that registered elector who has not moved but has had a change of name;

(2) Declares that the registered elector has moved or had a change of name, whichever is appropriate, and otherwise is qualified to vote under the circumstances described in division (B) or (C) of this section, whichever is appropriate, but that the registered elector is unable to appear at the board of elections because of personal illness, physical disability, or infirmity;

(3) Completes and returns along with the completed absent voter's ballot a notice of change of residence indicating the address to which the registered elector has moved, or a notice of change of name, whichever is appropriate;

(4) Completes and signs, under penalty of election falsification, a statement attesting that the registered elector has moved or had a change of name on or prior to the day before the election, has voted by absent voter's ballot because of personal illness, physical disability, or infirmity that prevented the registered elector from appearing at the board of elections, and will not vote or attempt to vote at any other location or by absent voter's ballot mailed to any other location or address for that particular election.

**Sec. 3503.19.** (A) Persons qualified to register or to change their registration because of a change of address or change of name may register or change their registration in person at any state or local office of a designated agency, at the office of the registrar or any deputy registrar of motor vehicles, at a public high school or vocational school, at a public library, at the office of a county treasurer, or at a branch office established by the board of elections, or in person, through another person, or by mail at the office of the secretary of state or at the office of a board of elections. A registered elector may also change the elector's registration on election day at any polling place where the elector is eligible to vote, in the manner provided under section 3503.16 of the Revised Code.

Any state or local office of a designated agency, the office of the registrar or any deputy registrar of motor vehicles, a public high school or vocational school, a public library, or the office of a county treasurer shall transmit any voter registration application or change of registration form that it receives to the board of elections of the county in which the state or local office is located, within five days after receiving the voter registration application or change of registration form.

An otherwise valid voter registration application that is returned to the appropriate office other than by mail must be received by a state or local office of a designated agency, the office of the registrar or any deputy registrar of motor vehicles, a public high school or vocational school, a public library, the

office of a county treasurer, the office of the secretary of state, or the office of a board of elections no later than the thirtieth day preceding a primary, special, or general election for the person to qualify as an elector eligible to vote at that election. An otherwise valid registration application received after that day entitles the elector to vote at all subsequent elections.

Any state or local office of a designated agency, the office of the registrar or any deputy registrar of motor vehicles, a public high school or vocational school, a public library, or the office of a county treasurer shall date stamp a registration application or change of name or change of address form it receives using a date stamp that does not disclose the identity of the state or local office that receives the registration.

Voter registration applications, if otherwise valid, that are returned by mail to the office of the secretary of state or to the office of a board of elections must be postmarked no later than the thirtieth day preceding a primary, special, or general election in order for the person to qualify as an elector eligible to vote at that election. If an otherwise valid voter registration application that is returned by mail does not bear a postmark or a legible postmark, the registration shall be valid for that election if received by the office of the secretary of state or the office of a board of elections no later than twenty-five days preceding any special, primary, or general election.

(B)(1) Any person may apply in person, by telephone, by mail, or through another person for voter registration forms to the office of the secretary of state or the office of a board of elections.

(2)(a) An applicant may return the applicant's completed registration form in person or by mail to any state or local office of a designated agency, to a public high school or vocational school, to a public library, to the office of a county treasurer, to the office of the secretary of state, or to the office of a board of elections.

(b) Subject to division (B)(2)(c) of this section, an applicant may return the applicant's completed registration form through another person to any board of elections or the office of the secretary of state.

(c) A person who receives compensation for registering a voter shall return any registration form entrusted to that person by an applicant to any board of elections or to the office of the secretary of state.

(d) If a board of elections or the office of the secretary of state receives a registration form under division (B)(2)(b) or (c) of this section before the thirtieth day before an election, the board or the office of the secretary of state, as applicable, shall forward the registration to the board of elections of the county in which the applicant is seeking to register to vote within ten days after receiving the application. If a board of elections or the office of the secretary of state receives a registration form under division (B)(2)(b) or (c) of this section on or after the thirtieth day before an election, the board or the office of the secretary of state, as applicable, shall forward the registration to the board of

elections of the county in which the applicant is seeking to register to vote within thirty days after that election.

(C)(1) A board of elections that receives a voter registration application and is satisfied as to the truth of the statements made in the registration form shall register the applicant not later than twenty business days after receiving the application, unless that application is received during the thirty days immediately preceding the day of an election. The board shall promptly notify the applicant in writing of each of the following:

- (a) The applicant's registration;
- (b) The precinct in which the applicant is to vote;
- (c) In bold type as follows:

"Voters must bring identification to the polls in order to verify identity. Identification may include a current and valid photo identification, a military identification ~~that shows the voter's name and current address~~, or a copy of a current utility bill, bank statement, government check, paycheck, or other government document, other than this notification or a notification of an election mailed by a board of elections, that shows the voter's name and current address. Voters who do not provide one of these documents will still be able to vote by providing the last four digits of the voter's social security number and by casting a provisional ballot. Voters who do not have any of the above forms of identification, including a social security number, will still be able to vote by signing an affirmation swearing to the voter's identity under penalty of election falsification and by casting a provisional ballot."

The notification shall be by nonforwardable mail. If the mail is returned to the board, it shall investigate and cause the notification to be delivered to the correct address.

(2) If, after investigating as required under division (C)(1) of this section, the board is unable to verify the voter's correct address, it shall cause the voter's name in the official registration list and in the poll list or signature pollbook to be marked to indicate that the voter's notification was returned to the board.

At the first election at which a voter whose name has been so marked appears to vote, the voter shall be required to provide identification to the election officials and to vote by provisional ballot under section 3505.181 of the Revised Code. If the provisional ballot is counted pursuant to division (B)(3) of section 3505.183 of the Revised Code, the board shall correct that voter's registration, if needed, and shall remove the indication that the voter's notification was returned from that voter's name on the official registration list and on the poll list or signature pollbook. If the provisional ballot is not counted pursuant to division (B)(4)(a)(i), (v), or (vi) of section 3505.183 of the Revised Code, the voter's registration shall be canceled. The board shall notify the voter by United States mail of the cancellation.

(3) If a notice of the disposition of an otherwise valid registration



application is sent by nonforwardable mail and is returned undelivered, the person shall be registered as provided in division (C)(2) of this section and sent a confirmation notice by forwardable mail. If the person fails to respond to the confirmation notice, update the person's registration, or vote by provisional ballot as provided in division (C)(2) of this section in any election during the period of two federal elections subsequent to the mailing of the confirmation notice, the person's registration shall be canceled.

**Sec. 3503.28.** (A) The secretary of state shall develop an information brochure regarding voter registration. The brochure shall include, but is not limited to, all of the following information:

(1) The applicable deadlines for registering to vote or for returning an applicant's completed registration form;

(2) The applicable deadline for returning an applicant's completed registration form if the person returning the form is being compensated for registering voters;

(3) The locations to which a person may return an applicant's completed registration form;

(4) The location to which a person who is compensated for registering voters may return an applicant's completed registration form;

(5) The registration and affirmation requirements applicable to persons who are compensated for registering voters under section 3503.29 of the Revised Code;

(6) A notice, which shall be written in bold type, stating as follows:

"Voters must bring identification to the polls in order to verify identity. Identification may include a current and valid photo identification, a military identification ~~that shows the voter's name and current address~~, or a copy of a current utility bill, bank statement, government check, paycheck, or other government document, other than a notice of an election or a voter registration notification sent by a board of elections, that shows the voter's name and current address. Voters who do not provide one of these documents will still be able to vote by providing the last four digits of the voter's social security number and by casting a provisional ballot. Voters who do not have any of the above forms of identification, including a social security number, will still be able to vote by signing an affirmation swearing to the voter's identity under penalty of election falsification and by casting a provisional ballot."

(B) Except as otherwise provided in division (D) of this section, a board of elections, designated agency, public high school, public vocational school, public library, office of a county treasurer, or deputy registrar of motor vehicles shall distribute a copy of the brochure developed under division (A) of this section to any person who requests more than two voter registration forms at one time.

(C)(1) The secretary of state shall provide the information required to be included in the brochure developed under division (A) of this section to any person who prints a voter registration form that is made available on a web site of the office of the secretary of state.

(2) If a board of elections operates and maintains a web site, the board shall provide the information required to be included in the brochure developed under division (A) of this section to any person who prints a voter registration form that is made available on that web site.

(D) A board of elections shall not be required to distribute a copy of a brochure under division (B) of this section to any of the following officials or employees who are requesting more than two voter registration forms at one time in the course of the official's or employee's normal duties:

- (1) An election official;
- (2) A county treasurer;
- (3) A deputy registrar of motor vehicles;
- (4) An employee of a designated agency;
- (5) An employee of a public high school;
- (6) An employee of a public vocational school;
- (7) An employee of a public library;
- (8) An employee of the office of a county treasurer;
- (9) An employee of the bureau of motor vehicles;
- (10) An employee of a deputy registrar of motor vehicles;
- (11) An employee of an election official.

(E) As used in this section, "registering voters" includes any effort, for compensation, to provide voter registration forms or to assist persons in completing or returning those forms.

**Sec. 3505.18.** (A)(1) When an elector appears in a polling place to vote, the elector shall announce to the precinct election officials the elector's full name and current address and provide proof of the elector's identity in the form of a current and valid photo identification, a military identification ~~that shows the voter's name and current address~~, or a copy of a current utility bill, bank statement, government check, paycheck, or other government document, other than a notice of an election mailed by a board of elections under section 3501.19 of the Revised Code or a notice of voter registration mailed by a board of elections under section 3503.19 of the Revised Code, that shows the name and current address of the elector. If the elector provides either a driver's license or a state identification card issued under section 4507.50 of the Revised Code that does not contain the elector's current residence address, the elector shall provide the last four digits of the elector's driver's license number or state identification

card number, and the precinct election official shall mark the poll list or signature pollbook to indicate that the elector has provided a driver's license or state identification card number with a former address and record the last four digits of the elector's driver's license number or state identification card number.

(2) If an elector has but is unable to provide to the precinct election officials any of the forms of identification required under division (A)(1) of this section, but has a social security number, the elector may provide the last four digits of the elector's social security number. Upon providing the social security number information, the elector may cast a provisional ballot under section 3505.181 of the Revised Code, the envelope of which ballot shall include that social security number information.

(3) If an elector has but is unable to provide to the precinct election officials any of the forms of identification required under division (A)(1) of this section and if the elector has a social security number but is unable to provide the last four digits of the elector's social security number, the elector may cast a provisional ballot under section 3505.181 of the Revised Code.

(4) If an elector does not have any of the forms of identification required under division (A)(1) of this section and cannot provide the last four digits of the elector's social security number because the elector does not have a social security number, the elector may execute an affirmation under penalty of election falsification that the elector cannot provide the identification required under that division or the last four digits of the elector's social security number for those reasons. Upon signing the affirmation, the elector may cast a provisional ballot under section 3505.181 of the Revised Code. The secretary of state shall prescribe the form of the affirmation, which shall include spaces for all of the following:

- (a) The elector's name;
- (b) The elector's address;
- (c) The current date;
- (d) The elector's date of birth;
- (e) The elector's signature.

(5) If an elector does not have any of the forms of identification required under division (A)(1) of this section and cannot provide the last four digits of the elector's social security number because the elector does not have a social security number, and if the elector declines to execute an affirmation under division (A)(4) of this section, the elector may cast a provisional ballot under section 3505.181 of the Revised Code, the envelope of which ballot shall include the elector's name.

(6) If an elector has but declines to provide to the precinct election officials any of the forms of identification required under division (A)(1) of this section or the elector has a social security number but declines to provide to the precinct election officials the last four digits of the elector's social security

number, the elector may cast a provisional ballot under section 3505.181 of the Revised Code.

(B) After the elector has announced the elector's full name and current address and provided any of the forms of identification required under division (A)(1) of this section, the elector shall write the elector's name and address at the proper place in the poll list or signature pollbook provided for the purpose, except that if, for any reason, an elector is unable to write the elector's name and current address in the poll list or signature pollbook, the elector may make the elector's mark at the place intended for the elector's name, and a precinct election official shall write the name of the elector at the proper place on the poll list or signature pollbook following the elector's mark. The making of such a mark shall be attested by the precinct election official, who shall evidence the same by signing the precinct election official's name on the poll list or signature pollbook as a witness to the mark. Alternatively, if applicable, an attorney in fact acting pursuant to section 3501.382 of the Revised Code may sign the elector's signature in the poll list or signature pollbook in accordance with that section.

The elector's signature in the poll list or signature pollbook then shall be compared with the elector's signature on the elector's registration form or a digitized signature list as provided for in section 3503.13 of the Revised Code, and if, in the opinion of a majority of the precinct election officials, the signatures are the signatures of the same person, the election officials shall enter the date of the election on the registration form or shall record the date by other means prescribed by the secretary of state. The validity of an attorney in fact's signature on behalf of an elector shall be determined in accordance with section 3501.382 of the Revised Code.

If the right of the elector to vote is not then challenged, or, if being challenged, the elector establishes the elector's right to vote, the elector shall be allowed to proceed to use the voting machine. If voting machines are not being used in that precinct, the judge in charge of ballots shall then detach the next ballots to be issued to the elector from Stub B attached to each ballot, leaving Stub A attached to each ballot, hand the ballots to the elector, and call the elector's name and the stub number on each of the ballots. The judge shall enter the stub numbers opposite the signature of the elector in the pollbook. The elector shall then retire to one of the voting compartments to mark the elector's ballots. No mark shall be made on any ballot which would in any way enable any person to identify the person who voted the ballot.

**Sec. 3505.181.** (A) All of the following individuals shall be permitted to cast a provisional ballot at an election:

(1) An individual who declares that the individual is a registered voter in the jurisdiction in which the individual desires to vote and that the individual is eligible to vote in an election, but the name of the individual does not appear on the official list of eligible voters for the polling place or an election official asserts that the individual is not eligible to vote;

(2) An individual who has a social security number and provides to the election officials the last four digits of the individual's social security number as permitted by division (A)(2) of section 3505.18 of the Revised Code;

(3) An individual who has but is unable to provide to the election officials any of the forms of identification required under division (A)(1) of section 3505.18 of the Revised Code and who has a social security number but is unable to provide the last four digits of the individual's social security number as permitted under division (A)(2) of that section;

(4) An individual who does not have any of the forms of identification required under division (A)(1) of section 3505.18 of the Revised Code, who cannot provide the last four digits of the individual's social security number under division (A)(2) of that section because the individual does not have a social security number, and who has executed an affirmation as permitted under division (A)(4) of that section;

(5) An individual whose name in the poll list or signature pollbook has been marked under section 3509.09 or 3511.13 of the Revised Code as having requested an absent voter's ballot or an armed service absent voter's ballot for that election and who appears to vote at the polling place;

(6) An individual whose notification of registration has been returned undelivered to the board of elections and whose name in the official registration list and in the poll list or signature pollbook has been marked under division (C)(2) of section 3503.19 of the Revised Code;

(7) An individual who is challenged under section 3505.20 of the Revised Code and the election officials determine that the person is ineligible to vote or are unable to determine the person's eligibility to vote;

(8) An individual whose application or challenge hearing has been postponed until after the day of the election under division (D)(1) of section 3503.24 of the Revised Code;

(9) An individual who changes the individual's name and remains within the precinct, moves from one precinct to another within a county, moves from one precinct to another and changes the individual's name, or moves from one county to another within the state, and completes and signs the required forms and statements under division (B) or (C) of section 3503.16 of the Revised Code;

(10) An individual whose signature, in the opinion of the precinct officers under section 3505.22 of the Revised Code, is not that of the person who signed that name in the registration forms;

(11) An individual who is challenged under section 3513.20 of the Revised Code who refuses to make the statement required under that section, who a majority of the precinct officials find lacks any of the qualifications to make the individual a qualified elector, or who a majority of the precinct officials find is not affiliated with or a member of the political party whose ballot the individual desires to vote;

(12) An individual who does not have any of the forms of identification required under division (A)(1) of section 3505.18 of the Revised Code, who cannot provide the last four digits of the individual's social security number under division (A)(2) of that section because the person does not have a social security number, and who declines to execute an affirmation as permitted under division (A)(4) of that section;

(13) An individual who has but declines to provide to the precinct election officials any of the forms of identification required under division (A)(1) of section 3501.18 of the Revised Code or who has a social security number but declines to provide to the precinct election officials the last four digits of the individual's social security number.

(B) An individual who is eligible to cast a provisional ballot under division (A) of this section shall be permitted to cast a provisional ballot as follows:

(1) An election official at the polling place shall notify the individual that the individual may cast a provisional ballot in that election.

(2) The individual shall be permitted to cast a provisional ballot at that polling place upon the execution of a written affirmation by the individual before an election official at the polling place stating that the individual is both of the following:

(a) A registered voter in the jurisdiction in which the individual desires to vote;

(b) Eligible to vote in that election.

(3) An election official at the polling place shall transmit the ballot cast by the individual, the voter information contained in the written affirmation executed by the individual under division (B)(2) of this section, or the individual's name if the individual declines to execute such an affirmation to an appropriate local election official for verification under division (B)(4) of this section.

(4) If the appropriate local election official to whom the ballot or voter or address information is transmitted under division (B)(3) of this section determines that the individual is eligible to vote, the individual's provisional ballot shall be counted as a vote in that election.

(5)(a) At the time that an individual casts a provisional ballot, the appropriate local election official shall give the individual written information that states that any individual who casts a provisional ballot will be able to ascertain under the system established under division (B)(5)(b) of this section whether the vote was counted, and, if the vote was not counted, the reason that the vote was not counted.

(b) The appropriate state or local election official shall establish a free access system, in the form of a toll-free telephone number, that any individual

who casts a provisional ballot may access to discover whether the vote of that individual was counted, and, if the vote was not counted, the reason that the vote was not counted. The free access system established under this division also shall provide to an individual whose provisional ballot was not counted information explaining how that individual may contact the board of elections to register to vote or to resolve problems with the individual's voter registration.

The appropriate state or local election official shall establish and maintain reasonable procedures necessary to protect the security, confidentiality, and integrity of personal information collected, stored, or otherwise used by the free access system established under this division. Access to information about an individual ballot shall be restricted to the individual who cast the ballot.

(6) If, at the time that an individual casts a provisional ballot, the individual provides identification in the form of a current and valid photo identification, a military identification ~~that shows the voter's name and current address~~, or a copy of a current utility bill, bank statement, government check, paycheck, or other government document, other than a notice of an election mailed by a board of elections under section 3501.19 of the Revised Code or a notice of voter registration mailed by a board of elections under section 3503.19 of the Revised Code, that shows the individual's name and current address, or provides the last four digits of the individual's social security number, or executes an affirmation that the elector does not have any of those forms of identification or the last four digits of the individual's social security number because the individual does not have a social security number, or declines to execute such an affirmation, the appropriate local election official shall record the type of identification provided, the social security number information, the fact that the affirmation was executed, or the fact that the individual declined to execute such an affirmation and include that information with the transmission of the ballot or voter or address information under division (B)(3) of this section. If the individual declines to execute such an affirmation, the appropriate local election official shall record the individual's name and include that information with the transmission of the ballot under division (B)(3) of this section.

(7) If an individual casts a provisional ballot pursuant to division (A)(3), (7), (8), (12), or (13) of this section, the election official shall indicate, on the provisional ballot verification statement required under section 3505.182 of the Revised Code, that the individual is required to provide additional information to the board of elections or that an application or challenge hearing has been postponed with respect to the individual, such that additional information is required for the board of elections to determine the eligibility of the individual who cast the provisional ballot.

(8) During the ten days after the day of an election, an individual who casts a provisional ballot pursuant to division (A)(3), (7), (12), or (13) of this section shall appear at the office of the board of elections and provide to the board any additional information necessary to determine the eligibility of the individual who cast the provisional ballot.

(a) For a provisional ballot cast pursuant to division (A)(3), (12), or (13) of this section to be eligible to be counted, the individual who cast that ballot, within ten days after the day of the election, shall do any of the following:

(i) Provide to the board of elections proof of the individual's identity in the form of a current and valid photo identification, a military identification ~~that shows the voter's name and current address~~, or a copy of a current utility bill, bank statement, government check, paycheck, or other government document, other than a notice of an election mailed by a board of elections under section 3501.19 of the Revised Code or a notice of voter registration mailed by a board of elections under section 3503.19 of the Revised Code, that shows the individual's name and current address;

(ii) Provide to the board of elections the last four digits of the individual's social security number;

(iii) In the case of a provisional ballot executed pursuant to division (A)(12) of this section, execute an affirmation as permitted under division (A)(4) of section 3505.18 of the Revised Code.

(b) For a provisional ballot cast pursuant to division (A)(7) of this section to be eligible to be counted, the individual who cast that ballot, within ten days after the day of that election, shall provide to the board of elections any identification or other documentation required to be provided by the applicable challenge questions asked of that individual under section 3505.20 of the Revised Code.

(C)(1) If an individual declares that the individual is eligible to vote in a jurisdiction other than the jurisdiction in which the individual desires to vote, or if, upon review of the precinct voting location guide using the residential street address provided by the individual, an election official at the polling place at which the individual desires to vote determines that the individual is not eligible to vote in that jurisdiction, the election official shall direct the individual to the polling place for the jurisdiction in which the individual appears to be eligible to vote, explain that the individual may cast a provisional ballot at the current location but the ballot will not be counted if it is cast in the wrong precinct, and provide the telephone number of the board of elections in case the individual has additional questions.

(2) If the individual refuses to travel to the polling place for the correct jurisdiction or to the office of the board of elections to cast a ballot, the individual shall be permitted to vote a provisional ballot at that jurisdiction in accordance with division (B) of this section. If any of the following apply, the provisional ballot cast by that individual shall not be opened or counted:

(a) The individual is not properly registered in that jurisdiction.

(b) The individual is not eligible to vote in that election in that jurisdiction.

(c) The individual's eligibility to vote in that jurisdiction in that election



cannot be established upon examination of the records on file with the board of elections.

(D) The appropriate local election official shall cause voting information to be publicly posted at each polling place on the day of each election.

(E) As used in this section and sections 3505.182 and 3505.183 of the Revised Code:

(1) "Jurisdiction" means the precinct in which a person is a legally qualified elector.

(2) "Precinct voting location guide" means either of the following:

(a) An electronic or paper record that lists the correct jurisdiction and polling place for either each specific residential street address in the county or the range of residential street addresses located in each neighborhood block in the county;

(b) Any other method that a board of elections creates that allows a precinct election official or any elector who is at a polling place in that county to determine the correct jurisdiction and polling place of any qualified elector who resides in the county.

(3) "Voting information" means all of the following:

(a) A sample version of the ballot that will be used for that election;

(b) Information regarding the date of the election and the hours during which polling places will be open;

(c) Instructions on how to vote, including how to cast a vote and how to cast a provisional ballot;

(d) Instructions for mail-in registrants and first-time voters under applicable federal and state laws;

(e) General information on voting rights under applicable federal and state laws, including information on the right of an individual to cast a provisional ballot and instructions on how to contact the appropriate officials if these rights are alleged to have been violated;

(f) General information on federal and state laws regarding prohibitions against acts of fraud and misrepresentation.

**Sec. 3505.182.** Each individual who casts a provisional ballot under section 3505.181 of the Revised Code shall execute a written affirmation. The form of the written affirmation shall be printed upon the face of the provisional ballot envelope and shall be substantially as follows:

"Provisional Ballot Affirmation

STATE OF OHIO

I, ..... (Name of provisional voter), solemnly swear or affirm

that I am a registered voter in the jurisdiction in which I am voting this provisional ballot and that I am eligible to vote in the election in which I am voting this provisional ballot.

I understand that, if the above-provided information is not fully completed and correct, if the board of elections determines that I am not registered to vote, a resident of this precinct, or eligible to vote in this election, or if the board of elections determines that I have already voted in this election, my provisional ballot will not be counted. I further understand that knowingly providing false information is a violation of law and subjects me to possible criminal prosecution.

I hereby declare, under penalty of election falsification, that the above statements are true and correct to the best of my knowledge and belief.

.....  
(Signature of Voter)  
.....  
(Voter's date of birth)  
The last four digits of the voter's social security number  
.....  
(To be provided if the voter is unable to provide a current and valid photo identification, a military identification ~~that shows the voter's name and current address,~~ or a current utility bill, bank statement, government check, paycheck, or other government document, other than a notice of an election mailed by a board of elections under section 3501.19 of the Revised Code or a notice of voter registration mailed by a board of elections under section 3503.19 of the Revised Code, that shows the voter's name and current address but is able to provide these last four digits)

**WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE.**

**Additional Information For Determining Ballot Validity  
(May be completed at voter's discretion)**

Voter's current address: .....  
Voter's former address if photo identification does not contain voter's current address .....  
Voter's driver's license number or, if not provided above, the last four digits of voter's social security number  
(Please circle number type) .....

(Voter may attach a copy of any of the following for identification purposes: a current and valid photo identification, a military identification ~~that shows the voter's name and current address,~~ or a current utility bill, bank statement, government check, paycheck, or other government document, other than a notice of an election mailed by a board of elections under section 3501.19 of the Revised Code or a notice of voter registration mailed by a board of elections under section 3503.19 of the Revised Code, that shows the voter's name and current address.)

Reason for voting provisional ballot (Check one):

..... Requested, but did not receive, absent voter's ballot

..... Other

Verification Statement  
(To be completed by election official)

The Provisional Ballot Affirmation printed above was subscribed and affirmed before me this ..... day of ..... (Month), ..... (Year).

(If applicable, the election official must check the following true statement concerning additional information needed to determine the eligibility of the provisional voter.)

..... The provisional voter is required to provide additional information to the board of elections.

..... An application or challenge hearing regarding this voter has been postponed until after the election.

(The election official must check the following true statement concerning identification provided by the provisional voter, if any.)

..... The provisional voter provided a current and valid photo identification.

..... The provisional voter provided a current valid photo identification, other than a driver's license or a state identification card, with the voter's former address instead of current address and has provided the election official both the current and former addresses.

..... The provisional voter provided a military identification ~~that shows the voter's name and current address~~ or a copy of a current utility bill, bank statement, government check, paycheck, or other government document, other than a notice of an election mailed by a board of elections under section 3501.19 of the Revised Code or a notice of voter registration mailed by a board of elections under section 3503.19 of the Revised Code, with the voter's name and current address.

..... The provisional voter provided the last four digits of the voter's social security number.

