

**OHIO**

**House**

**of**

**Representatives**

**JOURNAL**

**CORRECTED VERSION**  
**WEDNESDAY, OCTOBER 10, 2007**

NINETY-NINTH DAY  
Hall of the House of Representatives, Columbus, Ohio  
**Wednesday, October 10, 2007, 1:30 p.m.**

The House met pursuant to adjournment.

Prayer was offered by David Boggs of the South Point Church in Grove City, Ohio, followed by the Pledge of Allegiance to the Flag.

The journal of yesterday was read and approved.

The following guest of the House of Representatives was recognized by Speaker Husted prior to the commencement of business:

Ann Siefkey, a guest of Representative Setzer-36th district.

**REPORTS OF STANDING AND SELECT COMMITTEES AND BILLS  
FOR SECOND CONSIDERATION**

Representative Koziura reported for the Rules and Reference Committee recommending that the following House Bills and Senate Bill be considered for the second time and referred to the following committees for consideration:

**H.B. No. 327 - Representative J. McGregor, et al**  
WITH REGARD TO BOARDS OF HEALTH OF CITY AND GENERAL HEALTH DISTRICTS.

To the committee on State Government and Elections

**H.B. No. 331 - Representative Wagoner, et al**  
REGARDING THE LICENSURE OF MATERNITY HOMES AND OBSTETRIC AND NEWBORN CARE FACILITIES.

To the committee on Health

**H.B. No. 332 - Representative Wagoner, et al**  
TO ADOPT THE REVISED UNIFORM PARTNERSHIP ACT TO BE KNOWN AS THE "OHIO UNIFORM PARTNERSHIP ACT (1997)," TO ESTABLISH THAT ON AND AFTER JANUARY 1, 2009, THE ACT GOVERNS NEW PARTNERSHIPS AND PARTNERSHIPS THAT ELECT TO BE GOVERNED BY THE ACT, TO ESTABLISH THAT EFFECTIVE JANUARY 1, 2010, THE ACT GOVERNS ALL PARTNERSHIPS IN OHIO, AND TO ESTABLISH THAT EFFECTIVE JANUARY 1, 2010, THE EXISTING OHIO PARTNERSHIP LAW NO LONGER GOVERNS PARTNERSHIPS.

To the committee on Civil and Commercial Law

**H.B. No. 334 - Representative DeBose, et al**  
TO DESIGNATE SEPTEMBER AS "OVARIAN CANCER AWARENESS MONTH."

To the committee on State Government and Elections

**H.B. No. 335 - Representative DeBose, et al**

TO REQUIRE CERTAIN HEALTH CARE INSURERS AND PLANS, INCLUDING THE STATE'S MEDICAID PROGRAM, TO PROVIDE BENEFITS FOR PROSTATE, COLORECTAL, CERVICAL, AND OVARIAN CANCER SCREENING EXAMINATIONS.

To the committee on Insurance

**H.B. No. 336 - Representative Dyer, et al**

TO PERMIT ABSENT VOTER'S BALLOTS AND ARMED SERVICE ABSENT VOTER'S BALLOTS CONTAINED IN ENVELOPES THAT ARE POSTMARKED PRIOR TO ELECTION DAY TO BE COUNTED IF THEY ARE RECEIVED WITHIN TEN DAYS AFTER ELECTION DAY, TO PERMIT BALLOTS RECEIVED DURING THAT TIME THAT ARE CONTAINED IN ENVELOPES THAT ARE NOT POSTMARKED OR THAT HAVE AN ILLEGIBLE POSTMARK TO BE COUNTED, AND TO PERMIT THE SECRETARY OF STATE, BY RULE, TO SPECIFY STANDARDS FOR ABSENT VOTER'S BALLOT RETURN ENVELOPES TO ENSURE THAT THOSE ENVELOPES ARE CLEARLY IDENTIFIABLE AS BALLOT ENVELOPES FOR THE PURPOSE OF POSTMARKING.

To the committee on State Government and Elections

**H.B. No. 338 - Representative Reinhard, et al**

TO CREATE A PROGRAM TO PROVIDE FUNDING FOR UTILITY INFRASTRUCTURE DEVELOPMENT PROJECTS TO ATTRACT NEW BUSINESS OPPORTUNITIES FOR THE STATE.

To the committee on State Government and Elections

**H.B. No. 339 - Representative Ujvagi, et al**

TO REQUIRE THE HEADLIGHTS OF A VEHICLE TO BE LIGHTED WHEN ITS WINDSHIELD WIPERS ARE IN USE.