..... The provisional voter is not able to provide a current and valid photo identification, a military identification ~~that shows the voter's name and current address~~, or a copy of a current utility bill, bank statement, government check, paycheck, or other government document, other than a notice of an election mailed by a board of elections under section 3501.19 of the Revised Code or a notice of voter registration mailed by a board of elections under section 3503.19 of the Revised Code, with the voter's name and current address but does have one of these forms of identification. The provisional voter must provide one of the foregoing items of identification to the board of elections within ten days after the election.

..... The provisional voter is not able to provide a current and valid photo identification, a military identification ~~that shows the voter's name and current~~

~~address~~, or a copy of a current utility bill, bank statement, government check, paycheck, or other government document, other than a notice of an election mailed by a board of elections under section 3501.19 of the Revised Code or a notice of voter registration mailed by a board of elections under section 3503.19 of the Revised Code, with the voter's name and current address but does have one of these forms of identification. Additionally, the provisional voter does have a social security number but is not able to provide the last four digits of the voter's social security number before voting. The provisional voter must provide one of the foregoing items of identification or the last four digits of the voter's social security number to the board of elections within ten days after the election.

..... The provisional voter does not have a current and valid photo identification, a military identification ~~that shows the voter's name and current address~~, a copy of a current utility bill, bank statement, government check, paycheck, or other government document with the voter's name and current address, or a social security number, but has executed an affirmation.

..... The provisional voter does not have a current and valid photo identification, a military identification ~~that shows the voter's name and current address~~, a copy of a current utility bill, bank statement, government check, paycheck, or other government document with the voter's name and current address, or a social security number, and has declined to execute an affirmation.

..... The provisional voter declined to provide a current and valid photo identification, a military identification ~~that shows the voter's name and current address~~, a copy of a current utility bill, bank statement, government check, paycheck, or other government document with the voter's name and current address, or the last four digits of the voter's social security number but does have one of these forms of identification or a social security number. The provisional voter must provide one of the foregoing items of identification or the last four digits of the voter's social security number to the board of elections within ten days after the election.

.....  
 (Signature of Election Official)"

In addition to any information required to be included on the written affirmation, an individual casting a provisional ballot may provide additional information to the election official to assist the board of elections in determining the individual's eligibility to vote in that election, including the date and location at which the individual registered to vote, if known.

If the individual declines to execute the affirmation, an appropriate local election official shall comply with division (B)(6) of section 3505.181 of the Revised Code.

**Sec. 3505.183.** (A) When the ballot boxes are delivered to the board of elections from the precincts, the board shall separate the provisional ballot envelopes from the rest of the ballots. Teams of employees of the board consisting of one member of each major political party shall place the sealed

provisional ballot envelopes in a secure location within the office of the board. The sealed provisional ballot envelopes shall remain in that secure location until the validity of those ballots is determined under division (B) of this section. While the provisional ballot is stored in that secure location, and prior to the counting of the provisional ballots, if the board receives information regarding the validity of a specific provisional ballot under division (B) of this section, the board may note, on the sealed provisional ballot envelope for that ballot, whether the ballot is valid and entitled to be counted.

(B)(1) To determine whether a provisional ballot is valid and entitled to be counted, the board shall examine its records and determine whether the individual who cast the provisional ballot is registered and eligible to vote in the applicable election. The board shall examine the information contained in the written affirmation executed by the individual who cast the provisional ballot under division (B)(2) of section 3505.181 of the Revised Code. If the individual declines to execute such an affirmation, the individual's name, written by either the individual or the election official at the direction of the individual, shall be included in a written affirmation in order for the provisional ballot to be eligible to be counted; otherwise, the following information shall be included in the written affirmation in order for the provisional ballot to be eligible to be counted:

(a) The individual's name and signature;

(b) A statement that the individual is a registered voter in the jurisdiction in which the provisional ballot is being voted;

(c) A statement that the individual is eligible to vote in the election in which the provisional ballot is being voted.

(2) In addition to the information required to be included in an affirmation under division (B)(1) of this section, in determining whether a provisional ballot is valid and entitled to be counted, the board also shall examine any additional information for determining ballot validity provided by the provisional voter on the affirmation, provided by the provisional voter to an election official under section 3505.182 of the Revised Code, or provided to the board of elections during the ten days after the day of the election under division (B)(8) of section 3505.181 of the Revised Code, to assist the board in determining the individual's eligibility to vote.

(3) If, in examining a provisional ballot affirmation and additional information under divisions (B)(1) and (2) of this section, the board determines that all of the following apply, the provisional ballot envelope shall be opened, and the ballot shall be placed in a ballot box to be counted:

(a) The individual named on the affirmation is properly registered to vote.

(b) The individual named on the affirmation is eligible to cast a ballot in the precinct and for the election in which the individual cast the provisional ballot.

(c) The individual provided all of the information required under division (B)(1) of this section in the affirmation that the individual executed at the time the individual cast the provisional ballot.

(d) If applicable, the individual provided any additional information required under division (B)(8) of section 3505.181 of the Revised Code within ten days after the day of the election.

(e) If applicable, the hearing conducted under division (B) of section 3503.24 of the Revised Code after the day of the election resulted in the individual's inclusion in the official registration list.

(4)(a) If, in examining a provisional ballot affirmation and additional information under divisions (B)(1) and (2) of this section, the board determines that any of the following applies, the provisional ballot envelope shall not be opened, and the ballot shall not be counted:

(i) The individual named on the affirmation is not qualified or is not properly registered to vote.

(ii) The individual named on the affirmation is not eligible to cast a ballot in the precinct or for the election in which the individual cast the provisional ballot.

(iii) The individual did not provide all of the information required under division (B)(1) of this section in the affirmation that the individual executed at the time the individual cast the provisional ballot.

(iv) The individual has already cast a ballot for the election in which the individual cast the provisional ballot.

(v) If applicable, the individual did not provide any additional information required under division (B)(8) of section 3505.181 of the Revised Code within ten days after the day of the election.

(vi) If applicable, the hearing conducted under division (B) of section 3503.24 of the Revised Code after the day of the election did not result in the individual's inclusion in the official registration list.

(vii) The individual failed to provide a current and valid photo identification, a military identification ~~that shows the voter's name and current address~~, a copy of a current utility bill, bank statement, government check, paycheck, or other government document, other than a notice of an election mailed by a board of elections under section 3501.19 of the Revised Code or a notice of voter registration mailed by a board of elections under section 3503.19 of the Revised Code, with the voter's name and current address, or the last four digits of the individual's social security number or to execute an affirmation under division (A) of section 3505.18 or division (B) of section 3505.181 of the Revised Code.

(b) If, in examining a provisional ballot affirmation and additional information under divisions (B)(1) and (2) of this section, the board is unable to

determine either of the following, the provisional ballot envelope shall not be opened, and the ballot shall not be counted:

- (i) Whether the individual named on the affirmation is qualified or properly registered to vote;
- (ii) Whether the individual named on the affirmation is eligible to cast a ballot in the precinct or for the election in which the individual cast the provisional ballot.

(C)(1) For each provisional ballot rejected under division (B)(4) of this section, the board shall record the name of the provisional voter who cast the ballot, the identification number of the provisional ballot envelope, the names of the election officials who determined the validity of that ballot, the date and time that the determination was made, and the reason that the ballot was not counted.

(2) Provisional ballots that are rejected under division (B)(4) of this section shall not be counted but shall be preserved in their provisional ballot envelopes unopened until the time provided by section 3505.31 of the Revised Code for the destruction of all other ballots used at the election for which ballots were provided, at which time they shall be destroyed.

(D) Provisional ballots that the board determines are eligible to be counted under division (B)(3) of this section shall be counted in the same manner as provided for other ballots under section 3505.27 of the Revised Code. No provisional ballots shall be counted in a particular county until the board determines the eligibility to be counted of all provisional ballots cast in that county under division (B) of this section for that election. Observers, as provided in section 3505.21 of the Revised Code, may be present at all times that the board is determining the eligibility of provisional ballots to be counted and counting those provisional ballots determined to be eligible. No person shall recklessly disclose the count or any portion of the count of provisional ballots in such a manner as to jeopardize the secrecy of any individual ballot.

(E)(1) Except as otherwise provided in division (E)(2) of this section, nothing in this section shall prevent a board of elections from examining provisional ballot affirmations and additional information under divisions (B)(1) and (2) of this section to determine the eligibility of provisional ballots to be counted during the ten days after the day of an election.

(2) A board of elections shall not examine the provisional ballot affirmation and additional information under divisions (B)(1) and (2) of this section of any provisional ballot for which an election official has indicated under division (B)(7) of section 3505.181 of the Revised Code that additional information is required for the board of elections to determine the eligibility of the individual who cast that provisional ballot until the individual provides any information required under division (B)(8) of section 3505.181 of the Revised Code, until any hearing required to be conducted under section 3503.24 of the Revised Code with regard to the provisional voter is held, or until the eleventh day after the day of the election, whichever is earlier.

**"Sec. 3509.03.** Except as provided in section 3509.031 or division (B) of section 3509.08 of the Revised Code, any qualified elector desiring to vote absent voter's ballots at an election shall make written application for those ballots to the director of elections of the county in which the elector's voting residence is located. The application need not be in any particular form but shall contain all of the following:

- (A) The elector's name;
- (B) The elector's signature;
- (C) The address at which the elector is registered to vote;
- (D) The elector's date of birth;
- (E) One of the following:

- (1) The elector's driver's license number;
- (2) The last four digits of the elector's social security number;

(3) A copy of the elector's current and valid photo identification, a copy of a military identification ~~that shows the elector's name and current address~~, or a copy of a current utility bill, bank statement, government check, paycheck, or other government document, other than a notice of an election mailed by a board of elections under section 3501.19 of the Revised Code or a notice of voter registration mailed by a board of elections under section 3503.19 of the Revised Code, that shows the name and address of the elector.

(F) A statement identifying the election for which absent voter's ballots are requested;

(G) A statement that the person requesting the ballots is a qualified elector;

(H) If the request is for primary election ballots, the elector's party affiliation;

(I) If the elector desires ballots to be mailed to the elector, the address to which those ballots shall be mailed.

A voter who will be outside the United States on the day of any election during a calendar year may use a single federal post card application to apply for absent voter's ballots. Those ballots shall be sent to the voter for use at the primary and general elections in that year and any special election to be held on the day in that year specified by division (E) of section 3501.01 of the Revised Code for the holding of a primary election, designated by the general assembly for the purpose of submitting constitutional amendments proposed by the general assembly to the voters of the state unless the voter reports a change in the voter's voting status to the board of elections or the voter's intent to vote in any such election in the precinct in this state where the voter is registered to vote. A single federal postcard application shall be processed by the board of elections pursuant to section 3509.04 of the Revised Code the same as if the voter had applied



separately for absent voter's ballots for each election. When mailing absent voter's ballots to a voter who applied for them by single federal post card application, the board shall enclose notification to the voter that the voter must report to the board subsequent changes in the voter's voting status or the voter's subsequent intent to vote in any such election in the precinct in this state where the voter is registered to vote. Such notification shall be in a form prescribed by the secretary of state. As used in this section, "voting status" means the voter's name at the time the voter applied for absent voter's ballots by single federal post card application and the voter's address outside the United States to which the voter requested that those ballots be sent.

Each application for absent voter's ballots shall be delivered to the director not earlier than the first day of January of the year of the elections for which the absent voter's ballots are requested or not earlier than ninety days before the day of the election at which the ballots are to be voted, whichever is earlier, and not later than twelve noon of the third day before the day of the election at which the ballots are to be voted, or not later than the close of regular business hours on the day before the day of the election at which the ballots are to be voted if the application is delivered in person to the office of the board.

**Sec. 3509.031.** (A) Any qualified elector who is a member of the organized militia called to active duty within the state and who will be unable to vote on election day on account of that active duty may make written application for absent voter's ballots to the director of elections for the county in which the elector's voting residence is located. The elector may personally deliver the application to the director or may mail it, send it by facsimile machine, or otherwise send it to the director. The application need not be in any particular form but shall contain all of the following:

- (1) The elector's name;
- (2) The elector's signature;
- (3) The address at which the elector is registered to vote;
- (4) The elector's date of birth;
- (5) One of the following:
  - (a) The elector's driver's license number;
  - (b) The last four digits of the elector's social security number;

(c) A copy of the elector's current and valid photo identification, a copy of a military identification ~~that shows the elector's name and current address~~, or a copy of a current utility bill, bank statement, government check, paycheck, or other government document, other than a notice of an election mailed by a board of elections under section 3501.19 of the Revised Code or a notice of voter registration mailed by a board of elections under section 3503.19 of the Revised Code, that shows the name and address of the elector.

- (6) A statement identifying the election for which absent voter's ballots

are requested;

(7) A statement that the person requesting the ballots is a qualified elector;

(8) A statement that the elector is a member of the organized militia serving on active duty within the state;

(9) If the request is for primary election ballots, the elector's party affiliation;

(10) If the elector desires ballots to be mailed to the elector, the address to which those ballots shall be mailed;

(11) If the elector desires ballots to be sent to the elector by facsimile machine, the telephone number to which they shall be so sent.

(B) Application to have absent voter's ballots mailed or sent by facsimile machine to a qualified elector who is a member of the organized militia called to active duty within the state and who will be unable to vote on election day on account of that active duty may be made by the spouse of the militia member or the father, mother, father-in-law, mother-in-law, grandfather, grandmother, brother or sister of the whole blood or half blood, son, daughter, adopting parent, adopted child, stepparent, stepchild, uncle, aunt, nephew, or niece of the militia member. The application shall be in writing upon a blank form furnished only by the director. The form of the application shall be prescribed by the secretary of state. The director shall furnish that blank form to any of the relatives specified in this division desiring to make the application, only upon the request of such a relative in person at the office of the board or upon the written request of such a relative mailed to the office of the board. The application, subscribed and sworn to by the applicant, shall contain all of the following:

(1) The full name of the elector for whom ballots are requested;

(2) A statement that such person is a qualified elector in the county;

(3) The address at which the elector is registered to vote;

(4) The elector's date of birth;

(5) One of the following:

(a) The elector's driver's license number;

(b) The last four digits of the elector's social security number;

(c) A copy of the elector's current and valid photo identification, a copy of a military identification ~~that shows the elector's name and current address~~, or a copy of a current utility bill, bank statement, government check, paycheck, or other government document, other than a notice of an election mailed by a board of elections under section 3501.19 of the Revised Code or a notice of voter registration mailed by a board of elections under section 3503.19 of the Revised Code, that shows the name and address of the elector.

(6) A statement identifying the election for which absent voter's ballots are requested;

(7) A statement that the elector is a member of the organized militia serving on active duty within the state;

(8) If the request is for primary election ballots, the elector's party affiliation;

(9) A statement that the applicant bears a relationship to the elector as specified in division (B) of this section;

(10) The address to which ballots shall be mailed or telephone number to which ballots shall be sent by facsimile machine;

(11) The signature and address of the person making the application.

(C) Applications to have absent voter's ballots mailed or sent by facsimile machine shall not be valid if dated, postmarked, or received by the director prior to the ninetieth day before the day of the election for which ballots are requested or if delivered to the director later than twelve noon of the third day preceding the day of such election. If, after the ninetieth day and before four p.m. of the day before the day of an election, a valid application for absent voter's ballots is delivered to the director of elections at the office of the board by a militia member making application in the militia member's own behalf, the director shall forthwith deliver to the militia member all absent voter's ballots then ready for use, together with an identification envelope. The militia member shall then vote the absent voter's ballots in the manner provided in section 3509.05 of the Revised Code.

**Sec. 3509.04.** (A) If a director of a board of elections receives an application for absent voter's ballots that does not contain all of the required information, the director promptly shall notify the applicant of the additional information required to be provided by the applicant to complete that application.

(B) Upon receipt by the director of elections of an application for absent voter's ballots that contain all of the required information, as provided by sections 3509.03 and 3509.031 and division (G) of section 3503.16 of the Revised Code, the director, if the director finds that the applicant is a qualified elector, shall deliver to the applicant in person or mail directly to the applicant by special delivery mail, air mail, or regular mail, postage prepaid, proper absent voter's ballots. The director shall deliver or mail with the ballots an unsealed identification envelope upon the face of which shall be printed a form substantially as follows:

"Identification Envelope Statement of Voter

I, .....(Name of voter), declare under penalty of election falsification that the within ballot or ballots contained no voting marks of any kind when I received them, and I caused the ballot or ballots to be marked, enclosed in the identification envelope, and sealed in that envelope.

My voting residence in Ohio is

.....

(Street and Number, if any, or Rural Route and Number)

of ..... (City, Village, or Township) Ohio, which is in Ward  
..... Precinct ..... in that city, village, or township.

The primary election ballots, if any, within this envelope are primary election ballots of the ..... Party.

Ballots contained within this envelope are to be voted at the ..... (general, special, or primary) election to be held on the ..... day of  
....., ....

My date of birth is ..... (Month and Day), ..... (Year).

(Voter must provide one of the following:)

My driver's license number is ..... (Driver's license number).

The last four digits of my Social Security Number are ..... (Last four digits of Social Security Number).

..... In lieu of providing a driver's license number or the last four digits of my Social Security Number, I am enclosing a copy of one of the following in the return envelope in which this identification envelope will be mailed: a current and valid photo identification, a military identification ~~that shows my name and current address~~, or a current utility bill, bank statement, government check, paycheck, or other government document, other than a notice of an election mailed by a board of elections under section 3501.19 of the Revised Code or a notice of voter registration mailed by a board of elections, that shows my name and address.

I hereby declare, under penalty of election falsification, that the statements above are true, as I verily believe.

.....  
(Signature of Voter)

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE."

The director shall mail with the ballots and the unsealed identification envelope an unsealed return envelope upon the face of which shall be printed the official title and post-office address of the director. In the upper left corner on the face of the return envelope, several blank lines shall be printed upon which the voter may write the voter's name and return address, and beneath these lines there shall be printed a box beside the words "check if out-of-country." The voter shall check this box if the voter will be outside the United States on the day of the election. The return envelope shall be of such size that the identification envelope can be conveniently placed within it for returning the identification envelope to the director.

**Sec. 3509.05.** (A) When an elector receives an absent voter's ballot pursuant to the elector's application or request, the elector shall, before placing any marks on the ballot, note whether there are any voting marks on it. If there are any voting marks, the ballot shall be returned immediately to the board of elections; otherwise, the elector shall cause the ballot to be marked, folded in a manner that the stub on it and the indorsements and facsimile signatures of the members of the board of elections on the back of it are visible, and placed and sealed within the identification envelope received from the director of elections for that purpose. Then, the elector shall cause the statement of voter on the outside of the identification envelope to be completed and signed, under penalty of election falsification.

If the elector does not provide the elector's driver's license number or the last four digits of the elector's social security number on the statement of voter on the identification envelope, the elector also shall include in the return envelope with the identification envelope a copy of the elector's current valid photo identification, a copy of a military identification ~~that shows the elector's name and current address~~, or a copy of a current utility bill, bank statement, government check, paycheck, or other government document, other than a notice of an election mailed by a board of elections under section 3501.19 of the Revised Code or a notice of voter registration mailed by a board of elections under section 3503.19 of the Revised Code, that shows the name and address of the elector.

The elector shall mail the identification envelope to the director from whom it was received in the return envelope, postage prepaid, or the elector may personally deliver it to the director, or the spouse of the elector, the father, mother, father-in-law, mother-in-law, grandfather, grandmother, brother, or sister of the whole or half blood, or the son, daughter, adopting parent, adopted child, stepparent, stepchild, uncle, aunt, nephew, or niece of the elector may deliver it to the director. The return envelope shall be transmitted to the director in no other manner, except as provided in section 3509.08 of the Revised Code.

Each elector who will be outside the United States on the day of the election shall check the box on the return envelope indicating this fact.

When absent voter's ballots are delivered to an elector at the office of the board, the elector may retire to a voting compartment provided by the board and there mark the ballots. Thereupon, the elector shall fold them, place them in the identification envelope provided, seal the envelope, fill in and sign the statement on the envelope under penalty of election falsification, and deliver the envelope to the director of the board.

Except as otherwise provided in divisions (B) and (C) of this section, all other envelopes containing marked absent voter's ballots shall be delivered to the director not later than the close of the polls on the day of an election. Absent voter's ballots delivered to the director later than the times specified shall not be counted, but shall be kept by the board in the sealed identification envelopes in which they are delivered to the director, until the time provided by section

3505.31 of the Revised Code for the destruction of all other ballots used at the election for which ballots were provided, at which time they shall be destroyed.

(B) Except as otherwise provided in division (C) of this section, any return envelope that indicates that the voter will be outside the United States on the day of the election shall be delivered to the director prior to the eleventh day after the election. Ballots delivered in such envelopes that are received after the close of the polls on election day through the tenth day thereafter shall be counted on the eleventh day at the board of elections in the manner provided in divisions (C) and (D) of section 3509.06 of the Revised Code. Any such ballots that are signed or postmarked after the close of the polls on the day of the election or that are received by the director later than the tenth day following the election shall not be counted, but shall be kept by the board in the sealed identification envelopes as provided in division (A) of this section.

(C) In any year in which a presidential primary election is held, any return envelope that indicates that the voter will be outside the United States on the day of the presidential primary election shall be delivered to the director prior to the twenty-first day after that election. Ballots delivered in such envelopes that are received after the close of the polls on election day through the twentieth day thereafter shall be counted on the twenty-first day at the board of elections in the manner provided in divisions (C) and (D) of section 3509.06 of the Revised Code. Any such ballots that are signed or postmarked after the close of the polls on the day of that election or that are received by the director later than the twentieth day following that election shall not be counted, but shall be kept by the board in the sealed identification envelopes as provided in division (A) of this section.

**Sec. 3511.02.** Notwithstanding any section of the Revised Code to the contrary, whenever any person applies for registration as a voter on a form adopted in accordance with federal regulations relating to the "Uniformed and Overseas Citizens Absentee Voting Act," 100 Stat. 924, 42 U.S.C.A. 1973ff (1986), this application shall be sufficient for voter registration and as a request for an absent voter's ballot. Armed service absent voter's ballots may be obtained by any person meeting the requirements of section 3511.01 of the Revised Code by applying to the director of the board of elections of the county in which the person's voting residence is located, in one of the following ways:

(A) That person may make written application for those ballots. The person may personally deliver the application to the director or may mail it, send it by facsimile machine, or otherwise send it to the director. The application need not be in any particular form but shall contain all of the following information:

- (1) The elector's name;
- (2) The elector's signature;
- (3) The address at which the elector is registered to vote;
- (4) The elector's date of birth;

(5) One of the following:

(a) The elector's driver's license number;

(b) The last four digits of the elector's social security number;

(c) A copy of the elector's current and valid photo identification, a copy of a military identification ~~that shows the elector's name and current address~~, or a copy of a current utility bill, bank statement, government check, paycheck, or other government document, other than a notice of an election mailed by a board of elections under section 3501.19 of the Revised Code or a notice of voter registration mailed by a board of elections under section 3503.19 of the Revised Code, that shows the name and address of the elector.

(6) A statement identifying the election for which absent voter's ballots are requested;

(7) A statement that the person requesting the ballots is a qualified elector;

(8) A statement that the elector is an absent uniformed services voter as defined in 42 U.S.C. 1973ff-6;

(9) A statement of the elector's length of residence in the state immediately preceding the commencement of service or immediately preceding the date of leaving to be with or near the service member, whichever is applicable;

(10) If the request is for primary election ballots, the elector's party affiliation;

(11) If the elector desires ballots to be mailed to the elector, the address to which those ballots shall be mailed;

(12) If the elector desires ballots to be sent to the elector by facsimile machine, the telephone number to which they shall be so sent.

(B) A voter or any relative of a voter listed in division (C) of this section may use a single federal post card application to apply for armed service absent voter's ballots for use at the primary and general elections in a given year and any special election to be held on the day in that year specified by division (E) of section 3501.01 of the Revised Code for the holding of a primary election, designated by the general assembly for the purpose of submitting constitutional amendments proposed by the general assembly to the voters of the state. A single federal postcard application shall be processed by the board of elections pursuant to section 3511.04 of the Revised Code the same as if the voter had applied separately for armed service absent voter's ballots for each election.

(C) Application to have armed service absent voter's ballots mailed or sent by facsimile machine to such a person may be made by the spouse when the person is a service member, or by the father, mother, father-in-law, mother-in-law, grandfather, grandmother, brother or sister of the whole blood or

half blood, son, daughter, adopting parent, adopted child, stepparent, stepchild, uncle, aunt, nephew, or niece of such a person. The application shall be in writing upon a blank form furnished only by the director or on a single federal post card as provided in division (B) of this section. The form of the application shall be prescribed by the secretary of state. The director shall furnish that blank form to any of the relatives specified in this division desiring to make the application, only upon the request of such a relative made in person at the office of the board or upon the written request of such a relative mailed to the office of the board. The application, subscribed and sworn to by the applicant, shall contain all of the following:

- (1) The full name of the elector for whom ballots are requested;
- (2) A statement that the elector is an absent uniformed services voter as defined in 42 U.S.C. 1973ff-6;
- (3) The address at which the elector is registered to vote;
- (4) A statement identifying the elector's length of residence in the state immediately preceding the commencement of service, or immediately preceding the date of leaving to be with or near a service member, as the case may be;
- (5) The elector's date of birth;
- (6) One of the following:
  - (a) The elector's driver's license number;
  - (b) The last four digits of the elector's social security number;
  - (c) A copy of the elector's current and valid photo identification, a copy of a military identification ~~that shows the elector's name and current address~~, or a copy of a current utility bill, bank statement, government check, paycheck, or other government document, other than a notice of an election mailed by a board of elections under section 3501.19 of the Revised Code or a notice of voter registration mailed by a board of elections under section 3503.19 of the Revised Code, that shows the name and address of the elector.
- (7) A statement identifying the election for which absent voter's ballots are requested;
- (8) A statement that the person requesting the ballots is a qualified elector;
- (9) If the request is for primary election ballots, the elector's party affiliation;
- (10) A statement that the applicant bears a relationship to the elector as specified in division (C) of this section;
- (11) The address to which ballots shall be mailed or the telephone number to which ballots shall be sent by facsimile machine;
- (12) The signature and address of the person making the application.



Each application for armed service absent voter's ballots shall be delivered to the director not earlier than the first day of January of the year of the elections for which the armed service absent voter's ballots are requested or not earlier than ninety days before the day of the election at which the ballots are to be voted, whichever is earlier, and not later than twelve noon of the third day preceding the day of the election, or not later than the close of regular business hours on the day before the day of the election at which those ballots are to be voted if the application is delivered in person to the office of the board.

(D) If the voter for whom the application is made is entitled to vote for presidential and vice-presidential electors only, the applicant shall submit to the director in addition to the requirements of divisions (A), (B), and (C) of this section, a statement to the effect that the voter is qualified to vote for presidential and vice-presidential electors and for no other offices.

**Sec. 3511.05.** (A) The director of the board of elections shall place armed service absent voter's ballots sent by mail in an unsealed identification envelope, gummed ready for sealing. The director shall include with armed service absent voter's ballots sent by facsimile machine an instruction sheet for preparing a gummed envelope in which the ballots shall be returned. The envelope for returning ballots sent by either means shall have printed or written on its face a form substantially as follows:

**"IDENTIFICATION ENVELOPE**

~~Armed Service Absent Voter's Ballots--~~

~~Election .....~~

~~(Day of week and date)~~

~~Information Concerning Voter~~

~~1. What is your full name? .....~~

~~(Name must be printed)~~

~~2. What is the date of your birth? .....~~

~~3. Are you a citizen of the United States? .....~~

~~4. Where were you born? .....~~

~~5. If a naturalized citizen, when and in what court were you naturalized?~~

~~.....~~

~~6. Are you serving in the armed forces of the United States, or are you the spouse of a person serving in the armed forces of the United States? (Indicate which one) .....~~

~~7. What was the date at the commencement of your service, or the date you left the state of Ohio to be with or near your service member spouse?~~

~~.....~~

~~8. Did you reside in the state of Ohio at the time of the commencement of your service, or the time you left the state of Ohio to be with or near your service~~

member spouse? .....

If so: What street and street number? .....

What city or village? .....

What township? .....

What county? .....

What is your present Ohio address? .....

9. How long had you continuously resided in Ohio immediately preceding the commencement of your service, or immediately preceding the date you left the state of Ohio to be with or near your service member spouse?  
.....

10. Will you be outside the United States on the day of the election?  
..... (Applicants who answer "yes" to this question must also check the appropriate box on the return envelope to indicate that they will be outside the United States.)

I hereby declare, under penalty of election falsification, that the answers to the questions above set out are true and correct to the best of my knowledge and belief, and that I am not claiming, for the purpose of voting, a voting residence in any other state.

~~WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE.~~

.....  
(Voter must WRITE the voter's usual signature here.)"

~~If the identification envelope is for use in a primary election, it shall contain an additional question as follows:~~

~~"11. With what political party are you affiliated?"  
"Identification Envelope Statement of Voter~~

~~I, .....(Name of voter), declare under penalty of election falsification that the within ballot or ballots contained no voting marks of any kind when I received them, and I caused the ballot or ballots to be marked, enclosed in the identification envelope, and sealed in that envelope.~~

~~My voting residence in Ohio is~~

~~.....  
(Street and Number, if any, or Rural Route and Number)  
of ..... (City, Village, or Township) Ohio, which is in Ward  
..... Precinct ..... in that city, village, or township.~~

~~The primary election ballots, if any, within this envelope are primary election ballots of the ..... Party.~~

Ballots contained within this envelope are to be voted at the .....  
(general, special, or primary) election to be held on the ..... day of  
.....

My date of birth is ..... (Month and Day), ..... (Year).

(Voter must provide one of the following:)

My driver's license number is ..... (Driver's license number).

The last four digits of my Social Security Number are ..... (Last  
four digits of Social Security Number).

..... In lieu of providing a driver's license number or the last four digits of  
my Social Security Number, I am enclosing a copy of one of the following in the  
return envelope in which this identification envelope will be mailed: a current  
and valid photo identification, a military identification, or a current utility bill,  
bank statement, government check, paycheck, or other government document,  
other than a notice of an election mailed by a board of elections under section  
3501.19 of the Revised Code or a notice of voter registration mailed by a board  
of elections, that shows my name and address.

I hereby declare, under penalty of election falsification, that the  
statements above are true, as I verily believe.

.....  
(Signature of Voter)

**WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A  
FELONY OF THE FIFTH DEGREE."**

(B) The director shall also mail with the ballots and the unsealed identification envelope sent by mail an unsealed return envelope, gummed, ready for sealing, for use by the voter in returning the voter's marked ballots to the director. The director shall send with the ballots and the instruction sheet for preparing a gummed envelope sent by facsimile machine an instruction sheet for preparing a second gummed envelope as described in this division, for use by the voter in returning that voter's marked ballots to the director. The return envelope shall have two parallel lines, each one quarter of an inch in width, printed across its face paralleling the top, with an intervening space of one quarter of an inch between such lines. The top line shall be one and one-quarter inches from the top of the envelope. Between the parallel lines shall be printed: "OFFICIAL ELECTION ARMED SERVICE ABSENT VOTER'S BALLOTS -- VIA AIR MAIL." Three blank lines shall be printed in the upper left corner on the face of the envelope for the use by the voter in placing the voter's complete military, naval, or mailing address on these lines, and beneath these lines there shall be printed a box beside the words "check if out-of-country." The voter shall check this box if the voter will be outside the United States on the day of the election. The official title and the post-office address of the director to whom the envelope shall be returned shall be printed on the face of such envelope in the lower right portion below the bottom parallel line.

(C) On the back of each identification envelope and each return envelope shall be printed the following:

"Instructions to voter:

If the flap on this envelope is so firmly stuck to the back of the envelope when received by you as to require forcible opening in order to use it, open the envelope in the manner least injurious to it, and, after marking your ballots and enclosing same in the envelope for mailing them to the director of the board of elections, reclose the envelope in the most practicable way, by sealing or otherwise, and sign the blank form printed below.

The flap on this envelope was firmly stuck to the back of the envelope when received, and required forced opening before sealing and mailing.

.....  
 (Signature of voter)"

(D) Division (C) of this section does not apply when absent voter's ballots are sent by facsimile machine.

**Sec. 3511.09.** Upon receiving armed service absent voter's ballots, the elector shall cause the questions on the face of the identification envelope to be answered, and, by writing the elector's usual signature in the proper place on the identification envelope, the elector shall declare under penalty of election falsification that the answers to those questions are true and correct to the best of the elector's knowledge and belief. Then, the elector shall note whether there are any voting marks on the ballot. If there are any voting marks, the ballot shall be returned immediately to the board of elections; otherwise, the elector shall cause the ballot to be marked, folded separately so as to conceal the markings on it, deposited in the identification envelope, and securely sealed in the identification envelope. The elector then shall cause the identification envelope to be placed within the return envelope, sealed in the return envelope, and mailed to the director of the board of elections to whom it is addressed. If the elector does not provide the elector's driver's license number or the last four digits of the elector's social security number on the statement of voter on the identification envelope, the elector also shall include in the return envelope with the identification envelope a copy of the elector's current valid photo identification, a copy of a military identification ~~that shows the elector's name and current address~~, or a copy of a current utility bill, bank statement, government check, paycheck, or other government document, other than a notice of an election mailed by a board of elections under section 3501.19 of the Revised Code or a notice of voter registration mailed by a board of elections under section 3503.19 of the Revised Code, that shows the name and address of the elector. Each elector who will be outside the United States on the day of the election shall check the box on the return envelope indicating this fact and shall mail the return envelope to the director prior to the close of the polls on election day.

Every armed services absent voter's ballot identification envelope shall be accompanied by the following statement in boldface capital letters:  
**WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A**

## FELONY OF THE FIFTH DEGREE."

In line 31149, after "3501.17," insert "3501.19, 3503.14, 3503.16, 3503.19, 3503.28, 3505.18, 3505.181, 3505.182, 3505.183, 3509.03, 3509.031, 3509.04, 3509.05, 3511.02, 3511.05, 3511.09,"

In line 37813, after "3365.15," insert "3501.19, 3503.14, 3503.16, 3503.19, 3503.28, 3505.18, 3505.181, 3505.182, 3505.183, 3509.03, 3509.031, 3509.04, 3509.05, 3511.02, 3511.05, 3511.09,"

After line 37932, insert:

"**Section 815.20.** The amendment by this act of section 3501.19 of the Revised Code does not supersede the earlier repeal, with delayed effective date, of that section."

In line 28 of the title, after "3501.17," insert "3501.19, 3503.14, 3503.16, 3503.19, 3503.28, 3505.18, 3505.181, 3505.182, 3505.183, 3509.03, 3509.031, 3509.04, 3509.05, 3511.02, 3511.05, 3511.09,"

In line 23866, strike through "three" and insert "six"

In line 23904, strike through "three" and insert "six"

In line 23915, strike through "three" and insert "six"

In line 23919, strike through "three-year" and insert "six-year"

In line 24054, after "(1)" insert "(a)"

In line 24060, strike through "three" and insert "six"

In line 24067, after "voided" insert ", subject to division (E)(1)(b) of this section"

Between lines 24067 and 24068, insert:

" (b) In the case of any tax certificate purchased under section 5721.32 of the Revised Code or under section 5721.42 of the Revised Code by the holder of a certificate issued under section 5721.32 of the Revised Code prior to the effective date of the amendment of this section by H.B. 562 of the 127th general assembly, the county treasurer, upon application by the certificate holder, may sell to the certificate holder a new certificate extending the three-year period prescribed by division (E)(1) of this section, as that division existed prior to that effective date, to six years after the date shown on the original certificate as the date it was sold or any extension of that date."

In line 24095, strike through "The" and insert:

" (3) The"

In line 24097, strike through the first "the" and insert "a"; after "under" insert "division (E)(1)(b) or (2)(b) of"

In line 24113, before "A" insert "(4)"; strike through "this"; after

"division" insert " (E)(1)(b) or (2)(b) of this section"

In line 24117, strike through everything after "Code"

In line 24118, strike through "section 5721.38 or division"; delete "(D)(2)"; strike through "of section 5721.39 of the"

Strike through line 24119

In line 24120, strike through everything before the period

In line 24127, after "(E)" insert " (1)(b) or"

In line 24132, after "(E)" insert " (1)(b) or"

In line 24136, delete " (3)" and insert " (5)"

In line 37741, delete "(3)" and insert "(5)"

In line 37827, delete "5721.37,"

Between lines 37837 and 37838, insert:

"Section 5721.37 of the Revised Code, except as otherwise provided in this act."

In line 37898, delete "and"; after "812.20" insert ", and 812.50"

Between lines 37923 and 37924, insert:

**"Section 812.50.** The amendments by this act of divisions (E)(1), (E)(3), and (E)(4) of section 5721.37 of the Revised Code and of division (A) of that section as the amendments pertain to the extension from three to six years of the time limit within which a holder of a tax certificate purchased at public auction may institute a foreclosure action are exempt from the referendum under Ohio Constitution, Article II, Section 1d and section 1.471 of the Revised Code, and take effect immediately when this act becomes law."

In line 33247, delete "Sections" and insert "Section"; delete "and 555.19"

Delete lines 33287 through 33295

In line 33296, delete "Sections" and insert "Section"; delete "and 555.19"

In line 33297, delete "are" and insert "is"

In line 37883, after "203.50" delete the comma and insert "and"; delete ", and 555.19"

In line 88 of the title, delete "Sections" and insert "Section"; delete "and"

In line 89 of the title, delete "555.19"

In line 12209, delete " any" and insert " both of the following:"

(1) Any"

In line 12210, delete " is offered assistance" and insert " has not executed an agreement for a project"

In line 12211, delete " on or after" and insert " prior to"

In line 12212, after " section" insert " ;

(2) Any school district that is eligible for additional assistance under sections 3318.01 to 3318.20 of the Revised Code pursuant to division (B)(2) of section 3318.04 of the Revised Code"

In line 12235, delete all after " the"

In line 12236, delete all before " times" and insert " product of 0.040"

In line 12237, delete all before the underlined comma and insert " at the time the project agreement for the segment is executed"

In line 12661, delete all after the first underlined comma and insert " in the course of an annual or biennial audit of the school district serving as the STEM school sponsoring district, shall audit that school district for compliance with the financing requirements of this section."

Delete lines 12662 and 12663

Delete lines 37257 through 37263

In line 37896, delete "715.20,"

In line 21986, delete " Ninety and sixty-one" and insert " Ninety-four and twenty-eight"

In line 22001, delete " Nine" and insert " Five"

In line 22002, delete " thirty-nine" and insert " seventy-two"

Between lines 37768 and 37769, insert:

"**Section 803.43.** Notwithstanding division (A) of section 4121.78 of the Revised Code, the amendments by this act to sections 4123.26, 4123.32, 4123.37, and 4123.54 of the Revised Code shall not be subject to the requirement that the Workers' Compensation Council study all changes to Chapters 4121., 4123., 4127., and 4131. of the Revised Code proposed to the General Assembly and to report to the General Assembly on their probable costs, actuarial implications, and desirability as a matter of public policy."

In line 37848, after "757.10," insert "803.43,"

Between lines 37190 and 37191, insert:

"**Section 701.20.** (A) The Ohio Commission on Local Government Reform and Collaboration shall develop recommendations on ways to increase the efficiency and effectiveness of local government operations, to achieve cost savings for taxpayers, and to facilitate economic development in this state. In developing the recommendations, the commission shall consider, but is not limited to, the following:

(1) Restructuring and streamlining local government offices to achieve

efficiencies and cost savings for taxpayers and to facilitate local economic development;

(2) Restructuring and streamlining special taxing districts and local government authorities authorized by the constitution or the laws of this state to levy a tax of any kind or to have a tax of any kind levied on its behalf, and of local government units, including schools and libraries, to reduce overhead and administrative expenses;

(3) Restructuring, streamlining, and finding ways to collaborate on the delivery of services, functions, or authorities of local government to achieve cost savings for taxpayers;

(4) Examining the relationship of services provided by the state to services provided by local government and the possible realignment of state and local services to increase efficiency and improve accountability; and

(5) Ways of reforming or restructuring constitutional, statutory, and administrative laws to facilitate collaboration for local economic development, to increase the efficiency and effectiveness of local government operations, to identify duplication of services, and to achieve costs savings for taxpayers.

(B)(1) There is hereby created the Ohio Commission on Local Government Reform and Collaboration, consisting of fifteen voting members. The President of the Senate shall appoint three members, one of whom may be a person who is recommended by the Minority Leader of the Senate. The Speaker of the House of Representatives shall appoint three members, one of whom may be a person who is recommended by the Minority Leader of the House of Representatives. The Governor shall appoint three members. One member shall be appointed by, and shall represent, each of the following organizations: the Ohio Municipal League, the Ohio Township Association, the Ohio School Boards Association, the County Commissioners' Association of Ohio, the Ohio Library Council, and the Ohio Association of Regional Councils. The initial appointments shall be made not later than ninety days after the effective date of this section. Vacancies shall be filled in the manner provided for original appointments. Members are not entitled to compensation for their services.

(2) The initial meeting of the commission shall be called by the Governor within forty-five days after the initial appointments to the commission are complete. The commission shall elect two of its members to serve as co-chairpersons of the commission.

(C) The commission may create an advisory council consisting of interested parties representing taxing authorities and political subdivisions that are not taxing authorities. The appointment of members to the advisory council is a matter of the commission's discretion. The commission may direct the advisory council to provide relevant information to the commission. Advisory council members are not members of the commission, and may not vote on commission business.



(D) The commission may consult with and obtain assistance from state institutions of higher education (as defined in section 3345.011 of the Revised Code) and from business organizations for research and data gathering related to its mission. State institutions of higher education and business organizations shall cooperate with the commission.

(E) The commission shall issue a report of its findings and recommendations to the President of the Senate, the Speaker of the House of Representatives, and the Governor not later than July 1, 2010. The commission ceases to exist upon submitting its report."

In line 37847, after "701.10," insert "701.20,"

In line 133, after "3318.04," insert "3318.37,"

Between lines 12371 and 12372, insert:

"**Sec. 3318.37.** (A)(1) As used in this section ÷

(a) "~~Large land area school district~~" means a school district with a territory of greater than three hundred square miles in any percentile as determined under section 3318.011 of the Revised Code.

(b) "~~Low wealth school district~~" means a school district in the first through seventy-fifth percentiles as determined under section 3318.011 of the Revised Code.

(c) ~~A~~ "school district with an exceptional need for immediate classroom facilities assistance" means a ~~low wealth or large land area city, exempted village, or local~~ school district with an exceptional need for new facilities in order to protect the health and safety of all or a portion of its students.

(2) No school district reasonably expected to be eligible for state assistance under sections 3318.01 to 3318.20 of the Revised Code within three fiscal years after the year of the application for assistance under this section shall be eligible for assistance under this section, unless the district's entire classroom facilities plan consists of only a single building designed to house grades kindergarten through twelve and the district satisfies the conditions prescribed in divisions (A)(3)(a) and (b) of this section.

(3) No school district that participates in the school building assistance expedited local partnership program under section 3318.36 of the Revised Code shall receive assistance under the program established under this section unless the following conditions are satisfied:

(a) The district board adopted a resolution certifying its intent to participate in the school building assistance expedited local partnership program under section 3318.36 of the Revised Code prior to September 14, 2000.

(b) The district was selected by the Ohio school facilities commission for participation in the school building assistance expedited local partnership program under section 3318.36 of the Revised Code in the manner prescribed by

the commission under that section as it existed prior to September 14, 2000.

(B)(1) There is hereby established the exceptional needs school facilities assistance program. Under the program, the Ohio school facilities commission may set aside from the moneys annually appropriated to it for classroom facilities assistance projects up to twenty-five per cent for assistance to school districts with exceptional needs for immediate classroom facilities assistance.

(2)(a) After consulting with education and construction experts, the commission shall adopt guidelines for identifying school districts with an exceptional need for immediate classroom facilities assistance.

(b) The guidelines shall include application forms and instructions for school districts to use in applying for assistance under this section.

(3) The commission shall evaluate the classroom facilities, and the need for replacement classroom facilities from the applications received under this section. The commission, utilizing the guidelines adopted under division (B)(2)(a) of this section, shall prioritize the school districts to be assessed.

Notwithstanding section 3318.02 of the Revised Code, the commission may conduct on-site evaluation of the school districts prioritized under this section and approve and award funds until such time as all funds set aside under division (B)(1) of this section have been encumbered. However, the commission need not conduct the evaluation of facilities if the commission determines that a district's assessment conducted under section 3318.36 of the Revised Code is sufficient for purposes of this section.

(4) Notwithstanding division (A) of section 3318.05 of the Revised Code, the school district's portion of the basic project cost under this section shall be the "required percentage of the basic project costs," as defined in division (K) of section 3318.01 of the Revised Code.

(5) Except as otherwise specified in this section, any project undertaken with assistance under this section shall comply with all provisions of sections 3318.01 to 3318.20 of the Revised Code. A school district may receive assistance under sections 3318.01 to 3318.20 of the Revised Code for the remainder of the district's classroom facilities needs as assessed under this section when the district is eligible for such assistance pursuant to section 3318.02 of the Revised Code, but any classroom facility constructed with assistance under this section shall not be included in a district's project at that time unless the commission determines the district has experienced the increased enrollment specified in division (B)(1) of section 3318.04 of the Revised Code.

(C) No school district shall receive assistance under this section for a classroom facility that has been included in the discrete part of the district's classroom facilities needs identified and addressed in the district's project pursuant to an agreement entered into under section 3318.36 of the Revised Code, unless the district's entire classroom facilities plan consists of only a single building designed to house grades kindergarten through twelve."

In line 31145, after "3318.04," insert "3318.37,"

In line 37860, after "3318.04," insert "3318.37,"

In line 21 of the title, after "3318.04," insert "3318.37,"

In line 32549, delete "for Greene County Park improvements" and insert "to provide recreational opportunities"

**NOTE TO ENGROSSER ABOUT 0844:**

The part of this amendment labeled 0844 on pages 83-100 is technical and corrective. If an action in 0844 conflicts with an action in any other part of this amendment that other action prevails.

**START OF 0844**

Delete lines 5610 through 5908 and insert:

**"Sec. 1751.01.** As used in this chapter:

(A)(1) "Basic health care services" means the following services when medically necessary:

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

(b) Inpatient hospital services;

(c) Outpatient medical services;

(d) Emergency health services;

(e) Urgent care services;

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

(g) Diagnostic and treatment services, other than prescription drug services, for biologically based mental illnesses;

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

(i) Routine patient care for patients enrolled in an eligible cancer clinical trial pursuant to section 3923.80 of the Revised Code.

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

Except as provided by divisions (A)(2) and (3) of this section in connection with the offering of coverage for diagnostic and treatment services for biologically based mental illnesses, a health insuring corporation shall not offer coverage for a health care service, defined as a basic health care service by this division, unless it offers coverage for all listed basic health care services. However, this requirement does not apply to the coverage of beneficiaries

enrolled in Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, medicare pursuant to a medicare contract, or to the coverage of beneficiaries enrolled in the federal employee health benefits program pursuant to 5 U.S.C.A. 8905, or to the coverage of beneficiaries enrolled in Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, known as the medical assistance program or medicaid, provided by the department of job and family services under Chapter 5111. of the Revised Code recipients, or to the coverage of participants of the children's buy-in program, or to the coverage of beneficiaries under any federal health care program regulated by a federal regulatory body, or to the coverage of beneficiaries under any contract covering officers or employees of the state that has been entered into by the department of administrative services.

(2) A health insuring corporation may offer coverage for diagnostic and treatment services for biologically based mental illnesses without offering coverage for all other basic health care services. A health insuring corporation may offer coverage for diagnostic and treatment services for biologically based mental illnesses alone or in combination with one or more supplemental health care services. However, a health insuring corporation that offers coverage for any other basic health care service shall offer coverage for diagnostic and treatment services for biologically based mental illnesses in combination with the offer of coverage for all other listed basic health care services.

(3) A health insuring corporation that offers coverage for basic health care services is not required to offer coverage for diagnostic and treatment services for biologically based mental illnesses in combination with the offer of coverage for all other listed basic health care services if all of the following apply:

(a) The health insuring corporation submits documentation certified by an independent member of the American academy of actuaries to the superintendent of insurance showing that incurred claims for diagnostic and treatment services for biologically based mental illnesses for a period of at least six months independently caused the health insuring corporation's costs for claims and administrative expenses for the coverage of basic health care services to increase by more than one per cent per year.

(b) The health insuring corporation submits a signed letter from an independent member of the American academy of actuaries to the superintendent of insurance opining that the increase in costs described in division (A)(3)(a) of this section could reasonably justify an increase of more than one per cent in the annual premiums or rates charged by the health insuring corporation for the coverage of basic health care services.

(c) The superintendent of insurance makes the following determinations from the documentation and opinion submitted pursuant to divisions (A)(3)(a) and (b) of this section:

(i) Incurred claims for diagnostic and treatment services for biologically

based mental illnesses for a period of at least six months independently caused the health insuring corporation's costs for claims and administrative expenses for the coverage of basic health care services to increase by more than one per cent per year.

(ii) The increase in costs reasonably justifies an increase of more than one per cent in the annual premiums or rates charged by the health insuring corporation for the coverage of basic health care services.

Any determination made by the superintendent under this division is subject to Chapter 119. of the Revised Code.

(B)(1) "Supplemental health care services" means any health care services other than basic health care services that a health insuring corporation may offer, alone or in combination with either basic health care services or other supplemental health care services, and includes:

- (a) Services of facilities for intermediate or long-term care, or both;
- (b) Dental care services;
- (c) Vision care and optometric services including lenses and frames;
- (d) Podiatric care or foot care services;
- (e) Mental health services, excluding diagnostic and treatment services for biologically based mental illnesses;
- (f) Short-term outpatient evaluative and crisis-intervention mental health services;
- (g) Medical or psychological treatment and referral services for alcohol and drug abuse or addiction;
- (h) Home health services;
- (i) Prescription drug services;
- (j) Nursing services;
- (k) Services of a dietitian licensed under Chapter 4759. of the Revised Code;
- (l) Physical therapy services;
- (m) Chiropractic services;
- (n) Any other category of services approved by the superintendent of insurance.

(2) If a health insuring corporation offers prescription drug services under this division, the coverage shall include prescription drug services for the treatment of biologically based mental illnesses on the same terms and conditions as other physical diseases and disorders.

(C) "Specialty health care services" means one of the supplemental health

care services listed in division (B) of this section, when provided by a health insuring corporation on an outpatient-only basis and not in combination with other supplemental health care services.

(D) "Biologically based mental illnesses" means schizophrenia, schizoaffective disorder, major depressive disorder, bipolar disorder, paranoia and other psychotic disorders, obsessive-compulsive disorder, and panic disorder, as these terms are defined in the most recent edition of the diagnostic and statistical manual of mental disorders published by the American psychiatric association.

(E) "Children's buy-in program" has the same meaning as in section 5101.5211 of the Revised Code.

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

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

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

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

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

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

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

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

~~(M)~~ (N) "Health care services" means basic, supplemental, and specialty health care services.

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

basis.

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

"Health insuring corporation" does not include a limited liability company formed pursuant to Chapter 1705. of the Revised Code, an insurer licensed under Title XXXIX of the Revised Code if that insurer offers only open panel plans under which all providers and health care facilities participating receive their compensation directly from the insurer, a corporation formed by or on behalf of a political subdivision or a department, office, or institution of the state, or a public entity formed by or on behalf of a board of county commissioners, a county board of mental retardation and developmental disabilities, an alcohol and drug addiction services board, a board of alcohol, drug addiction, and mental health services, or a community mental health board, as those terms are used in Chapters 340. and 5126. of the Revised Code. Except as provided by division (D) of section 1751.02 of the Revised Code, or as otherwise provided by law, no board, commission, agency, or other entity under the control of a political subdivision may accept insurance risk in providing for health care services. However, nothing in this division shall be construed as prohibiting such entities from purchasing the services of a health insuring corporation or a third-party administrator licensed under Chapter 3959. of the Revised Code.

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

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

~~(R)~~ ~~(S)~~ "Medicaid" has the same meaning as in section 5111.01 of the Revised Code.

~~(T)~~ "Medical record" means the personal information that relates to an individual's physical or mental condition, medical history, or medical treatment.

~~(S)~~ ~~(U)~~ "Medicare" means the program established under Title XVIII of the "Social Security Act" 49 Stat. 620 (1935), 42 U.S.C. 1395, as amended.

~~(V)~~(1) "Open panel plan" means a health care plan that provides incentives for enrollees to use participating providers and that also allows

enrollees to use providers that are not participating providers.

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

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

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

~~(V)~~ (Y) "Premium rate" means any set fee regularly paid by a subscriber to a health insuring corporation. A "premium rate" does not include a one-time membership fee, an annual administrative fee, or a nominal access fee, paid to a managed health care system under which the recipient of health care services remains solely responsible for any charges accessed for those services by the provider or health care facility.

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

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

~~(Y)~~ (BB) "Provider sponsored organization" means a corporation, as defined in division ~~(H)~~ (I) of this section, that is at least eighty per cent owned or controlled by one or more hospitals, as defined in section 3727.01 of the Revised Code, or one or more physicians licensed to practice medicine or surgery or



osteopathic medicine and surgery under Chapter 4731. of the Revised Code, or any combination of such physicians and hospitals. Such control is presumed to exist if at least eighty per cent of the voting rights or governance rights of a provider sponsored organization are directly or indirectly owned, controlled, or otherwise held by any combination of the physicians and hospitals described in this division.

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

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

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

In line 12675, after "school" insert "sponsoring"

In line 12681, delete "(3)" and insert "(4)"

In line 12688, after the second "school" insert "sponsoring"

In line 12694, delete "(4)" and insert "(5)"

In line 12699, delete "(5)" and insert "(6)"

In line 12705, delete "(6)" and insert "(7)"

In line 12716, delete "(7)" and insert "(8)"

In line 12719, delete "(8)" and insert "(9)"

In line 21254, after "medicaid" insert "reimbursement"

In line 32506, correct the spelling of "Audubon"

In line 32512, correct the spelling of "Audubon"

Delete lines 35739 through 35836a

Between lines 36629 and 36630, insert:

"**Section 610.47.** That Section 375.10 of Am. Sub. H.B. 119 of the 127th General Assembly, as amended by Am. H.B. 381 of the 127th General Assembly, be amended to read as follows:

**Sec. 375.10. BOR BOARD OF REGENTS**

## General Revenue Fund

|             |   |    |               |    |               |
|-------------|---|----|---------------|----|---------------|
| GRF 235-321 | Operating Expenses  | \$ | 3,141,351     | \$ | 3,141,351     |
| GRF 235-401 | Lease Rental Payments   | \$ | 203,177,900   | \$ | 136,017,500   |
| GRF 235-402 | Sea Grants  | \$ | 300,000       | \$ | 300,000       |
| GRF 235-406 | Articulation and Transfer                                     | \$ | 2,900,000     | \$ | 2,900,000     |
| GRF 235-408 | Midwest Higher Education Compact                              | \$ | 95,000        | \$ | 95,000        |
| GRF 235-409 | Information System  | \$ | 1,175,172     | \$ | 1,175,172     |
| GRF 235-414 | State Grants and Scholarship Administration                   | \$ | 1,707,881     | \$ | 1,707,881     |
| GRF 235-415 | Jobs Challenge  | \$ | 9,348,300     | \$ | 9,348,300     |
| GRF 235-417 | Ohio Learning Network   | \$ | 3,119,496     | \$ | 3,119,496     |
| GRF 235-418 | Access Challenge  | \$ | 66,585,769    | \$ | 66,585,769    |
| GRF 235-420 | Success Challenge   | \$ | 53,653,973    | \$ | 53,653,973    |
| GRF 235-428 | Appalachian New Economy Partnership                           | \$ | 1,176,068     | \$ | 1,176,068     |
| GRF 235-433 | Economic Growth Challenge                                     | \$ | 17,186,194    | \$ | 17,186,194    |
| GRF 235-434 | College Readiness and Access                                  | \$ | 12,655,425    | \$ | 12,655,425    |
| GRF 235-435 | Teacher Improvement Initiatives                               | \$ | 4,797,506     | \$ | 11,297,506    |
| GRF 235-436 | AccelerateOhio  | \$ | 1,250,000     | \$ | 2,500,000     |
| GRF 235-438 | Choose Ohio First Scholarship                                 | \$ | 50,000,000    | \$ | 50,000,000    |
| GRF 235-439 | Ohio Research Scholars  | \$ | 30,000,000    | \$ | 1,000,000     |
| GRF 235-455 | EnterpriseOhio Network  | \$ | 1,373,941     | \$ | 1,373,941     |
| GRF 235-474 | Area Health Education Centers Program Support                 | \$ | 1,571,756     | \$ | 1,571,756     |
| GRF 235-501 | State Share of Instruction                                    | \$ | 1,678,877,952 | \$ | 1,842,965,747 |
| GRF 235-502 | Student Support Services                                      | \$ | 795,790       | \$ | 795,790       |
| GRF 235-503 | Ohio Instructional Grants                                     | \$ | 42,533,966    | \$ | 18,315,568    |
| GRF 235-504 | War Orphans Scholarships                                      | \$ | 4,812,321     | \$ | 4,812,321     |
| GRF 235-507 | OhioLINK  | \$ | 7,387,824     | \$ | 7,387,824     |
| GRF 235-508 | Air Force Institute of Technology                             | \$ | 2,050,345     | \$ | 2,050,345     |
| GRF 235-510 | Ohio Supercomputer Center                                     | \$ | 4,271,195     | \$ | 4,271,195     |
| GRF 235-511 | Cooperative Extension Service                                 | \$ | 26,273,260    | \$ | 26,273,260    |
| GRF 235-513 | Ohio University Voinovich Center                              | \$ | 669,082       | \$ | 669,082       |
| GRF 235-514 | Central State Supplement                                      | \$ | 11,756,414    | \$ | 12,109,106    |
| GRF 235-515 | Case Western Reserve University School of Medicine            | \$ | 3,011,271     | \$ | 3,011,271     |
| GRF 235-518 | Capitol Scholarship Program                                   | \$ | 125,000       | \$ | 125,000       |
| GRF 235-519 | Family Practice   | \$ | 4,548,470     | \$ | 4,548,470     |
| GRF 235-520 | Shawnee State Supplement                                      | \$ | 2,502,323     | \$ | 2,577,393     |
| GRF 235-521 | The Ohio State University John Glenn School of Public Affairs | \$ | 619,082       | \$ | 619,082       |
| GRF 235-524 | Police and Fire Protection                                    | \$ | 171,959       | \$ | 171,959       |
| GRF 235-525 | Geriatric Medicine  | \$ | 750,110       | \$ | 750,110       |
| GRF 235-526 | Primary Care Residencies                                      | \$ | 2,245,688     | \$ | 2,245,688     |
| GRF 235-527 | Ohio Aerospace Institute                                      | \$ | 1,764,957     | \$ | 1,764,957     |
| GRF 235-530 | Academic Scholarships   | \$ | 7,800,000     | \$ | 7,800,000     |
| GRF 235-531 | Student Choice Grants   | \$ | 38,485,376    | \$ | 38,485,376    |
| GRF 235-535 | Ohio Agricultural Research and Development Center             | \$ | 37,174,292    | \$ | 37,174,292    |
| GRF 235-536 | The Ohio State University Clinical Teaching                   | \$ | 13,565,885    | \$ | 13,565,885    |
| GRF 235-537 | University of Cincinnati Clinical Teaching                    | \$ | 11,157,756    | \$ | 11,157,756    |
| GRF 235-538 | University of Toledo Clinical Teaching                        | \$ | 8,696,866     | \$ | 8,696,866     |
| GRF 235-539 | Wright State University                                       | \$ | 4,225,107     | \$ | 4,225,107     |

|                                |  |    |  |    |  |
|--------------------------------|--|----|--|----|--|
| GRF 235-540                    | Clinical Teaching<br>Ohio University Clinical Teaching                     | \$ | 4,084,540  | \$ | 4,084,540  |
| GRF 235-541                    | Northeastern Ohio<br>Universities College of<br>Medicine Clinical Teaching | \$ | 4,200,945  | \$ | 4,200,945  |
| GRF 235-543                    | Ohio College of Podiatric<br>Medicine Clinic Subsidy                       | \$ | 100,000  | \$ | 100,000  |
| GRF 235-547                    | School of International<br>Business  | \$ | 450,000  | \$ | 650,000  |
| GRF 235-552                    | Capital Component  | \$ | <del>19,306,442</del><br><u>19,789,868</u>       | \$ | <del>19,306,442</del><br><u>19,789,868</u>       |
| GRF 235-553                    | Dayton Area Graduate Studies<br>Institute                                  | \$ | 2,931,599  | \$ | 2,931,599  |
| GRF 235-554                    | Priorities in Collaborative<br>Graduate Education                          | \$ | 2,355,548  | \$ | 2,355,548  |
| GRF 235-555                    | Library Depositories   | \$ | 1,696,458  | \$ | 1,696,458  |
| GRF 235-556                    | Ohio Academic Resources<br>Network   | \$ | 3,727,223  | \$ | 3,727,223  |
| GRF 235-558                    | Long-term Care Research  | \$ | 461,047  | \$ | 461,047  |
| GRF 235-561                    | Bowling Green State<br>University Canadian Studies<br>Center               | \$ | 100,015  | \$ | 100,015  |
| GRF 235-563                    | Ohio College Opportunity<br>Grant  | \$ | 139,974,954                                      | \$ | 151,113,781                                      |
| GRF 235-567                    | Central State University Speed<br>to Scale                                 | \$ | 4,400,000  | \$ | 3,800,000  |
| GRF 235-571                    | James A. Rhodes Scholarship  | \$ | 10,000,000                                       | \$ | 0  |
| GRF 235-572                    | The Ohio State University<br>Clinic Support                                | \$ | 1,277,019  | \$ | 1,277,019  |
| GRF 235-573                    | Ohio Humanities Council  | \$ | 25,000   | \$ | 25,000   |
| GRF 235-583                    | Urban University Program   | \$ | 5,825,937  | \$ | 5,825,937  |
| GRF 235-587                    | Rural University Projects  | \$ | 1,159,889  | \$ | 1,159,889  |
| GRF 235-596                    | Hazardous Materials Program  | \$ | 360,435  | \$ | 360,435  |
| GRF 235-599                    | National Guard Scholarship<br>Program                                      | \$ | 16,611,063                                       | \$ | 16,611,063                                       |
| GRF 235-909                    | Higher Education General<br>Obligation Debt Service                        | \$ | 172,722,400                                      | \$ | 208,747,200                                      |
| TOTAL GRF General Revenue Fund |  | \$ | <del>2,773,258,537</del><br><u>2,773,741,963</u> | \$ | <del>2,861,908,923</del><br><u>2,862,392,349</u> |

### General Services Fund Group

|  |   |    |           |    |           |
|--|---|----|-----------|----|-----------|
| 220 235-614                              | Program Approval and<br>Reauthorization | \$ | 800,000   | \$ | 800,000   |
| 456 235-603                              | Sales and Services                      | \$ | 700,000   | \$ | 700,000   |
| TOTAL GSF General Services<br>Fund Group |   | \$ | 1,500,000 | \$ | 1,500,000 |

### Federal Special Revenue Fund Group

|             |  |    |           |    |           |
|-------------|--|----|-----------|----|-----------|
| 3BG 235-626 | Star Schools   | \$ | 2,980,865 | \$ | 2,990,746 |
| 3H2 235-608 | Human Services Project                                 | \$ | 3,000,000 | \$ | 3,000,000 |
| 3H2 235-622 | Medical Collaboration<br>Network                       | \$ | 3,346,144 | \$ | 3,346,144 |
| 3N6 235-605 | State Student Incentive Grants                         | \$ | 2,196,680 | \$ | 2,196,680 |
| 3T0 235-610 | National Health Service Corps<br>- Ohio Loan Repayment | \$ | 250,000   | \$ | 250,000   |
| 312 235-609 | Tech Prep  | \$ | 183,850   | \$ | 183,850   |
| 312 235-611 | Gear-up Grant  | \$ | 3,300,000 | \$ | 3,300,000 |
| 312 235-612 | Carl D. Perkins Grant/Plan<br>Administration           | \$ | 112,960   | \$ | 112,960   |
| 312 235-617 | Improving Teacher Quality<br>Grant                     | \$ | 3,200,000 | \$ | 3,200,000 |

|                                   |         |                           |    |            |    |            |
|-----------------------------------|---------|---------------------------|----|------------|----|------------|
| 312                               | 235-621 | Science Education Network | \$ | 1,686,970  | \$ | 1,686,970  |
| TOTAL FED Federal Special Revenue |         |                           |    |            |    |            |
| Fund Group                        |         |                           | \$ | 20,257,469 | \$ | 20,267,350 |

**State Special Revenue Fund Group**

|                                 |         |                             |    |           |    |  |
|---------------------------------|---------|-----------------------------|----|-----------|----|--|
| 4E8                             | 235-602 | Higher Educational Facility | \$ | 50,000    | \$ | 45,000                                   |
| Commission Administration       |         |                             |    |           |    |  |
| 4P4                             | 235-604 | Physician Loan Repayment    | \$ | 476,870   | \$ | <del>476,870</del> 0                     |
| 649                             | 235-607 | The Ohio State University   | \$ | 760,000   | \$ | 760,000                                  |
| Highway/Transportation          |         |                             |    |           |    |  |
| Research                        |         |                             |    |           |    |  |
| 682                             | 235-606 | Nursing Loan Program        | \$ | 893,000   | \$ | 893,000                                  |
| 5DT                             | 235-627 | American Diploma Project    | \$ | 250,000   | \$ | 0  |
| TOTAL SSR State Special Revenue |         |                             |    |           |    |  |
| Fund Group                      |         |                             | \$ | 2,429,870 | \$ | <del>2,174,870</del><br><u>1,698,000</u> |

**Third Frontier Research & Development Fund Group**

|                                     |         |                          |    |                          |    |                          |
|-------------------------------------|---------|--------------------------|----|--------------------------|----|--------------------------|
| 011                                 | 235-634 | Research Incentive Third | \$ | 6,000,000                | \$ | 6,000,000                |
| Frontier Fund                       |         |                          |    |                          |    |                          |
| TOTAL 011 Third Frontier Research & |         |                          | \$ | 6,000,000                | \$ | 6,000,000                |
| Development Fund Group              |         |                          |    |                          |    |                          |
| TOTAL ALL BUDGET FUND GROUPS        |         |                          | \$ | <del>2,803,445,876</del> | \$ | <del>2,891,851,143</del> |
|                                     |         |                          |    | <u>2,803,929,302</u>     |    | <u>2,891,857,699</u>     |

**Section 610.48.** That existing Section 375.10 of Am. Sub. H.B. 119 of the 127th General Assembly, as amended by Am. H.B. 381 of the 127th General Assembly, is hereby repealed."

In line 37787, after "enactment" insert a comma

In line 37788, after "enactment" insert a comma

In line 37849, delete "812.40, "; delete "and"; after "815.10" insert ", and 815.20"

In line 37898, delete "and"; after "812.20" insert ", and 812.40"

In line 101 of the title, delete "375.10,"

In line 103 of the title, delete "Section" and insert "Sections"

In line 104 of the title, after "249.10" insert "and 375.10"

END OF 0844

In line 31575, delete "\$600,000" and insert "\$410,000"

Between lines 31637 and 31638, insert:

"C371Z3 Port of Lorain Foundation – Lorain Lighthouse Restoration  
\$190,000"

In line 37646, after "(A)" delete the balance of the line

Delete line 37647

In line 37648, delete everything before "amendments" and insert "The"

Delete lines 37228 through 37231 and insert:

**"Section 707.20.** (A) As used in this section:

(1) "Active business operations" means all business operations that are not inactive business operations.

(2) "Business operations" means engaging in commerce in any form in Sudan or Iran, including by maintaining, selling, acquiring, developing, owning, possessing, operating, or leasing equipment, facilities, personnel, products, services, personal or real property, or any other apparatus of business or commerce.

(3) "Company" means a sole proprietorship, organization, association, corporation, partnership, joint venture, limited partnership, limited liability partnership, limited liability company, business association, or other entity, including any wholly-owned subsidiary, majority-owned subsidiary, parent company, or affiliate of any of those types of entities, that exists for the purpose of making a profit.

(4) "Complicit" means taking actions during any preceding twenty-month period that directly support or promote the genocidal campaign in the Darfur region of Sudan, including, but not limited to, preventing members of the population of the Darfur region of Sudan negatively affected by genocide from communicating with each other; encouraging Sudanese citizens to speak against the internationally approved security force that provides aide to the Darfur region; actively working to deny, cover up, or alter the record on human rights abuses in Darfur; or other similar actions.

(5) "Direct holdings" means all stocks or bonds of a company held directly by the Ohio Police and Fire Pension Fund or held in an account or fund of which the Fund owns all of the shares or interests.

(6) "Government of Iran" means the Islamic Republic of Iran, its instrumentalities, and companies owned or controlled by the government of Iran.

(7) "Government of Sudan" means the government in Khartoum, Sudan, that is led by the National Congress Party, formerly known as the National Islamic Front, or any successor government formed on or after October 13, 2006, including the coalition national unity government agreed upon in the "2005 Comprehensive Peace Agreement," and does not include the regional government of southern Sudan.

(8) "Inactive business operations" means those business operations conducted by a company that involve only the continued holding or renewal of rights to property that, at one time, was used for the purpose of generating revenue for the company but is not presently used for such purpose.

(9) "Indirect holdings" means all stocks and bonds of a company that are not direct holdings and are held in an account or fund in which the Ohio Police and Fire Pension Fund owns shares or interests together with other investors not subject to the provisions of this section, as well as any private equity fund, private equity fund-of-funds, venture capital fund, hedge fund, hedge

fund-of-funds, real estate fund or other investment vehicle that is not publicly traded, mutual funds, and pooled or securitized investment vehicles.

(10) "Iran" means the Islamic Republic of Iran.

(11) "Marginalized populations of Sudan" includes, but is not limited to, all of the following:

(a) The portion of the population in the Darfur region that has been negatively affected by genocide;

(b) The portion of the population of southern Sudan negatively affected by the civil war that occurred between the north and south regions of Sudan;

(c) The Beja, Rashidiya, and other similarly underserved groups of eastern Sudan;

(d) The Nubian and other similarly underserved groups in the Abyei, southern blue Nile, and Nuba mountain regions of Sudan;

(e) The Amri, Hamadab, Manasir, and other similarly underserved groups of northern Sudan.

(12) "Military equipment" means weapons, arms, military supplies, and equipment including, but not limited to, radar systems, or military-grade transport vehicles, that readily may be used for military purposes; or supplies or services sold or directly or indirectly provided to any force actively participating in armed conflict in Sudan.

(13) "Mineral extraction activities" include exploring, extracting, processing, transporting, or wholesale selling or trading of elemental minerals or associated metal alloys or oxides, also known as ore, including gold, copper, chromium, chromite, diamonds, iron, iron ore, silver, tungsten, uranium, and zinc; and includes facilitating such activities, including by providing supplies or services in support of such activities.

(14) "Oil-related activities" includes, but is not limited to, owning rights to oil blocks; exporting, extracting, producing, refining, processing, exploring for, transporting, selling, or trading of oil; constructing, maintaining, or operating a pipeline, refinery, or other oil-field infrastructure; or facilitating such activities, including by providing supplies or services in support of such activities. "Oil-related activities" does not mean engaging in only the retail sale of gasoline and related consumer products.

(15) "Petroleum resource" means petroleum, petroleum byproducts, or natural gas.

(16) "Power production activities" means any business operation that involves a project commissioned by the national electricity corporation of Sudan or other similar entity of the government of Sudan whose purpose is to facilitate power generation and delivery, including, but not limited to, establishing power-generating plants or hydroelectric dams, selling or installing components

for a project, providing service contracts related to the installation or maintenance of a project, or facilitating any of these activities, including by providing supplies or services in support of such activities.

(17) "Public fund" means the assets included in any fund portfolio that is under the control of, or controlled on behalf of, the Ohio Police and Fire Pension Fund.

(18) "Scrutinized active business operation" means active business operations that have resulted in a company becoming a scrutinized company.

(19) "Scrutinized business operations" means business operations that have resulted in a company that meets any of the following criteria:

(a) The company has business operations that involve contracts with or provision of supplies or services to the government of Sudan, companies in which the government of Sudan has any direct or indirect equity share, consortiums or projects commissioned by the government of Sudan, or companies involved in consortiums or projects commissioned by the government of Sudan, and more than ten per cent of the company's revenues or assets linked to Sudan involve oil-related activities or mineral-extraction activities; less than seventy-five per cent of the company's revenues or assets linked to Sudan involve contracts with or provision of oil-related or mineral-extracting products or services to the regional government of southern Sudan or a project or consortium created exclusively by that regional government; and the company has failed to take substantial action specific to Sudan; or more than ten per cent of the company's revenues or assets linked to Sudan involve power-production activities; less than seventy-five per cent of the company's power-production activities include projects whose intent is to provide power or electricity to the marginalized populations of Sudan; and the company has failed to take substantial action specific to Sudan.

(b) The company is complicit in the Darfur genocide.

(c) The company supplies military equipment within Sudan, unless it clearly shows that the military equipment cannot be used to facilitate offensive military actions in Sudan or the company implements rigorous and verifiable safeguards to prevent use of that equipment by forces actively participating in armed conflict. Examples of safeguards include post-sale tracking of such equipment by the company, certification from a reputable and objective third party that such equipment is not being used by a party participating in armed conflict in Sudan, or sale of such equipment solely to the regional government of southern Sudan or any internationally recognized peacekeeping force or humanitarian organization.

(d)(i) The company has business operations that involve contracts with or provision of supplies or services to the government of Iran, companies in which the government of Iran has any direct or indirect equity share, consortiums, or projects commissioned by the government of Iran, or companies involved in consortiums or projects commissioned by the government of Iran, and one of the

following apply: more than ten per cent of the company's total revenues or assets are linked to Iran and involve oil-related activities, mineral-extraction activities, or petroleum resources; the company has, with actual knowledge, on or after August 5, 1996, made an investment of twenty million dollars or more, or any combination of investments of at least ten million dollars each, which in the aggregate equals or exceeds twenty million dollars in any twelve-month period, and which directly or significantly contributes to the enhancement of Iran's ability to develop the petroleum resources of Iran; the company is engaged in business with an Iranian organization labeled as a terrorist organization by the United States government.

(ii) Any company that takes substantial action specific to Iran shall not meet the criteria to be deemed a company involved in scrutinized business operations.

(20) "Social development company" means a company whose primary purpose in Sudan is to provide only the following humanitarian goods or services to the people of Sudan:

- (a) Medicine or medical equipment;
- (b) Agricultural supplies or infrastructure;
- (c) Educational opportunities;
- (d) Journalistic activities;
- (e) Information or information materials;
- (f) Spiritual-related activities;
- (g) Services of a purely clerical or reporting nature;
- (h) Food, clothing, or general consumer goods that are unrelated to oil-related activities, mineral extraction activities, or power production activities.

(21) "Substantial action specific to Iran" means adopting, publicizing, and implementing a formal plan to cease scrutinized business operations within one year and to refrain from any such new business operations.

(22) "Substantial action specific to Sudan" means adopting, publicizing, and implementing a formal plan to cease scrutinized business operations within one year and to refrain from any such new business operations; undertaking humanitarian efforts in conjunction with an international organization, the government of Sudan, the regional government of southern Sudan, or a nonprofit entity evaluated and certified by an independent third party to be substantially in a relationship to the company's Sudan business operations and of benefit to one or more marginalized populations of Sudan; or, through engagement with the government of Sudan, materially improving conditions for the genocidally victimized population in Darfur.

(23) "Sudan" means the Republic of the Sudan.



(B)(1) Within ninety days after the effective date of this section, the Ohio Police and Fire Pension Fund shall make its best efforts to identify all publicly traded companies involved in scrutinized business operations in which the Fund has direct or indirect holdings or could possibly have such holdings in the future. The efforts shall include:

(a) Reviewing and relying, as appropriate in the Fund's judgment, on publicly available information regarding companies having business operations in Iran or Sudan, including information provided by nonprofit organizations, research firms, international organizations, and government entities;

(b) Contacting asset managers contracted by the Fund that invest in companies having business operations in Iran or Sudan;

(c) Contacting other institutional investors that have divested from or engaged with companies that have business operations in Iran or Sudan;

(d) Reviewing the laws of the United States regarding the levels of business activity that would cause application of sanctions for companies conducting business or investing in countries that are designated state sponsors of terror.

(2) Within ninety days after the effective date of this section, the Fund shall create a "scrutinized companies with activities in Sudan list" and a "scrutinized companies with activities in Iran list," consisting of all publicly traded companies identified in division (B)(1) of this section, shall make the lists publicly available, and shall update the lists annually.

(3) Notwithstanding the provisions of this section, a social-development company that is not complicit in the Darfur genocide is not considered a scrutinized company.

(4) The Fund shall engage the companies on the scrutinized companies with activities in Sudan list and the scrutinized companies with activities in Iran list, in which the Fund owns direct or indirect holdings, according to the following:

(a) For each company identified in this paragraph that has only inactive business operations, the Fund shall send a written notice informing the company of the requirements of this section and encouraging it to continue to refrain from initiating active business operations in Iran or Sudan until it is able to avoid scrutinized business operations. The Fund shall continue such correspondence semiannually.

(b) For each company newly identified under this section that has active business operations, the Fund shall send a written notice informing the company of its scrutinized company status and that it may become subject to divestment by the Fund. The notice shall inform the company of the opportunity to clarify its Iran-related or Sudan-related activities and encourage the company, within ninety days, to cease its scrutinized business operations or convert such operations to inactive business operations in order to avoid qualifying for

divestment by the Fund.

(c) If, within ninety days after the Fund creates the lists pursuant to division (B)(2) of this section, a company on either list ceases scrutinized business operations, the Fund shall remove the company from the scrutinized companies with activities in Sudan list and the scrutinized companies with activities in Iran list, and the provisions of this section shall cease to apply to that company unless that company resumes scrutinized business operations. If, within ninety days after the Fund creates the list, the company converts its scrutinized active business operations to inactive business operations, the company is subject to all provisions of this section relating to inactive business operations. A company may be on both the scrutinized companies with activities in Sudan list and the scrutinized companies with activities in Iran list. A company may be removed from one list but remain on the other list, in which case the company is subject to the provisions of this section applicable to the list on which the company remains.

(d) The Fund shall submit letters to the managers of actively managed investment funds containing indirect holdings in companies identified in division (B)(1) of this section that have scrutinized active business operations requesting that they consider removing such companies from the Fund or create a similar actively managed fund having indirect holdings devoid of such companies.

(C) The Ohio Police and Fire Pension Fund Board shall adopt a policy to address divestiture of holdings in companies identified and engaged pursuant to division (B) of this section. The goal of the policy shall be to achieve complete divestiture from such holdings when divestiture would be prudent and consistent with the Board's fiduciary duty. The policy shall be developed within thirty days after the effective date of this section.

(D)(1) The Ohio Police and Fire Pension Fund shall file a report with the President of the Senate, the Speaker of the House of Representatives, the Minority Leader of the Senate, the Minority Leader of the House of Representatives, and the Ohio Retirement Study Council that includes the scrutinized companies with activities in Sudan list and the scrutinized companies with activities in Iran list within thirty days after the list is created and within thirty days after the list is updated. The Fund shall make the report available to the public.

(2) The Fund shall file a report annually, which shall be made available to the public, to the President of the Senate, the Speaker of the House of Representatives, the Minority Leader of the Senate, the Minority Leader of the House of Representatives, the Ohio Retirement Study Council, and the Workers Compensation Council, and send a copy of that report to the United States Presidential Special Envoy to Sudan and the United States Presidential Special Envoy to Iran, or an appropriate designee or successor, that includes:

(a) A summary of correspondence with companies engaged by the Fund pursuant to this section;

(b) All investments sold, redeemed, divested, or withdrawn pursuant to this section;

(c) Any progress made under division (B)(4)(d) of this section;

(d) A list of all publicly traded securities held directly by the Fund.

(E) If any of the following occur, the Ohio Police and Fire Pension Fund shall no longer assemble the scrutinized companies with activities in Sudan list, shall cease engagement and divestment of such companies, and may reinvest in such companies as long as such companies do not satisfy the criteria for inclusion in the scrutinized companies with activities in Iran list:

(1) Congress or the President of the United States determines that the government of Sudan has sufficiently halted the genocide in the Darfur region for at least twelve months.

(2) The federal government revokes all sanctions imposed against the government of Sudan.

(3) Congress or the President of the United States, through legislation or executive order, declares that mandatory divestment of the type provided for in this section interferes with the conduct of United States foreign policy.

(4) Congress or the President of the United States declares that the government of Sudan has honored its commitments to cease attacks on civilians, demobilize and demilitarize the Janjaweed and associated militias, grant free and unfettered access for deliveries of humanitarian assistance, and allow for the safe and voluntary return of refugees and internally displaced persons.

(F) If any of the following occur, the Fund shall no longer assemble the scrutinized companies with activities in Iran list and shall cease engagement, investment prohibitions, and divestment. The Fund may reinvest in such companies as long as such companies do not satisfy the criteria for inclusion in the scrutinized companies with activities in Sudan list:

(1) Congress or the President of the United States determines that the government of Iran has ceased to acquire weapons of mass destruction and support international terrorism.

(2) The federal government revokes all sanctions imposed against the government of Iran.

(3) Congress or the President of the United States declares that mandatory divestment of the type provided for in this act interferes with the conduct of United States foreign policy.

(G) The Ohio Police and Fire Pension Fund is not liable for breach of the Fund's fiduciary duty if the Fund complies in good faith with the requirements of this section. If the Fund made determinations in good faith regarding the status of a company as required under this section, the members are not liable in an action for libel or slander. All former, present, or future members of the Ohio

Police and Fire Pension Fund Board of Trustees and all officers, employees, and agents of the Fund shall be indemnified, whether jointly or severally, for all claims, demands, suits, actions, damages, judgments, costs, charges, and expenses, including court costs and attorney's fees, and against all liability, losses, and damages of any nature that such board members, officers, employees, or agents may incur by reason of any decision to restrict, reduce, or eliminate investments in companies doing business in Iran or Sudan. A Board member, officer, employee, or agent of the Fund shall be indemnified through the Fund. In any action pursuant to this section, the Board has any rights granted in section 109.98 of the Revised Code."

In line 37896, delete "707.10," and insert "707.20"

In line 157, delete "5743.021, "; delete "5743.321,"

Delete lines 28056 through 28133

In line 28257, delete " the capital"

In line 28258, delete " appropriations act" and insert " H.B. 562"

Delete lines 28261 through 28278

In line 28294, delete " the capital"

In line 28295, delete " appropriations act" and insert " H.B. 562"

In line 31169, delete "5743.021, "; delete "5743.321,"

In line 37830, delete "5743.021,"

In line 37831, delete "5743.321,"

In line 55 of the title, delete "5743.021, "; delete "5743.321,"

In line 36439, delete "may" and insert "shall"

Delete line 31594

In line 31638, subtract \$350,000

In line 31639, subtract \$350,000

Between lines 31958a and 31959, insert:

"C26053 Playhouse Square Center\$350,000"

In line 31959, add \$350,000

In line 32235, add \$350,000

In line 32236, add \$350,000

In line 118, after "105.41," insert "109.71,"

In line 128, delete "2903.12,"

In line 129, after "2923.11," insert "2935.01, 2935.03,"

Between lines 718 and 719, insert:

**"Sec. 109.71.** There is hereby created in the office of the attorney general the Ohio peace officer training commission. The commission shall consist of nine members appointed by the governor with the advice and consent of the senate and selected as follows: one member representing the public; two members who are incumbent sheriffs; two members who are incumbent chiefs of police; one member from the bureau of criminal identification and investigation; one member from the state highway patrol; one member who is the special agent in charge of a field office of the federal bureau of investigation in this state; and one member from the department of education, trade and industrial education services, law enforcement training.

This section does not confer any arrest authority or any ability or authority to detain a person, write or issue any citation, or provide any disposition alternative, as granted under Chapter 2935. of the Revised Code.

As used in sections 109.71 to 109.801 of the Revised Code:

(A) "Peace officer" means:

(1) A deputy sheriff, marshal, deputy marshal, member of the organized police department of a township or municipal corporation, member of a township police district or joint township police district police force, member of a police force employed by a metropolitan housing authority under division (D) of section 3735.31 of the Revised Code, or township constable, who is commissioned and employed as a peace officer by a political subdivision of this state or by a metropolitan housing authority, and whose primary duties are to preserve the peace, to protect life and property, and to enforce the laws of this state, ordinances of a municipal corporation, resolutions of a township, or regulations of a board of county commissioners or board of township trustees, or any of those laws, ordinances, resolutions, or regulations;

(2) A police officer who is employed by a railroad company and appointed and commissioned by the secretary of state pursuant to sections 4973.17 to 4973.22 of the Revised Code;

(3) Employees of the department of taxation engaged in the enforcement of Chapter 5743. of the Revised Code and designated by the tax commissioner for peace officer training for purposes of the delegation of investigation powers under section 5743.45 of the Revised Code;

(4) An undercover drug agent;

(5) Enforcement agents of the department of public safety whom the director of public safety designates under section 5502.14 of the Revised Code;

(6) An employee of the department of natural resources who is a natural resources law enforcement staff officer designated pursuant to section 1501.013, a park officer designated pursuant to section 1541.10, a forest officer designated pursuant to section 1503.29, a preserve officer designated pursuant to section

1517.10, a wildlife officer designated pursuant to section 1531.13, or a state watercraft officer designated pursuant to section 1547.521 of the Revised Code;

(7) An employee of a park district who is designated pursuant to section 511.232 or 1545.13 of the Revised Code;

(8) An employee of a conservancy district who is designated pursuant to section 6101.75 of the Revised Code;

(9) A police officer who is employed by a hospital that employs and maintains its own proprietary police department or security department, and who is appointed and commissioned by the secretary of state pursuant to sections 4973.17 to 4973.22 of the Revised Code;

(10) Veterans' homes police officers designated under section 5907.02 of the Revised Code;

(11) A police officer who is employed by a qualified nonprofit corporation police department pursuant to section 1702.80 of the Revised Code;

(12) A state university law enforcement officer appointed under section 3345.04 of the Revised Code or a person serving as a state university law enforcement officer on a permanent basis on June 19, 1978, who has been awarded a certificate by the executive director of the Ohio peace officer training commission attesting to the person's satisfactory completion of an approved state, county, municipal, or department of natural resources peace officer basic training program;

(13) A special police officer employed by the department of mental health pursuant to section 5119.14 of the Revised Code or the department of mental retardation and developmental disabilities pursuant to section 5123.13 of the Revised Code;

(14) A member of a campus police department appointed under section 1713.50 of the Revised Code;

(15) A member of a police force employed by a regional transit authority under division (Y) of section 306.35 of the Revised Code;

(16) Investigators appointed by the auditor of state pursuant to section 117.091 of the Revised Code and engaged in the enforcement of Chapter 117. of the Revised Code;

(17) A special police officer designated by the superintendent of the state highway patrol pursuant to section 5503.09 of the Revised Code or a person who was serving as a special police officer pursuant to that section on a permanent basis on October 21, 1997, and who has been awarded a certificate by the executive director of the Ohio peace officer training commission attesting to the person's satisfactory completion of an approved state, county, municipal, or department of natural resources peace officer basic training program;

(18) A special police officer employed by a port authority under section

4582.04 or 4582.28 of the Revised Code or a person serving as a special police officer employed by a port authority on a permanent basis on May 17, 2000, who has been awarded a certificate by the executive director of the Ohio peace officer training commission attesting to the person's satisfactory completion of an approved state, county, municipal, or department of natural resources peace officer basic training program;

(19) A special police officer employed by a municipal corporation who has been awarded a certificate by the executive director of the Ohio peace officer training commission for satisfactory completion of an approved peace officer basic training program and who is employed on a permanent basis on or after March 19, 2003, at a municipal airport, or other municipal air navigation facility, that has scheduled operations, as defined in section 119.3 of Title 14 of the Code of Federal Regulations, 14 C.F.R. 119.3, as amended, and that is required to be under a security program and is governed by aviation security rules of the transportation security administration of the United States department of transportation as provided in Parts 1542. and 1544. of Title 49 of the Code of Federal Regulations, as amended;

(20) A police officer who is employed by an owner or operator of an amusement park that has an average yearly attendance in excess of six hundred thousand guests and that employs and maintains its own proprietary police department or security department, and who is appointed and commissioned by a judge of the appropriate municipal court or county court pursuant to section 4973.17 of the Revised Code;

(21) A police officer who is employed by a bank, savings and loan association, savings bank, credit union, or association of banks, savings and loan associations, savings banks, or credit unions, who has been appointed and commissioned by the secretary of state pursuant to sections 4973.17 to 4973.22 of the Revised Code, and who has been awarded a certificate by the executive director of the Ohio peace officer training commission attesting to the person's satisfactory completion of a state, county, municipal, or department of natural resources peace officer basic training program;

(22) An investigator, as defined in section 109.541 of the Revised Code, of the bureau of criminal identification and investigation who is commissioned by the superintendent of the bureau as a special agent for the purpose of assisting law enforcement officers or providing emergency assistance to peace officers pursuant to authority granted under that section ;

(23) A state fire marshal law enforcement officer appointed under section 3737.22 of the Revised Code or a person serving as a state fire marshal law enforcement officer on a permanent basis on or after July 1, 1982, who has been awarded a certificate by the executive director of the Ohio peace officer training commission attesting to the person's satisfactory completion of an approved state, county, municipal, or department of natural resources peace officer basic training program.

(B) "Undercover drug agent" has the same meaning as in division (B)(2) of section 109.79 of the Revised Code.

(C) "Crisis intervention training" means training in the use of interpersonal and communication skills to most effectively and sensitively interview victims of rape.

(D) "Missing children" has the same meaning as in section 2901.30 of the Revised Code."

Delete lines 7620 through 7648

Between lines 8714 and 8715, insert:

"**Sec. 2935.01.** As used in this chapter:

(A) "Magistrate" has the same meaning as in section 2931.01 of the Revised Code.

(B) "Peace officer" includes, except as provided in section 2935.081 of the Revised Code, a sheriff; deputy sheriff; marshal; deputy marshal; member of the organized police department of any municipal corporation, including a member of the organized police department of a municipal corporation in an adjoining state serving in Ohio under a contract pursuant to section 737.04 of the Revised Code; member of a police force employed by a metropolitan housing authority under division (D) of section 3735.31 of the Revised Code; member of a police force employed by a regional transit authority under division (Y) of section 306.05 of the Revised Code; state university law enforcement officer appointed under section 3345.04 of the Revised Code; enforcement agent of the department of public safety designated under section 5502.14 of the Revised Code; employee of the department of taxation to whom investigation powers have been delegated under section 5743.45 of the Revised Code; employee of the department of natural resources who is a natural resources law enforcement staff officer designated pursuant to section 1501.013 of the Revised Code, a forest officer designated pursuant to section 1503.29 of the Revised Code, a preserve officer designated pursuant to section 1517.10 of the Revised Code, a wildlife officer designated pursuant to section 1531.13 of the Revised Code, a park officer designated pursuant to section 1541.10 of the Revised Code, or a state watercraft officer designated pursuant to section 1547.521 of the Revised Code; individual designated to perform law enforcement duties under section 511.232, 1545.13, or 6101.75 of the Revised Code; veterans' home police officer appointed under section 5907.02 of the Revised Code; special police officer employed by a port authority under section 4582.04 or 4582.28 of the Revised Code; police constable of any township; police officer of a township or joint township police district; a special police officer employed by a municipal corporation at a municipal airport, or other municipal air navigation facility, that has scheduled operations, as defined in section 119.3 of Title 14 of the Code of Federal Regulations, 14 C.F.R. 119.3, as amended, and that is required to be under a security program and is governed by aviation security rules of the transportation security administration of the United States department of



transportation as provided in Parts 1542. and 1544. of Title 49 of the Code of Federal Regulations, as amended; the house of representatives sergeant at arms if the house of representatives sergeant at arms has arrest authority pursuant to division (E)(1) of section 101.311 of the Revised Code; and an assistant house of representatives sergeant at arms; officer or employee of the bureau of criminal identification and investigation established pursuant to section 109.51 of the Revised Code who has been awarded a certificate by the executive director of the Ohio peace officer training commission attesting to the officer's or employee's satisfactory completion of an approved state, county, municipal, or department of natural resources peace officer basic training program and who is providing assistance upon request to a law enforcement officer or emergency assistance to a peace officer pursuant to section 109.54 or 109.541 of the Revised Code; a state fire marshal law enforcement officer described in division (A)(23) of section 109.71 of the Revised Code; and, for the purpose of arrests within those areas, for the purposes of Chapter 5503. of the Revised Code, and the filing of and service of process relating to those offenses witnessed or investigated by them, the superintendent and troopers of the state highway patrol.

(C) "Prosecutor" includes the county prosecuting attorney and any assistant prosecutor designated to assist the county prosecuting attorney, and, in the case of courts inferior to courts of common pleas, includes the village solicitor, city director of law, or similar chief legal officer of a municipal corporation, any such officer's assistants, or any attorney designated by the prosecuting attorney of the county to appear for the prosecution of a given case.

(D) "Offense," except where the context specifically indicates otherwise, includes felonies, misdemeanors, and violations of ordinances of municipal corporations and other public bodies authorized by law to adopt penal regulations.

**Sec. 2935.03.** (A)(1) A sheriff, deputy sheriff, marshal, deputy marshal, municipal police officer, township constable, police officer of a township or joint township police district, member of a police force employed by a metropolitan housing authority under division (D) of section 3735.31 of the Revised Code, member of a police force employed by a regional transit authority under division (Y) of section 306.35 of the Revised Code, state university law enforcement officer appointed under section 3345.04 of the Revised Code, veterans' home police officer appointed under section 5907.02 of the Revised Code, special police officer employed by a port authority under section 4582.04 or 4582.28 of the Revised Code, or a special police officer employed by a municipal corporation at a municipal airport, or other municipal air navigation facility, that has scheduled operations, as defined in section 119.3 of Title 14 of the Code of Federal Regulations, 14 C.F.R. 119.3, as amended, and that is required to be under a security program and is governed by aviation security rules of the transportation security administration of the United States department of transportation as provided in Parts 1542. and 1544. of Title 49 of the Code of Federal Regulations, as amended, shall arrest and detain, until a warrant can be

obtained, a person found violating, within the limits of the political subdivision, metropolitan housing authority housing project, regional transit authority facilities or areas of a municipal corporation that have been agreed to by a regional transit authority and a municipal corporation located within its territorial jurisdiction, college, university, veterans' home operated under Chapter 5907. of the Revised Code, port authority, or municipal airport or other municipal air navigation facility, in which the peace officer is appointed, employed, or elected, a law of this state, an ordinance of a municipal corporation, or a resolution of a township.

(2) A peace officer of the department of natural resources, a state fire marshal law enforcement officer described in division (A)(23) of section 109.71 of the Revised Code, or an individual designated to perform law enforcement duties under section 511.232, 1545.13, or 6101.75 of the Revised Code shall arrest and detain, until a warrant can be obtained, a person found violating, within the limits of the peace officer's, state fire marshal law enforcement officer's, or individual's territorial jurisdiction, a law of this state.

(3) The house sergeant at arms if the house sergeant at arms has arrest authority pursuant to division (E)(1) of section 101.311 of the Revised Code and an assistant house sergeant at arms shall arrest and detain, until a warrant can be obtained, a person found violating, within the limits of the sergeant at arms's or assistant sergeant at arms's territorial jurisdiction specified in division (D)(1)(a) of section 101.311 of the Revised Code or while providing security pursuant to division (D)(1)(f) of section 101.311 of the Revised Code, a law of this state, an ordinance of a municipal corporation, or a resolution of a township.

(B)(1) When there is reasonable ground to believe that an offense of violence, the offense of criminal child enticement as defined in section 2905.05 of the Revised Code, the offense of public indecency as defined in section 2907.09 of the Revised Code, the offense of domestic violence as defined in section 2919.25 of the Revised Code, the offense of violating a protection order as defined in section 2919.27 of the Revised Code, the offense of menacing by stalking as defined in section 2903.211 of the Revised Code, the offense of aggravated trespass as defined in section 2911.211 of the Revised Code, a theft offense as defined in section 2913.01 of the Revised Code, or a felony drug abuse offense as defined in section 2925.01 of the Revised Code, has been committed within the limits of the political subdivision, metropolitan housing authority housing project, regional transit authority facilities or those areas of a municipal corporation that have been agreed to by a regional transit authority and a municipal corporation located within its territorial jurisdiction, college, university, veterans' home operated under Chapter 5907. of the Revised Code, port authority, or municipal airport or other municipal air navigation facility, in which the peace officer is appointed, employed, or elected or within the limits of the territorial jurisdiction of the peace officer, a peace officer described in division (A) of this section may arrest and detain until a warrant can be obtained any person who the peace officer has reasonable cause to believe is guilty of the violation.

(2) For purposes of division (B)(1) of this section, the execution of any of the following constitutes reasonable ground to believe that the offense alleged in the statement was committed and reasonable cause to believe that the person alleged in the statement to have committed the offense is guilty of the violation:

(a) A written statement by a person alleging that an alleged offender has committed the offense of menacing by stalking or aggravated trespass;

(b) A written statement by the administrator of the interstate compact on mental health appointed under section 5119.51 of the Revised Code alleging that a person who had been hospitalized, institutionalized, or confined in any facility under an order made pursuant to or under authority of section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code has escaped from the facility, from confinement in a vehicle for transportation to or from the facility, or from supervision by an employee of the facility that is incidental to hospitalization, institutionalization, or confinement in the facility and that occurs outside of the facility, in violation of section 2921.34 of the Revised Code;

(c) A written statement by the administrator of any facility in which a person has been hospitalized, institutionalized, or confined under an order made pursuant to or under authority of section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code alleging that the person has escaped from the facility, from confinement in a vehicle for transportation to or from the facility, or from supervision by an employee of the facility that is incidental to hospitalization, institutionalization, or confinement in the facility and that occurs outside of the facility, in violation of section 2921.34 of the Revised Code.

(3)(a) For purposes of division (B)(1) of this section, a peace officer described in division (A) of this section has reasonable grounds to believe that the offense of domestic violence or the offense of violating a protection order has been committed and reasonable cause to believe that a particular person is guilty of committing the offense if any of the following occurs:

(i) A person executes a written statement alleging that the person in question has committed the offense of domestic violence or the offense of violating a protection order against the person who executes the statement or against a child of the person who executes the statement.

(ii) No written statement of the type described in division (B)(3)(a)(i) of this section is executed, but the peace officer, based upon the peace officer's own knowledge and observation of the facts and circumstances of the alleged incident of the offense of domestic violence or the alleged incident of the offense of violating a protection order or based upon any other information, including, but not limited to, any reasonably trustworthy information given to the peace officer by the alleged victim of the alleged incident of the offense or any witness of the alleged incident of the offense, concludes that there are reasonable grounds to believe that the offense of domestic violence or the offense of violating a

protection order has been committed and reasonable cause to believe that the person in question is guilty of committing the offense.

(iii) No written statement of the type described in division (B)(3)(a)(i) of this section is executed, but the peace officer witnessed the person in question commit the offense of domestic violence or the offense of violating a protection order.

(b) If pursuant to division (B)(3)(a) of this section a peace officer has reasonable grounds to believe that the offense of domestic violence or the offense of violating a protection order has been committed and reasonable cause to believe that a particular person is guilty of committing the offense, it is the preferred course of action in this state that the officer arrest and detain that person pursuant to division (B)(1) of this section until a warrant can be obtained.

If pursuant to division (B)(3)(a) of this section a peace officer has reasonable grounds to believe that the offense of domestic violence or the offense of violating a protection order has been committed and reasonable cause to believe that family or household members have committed the offense against each other, it is the preferred course of action in this state that the officer, pursuant to division (B)(1) of this section, arrest and detain until a warrant can be obtained the family or household member who committed the offense and whom the officer has reasonable cause to believe is the primary physical aggressor. There is no preferred course of action in this state regarding any other family or household member who committed the offense and whom the officer does not have reasonable cause to believe is the primary physical aggressor, but, pursuant to division (B)(1) of this section, the peace officer may arrest and detain until a warrant can be obtained any other family or household member who committed the offense and whom the officer does not have reasonable cause to believe is the primary physical aggressor.

(c) If a peace officer described in division (A) of this section does not arrest and detain a person whom the officer has reasonable cause to believe committed the offense of domestic violence or the offense of violating a protection order when it is the preferred course of action in this state pursuant to division (B)(3)(b) of this section that the officer arrest that person, the officer shall articulate in the written report of the incident required by section 2935.032 of the Revised Code a clear statement of the officer's reasons for not arresting and detaining that person until a warrant can be obtained.

(d) In determining for purposes of division (B)(3)(b) of this section which family or household member is the primary physical aggressor in a situation in which family or household members have committed the offense of domestic violence or the offense of violating a protection order against each other, a peace officer described in division (A) of this section, in addition to any other relevant circumstances, should consider all of the following:

(i) Any history of domestic violence or of any other violent acts by either person involved in the alleged offense that the officer reasonably can ascertain;

(ii) If violence is alleged, whether the alleged violence was caused by a person acting in self-defense;

(iii) Each person's fear of physical harm, if any, resulting from the other person's threatened use of force against any person or resulting from the other person's use or history of the use of force against any person, and the reasonableness of that fear;

(iv) The comparative severity of any injuries suffered by the persons involved in the alleged offense.

(e)(i) A peace officer described in division (A) of this section shall not require, as a prerequisite to arresting or charging a person who has committed the offense of domestic violence or the offense of violating a protection order, that the victim of the offense specifically consent to the filing of charges against the person who has committed the offense or sign a complaint against the person who has committed the offense.

(ii) If a person is arrested for or charged with committing the offense of domestic violence or the offense of violating a protection order and if the victim of the offense does not cooperate with the involved law enforcement or prosecuting authorities in the prosecution of the offense or, subsequent to the arrest or the filing of the charges, informs the involved law enforcement or prosecuting authorities that the victim does not wish the prosecution of the offense to continue or wishes to drop charges against the alleged offender relative to the offense, the involved prosecuting authorities, in determining whether to continue with the prosecution of the offense or whether to dismiss charges against the alleged offender relative to the offense and notwithstanding the victim's failure to cooperate or the victim's wishes, shall consider all facts and circumstances that are relevant to the offense, including, but not limited to, the statements and observations of the peace officers who responded to the incident that resulted in the arrest or filing of the charges and of all witnesses to that incident.

(f) In determining pursuant to divisions (B)(3)(a) to (g) of this section whether to arrest a person pursuant to division (B)(1) of this section, a peace officer described in division (A) of this section shall not consider as a factor any possible shortage of cell space at the detention facility to which the person will be taken subsequent to the person's arrest or any possibility that the person's arrest might cause, contribute to, or exacerbate overcrowding at that detention facility or at any other detention facility.

(g) If a peace officer described in division (A) of this section intends pursuant to divisions (B)(3)(a) to (g) of this section to arrest a person pursuant to division (B)(1) of this section and if the officer is unable to do so because the person is not present, the officer promptly shall seek a warrant for the arrest of the person.

(h) If a peace officer described in division (A) of this section responds to a report of an alleged incident of the offense of domestic violence or an alleged

incident of the offense of violating a protection order and if the circumstances of the incident involved the use or threatened use of a deadly weapon or any person involved in the incident brandished a deadly weapon during or in relation to the incident, the deadly weapon that was used, threatened to be used, or brandished constitutes contraband, and, to the extent possible, the officer shall seize the deadly weapon as contraband pursuant to Chapter 2981. of the Revised Code. Upon the seizure of a deadly weapon pursuant to division (B)(3)(h) of this section, section 2981.12 of the Revised Code shall apply regarding the treatment and disposition of the deadly weapon. For purposes of that section, the "underlying criminal offense" that was the basis of the seizure of a deadly weapon under division (B)(3)(h) of this section and to which the deadly weapon had a relationship is any of the following that is applicable:

(i) The alleged incident of the offense of domestic violence or the alleged incident of the offense of violating a protection order to which the officer who seized the deadly weapon responded;

(ii) Any offense that arose out of the same facts and circumstances as the report of the alleged incident of the offense of domestic violence or the alleged incident of the offense of violating a protection order to which the officer who seized the deadly weapon responded.

(4) If, in the circumstances described in divisions (B)(3)(a) to (g) of this section, a peace officer described in division (A) of this section arrests and detains a person pursuant to division (B)(1) of this section, or if, pursuant to division (B)(3)(h) of this section, a peace officer described in division (A) of this section seizes a deadly weapon, the officer, to the extent described in and in accordance with section 9.86 or 2744.03 of the Revised Code, is immune in any civil action for damages for injury, death, or loss to person or property that arises from or is related to the arrest and detention or the seizure.

(C) When there is reasonable ground to believe that a violation of division (A)(1), (2), (3), (4), or (5) of section 4506.15 or a violation of section 4511.19 of the Revised Code has been committed by a person operating a motor vehicle subject to regulation by the public utilities commission of Ohio under Title XLIX of the Revised Code, a peace officer with authority to enforce that provision of law may stop or detain the person whom the officer has reasonable cause to believe was operating the motor vehicle in violation of the division or section and, after investigating the circumstances surrounding the operation of the vehicle, may arrest and detain the person.

(D) If a sheriff, deputy sheriff, marshal, deputy marshal, municipal police officer, member of a police force employed by a metropolitan housing authority under division (D) of section 3735.31 of the Revised Code, member of a police force employed by a regional transit authority under division (Y) of section 306.35 of the Revised Code, special police officer employed by a port authority under section 4582.04 or 4582.28 of the Revised Code, special police officer employed by a municipal corporation at a municipal airport or other municipal air navigation facility described in division (A) of this section, township

constable, police officer of a township or joint township police district, state university law enforcement officer appointed under section 3345.04 of the Revised Code, peace officer of the department of natural resources, individual designated to perform law enforcement duties under section 511.232, 1545.13, or 6101.75 of the Revised Code, the house sergeant at arms if the house sergeant at arms has arrest authority pursuant to division (E)(1) of section 101.311 of the Revised Code, or an assistant house sergeant at arms is authorized by division (A) or (B) of this section to arrest and detain, within the limits of the political subdivision, metropolitan housing authority housing project, regional transit authority facilities or those areas of a municipal corporation that have been agreed to by a regional transit authority and a municipal corporation located within its territorial jurisdiction, port authority, municipal airport or other municipal air navigation facility, college, or university in which the officer is appointed, employed, or elected or within the limits of the territorial jurisdiction of the peace officer, a person until a warrant can be obtained, the peace officer, outside the limits of that territory, may pursue, arrest, and detain that person until a warrant can be obtained if all of the following apply:

(1) The pursuit takes place without unreasonable delay after the offense is committed;

(2) The pursuit is initiated within the limits of the political subdivision, metropolitan housing authority housing project, regional transit authority facilities or those areas of a municipal corporation that have been agreed to by a regional transit authority and a municipal corporation located within its territorial jurisdiction, port authority, municipal airport or other municipal air navigation facility, college, or university in which the peace officer is appointed, employed, or elected or within the limits of the territorial jurisdiction of the peace officer;

(3) The offense involved is a felony, a misdemeanor of the first degree or a substantially equivalent municipal ordinance, a misdemeanor of the second degree or a substantially equivalent municipal ordinance, or any offense for which points are chargeable pursuant to section 4510.036 of the Revised Code.

(E) In addition to the authority granted under division (A) or (B) of this section:

(1) A sheriff or deputy sheriff may arrest and detain, until a warrant can be obtained, any person found violating section 4503.11, 4503.21, or 4549.01, sections 4549.08 to 4549.12, section 4549.62, or Chapter 4511. or 4513. of the Revised Code on the portion of any street or highway that is located immediately adjacent to the boundaries of the county in which the sheriff or deputy sheriff is elected or appointed.

(2) A member of the police force of a township police district created under section 505.48 of the Revised Code, a member of the police force of a joint township police district created under section 505.481 of the Revised Code, or a township constable appointed in accordance with section 509.01 of the

Revised Code, who has received a certificate from the Ohio peace officer training commission under section 109.75 of the Revised Code, may arrest and detain, until a warrant can be obtained, any person found violating any section or chapter of the Revised Code listed in division (E)(1) of this section, other than sections 4513.33 and 4513.34 of the Revised Code, on the portion of any street or highway that is located immediately adjacent to the boundaries of the township police district or joint township police district, in the case of a member of a township police district or joint township police district police force, or the unincorporated territory of the township, in the case of a township constable. However, if the population of the township that created the township police district served by the member's police force, or the townships that created the joint township police district served by the member's police force, or the township that is served by the township constable, is sixty thousand or less, the member of the township police district or joint police district police force or the township constable may not make an arrest under division (E)(2) of this section on a state highway that is included as part of the interstate system.

(3) A police officer or village marshal appointed, elected, or employed by a municipal corporation may arrest and detain, until a warrant can be obtained, any person found violating any section or chapter of the Revised Code listed in division (E)(1) of this section on the portion of any street or highway that is located immediately adjacent to the boundaries of the municipal corporation in which the police officer or village marshal is appointed, elected, or employed.

(4) A peace officer of the department of natural resources, a state fire marshal law enforcement officer described in division (A)(23) of section 109.71 of the Revised Code, or an individual designated to perform law enforcement duties under section 511.232, 1545.13, or 6101.75 of the Revised Code may arrest and detain, until a warrant can be obtained, any person found violating any section or chapter of the Revised Code listed in division (E)(1) of this section, other than sections 4513.33 and 4513.34 of the Revised Code, on the portion of any street or highway that is located immediately adjacent to the boundaries of the lands and waters that constitute the territorial jurisdiction of the peace officer or state fire marshal law enforcement officer.

(F)(1) A department of mental health special police officer or a department of mental retardation and developmental disabilities special police officer may arrest without a warrant and detain until a warrant can be obtained any person found committing on the premises of any institution under the jurisdiction of the particular department a misdemeanor under a law of the state.

A department of mental health special police officer or a department of mental retardation and developmental disabilities special police officer may arrest without a warrant and detain until a warrant can be obtained any person who has been hospitalized, institutionalized, or confined in an institution under the jurisdiction of the particular department pursuant to or under authority of section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code and who is found committing on the premises of any



institution under the jurisdiction of the particular department a violation of section 2921.34 of the Revised Code that involves an escape from the premises of the institution.

(2)(a) If a department of mental health special police officer or a department of mental retardation and developmental disabilities special police officer finds any person who has been hospitalized, institutionalized, or confined in an institution under the jurisdiction of the particular department pursuant to or under authority of section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code committing a violation of section 2921.34 of the Revised Code that involves an escape from the premises of the institution, or if there is reasonable ground to believe that a violation of section 2921.34 of the Revised Code has been committed that involves an escape from the premises of an institution under the jurisdiction of the department of mental health or the department of mental retardation and developmental disabilities and if a department of mental health special police officer or a department of mental retardation and developmental disabilities special police officer has reasonable cause to believe that a particular person who has been hospitalized, institutionalized, or confined in the institution pursuant to or under authority of section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code is guilty of the violation, the special police officer, outside of the premises of the institution, may pursue, arrest, and detain that person for that violation of section 2921.34 of the Revised Code, until a warrant can be obtained, if both of the following apply:

(i) The pursuit takes place without unreasonable delay after the offense is committed;

(ii) The pursuit is initiated within the premises of the institution from which the violation of section 2921.34 of the Revised Code occurred.

(b) For purposes of division (F)(2)(a) of this section, the execution of a written statement by the administrator of the institution in which a person had been hospitalized, institutionalized, or confined pursuant to or under authority of section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code alleging that the person has escaped from the premises of the institution in violation of section 2921.34 of the Revised Code constitutes reasonable ground to believe that the violation was committed and reasonable cause to believe that the person alleged in the statement to have committed the offense is guilty of the violation.

(G) As used in this section:

(1) A "department of mental health special police officer" means a special police officer of the department of mental health designated under section 5119.14 of the Revised Code who is certified by the Ohio peace officer training commission under section 109.77 of the Revised Code as having successfully completed an approved peace officer basic training program.

(2) A "department of mental retardation and developmental disabilities

special police officer" means a special police officer of the department of mental retardation and developmental disabilities designated under section 5123.13 of the Revised Code who is certified by the Ohio peace officer training council under section 109.77 of the Revised Code as having successfully completed an approved peace officer basic training program.

(3) "Deadly weapon" has the same meaning as in section 2923.11 of the Revised Code.

(4) "Family or household member" has the same meaning as in section 2919.25 of the Revised Code.

(5) "Street" or "highway" has the same meaning as in section 4511.01 of the Revised Code.

(6) "Interstate system" has the same meaning as in section 5516.01 of the Revised Code.

(7) "Peace officer of the department of natural resources" means an employee of the department of natural resources who is a natural resources law enforcement staff officer designated pursuant to section 1501.013 of the Revised Code, a forest officer designated pursuant to section 1503.29 of the Revised Code, a preserve officer designated pursuant to section 1517.10 of the Revised Code, a wildlife officer designated pursuant to section 1531.13 of the Revised Code, a park officer designated pursuant to section 1541.10 of the Revised Code, or a state watercraft officer designated pursuant to section 1547.521 of the Revised Code.

(8) "Portion of any street or highway" means all lanes of the street or highway irrespective of direction of travel, including designated turn lanes, and any berm, median, or shoulder."

In line 31131, after "105.41," insert "109.71,"

In line 31140, delete "2903.12,"

In line 31141, after "2923.11," insert "2935.01, 2935.03,"

In line 37791, after "107.19," insert "109.71,"

In line 37802, delete "2903.12,"; after "2923.11," insert "2935.01, 2935.03,"

In line 37924, after "815.10." insert "Section 109.71 of the Revised Code is presented in this act as a composite of the section as amended by both Sub. H.B. 347 and Sub. H.B. 454 of the 126th General Assembly. Section 2935.01 of the Revised Code is presented in this act as a composite of the section as amended by both Sub. H.B. 545 and H.B. 675 of the 124th General Assembly."

In line 1 of the title, after "105.41," insert "109.71,"

In line 15 of the title, delete "2903.12,"

In line 16 of the title, after "2923.11," insert "2935.01, 2935.03,"

In line 33819, delete the second "\$1,676,000" and insert " \$1,876,000"

In line 33821, delete the second "\$1,676,000" and insert " \$1,876,000"

In line 33822, delete the second "\$1,676,000" and insert " \$1,876,000"

In line 32870, after the comma insert "the Local Infrastructure Development Fund (Fund 7039),"

In line 29941, reinsert "May"; delete " June"

Between lines 31728 and 31729, insert:

"C58021Providence House \$200,000"

In line 31729, delete "\$104,480,000" and insert "\$104,680,000"

Delete line 31758

In line 31759, delete "\$21,500,774" and insert "\$21,300,774"

In line 31760, delete "\$21,500,774" and insert "\$21,300,774"

In line 145, after "4303.182," insert "4303.25,"

Between lines 17911 and 17912, insert:

**"Sec. 4303.25.** No person personally or by the person's clerk, agent, or employee shall manufacture, manufacture for sale, offer, keep, or possess for sale, furnish or sell, or solicit the purchase or sale of any beer or intoxicating liquor in this state, or transport, import, or cause to be transported or imported any beer, intoxicating liquor, or alcohol in or into this state for delivery, use, or sale, unless the person has fully complied with this chapter and Chapter 4301. of the Revised Code or is the holder of a permit issued by the division of liquor control and in force at the time.

The superintendent of liquor control may adopt rules requiring a person acting as an agent, solicitor, or salesperson for a manufacturer, supplier, broker, or wholesale distributor, who solicits permit holders authorized to deal in beer and intoxicating liquor, to be registered with the division and may cite the registrant to the liquor control commission for a violation of this chapter, Chapter 4301. of the Revised Code, or the rules adopted by the commission or superintendent.

~~No manufacturer, supplier, wholesale distributor, broker, or retailer of beer or intoxicating liquor, or other person shall employ, retain, or otherwise utilize any person in this state to act as an employee, agent, solicitor, or salesperson, or act in any other representative capacity to sell, solicit, take orders, or receive offers to purchase or expressions of interest to purchase beer or intoxicating liquor from any person, at any location other than a liquor permit premises, except as specifically authorized by Chapter 4301. or 4303. of the Revised Code or rules adopted thereunder. No function, event, or party shall take place at any location other than a liquor permit premises where any person acts in any manner to sell, solicit, take orders, or receive offers to purchase or~~

~~expressions of intent to purchase beer or intoxicating liquor to or from any person, except as specifically authorized by Chapter 4301. or 4303. of the Revised Code or rules adopted thereunder."~~

In line 31157, after "4303.182," insert "4303.25,"

In line 37818, after "4303.182," insert "4303.25,"

In line 38 of the title, after "4303.182," insert "4303.25,"

In line 20165, delete " not more than"

In line 20166, delete " not more than"

In line 20167, delete " not more than"

Between lines 37279 and 37280, insert:

**"Section 715.50.** (A) There is hereby created the State Park and Recreational Area Study Committee consisting of the following members:

(1) The Director of Natural Resources or the Director's designee;

(2) Two members representing the public appointed by the Governor who have general knowledge of the operation of a park or recreational area;

(3) Three members appointed by the Speaker of the House of Representatives who may be members of the House of Representatives or individuals representing the public. A member representing the public shall have general knowledge of the operation of a park or recreational area.

(4) Three members appointed by the President of the Senate who may be members of the Senate or individuals representing the public. A member representing the public shall have general knowledge of the operation of a park or recreational area.

(B) All appointments to the Committee shall be made not later than thirty days after the effective date of this section. The Director of Natural Resources shall serve as the chairperson of the Committee.

(C) Members of the Committee shall serve without compensation and shall not be reimbursed for expenses.

(D) The Department of Natural Resources shall provide administrative support if requested by the Committee.

(E) The Committee shall study and assess the current and future operating budgets of the state parks and of recreational areas under the control of the Department of Natural Resources and the condition of the current infrastructure and future needs of the state parks and those recreational areas.

(F) Not later than December 31, 2008, the Committee shall submit a report of its findings to the Governor, the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the President of the Senate, and the Minority Leader of the Senate. Upon the

submission of the report, the Committee shall cease to exist."

In line 37847, after "715.40," insert "715.50,"

In line 123, delete "321.261,"

In line 168, after "303.213," insert "321.262,"

Delete lines 4118 through 4156 and insert:

" **Sec. 321.262.** Notwithstanding section 321.261 of the Revised Code, in a county having a population of more than four hundred thousand according to the department of development's 2006 census estimate, if the county treasurer or prosecuting attorney determines that the amount appropriated to the office from the county's delinquent tax and assessment collection fund exceeds the amount required to be used as prescribed by that section, the county treasurer or prosecuting attorney may expend the excess to provide financial assistance in the form of loans to borrowers in default on their home mortgages, including for the payment of late fees, to clear arrearage balances, and to augment moneys used in the county's foreclosure prevention program, provided that the combined amount so expended each year in the county shall not exceed three million dollars."

In line 31135, delete "321.261,"

Delete lines 37191 through 37219

In line 37797, delete "321.261," and insert "321.262,"

In line 8 of the title, delete "321.261,"

In line 70 of the title, after "303.213," insert "321.262,"

In line 119, after "113.40," insert "117.11,"

Between lines 939 and 940, insert:

**"Sec. 117.11.** (A) Except as otherwise provided in this division and in sections 117.112 and 117.113 of the Revised Code, the auditor of state shall audit each public office at least once every two fiscal years. The auditor of state shall audit a public office each fiscal year if that public office is required to be audited on an annual basis pursuant to "The Single Audit Act of 1984," 98 Stat. 2327, 31 U.S.C.A. 7501 et seq., as amended. In the annual or biennial audit, inquiry shall be made into the methods, accuracy, and legality of the accounts, financial reports, records, files, and reports of the office, whether the laws, rules, ordinances, and orders pertaining to the office have been observed, and whether the requirements and rules of the auditor of state have been complied with. Except as otherwise provided in this division or where auditing standards or procedures dictate otherwise, each audit shall cover at least one fiscal year. If a public office is audited only once every two fiscal years, the audit shall cover both fiscal years.

(B) In addition to the annual or biennial audit provided for in division (A) of this section, the auditor of state may conduct an audit of a public office at any

time when so requested by the public office or upon the auditor of state's own initiative if the auditor of state has reasonable cause to believe that an additional audit is in the public interest.

(C)(1) The auditor of state shall identify any public office in which the auditor of state will be unable to conduct an audit at least once every two fiscal years as required by division (A) of this section and shall provide immediate written notice to the clerk of the legislative authority or governing board of the public office so identified. Within six months of the receipt of such notice, the legislative authority or governing board may engage an independent certified public accountant to conduct an audit pursuant to section 117.12 of the Revised Code.

(2) When the chief fiscal officer of a public office notifies the auditor of state that an audit is required at a time prior to the next regularly scheduled audit by the auditor of state, the auditor of state shall either cause an earlier audit to be made by the auditor of state or authorize the legislative authority or governing board of the public office to engage an independent certified public accountant to conduct the required audit. The scope of the audit shall be as authorized by the auditor of state.

(3) The auditor of state shall approve the scope of an audit under division (C)(1) or (2) of this section as set forth in the contract for the proposed audit before the contract is executed on behalf of the public office that is to be audited. The independent accountant conducting an audit under division (C)(1) or (2) of this section shall be paid by the public office.

(4) The contract for attest services with an independent accountant employed pursuant to this section or section 115.56 of the Revised Code may include binding arbitration provisions, provisions of Chapter 2711. of the Revised Code, or any other alternative dispute resolution procedures to be followed in the event a dispute remains between the state or public office and the independent accountant concerning the terms of the contract or a breach of the contract after the administrative provisions of the contract have been exhausted.

(D) If a uniform accounting network is established under section 117.101 of the Revised Code, the auditor of state or a certified public accountant employed pursuant to this section or section 115.56 or 117.112 of the Revised Code shall, to the extent practicable, utilize services offered by the network in order to conduct efficient and economical audits of public offices.

(E) The auditor of state shall, in accordance with division (A)(3) of section 9.65 of the Revised Code and this section, audit an annuity program for volunteer fire fighters established by a political subdivision under section 9.65 of the Revised Code. As used in this section, "volunteer fire fighters" and "political subdivision" have the same meanings as in division (C) of section 9.65 of the Revised Code."

In line 31131, after "113.40," insert "117.11,"

In line 37791, after "113.061," insert "117.11,"

In line 2 of the title, after "113.40," insert "117.11,"

Between lines 33145 and 33146, insert:

**"Section 503.40.** All appropriation items in this section are appropriated out of the money in the state treasury to the credit of the designated fund. For all appropriations made in this section, the amounts in the first column are for fiscal year 2008 and the amounts in the second column are for fiscal year 2009.

#### LSC LEGISLATIVE SERVICE COMMISSION

##### General Revenue Fund

|                              |  |    |   |    |         |
|------------------------------|--|----|---|----|---------|
| GRF 035-407                  | Legislative Taskforce on Redistricting | \$ | 0 | \$ | 750,000 |
| TOTAL GRF                    | General Revenue Fund                   | \$ | 0 | \$ | 750,000 |
| TOTAL ALL BUDGET FUND GROUPS |  | \$ | 0 | \$ | 750,000 |

#### LEGISLATIVE TASKFORCE ON REDISTRICTING

An amount equal to the unexpended, unencumbered portion of the foregoing appropriation item 035-407, Legislative Taskforce on Redistricting, at the end of fiscal year 2009 is hereby reappropriated to the Legislative Service Commission for the same purpose for fiscal year 2010.

The appropriations made in this section are subject to all the provisions of Am. Sub. H.B. 119 of the 127th General Assembly that are generally applicable to such appropriations except for Section 809.03 of Am. Sub. H.B. 119 of the 127th General Assembly. Expenditures from appropriations contained in this section shall be accounted for as though made in Am. Sub. H.B. 119 of the 127th General Assembly."

In line 37895, after "503.30," insert "503.40,"

In line 31581, delete "\$450,000" and insert "\$150,000"

In line 31638, delete "\$43,709,834" and insert "\$43,409,834"

In line 31639, delete "\$43,709,834" and insert "\$43,409,834"

In line 32452, delete "\$25,527,333" and insert "\$25,827,333"

In line 32460, delete "\$41,677,333" and insert "\$41,977,333"

In line 32461, delete "\$41,677,333" and insert "\$41,977,333"

In line 32514, delete "\$200,000" and insert "\$500,000"

In line 32515, delete "Spray Park" and insert "Water Facilities Park Project"

In line 18346, after "(A)" delete the balance of the line

Delete lines 18347 through 18351

In line 18352, delete "(B)"

In line 18358, reinsert "(B)"; delete "(C)" and insert "(1)"

In line 18368, delete "Money collected from"

Delete lines 18369 through 18372

In line 18373, delete "motorist service sign fund."; strike through "Nothing" and insert:

"(2) Money generated from participating businesses in excess of the direct and indirect costs and any reasonable profit earned by a person awarded a contract under division (C) of this section shall be remitted to the department of public safety, which shall deposit the money into the state treasury to the credit of the state highway safety fund created in section 4501.06 of the Revised Code to provide money for the operating expenses of the state highway patrol.

(3) Nothing"

In line 18375, after the period insert "If the department operates such a program and does not contract with a private person to operate it, all money collected from participating businesses shall be deposited and credited as prescribed in division (B)(2) of this section."

In line 18376, reinsert "(C)"; delete "(D)"

In line 18384, reinsert "(D)"; delete "(E)"

In line 18388, reinsert "(E)"; delete "(F)"

In line 18396, reinsert "(F)"; delete "(G)"

In line 33247, after "Sections" insert "223.10,"; after "315.10" insert a comma

Between lines 33249 and 33250, insert:

**"Sec. 223.10. REVENUE DISTRIBUTION**

|   |         |                            |    |             |   |
|---|---------|----------------------------|----|-------------|---|
| Holding Account Redistribution Fund Group |         |                            |    |             |   |
| R24                                       | 762-619 | Unidentified Motor Vehicle | \$ | 1,885,000   | \$ 1,885,000                                    |
|   |         | Receipts                   |    |             |   |
| R52                                       | 762-623 | Security Deposits          | \$ | 350,000     | \$ 350,000                                      |
| TOTAL 090 Holding Account                 |         |                            |    |             |   |
| Redistribution Fund Group                 |         |                            | \$ | 2,235,000   | \$ 2,235,000                                    |
| TOTAL ALL BUDGET FUND GROUPS -            |         |                            |    |             |   |
| Revenue Distribution                      |         |                            | \$ | 2,235,000   | \$ 2,235,000                                    |
| <b>TOTAL Department of Public Safety</b>  |         |                            |    |             |   |
| TOTAL HSF State Highway Safety            |         |                            |    |             |   |
| Fund Group                                |         |                            | \$ | 510,027,743 | \$ <del>516,663,269</del><br><u>527,863,269</u> |
| TOTAL SSR State Special Revenue           |         |                            |    |             |   |
| Fund Group                                |         |                            | \$ | 5,937,415   | \$ 5,938,568                                    |
| TOTAL LCF Liquor Control                  |         |                            |    |             |   |
| Fund Group                                |         |                            | \$ | 11,435,527  | \$ 11,546,052                                   |
| TOTAL GSF General Services                |         |                            |    |             |   |
| Fund Group                                |         |                            | \$ | 935,862     | \$ 989,149                                      |
| TOTAL FED Federal Special Revenue         |         |                            |    |             |   |
| Fund Group                                |         |                            | \$ | 151,728,179 | \$ 152,113,072                                  |



|                              |    |             |    |  |
|------------------------------|----|-------------|----|--|
| TOTAL AGY Agency Fund Group  | \$ | 1,500,000   | \$ | 1,500,000                                    |
| TOTAL 090 Holding Account    |    |             |    |  |
| Redistribution Fund Group    | \$ | 2,235,000   | \$ | 2,235,000                                    |
| TOTAL ALL BUDGET FUND GROUPS | \$ | 683,799,726 | \$ | <del>690,985,110</del><br><u>702,185,110</u> |

In line 33296, after "Sections" insert "223.10,"; after "315.10" insert a comma

In line 33299, delete "203.10 and"; after "203.50" insert "and 209.10"

Delete lines 33303 through 33423

Between lines 33469 and 33470, insert:

**"Sec. 209.10. ENFORCEMENT**

**State Highway Safety Fund Group**

|   |                                       |    |             |    |  |
|---|---------------------------------------|----|-------------|----|--|
| 036 764-033                               | Minor Capital Projects                | \$ | 1,250,000   | \$ | 1,250,000                                    |
| 036 764-321                               | Operating Expense - Highway Patrol    | \$ | 253,967,276 | \$ | <del>267,539,597</del><br><u>278,739,597</u> |
| 036 764-605                               | Motor Carrier Enforcement Expenses    | \$ | 3,061,817   | \$ | 3,340,468                                    |
| 83C 764-630                               | Contraband, Forfeiture, Other         | \$ | 622,894     | \$ | 622,894                                      |
| 83F 764-657                               | Law Enforcement Automated Data System | \$ | 7,945,555   | \$ | 8,275,898                                    |
| 83G 764-633                               | OMVI Enforcement/Education            | \$ | 650,000     | \$ | 650,000                                      |
| 83J 764-693                               | Highway Patrol Justice Contraband     | \$ | 2,100,000   | \$ | 2,100,000                                    |
| 83T 764-694                               | Highway Patrol Treasury Contraband    | \$ | 21,000      | \$ | 21,000                                       |
| 831 764-610                               | Patrol - Federal                      | \$ | 2,455,484   | \$ | 2,455,484                                    |
| 831 764-659                               | Transportation Enforcement - Federal  | \$ | 5,665,690   | \$ | 6,132,592                                    |
| 831 769-631                               | Homeland Security - Federal           | \$ | 1,500,000   | \$ | 1,552,500                                    |
| 837 764-602                               | Turnpike Policing                     | \$ | 10,893,146  | \$ | 11,553,959                                   |
| 838 764-606                               | Patrol Reimbursement                  | \$ | 175,000     | \$ | 175,000                                      |
| 840 764-607                               | State Fair Security                   | \$ | 1,396,283   | \$ | 1,396,283                                    |
| 840 764-617                               | Security and Investigations           | \$ | 6,231,916   | \$ | 6,155,385                                    |
| 840 764-626                               | State Fairgrounds Police Force        | \$ | 788,375     | \$ | 788,375                                      |
| 840 769-632                               | Homeland Security - Operating         | \$ | 1,913,276   | \$ | 1,989,807                                    |
| 841 764-603                               | Salvage and Exchange - Highway Patrol | \$ | 1,339,399   | \$ | 1,339,399                                    |
| TOTAL HSF State Highway Safety Fund Group |                                       | \$ | 301,977,111 | \$ | <del>317,338,641</del><br><u>328,538,641</u> |

**General Services Fund Group**

|  |                   |    |             |    |  |
|--|-------------------|----|-------------|----|--|
| 4S2 764-660                                | MARCS Maintenance | \$ | 335,862     | \$ | 389,149                                      |
| TOTAL GSF General Services Fund Group      |                   | \$ | 335,862     | \$ | 389,149                                      |
| TOTAL ALL BUDGET FUND GROUPS - Enforcement |                   | \$ | 302,312,973 | \$ | <del>317,727,790</del><br><u>328,927,790</u> |

**COLLECTIVE BARGAINING INCREASES**

Notwithstanding division (D) of section 127.14 and division (B) of section 131.35 of the Revised Code, except for the General Revenue Fund, the Controlling Board may, upon the request of either the Director of Budget and

Management, or the Department of Public Safety with the approval of the Director of Budget and Management, increase appropriations for any fund, as necessary for the Department of Public Safety, to assist in paying the costs of increases in employee compensation that have occurred pursuant to collective bargaining agreements under Chapter 4117. of the Revised Code and, for exempt employees, under section 124.152 of the Revised Code.

#### TRAFFIC SAFETY OPERATING FUND

On July 1, 2007, or as soon thereafter as possible, the Director of Budget and Management shall transfer the cash balance in the Traffic Safety Operating Fund (Fund 5AY) to the Highway Safety Fund (Fund 036). The Director of Budget and Management shall cancel any existing encumbrances against appropriation item 764-688, Traffic Safety Operating, and re-establish them against appropriation item 764-321, Operating Expense – Highway Patrol. The amounts of the re-established encumbrances are hereby appropriated. Upon completion of these transfers, the Traffic Safety Operating Fund (Fund 5AY) is hereby abolished.

#### CASH TRANSFER TO THE STATE HIGHWAY SAFETY FUND

Effective July 1, 2007, the Treasurer of State, prior to making any of the distributions listed in sections 5735.23, 5735.26, 5735.291, and 5735.30 of the Revised Code, shall deposit at least the first \$1,250,000 and up to \$1,600,000 received each month to the credit of the State Highway Safety Fund (Fund 036) pursuant to a schedule determined by the Director of Budget and Management."

In line 33470, delete "203.10 and"; after "203.50" insert "and 209.10"

In line 33472, delete "is" and insert "are"

In line 37883, after "203.50," insert "209.10, 223.10,"

In line 88 of the title, after "Sections" insert "223.10,"; after "315.10" insert a comma

In line 90 of the title, delete "203.10 and"; after "203.50" insert "and 209.10"

In line 19966, delete " Chapter 119." and insert " section 111.15"

In line 33114, delete "Dental" and insert "Dentist"

In line 33115, delete "Dental" and insert "Dentist"

In line 34644, delete " Dental" and insert " Dentist"

In line 37829, delete "5739.12, 5739.122, 5739.124,"

In line 37830, delete "5741.12, 5741.121, 5741.122,"

Between lines 37837 and 37838, insert:

"The amendment by this act of sections 5739.12, 5739.122, 5739.124, 5741.12, 5741.121, and 5741.122 of the Revised Code takes effect January 1,

2009."

In line 31662, delete "\$3,000,000" and insert "\$2,600,000"

In line 31682, subtract \$400,000 from the total

In line 31683, subtract \$400,000 from the total

In line 31685, delete "\$2,500,000" and insert "\$2,100,000"

In line 32452, delete "\$25,527,333" and insert "\$25,927,333"

In line 32460, add \$400,000 to the total

In line 32461, add \$400,000 to the total

In line 32490, delete "\$333,333" and insert "\$733,333"

Between lines 37731 and 37732, insert:

**"Section 753.10.** (A) The Governor is hereby authorized to execute a deed in the name of the state conveying to a purchaser and the purchaser's successors and assigns or heirs and assigns all of the state's right, title, and interest in the following described real estate:

Being situated in the State of Ohio, County of Marion, Township of Marion, and being a part of Section 26, Township 5 South, Range 15 East, Marion Township, Marion County, Ohio, and being part of a 2.424 acre tract conveyed to Franchise Realty Interstate Corporation by deed dated April 26, 1973, shown of record in Deed Book 490, Page 464, Recorder's Office, Marion County, Ohio, and being more particularly described as follows:

Beginning at a PK nail at the intersection of the easterly line of Section 26 (westerly line of Section 25), with the centerline of State Route #95 (Mount Vernon Avenue) (the centerline of State Route #95 is shown on Sheet 12 of 16 of the Right-of-Way Plans of MAR-95-16.49, Department of Highways, State of Ohio, Division 6, Delaware, Ohio), said nail is at the northeasterly corner of said 2.424 acre tract, and the northwesterly corner of a 30 acre tract (Tract #3) conveyed to the State of Ohio, shown of record in Deed Book 415, Page 207;

Thence South 0 degrees, 11 minutes 18 seconds West, along the easterly line of said 2.424 acre tract (easterly line of Section 26), and along the westerly line of said 30 acre tract (Tract #3) (westerly line of Section 25), passing an iron pin on the southerly right-of-way line of said State Route #95 at 43.01 feet, a total distance of 329.50 feet to an iron pin at the southeasterly corner of said 2.424 acre tract, and the northeasterly corner of a 17.08 acre tract conveyed to J.C. Neff and A.J. Uliano (Tract #1), shown of record in Deed Book 435, 346;

Thence South 88 degrees 44 minutes 48 seconds West, along the southerly line of said 2.424 acre tract, and along the northerly line of said 17.08 acre tract (Tract #1), a distance of 150.00 feet to an iron pin;

Thence North 0 degrees 11 minutes 18 seconds East, across said 2.424 acre tract, and along a line parallel to the easterly line of said 2.424 acre tract,

(easterly line of Section 26), passing an iron pin on the southerly right-of-way line of said State Route #95 at 286.49 feet, a total distance of 329.50 feet to a PK nail on the centerline of said State Route #95 (northerly line of said 2.424 acre tract);

Thence North 88 degrees 44 minutes 48 seconds East, along the centerline of said State Route #95 (northerly line of said 2.424 acre tract), a distance of 150.00 feet to the place of beginning, containing 1.134 acres more or less of which 0.148 acres more or less is within the present right-of-way limits of said State Route #95, leaving a net acreage of 0.986 acres more or less.

LAST DEED REFERENCE: VOLUME 187 PAGE 558, RECORDS OF MARION COUNTY, OHIO.

(B) The sale of the real estate described in division (A) of this section shall be carried out by the Board of Trustees of The Ohio State University.

(C) Consideration for the real estate described in division (A) of this section shall be \$365,000, subject to adjustment pursuant to the purchase contract and costs incidental to the closing.

(D) Closing costs incident to the sale of the real estate described in division (A) of this section required to be paid by the seller under the purchase contract shall be paid by the Board of Trustees of The Ohio State University.

(E) Upon payment of the purchase price set forth in division (C) of this section, the Auditor of State, with the assistance of the Attorney General, shall prepare a deed to the real estate described in division (A) of this section, which deed shall state that the conveyance of the property is subject to real estate taxes and assessments not yet due and payable, those liens and encumbrances created or assumed by the purchaser, zoning ordinances and regulations, legal highways and public rights-of-way, and any easements, conditions, restrictions, and covenants of record.

The deed shall be executed by the Governor in the name of the state, countersigned by the Secretary of State, sealed with the Great Seal of the State, presented in the office of the Auditor of State for recording, and delivered to the purchaser. The purchaser shall present the deed for recording in the office of the Marion County Recorder.

(F) The net proceeds of the sale of the real estate described in division (A) of this section shall be deposited in The Ohio State University Land Purchase Account.

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

In line 37848, after "737.10," insert "753.10.,"

In line 34968, after " (2)" insert " "Fiscal year 2005 rate" means the rate a provider of a nursing facility is paid for nursing facility services the nursing facility provides on June 30, 2005.

(3)"

In line 34971, delete "(3)" and insert "(4)"

In line 34974, delete "(4)" and insert "(5)"

In line 34979, delete "(5)" and insert "(6)"

In line 34981, delete "(6)" and insert "(7)"

In line 34985, delete "(7)" and insert "(8)"

In line 34996, delete "(8)" and insert "(9)"

In line 35015, delete "(9)" and insert "(10)"

In line 35035, delete "(10)" and insert "(11)"

In line 35053, delete "(11)" and insert "(12)"

In line 35064, delete "(12)" and insert "(13)"

In line 35150, delete "2008" and insert "2005"

In line 35307, strike through "at the end of fiscal year" and insert "on September 30."; after "2008" insert an underlined comma

In line 35408, strike through "determined under Section 309.30.20 of"; delete "Am. Sub."

In line 35409, delete "H.B. 119 of the 127th General Assembly" and insert "on June 30, 2006."; delete "that section does"

In line 35410, delete "not apply to"; after "facility" insert "did not have a Medicaid reimbursement per diem rate on June 30, 2006."

In line 35444, strike through "determined under Section"

In line 35445, strike through "309.30.20 of"; delete "Am. Sub. H.B. 119 of the 127th General"

In line 35446, delete "Assembly" and insert "on June 30, 2005."

In line 35506, delete "June"; strike through "30" and insert "August 31"

Between lines 37731 and 37732, insert:

**"Section 753.20.** (A) The Governor is hereby authorized to execute a Governor's Deed in the name of the state conveying to the Board of Commissioners of Shelby County, Ohio (grantee), and the grantee's successors and assigns, all of the state's right, title, and interest in the following described real estate:

Situated in the State of Ohio, County of Shelby, Township of Jackson, being a part of the Southeast Quarter of the Southeast Quarter of Section 29, Township 7 South, Range 7 East, and being resurvey of that 6.070-acre tract and that 2.820-acre tract as conveyed to State of Ohio in Deed Volume 221, Page

524, all references being to those of record in the Recorder's Office, Shelby County, Ohio, said 8.905-acre parcel being more particularly bounded and described as follows:

Commencing at a railroad spike found at the intersection of State Route 119 (width varies) and Wones Road (50' in width), also being the southeast corner of Section 29;

Thence along the centerline of said State Route 119 and the southerly line of Section 29, North 89°42'00" West, passing a mag nail found at 467.78 feet and 777.73 feet, a total distance of 1,222.65 feet to a mag nail set and being the Point of Beginning of the 8.905-acre parcel herein described;

Thence continuing along the said centerline, North 89°42'00" West, 90.00 feet to a point at the southeasterly corner of the 76.990-acre tract as conveyed to Lois M. Steenrod and Daniel Steenrod in Deed Volume 290, Page 34;

Thence leaving the said centerline and along the easterly line of said Steenrod tract, North 00°53'00" East, passing an iron pin set in the northerly right-of-way line of said State Route 119 at 50.00 feet, a total distance of 1,142.38 feet to an iron pin set at the southwesterly corner of the 5.92-acre tract as conveyed to Robert K. Depweg and Barbara A. Depweg in Deed Volume 299, Page 246;

Thence along the southerly line of said Depweg tract, the following three (3) courses and distances:

South 89°47'00" East, 340.14 feet to an iron pin set;

South 00°51'00" West, 13.69 feet to an iron pin set; and

South 89°27'00" East, 194.11 feet to an iron pin set at the northwesterly corner of the 8.02-acre tract as conveyed to William Ray Young, Carolyn B. Young, and Robert L. Mummy in Deed Volume 301, Page 297;

Thence leaving the said southerly line and along the westerly line of said William Ray Young, Carolyn B. Young, and Robert L. Mummy tract, South 00°51'00" West, 633.33 feet to an iron pin set at the northeasterly corner of the 2.206-acre tract as conveyed to Daniel W. Steenrod in Official Record Book 1599, Page 18;

Thence along the northerly line of said 2.206-acre tract and the northerly line of the 2.85-acre tract as conveyed to Daniel W. Steenrod in Deed Volume 327, Page 435, North 89°42'00" West, 444.92 feet to an iron pin set at the northwesterly corner of said 2.85-acre tract;

Thence along the westerly line of said 2.85-acre tract, South 00°51'00" West, passing an iron pin set in the said northerly right-of-way line at 445.00 feet, a total distance of 495.00 feet to the Point of Beginning and containing 8.905 acre, more or less.

The above described area is contained within Shelby County Auditor Parcel Numbers 19-0629400.004 and 19-0629400.005.

The bearings in the above description are based on the Ohio State Plane Coordinate System, Ohio North Zone, NAD83.

All iron pins set are 5/8" rebar by 30 inches in length with red surveyors identification caps marked "J&H, PS 8283".

Subject to all valid and existing easements, restrictions and conditions of record.

This description may be modified to a final form if modifications are needed.

(B) The real estate described in division (A) of this section shall be sold as an entire tract and not in parcels.

(C) The Governor's Deed shall state that consideration for the conveyance of the real estate described in division (A) of this section shall be \$1.00 as derived by mutual agreement between the Director of Administrative Services and the grantee through an executed offer to purchase real estate.

(D) Prior to the execution of the Governor's Deed, possession of the real estate described in division (A) of this section may be governed by an interim lease or license between the Ohio Department of Administrative Services and the grantee.

(E) Upon payment of the purchase price, the Auditor of State, with the assistance of the Attorney General, shall prepare a Governor's Deed to the real estate described in division (A) of this section. The Governor's Deed shall state the consideration and shall be executed by the Governor in the name of the state, countersigned by the Secretary of State, sealed with the Great Seal of the State, presented in the office of the Auditor of State for recording, and delivered to the grantee. The grantee shall present the Governor's Deed for recording in the office of the Shelby County Recorder.

(F) The Governor's Deed shall contain a restriction that grantee shall extend the existing agreement between Dayton Public Television and the state, for Dayton Public Television's right to use the Premises and tower located thereon, described in division (A) of this section, through June 30, 2009.

(G) The risk of loss or damage to the real estate described in division (A) of this section shall remain with and is expressly assumed by the state until title passes at the time of the delivery of the Governor's Deed.

(H) The grantee shall pay the costs of the conveyance of the real estate described in division (A) of this section, including recordation costs of the Governor's Deed.

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

In line 37848, after "737.10," insert "753.20,"

In line 30061, delete " fifteenth" and insert " thirtieth"

In line 30139, delete " fifteenth" and insert " thirtieth"

In line 124, after "1332.04," insert "1333.61,"

In line 170, after "3318.034," insert "3318.90,"

Between lines 5091 and 5092, insert:

"**Sec. 1333.61.** As used in sections 1333.61 to 1333.69 of the Revised Code, unless the context requires otherwise:

(A) "Improper means" includes theft, bribery, misrepresentation, breach or inducement of a breach of a duty to maintain secrecy, or espionage through electronic or other means.

(B) "Misappropriation" means any of the following:

(1) Acquisition of a trade secret of another by a person who knows or has reason to know that the trade secret was acquired by improper means;

(2) Disclosure or use of a trade secret of another without the express or implied consent of the other person by a person who did any of the following:

(a) Used improper means to acquire knowledge of the trade secret;

(b) At the time of disclosure or use, knew or had reason to know that the knowledge of the trade secret that the person acquired was derived from or through a person who had utilized improper means to acquire it, was acquired under circumstances giving rise to a duty to maintain its secrecy or limit its use, or was derived from or through a person who owed a duty to the person seeking relief to maintain its secrecy or limit its use;

(c) Before a material change of their position, knew or had reason to know that it was a trade secret and that knowledge of it had been acquired by accident or mistake.

(C) "Person" has the same meaning as in division (C) of section 1.59 of the Revised Code and includes governmental entities.

(D) "Trade secret" means information, including the whole or any portion or phase of any scientific or technical information, design, process, procedure, formula, pattern, compilation, program, device, method, technique, or improvement, or any business information or plans, financial information, or listing of names, addresses, or telephone numbers, that satisfies both of the following:

(1) It derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use.

(2) It is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.



"Trade secret" includes any payroll record or other record relating to employee wages, fringe benefits, or other compensation that is provided to the Ohio school facilities commission by a contractor or subcontractor that bids for a contract or is awarded a contract for a school facilities project under Chapter 3318. of the Revised Code."

Between lines 12371 and 12372, insert:

" **Sec. 3318.90.** If the Ohio school facilities commission requires any contractor or subcontractor that bids for a contract or is awarded a contract for a project under this chapter to submit payroll records or other records relating to employee wages, fringe benefits, or other compensation to the commission, the commission shall keep those records confidential and shall not disseminate the information contained therein. If, with respect to those records, the commission engages in misappropriation, as defined in section 1333.61 of the Revised Code, the contractor or subcontractor, or any employee of the contractor or subcontractor who is affected by the misappropriation, may pursue enforcement of any rights or remedies established under sections 1333.61 to 1333.69 of the Revised Code."

In line 31136, after "1332.04," insert "1333.61,"

In line 37858, after "713.081," insert "1333.61,"

In line 37860, after "3318.04," insert "3318.90,"

In line 9 of the title, after "1332.04," insert "1333.61,"

In line 73 of the title, after "3318.034," insert "3318.90,"

Between lines 33145 and 33146, insert:

**"Section 503.50.** All appropriation items in this section are appropriated out of the money in the state treasury to the credit of the designated fund. For all appropriations made in this section, the amounts in the first column are for fiscal year 2008 and the amounts in the second column are for fiscal year 2009.

#### LSC LEGISLATIVE SERVICE COMMISSION

##### General Revenue Fund

|                                |    |   |    |         |
|--------------------------------|----|---|----|---------|
| GRF 035-321 Operating Expenses | \$ | 0 | \$ | 200,000 |
| TOTAL GRF General Revenue Fund | \$ | 0 | \$ | 200,000 |
| TOTAL ALL BUDGET FUND GROUPS   | \$ | 0 | \$ | 200,000 |

#### COMMISSION ON CUYAHOGA COUNTY GOVERNMENT REFORM

The foregoing appropriation item 035-321, Operating Expenses, shall be used to support the Commission on Cuyahoga County Government Reform created in this act.

The appropriations made in this section are subject to all the provisions of Am. Sub. H.B. 119 of the 127th General Assembly that are generally applicable to such appropriations. Expenditures from appropriations contained in

this section shall be accounted for as though made in Am. Sub. H.B. 119 of the 127th General Assembly."

Between lines 37219 and 37220, insert:

**"Section 703.30.** (A) The Commission on Cuyahoga County Government Reform shall develop recommendations by which Cuyahoga County may, with a vote of the people, restructure, reform, or otherwise reorganize the county government to implement a more effective, efficient, and financially and economically viable county government structure to better serve the people of Cuyahoga County.

(B)(1) There is hereby created the Commission on Cuyahoga County Government Reform, consisting of nine members. The President of the Senate shall appoint three members, one of whom may be a person who is recommended by the Minority Leader of the Senate. The Speaker of the House of Representatives shall appoint three members, one of whom may be a person who is recommended by the Minority Leader of the House of Representatives. The Governor shall appoint three members. All the members shall be residents of Cuyahoga County. The initial appointments shall be made not later than fifteen days after the effective date of this section. Vacancies shall be filled in the manner provided for original appointments.

(2) The initial meeting of the commission shall be within thirty days after the effective date of this section. At the initial meeting, by a majority vote of the commission members, the commission shall elect one of its members to serve as chairperson of the commission.

(C) The commission may consult with and obtain assistance from a business organization within Cuyahoga County for research and data gathering related to its mission. The commission may use moneys available to it for this purpose.

(D) All meetings of the commission are subject to section 121.22 of the Revised Code. All records of the commission are public records for purposes of section 149.43 of the Revised Code.

(E) Not later than November 7, 2008, the commission shall issue a report of its findings and recommendations to the Governor, the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the President of the Senate, the Minority Leader of the Senate, and the chairpersons and ranking members of the standing committees of the General Assembly that deal with local government issues. The recommendations of the commission shall be in legislative form. The Legislative Service Commission shall provide staff and resources necessary so that the recommendations are in proper legislative form.

(F) The commission ceases to exist upon submitting its report."

In line 37895, after "503.30," insert "503.50,"

In line 37896, after "515.60," insert "703.30,"

In line 31126, delete " in excess of" and insert " that, in the aggregate, exceed an amount equal to"

In line 31129, delete " in excess of" and insert " that, in the aggregate, exceed an amount equal to"

In line 8089, after " or" insert " other"

In line 8091, delete the third " to" and insert " for proceeding with"

In line 8092, delete " , the filing of criminal"

Delete line 8093

In line 8094, delete everything before the underlined period

Delete lines 8100 through 8102

Managers on the Part of the  
House of Representatives

Managers on the Part of the  
Senate

/S/ JAY HOTTINGER  
JAY HOTTINGER

/S/ JOHN A. CAREY, JR.  
JOHN A. CAREY, JR.

/S/ SHANNON JONES  
SHANNON JONES

/S/ TOM NIEHAUS  
TOM NIEHAUS

/S/ MICHAEL J. SKINDELL  
MICHAEL J. SKINDELL

/S/ CAPRI S. CAFARO  
CAPRI S. CAFARO

The question being, "Shall the report of the committee of Conference be agreed to?"

The yeas and nays were taken and resulted - yeas 90, nays 3, as follows:

Those who voted in the affirmative were: Representatives

|             |            |             |             |
|-------------|------------|-------------|-------------|
| Adams       | Aslanides  | Bacon       | Batchelder  |
| Beatty      | Blessing   | Bolon       | Book        |
| Boyd        | Brady      | Brown       | Budish      |
| Carmichael  | Celeste    | Chandler    | Coley       |
| Collier     | Combs      | Core        | DeGeeter    |
| DeWine      | Dodd       | Dolan       | Domenick    |
| Dyer        | Evans      | Fende       | Flowers     |
| Foley       | Gardner    | Garrison    | Gerberry    |
| Gibbs       | Goodwin    | Goyal       | Hagan J.    |
| Hagan R.    | Harwood    | Heard       | Hite        |
| Hottinger   | Huffman    | Hughes      | Jones       |
| Koziura     | Letson     | Luckie      | Lundy       |
| Mallory     | Mandel     | McGregor J. | McGregor R. |
| Mecklenborg | Miller     | Nero        | Newcomb     |
| Oelslager   | Okey       | Patton      | Peterson    |
| Raussen     | Redfern    | Reinhard    | Sayre       |
| Schindel    | Schlichter | Schneider   | Sears       |
| Setzer      | Skindell   | Slesnick    | Stebelton   |
| Stewart D.  | Stewart J. | Strahorn    | Sykes       |
| Szollosi    | Uecker     | Ujvagi      | Wachtmann   |

Wagner  
Williams B.  
Zehringer

Webster  
Williams S.

White  
Yates

Widener  
Yuko  
Husted-90.

Representatives Brinkman, Daniels, and Fessler voted in the negative-3.

The report of the committee of Conference was agreed to.

## **REPORTS OF STANDING AND SELECT COMMITTEES AND BILLS FOR SECOND CONSIDERATION**

Representative Redfern reported for the Rules and Reference Committee recommending that the following House Bills and Senate Bills be considered for the second time and referred to the following committees for consideration:

### **H.B. No. 578 - Representative Batchelder, et al**

TO CREATE AN ACCOUNTANT-CLIENT TESTIMONIAL PRIVILEGE.  
To the committee on Financial Institutions, Real Estate and Securities

### **H.B. No. 579 - Representative Yates**

TO DESIGNATE JUNE 19 AS "JUNETEENTH NATIONAL FREEDOM DAY."  
To the committee on State Government and Elections

### **H.B. No. 580 - Representative Adams**

REGARDING THE PROVISION OF COMPLEMENTARY OR ALTERNATIVE HEALTH CARE SERVICES.  
To the committee on Health

### **H.B. No. 581 - Representatives Szollosi and Patton, et al**

TO REQUIRE THERMAL SYSTEM INSULATION AND FIRESTOP CONTRACTORS TO OBTAIN A LICENSE FROM THE OHIO CONSTRUCTION INDUSTRY LICENSING BOARD.  
To the committee on Commerce and Labor

### **H.B. No. 582 - Representative Peterson, Schindel**

TO EXEMPT SPECIFIED PERSONS WHO OPERATE A FAIR AND HOLD A LICENSE ISSUED UNDER THE VEHICLE PARKS LAW FROM COMPLYING WITH THE REQUIREMENTS OF THAT LICENSE DURING THE TIME PERIOD WHEN THE PREPARATION FOR, OPERATION OF, AND DISMANTLING OF THE FAIR OCCURS.  
To the committee on Commerce and Labor

### **H.B. No. 583 - Representative Schindel, et al**

TO ESTABLISH CERTAIN NOTIFICATION AND NOISE REQUIREMENTS FOR THE DRILLING OF AN OIL OR GAS WELL AND TO AUTHORIZE THE CHIEF OF THE DIVISION OF MINERAL RESOURCES MANAGEMENT IN THE DEPARTMENT OF NATURAL RESOURCES TO DENY A PERMIT FOR THE DRILLING OF AN OIL OR

GAS WELL BASED ON PAST VIOLATIONS OF THE OIL AND GAS LAW BY THE PERMIT APPLICANT.

To the committee on Agriculture and Natural Resources

**H.B. No. 584 - Representative Schindel**

TO ALLOW THE APPLICABLE BOARD OF TOWNSHIP TRUSTEES OR LEGISLATIVE AUTHORITY OF A MUNICIPAL CORPORATION WHERE AN EXISTING OR PROPOSED OIL OR GAS WELL IS OR IS TO BE LOCATED TO SUBMIT WRITTEN COMMENTS SPECIFICALLY DESCRIBING SAFETY ISSUES REGARDING THE WELL TO THE CHIEF OF THE DIVISION OF MINERAL RESOURCES MANAGEMENT IN THE DEPARTMENT OF NATURAL RESOURCES, TO REQUIRE THE CHIEF TO REVIEW ANY SUCH COMMENTS BEFORE DETERMINING WHETHER TO ISSUE A PERMIT FOR THE WELL, TO ESTABLISH CERTAIN NOTIFICATION AND NOISE REQUIREMENTS FOR THE DRILLING OF AN OIL OR GAS WELL, AND TO ESTABLISH OTHER PERMIT REQUIREMENTS.

To the committee on Agriculture and Natural Resources

**H.B. No. 585 - Representative Bolon, et al**

TO PROHIBIT THE SALE OF UNSAFE CHILDREN'S PRODUCTS AND TO REQUIRE COMMERCIAL DEALERS AND RETAILERS TO TAKE SPECIFIC ACTIONS IN RESPECT TO UNSAFE CHILDREN'S PRODUCTS THEY HAVE SOLD OR ARE SELLING.

To the committee on Civil and Commercial Law

**H.B. No. 586 - Representative Gibbs, et al**

TO REQUIRE THE PROCEEDS OF FINES PAID BY CERTAIN POLITICAL SUBDIVISIONS UNDER ENVIRONMENTAL LAWS TO BE EXPENDED BY THE STATE IN THE COUNTY THAT INCURRED THE FINE OR IN WHICH THE POLITICAL SUBDIVISION THAT INCURRED THE FINE IS LOCATED.

To the committee on Economic Development and Environment

**H.B. No. 587 - Representative J. McGregor, et al**

TO PROVIDE FOR ART THERAPIST CERTIFICATES.

To the committee on Commerce and Labor

**Sub. S.B. No. 203 - Senator Grendell, et al**

TO PROHIBIT UNAUTHORIZED PHARMACY-RELATED DRUG CONDUCT RELATIVE TO PERSONS EMPLOYED AS PHARMACY TECHNICIANS.

To the committee on Health

**Am. Sub. S.B. No. 248 - Senator Austria, et al**

TO EXEMPT CERTAIN ARMED FORCES DISCHARGES FROM INSPECTION OR COPYING AS A PUBLIC RECORD, TO PROHIBIT FAILING TO REPORT THE UNAUTHORIZED USE OF CERTAIN ELECTRONIC PROPERTY TO LAW ENFORCEMENT AUTHORITIES,

TO EXCUSE CERTAIN MILITARY PERSONS FROM JURY DUTY, TO ESTABLISH A CRIMINAL PENALTY FOR UNLAWFULLY USING A DECEASED MILITARY PERSON'S PERSONA, TO ESTABLISH TUITION BENEFITS FOR CERTAIN MILITARY PERSONS, TO CREATE THE OHIO MILITARY MEDAL OF DISTINCTION, TO CLARIFY AVAILABLE REMEDIES FOR ACTIONS UNDER THE UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT OF 1994, AND TO REQUIRE A REPORT REGARDING THE FEASIBILITY OF A NATIONAL GUARD YOUTH CHALLENGE PROGRAM.

To the committee on Infrastructure, Homeland Security and Veterans Affairs

**Sub. S.B. No. 277 - Senator Stivers, et al**

TO CREATE A NEW CAUSE OF ACTION IN FORECLOSURE IN THE ENVIRONMENTAL DIVISION OF A MUNICIPAL COURT TO ABATE BLIGHTED PARCELS.

To the committee on Civil and Commercial Law

**Sub. S.B. No. 278 - Senator Coughlin, et al**

TO REQUIRE CERTAIN HEALTH CARE POLICIES, CONTRACTS, AGREEMENTS, AND PLANS, AS WELL AS THE STATE'S MEDICAID PROGRAM, TO PROVIDE BENEFITS FOR COLORECTAL EXAMINATIONS AND LABORATORY TESTS FOR CANCER.

To the committee on Insurance

**S.B. No. 341 - Senator Cafaro, et al**

TO DESIGNATE JANUARY AS "FIBROMYALGIA AWARENESS MONTH."

To the committee on State Government and Elections

JON A. HUSTED  
JAY HOTTINGER  
CHRIS REDFERN

LARRY L. FLOWERS  
SHANNON JONES

Representative DeWine moved that the House and Constitutional Rules requiring bills to be considered by each house on three different days be suspended as to the second consideration of all House Bills and Senate Bills contained in the report of the committee on Rules and Reference.

The motion was agreed to without objection.

The report was agreed to.

Said House Bills and Senate Bills were considered the second time and referred as recommended.

### MOTIONS AND RESOLUTIONS

Representative Redfern reported for the Rules and Reference Committee recommending that the following House Concurrent Resolutions be introduced and referred to the following committees for consideration:

**H. Con. R. No. 46 – Representative Yates**

TO CONDEMN RECENT STATEMENTS MADE BY IRANIAN PRESIDENT MAHMOUD AHMADINEJAD REGARDING ISRAEL'S SIXTIETH ANNIVERSARY.

To the committee on State Government and Elections

**H.Con.R. No. 47 - Representative Peterson, Bacon, Combs, Gardner, Harwood, Hite Hughes, McGregor, J., Oelslager, Okey, Sayre, Schneider, Slesnick, Stebelton, Yuko**

TO ENCOURAGE THE CITIZENS OF OHIO TO SEEK EARLY DETECTION AND TREATMENT OF DIABETES.

To the committee on Health

/s/ JON A. HUSTED

Jon A. Husted, Chair

Representative DeWine moved that the Rules and Reference Committee Report on resolutions be agreed to and that the resolutions contained therein be introduced and referred as recommended.

The motion was agreed to.

Said resolutions were introduced and referred as recommended.

Representative Redfern reported for the Rules and Reference Committee recommending that the following House Resolutions be read by title only and approved:

**H.R. No. 213 – Representative Hughes**

HONORING CHRISTOPHER DIAZ AS A 2008 DIVISION I STATE BOYS DOUBLES TENNIS CHAMPION.

**H.R. No. 214 – Representative Hughes**

HONORING PHILIP DIAZ AS A 2008 DIVISION I STATE BOYS DOUBLES TENNIS CHAMPION.

**H.R. No. 215 – Representative Celeste**

HONORING THE UPPER ARLINGTON HIGH SCHOOL GIRLS LACROSSE TEAM ON WINNING THE 2008 DIVISION I STATE CHAMPIONSHIP.

**H.R. No. 216 – Representatives McGregor, J., Flowers**

HONORING THE BEXLEY CITY SCHOOLS TRASH TO TREASURE TEAM AS A FINALIST FOR THE 2008 CHRISTOPHER COLUMBUS AWARDS.

/s/ JON A. HUSTED

Jon A. Husted, Chair

Representative DeWine moved that the Rules and Reference Committee Report on resolutions be agreed to and that the resolutions contained therein be approved.

The motion was agreed to.

Representative Schneider moved that majority party members asking leave to be absent or absent the week of Tuesday, June 10, 2008, be excused, so long as a written request is on file in the majority leadership offices.

The motion was agreed to.

Representative Strahorn moved that minority party members asking leave to be absent or absent the week of Tuesday, June 10, 2008, be excused, so long as a written request is on file in the minority leadership offices.

The motion was agreed to.

Representative DeWine moved that **H. R. No. 218**-Speaker Husted, Representative Beatty, et al., be brought up for immediate adoption, read in full, and spread upon the pages of the journal.

The motion was agreed to.

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

**H. R. No. 218**-Speaker Husted, Representatives Beatty, Adams, Aslanides, Bacon, Batchelder, Blessing, Bolon, Book, Boyd, Brady, Brinkman, Brown, Bupp, Budish, Carmichael, Celeste, Chandler, Coley, Collier, Combs, Core, Daniels, DeBose, DeGeeter, DeWine, Dodd, Dolan, Domenick, Driehaus, Dyer, Evans, Fende, Fessler, Flowers, Foley, Gardner, Garrison, Gerberry, Gibbs, Goodwin, Goyal, Hagan, J., Hagan, R., Harwood, Heard, Hite, Hottinger, Huffman, Hughes, Jones, Koziura, Letson, Luckie, Lundy, Mallory, Mandel, McGregor, J., McGregor, R., Mecklenborg, Miller, Nero, Newcomb, Oelslager, Okey, Otterman, J., Patton, Peterson, Raussen, Redfern, Reinhard, Sayre, Schindel, Schlichter, Schneider, Sears, Setzer, Skindell, Slesnick, Stebelton, Stewart, D., Stewart, J., Strahorn, Sykes, Szollosi, Uecker, Ujvagi, Wachtmann, Wagner, Webster, White, Widener, Williams, B., Williams, S., Wolpert, Yates, Yuko, Zehringer.

In memory of Gene Damschroder.

*WHEREAS, The members of the House of Representatives of the 127th General Assembly of Ohio were deeply saddened to learn of the death of Gene Damschroder and extend our heartfelt condolences to his family and friends; and*

*WHEREAS, Gene Damschroder left an indelible impression on the people whose lives he touched, and he will be remembered as a spirited individual who contributed immeasurably to the world around him. A veteran of the U.S. Navy, he worked in a machine shop and a factory before becoming a farmer, and he also owned and operated Fremont Airport, which he founded in 1963. In addition, he served in the Ohio House of Representatives from 1973 to 1983, and he was active with the annual pancake breakfast for the Lions Club; and*



*WHEREAS, Gene Damschroder's regard for improving the quality of life in our society was clearly evident in his personal sacrifices of time and effort to his family, friends, and community. Giving generously of his energy and abilities in all of his endeavors, he displayed exceptional concern and insight, and his absence will be keenly felt; and*

*WHEREAS, A loving husband to his wife, Lulu, and a devoted father to his five children, Rex, David, Bonnie, Annette, and Cheri, Gene Damschroder always used his talents to the benefit of others, and the laurels of his life stand as a tribute not only to him but also to those he left behind. Although the void his death has created can never be filled, the legacy of care and commitment he established will surely live on. The world is a richer place for his having been in it, and he will be sorely missed; therefore be it*

*RESOLVED, That we, the members of the House of Representatives of the 127th General Assembly of Ohio, in adopting this Resolution, express a profound sense of loss and sincere regret at the death of Gene Damschroder and, in so doing, pay tribute to the memory of a truly unique individual; and be it further*

*RESOLVED, That the Clerk of the House of Representatives transmit a duly authenticated copy of this Resolution to the family of Gene Damschroder.*

The resolution was adopted.

### **BILLS FOR THIRD CONSIDERATION**

#### **Sub. S. B. No. 17-Senator Grendell.**

Cosponsors: Senators Harris, Gardner, Schuring, Schaffer, Mason, Carey, Cates, Cafaro, Fedor, Goodman, Jacobson, Mumper, Niehaus, Padgett, Roberts, Sawyer, Faber, Spada, Stivers, Wilson, Boccieri, Morano, Buehrer. Representatives Uecker, Dyer, Sears, Core, DeGeeter.

To amend sections 1547.11, 1547.111, 1547.99, 2929.18, 2929.28, 2945.75, 4503.231, 4503.233, 4510.13, 4510.43, 4511.181, 4511.19, 4511.191, 4511.192, and 4511.203 and to enact sections 4503.235, 4510.45, 4510.46, 4511.198, and 5502.10 of the Revised Code to increase certain penalties for repeat OVI offenders; to authorize a court to issue a vehicle immobilization waiver order in favor of specified family members of an OVI offender; to specify that wrongful entrustment of a motor vehicle applies when a vehicle is subject to a vehicle immobilization order and a subject person is prohibited from operating the vehicle; to require a person with two prior applicable convictions to submit upon request to a chemical test under the vehicle or watercraft Implied Consent Law; to require the consideration of certain prior convictions in determining the length of a refusal suspension under the vehicle Implied Consent Law; to expand the list of offenses that are "equivalent offenses" for certain vehicle or watercraft OVI purposes; to clarify the application of a qualified immunity to persons who withdraw blood at the request of law enforcement personnel pursuant to the Implied Consent Law; to

expand the circumstances when evidence on the concentration of alcohol or drugs of abuse in a bodily substance may be admitted in a watercraft OVI case; to require the Department of Public Safety to establish a state registry of Ohio's habitual OVI/OMWI offenders and an Internet database, both of which are public records, containing information about persons who on or after the act's effective date receive their fifth or subsequent Ohio conviction within the preceding twenty years for vehicle OVI or watercraft OMWI; to revise the criteria for certification of ignition interlock devices; to authorize a court to impose as a financial sanction reimbursement of the cost of immobilizing and disabling devices required for limited driving privileges; and to create the indigent drivers interlock and alcohol monitoring fund, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative White moved to amend as follows:

In line 1853, delete "conviction" and insert "arrest"

In line 1874, delete "conviction" and insert "arrest"

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

The motion was agreed to without objection.

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

The yeas and nays were taken and resulted - yeas 87, nays 6, as follows:

Those who voted in the affirmative were: Representatives

|             |             |             |            |
|-------------|-------------|-------------|------------|
| Aslanides   | Bacon       | Batchelder  | Beatty     |
| Blessing    | Bolon       | Book        | Boyd       |
| Brady       | Brown       | Budish      | Carmichael |
| Celeste     | Chandler    | Collier     | Combs      |
| Core        | Daniels     | DeGeeter    | DeWine     |
| Dodd        | Dolan       | Domenick    | Dyer       |
| Evans       | Fende       | Flowers     | Foley      |
| Gardner     | Garrison    | Gerberry    | Gibbs      |
| Goodwin     | Goyal       | Hagan J.    | Hagan R.   |
| Harwood     | Heard       | Hite        | Hottinger  |
| Hughes      | Jones       | Koziura     | Letson     |
| Luckie      | Lundy       | Mallory     | Mandel     |
| McGregor J. | McGregor R. | Mecklenborg | Miller     |
| Nero        | Newcomb     | Oelslager   | Okey       |
| Patton      | Peterson    | Raussen     | Redfern    |
| Reinhard    | Sayre       | Schindel    | Schlichter |
| Schneider   | Sears       | Setzer      | Skindell   |
| Slesnick    | Stewart D.  | Stewart J.  | Strahorn   |
| Sykes       | Szollosi    | Uecker      | Ujvagi     |
| Wachtmann   | Wagner      | Webster     | White      |
| Widener     | Williams B. | Williams S. | Yates      |
| Yuko        | Zehringer   |             | Husted-87. |

Representatives Adams, Brinkman, Coley, Fessler, Huffman, and Stebelton

voted in the negative-6.

The bill passed.

Representative White moved to amend the title as follows:

Add the names: "Batchelder, Budish, Chandler, Combs, Dodd, Dolan, Domenick, Evans, Fende, Flowers, Gerberry, Hagan, J., Harwood, Hottinger, Jones, Koziura, Letson, Luckie, Lundy, Nero, Newcomb, Patton, Peterson, Raussen, Schindel, Schlichter, Schneider, Strahorn, Szollosi, Ujvagi, Wagner, White, Yuko."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**Sub. S. B. No. 281**-Senator Seitz.

Cosponsors: Senators Cates, Jacobson, Mumper, Niehaus, Schuler, Spada, Wagoner, Boccieri, Cafaro, Fedor, Kearney, Mason, Miller, D., Morano, Roberts, Sawyer, Carey, Goodman, Harris, Miller, R., Schaffer, Smith, Wilson. Representatives Dyer, Budish.

To amend sections 2329.66, 2716.02, 2716.03, 2716.05, 2716.11, 2716.13, and 3923.19 of the Revised Code to increase the exemptions for property that a debtor may hold exempt from execution, garnishment, attachment, or sale for the satisfaction of a judgment or order to reflect the higher exemptions available for such property under the United States Bankruptcy Code and to provide for automatic adjustments to those exemptions based on changes in the Consumer Price Index, to modify the garnishment procedure, and to expand the amount of benefits under sickness and accident insurance policies that are exempt from attachment and other process, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

06/10/08

The Honorable Jon A. Husted, Speaker  
The Ohio House of Representatives  
Columbus, Ohio

Speaker Husted,

Pursuant to House Rule No. 57, I respectfully request that I be excused from voting on **Sub. S. B. No. 281**-Senator Seitz, et al., because it might be construed that I have an interest in the legislation.

Sincerely yours,

/s/ JIM HUGHES  
 JIM HUGHES  
 State Representative  
 22nd House District

The request was granted.

The yeas and nays were taken and resulted - yeas 73, nays 19, as follows:

Those who voted in the affirmative were: Representatives

|             |             |             |             |
|-------------|-------------|-------------|-------------|
| Aslanides   | Bacon       | Batchelder  | Beatty      |
| Blessing    | Bolon       | Book        | Boyd        |
| Brady       | Brown       | Budish      | Carmichael  |
| Celeste     | Chandler    | Collier     | DeGeeter    |
| DeWine      | Dodd        | Dolan       | Domenick    |
| Dyer        | Evans       | Fende       | Flowers     |
| Foley       | Garrison    | Gerberry    | Gibbs       |
| Goyal       | Hagan J.    | Hagan R.    | Harwood     |
| Heard       | Hottinger   | Huffman     | Jones       |
| Koziura     | Letson      | Luckie      | Lundy       |
| Mallory     | Mandel      | McGregor J. | McGregor R. |
| Mecklenborg | Miller      | Nero        | Newcomb     |
| Oelslager   | Okey        | Patton      | Peterson    |
| Rausen      | Sayre       | Schindel    | Schlichter  |
| Schneider   | Setzer      | Skindell    | Slesnick    |
| Stebelton   | Stewart D.  | Stewart J.  | Strahorn    |
| Sykes       | Szollosi    | Ujvagi      | Widener     |
| Williams B. | Williams S. | Yates       | Yuko        |
|             |             |             | Husted-73.  |

Those who voted in the negative were: Representatives

|         |          |           |               |
|---------|----------|-----------|---------------|
| Adams   | Brinkman | Coley     | Combs         |
| Core    | Daniels  | Fessler   | Gardner       |
| Goodwin | Hite     | Redfern   | Reinhard      |
| Sears   | Uecker   | Wachtmann | Wagner        |
| Webster | White    |           | Zehringer-19. |

The bill passed.

Representative Blessing moved to amend the title as follows:

Add the names: "Batchelder, Brown, Beatty, Chandler, Domenick, Foley, Harwood, Letson, Oelslager, Okey, Setzer, Skindell, Stewart, D.."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**Sub. S. B. No. 220**-Senator Schuring.

Cosponsors: Senators Austria, Harris, Padgett, Schaffer. Representative Dyer.

To amend sections 1545.09, 1545.99, 2929.01, 2929.14, and 2929.24 and to enact section 2941.1421 of the Revised Code to provide increased penalties for violations of a bylaw or rule adopted by a board of park commissioners of a park district in a county, to permit a board of park commissioners to adopt penalties for any such violation provided the penalties do not exceed in severity the penalty designated by state law for a similar violation under state law, to authorize a court to impose an additional jail or prison term on an offender convicted of any one of certain prostitution, procuring, and soliciting offenses and of a specification that the offense was committed in proximity to a school, and to authorize the court to require the offender in lieu of the additional prison or jail term to wear a real-time processing, continual tracking electronic monitoring device for a period of time that the additional term could have been imposed, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 93, nays 0, as follows:

Those who voted in the affirmative were: Representatives

|             |             |             |             |
|-------------|-------------|-------------|-------------|
| Adams       | Aslanides   | Bacon       | Batchelder  |
| Beatty      | Blessing    | Bolon       | Book        |
| Boyd        | Brady       | Brinkman    | Brown       |
| Budish      | Carmichael  | Celeste     | Chandler    |
| Coley       | Collier     | Combs       | Core        |
| Daniels     | DeGeeter    | DeWine      | Dodd        |
| Dolan       | Domenick    | Dyer        | Evans       |
| Fende       | Fessler     | Flowers     | Foley       |
| Gardner     | Garrison    | Gerberry    | Gibbs       |
| Goodwin     | Goyal       | Hagan J.    | Hagan R.    |
| Harwood     | Heard       | Hite        | Hottinger   |
| Huffman     | Hughes      | Jones       | Koziura     |
| Letson      | Luckie      | Lundy       | Mallory     |
| Mandel      | McGregor J. | McGregor R. | Mecklenborg |
| Miller      | Nero        | Newcomb     | Oelslager   |
| Okey        | Patton      | Peterson    | Rausen      |
| Redfern     | Reinhard    | Sayre       | Schindel    |
| Schlichter  | Schneider   | Sears       | Setzer      |
| Skindell    | Slesnick    | Stebelton   | Stewart D.  |
| Stewart J.  | Strahorn    | Sykes       | Szollosi    |
| Uecker      | Ujvagi      | Wachtmann   | Wagner      |
| Webster     | White       | Widener     | Williams B. |
| Williams S. | Yates       | Yuko        | Zehringer   |
|             |             |             | Husted-93.  |

The bill passed.

Representative White moved to amend the title as follows:

Add the names: "Blessing, Book, Boyd, Brady, Brown, Chandler, DeGeeter, Dolan, Domenick, Evans, Flowers, Foley, Gibbs, Goyal, Harwood,

Hughes, Jones, Letson, Luckie, Mandel, McGregor, J., Nero, Patton, Raussen, Schneider, Sears, Setzer, Slesnick, Uecker, Williams, B.."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**Sub. H. B. No. 173**-Representatives Seitz, Book.

To amend sections 107.08, 1901.06, 1907.13, 2301.01, 2501.02, 2503.01, 2743.191, 2743.70, and 2949.111 and to enact sections 145.2914, 2503.51, 2503.52, 2503.53, 2503.54, 2503.55, and 2503.60 of the Revised Code to change the qualifications for all judges, to require the Supreme Court to establish a qualification program for candidates for judicial office, to create the Judicial Allotment Review Commission to study and review the allotment of judgeships in the courts for the purpose of recommending legislation to ensure the efficient and prompt administration of justice in Ohio, to create the Judicial Appointment Review Commission to make recommendations of persons to fill judicial vacancies, to specify that a portion of certain court costs currently deposited to the credit of the Reparations Fund be deposited in the fund for court security, and to make appropriations for court-related purposes, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Book moved that **Sub. H. B. No. 173**-Representatives Seitz, Book, be informally passed and retain its place on the calendar.

The motion was agreed to.

On motion of Representative DeWine, the House recessed.

The House met pursuant to recess.

#### Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has concurred in the passage of the following bill:

**Am. H. B. No. 416** -Representative Dolan

Cosponsors: Representatives Wagoner, Evans, Brown, Stebelton, Huffman, McGregor, J., Harwood, Skindell, Redfern, Webster, Yuko, Flowers, Koziura, Chandler, Combs, Szollosi, McGregor, R., Brinkman, Goodwin, Peterson, Foley, DeGeeter, Brady, Letson, Strahorn, Lundy, Oelslager, Hagan, J., Schindel, Williams, B., DeBose, Mallory, Celeste, Collier, Ujvagi, Hagan, R., Bacon, Beatty, Blessing, Bolon, Boyd, Budish, Coley, Domenick, Driehaus, Fende, Gardner, Heard, Hite, Hottinger, Hughes, Luckie, Mecklenborg, Otterman, J., Sayre, Sears, Setzer, Stewart, D., Stewart, J., Yates Senators

Niehaus, Spada, Schaffer, Goodman, Miller, D., Morano, Mason, Buehrer, Harris, Mumper, Padgett, Sawyer, Seitz, Wagoner, Wilson, Smith, Miller, R., Fedor, Coughlin, Jacobson

To enact sections 1522.01, 1522.02, 1522.03, 1522.04, 1522.05, 1522.06, 1522.07, and 1522.08 of the Revised Code to ratify the Great Lakes-St. Lawrence River Basin Water Resources Compact and to establish related requirements.

With the following additional amendments, in which the concurrence of the House is requested.

After line 1691, insert:

"**Section 6.** Sections 1, 2, 3, 4, and 5 of this act take effect December 8, 2008."

Attest:

Vincent L. Keeran,  
Clerk.

Pursuant to Joint Rule 16, Representative DeWine moved that the Senate amendments to **Am. H. B. No. 416**-Representative Dolan, et al., be taken up for immediate consideration.

The motion was agreed to without objection.

The Senate amendments to **Am. H. B. No. 416**-Representative Dolan, et al., were taken up for consideration.

**Am. H. B. No. 416**-Representative Dolan.

Cosponsors: Representatives Wagoner, Evans, Brown, Stebelton, Huffman, McGregor, J., Harwood, Skindell, Redfern, Webster, Yuko, Flowers, Koziura, Chandler, Combs, Szollosi, McGregor, R., Brinkman, Goodwin, Peterson, Foley, DeGeeter, Brady, Letson, Strahorn, Lundy, Oelslager, Hagan, J., Schindel, Williams, B., DeBose, Mallory, Celeste, Collier, Ujvagi, Hagan, R., Bacon, Beatty, Blessing, Bolon, Boyd, Budish, Coley, Domenick, Driehaus, Fende, Gardner, Heard, Hite, Hottinger, Hughes, Luckie, Mecklenborg, Otterman, J., Sayre, Sears, Setzer, Stewart, D., Stewart, J., Yates. Senators Niehaus, Spada, Schaffer, Goodman, Miller, D., Morano, Mason, Buehrer, Harris, Mumper, Padgett, Sawyer, Seitz, Wagoner, Wilson, Smith, Miller, R., Fedor, Coughlin, Jacobson.

To enact sections 1522.01, 1522.02, 1522.03, 1522.04, 1522.05, 1522.06, 1522.07, and 1522.08 of the Revised Code to ratify the Great Lakes-St. Lawrence River Basin Water Resources Compact and to establish related requirements.

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

The yeas and nays were taken and resulted - yeas 91, nays 0, as follows:

Those who voted in the affirmative were: Representatives

|             |             |             |            |
|-------------|-------------|-------------|------------|
| Adams       | Aslanides   | Bacon       | Batchelder |
| Beatty      | Blessing    | Bolon       | Book       |
| Boyd        | Brady       | Brinkman    | Brown      |
| Budish      | Carmichael  | Celeste     | Chandler   |
| Coley       | Collier     | Combs       | Core       |
| Daniels     | DeGeeter    | DeWine      | Dodd       |
| Dolan       | Domenick    | Dyer        | Evans      |
| Fende       | Flowers     | Foley       | Gardner    |
| Garrison    | Gerberry    | Gibbs       | Goodwin    |
| Goyal       | Hagan J.    | Hagan R.    | Harwood    |
| Heard       | Hite        | Hottinger   | Huffman    |
| Hughes      | Jones       | Koziura     | Letson     |
| Luckie      | Lundy       | Mallory     | Mandel     |
| McGregor J. | McGregor R. | Mecklenborg | Miller     |
| Newcomb     | Oelslager   | Okey        | Patton     |
| Peterson    | Rausen      | Redfern     | Reinhard   |
| Sayre       | Schindel    | Schlichter  | Schneider  |
| Sears       | Setzer      | Skindell    | Slesnick   |
| Stebelton   | Stewart D.  | Stewart J.  | Strahorn   |
| Sykes       | Szollosi    | Uecker      | Ujvagi     |
| Wachtmann   | Wagner      | Webster     | White      |
| Widener     | Williams B. | Williams S. | Yates      |
| Yuko        | Zehringer   |             | Husted-91. |

The Senate amendments were concurred in.

#### Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has concurred in the House amendments to:

**Am. Sub. S. J. R. No. 8** -Senator Grendell - et al.

Attest:

Vincent L. Keeran,  
Clerk.

#### Message from the Speaker

Pursuant to House Rules 13, 28, 30, the Speaker hereby makes the following change to the Rules and Reference Committee:

remove Representative Hottinger; appoint Representative DeWine.



On motion of Representative DeWine, the House adjourned until Thursday, June 12, 2008 at 11:00 o'clock a.m.

Attest:

LAURA P. CLEMENS,  
Clerk.