To the committee on Infrastructure, Homeland Security and Veterans Affairs

**H.B. No. 340 - Representative Flowers, et al**

TO CREATE THE STATE BOARD FOR CERTIFIED INTERIOR DESIGNERS AND TO PERMIT INTERIOR DESIGNERS WHO MEET CERTAIN REQUIREMENTS TO BE CERTIFIED BY THAT BOARD.

To the committee on Commerce and Labor

**H.B. No. 341 - Representative Dodd, et al**

TO ESTABLISH THE HEALTHY FARMS AND HEALTHY SCHOOLS GRANT PROGRAM FOR THE PURPOSE OF PROVIDING GRANTS TO SCHOOLS TO ESTABLISH NUTRITION EDUCATION AND AGRICULTURAL EDUCATION PROGRAMS FOR KINDERGARTENERS.

To the committee on Education

**H.B. No. 342 - Representative Peterson, et al**

TO REVISE THE LAW GOVERNING CHILD CARE.

To the committee on Health

**H.B. No. 343 - Representative Bacon, et al**

TO REQUIRE AUTOMATIC NOTICE TO VICTIMS OF FIRST, SECOND, OR THIRD DEGREE FELONY OFFENSES OF VIOLENCE OF CERTAIN PRISONER OR ALLEGED JUVENILE OFFENDER RELEASE OR TRANSFER PROCEEDINGS; TO EXPAND VICTIM PARTICIPATION IN PAROLE HEARINGS; TO REQUIRE FIVE YEARS OF POST-RELEASE CONTROL FOR OFFENDERS WHO COMMIT FIRST, SECOND, OR THIRD DEGREE FELONY OFFENSES OF VIOLENCE; TO REQUIRE THE DEPARTMENT OF REHABILITATION AND CORRECTION TO KEEP INFORMATION ON SUCH OFFENDERS IN A PUBLICLY ACCESSIBLE DATABASE FOR TEN YEARS FOLLOWING FINAL DISCHARGE; TO REQUIRE THE DEPARTMENT TO PROVIDE CERTAIN INFORMATION RELATED TO PAROLES TO DESIGNATED PUBLIC OFFICIALS; TO REQUIRE THE DEPARTMENT TO NOTIFY THE APPROPRIATE PROSECUTING ATTORNEY WHEN A FELON SERVING A SPECIFIED SENTENCE IS RELEASED PURSUANT TO A PARDON, COMMUTATION OF SENTENCE, PAROLE, OR COMPLETED PRISON TERM; TO PROHIBIT THE PAROLE BOARD FROM CONSIDERING A SENTENCE IN EFFECT SINCE JULY 1, 1996, IN MAKING PAROLE DETERMINATIONS; TO MAKE OTHER CHANGES RELATED TO THE RELEASE OF PRISONERS AND VICTIM'S RIGHTS; TO PROVIDE THAT VOLUNTARY MANSLAUGHTER COMMITTED WITH A SEXUAL MOTIVATION IS A SEXUALLY ORIENTED OFFENSE, MAKES AN OFFENDER OR JUVENILE OFFENDER REGISTRANT WHO COMMITS IT A TIER III SEX OFFENDER/CHILD-VICTIM OFFENDER, AND MAY QUALIFY A JUVENILE OFFENDER REGISTRANT WHO COMMITS IT AS A PUBLIC REGISTRY-QUALIFIED JUVENILE OFFENDER REGISTRANT; TO NAME THE VICTIM AND FAMILY NOTIFICATION PROVISIONS ROBERTA'S LAW; AND TO DECLARE AN EMERGENCY.

To the committee on Criminal Justice

**H.B. No. 344 - Representatives Uecker and Brinkman**

TO DESIGNATE THE PORTION OF INTERSTATE ROUTE 275 WITHIN CLERMONT COUNTY AS THE "MATT MAUPIN HIGHWAY."

To the committee on Infrastructure, Homeland Security and Veterans Affairs

**Sub. S.B. No. 145 - Senator Stivers, et al**

TO PROHIBIT A PERSON FROM FLEEING FROM A LAW ENFORCEMENT OFFICER WHO GIVES A LAWFUL ORDER TO STOP.

To the committee on Criminal Justice

JON A. HUSTED  
LARRY L. FLOWERS  
JOYCE BEATTY  
CHRIS REDFERN

KEVIN DEWINE  
ARLENE J. SETZER  
JOSEPH KOZIURA

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 the House bills and Senate Bill 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 bill were considered the second time and referred as recommended.

### MOTIONS AND RESOLUTIONS

Representative Koziura reported for the Rules and Reference Committee recommending that the following House Concurrent Resolutions and Senate Concurrent Resolution be introduced and referred to the following committees for consideration:

**H. Con. R. No. 26 - Representative Hughes**

DESIGNATING OCTOBER 2007 AS CRIME PREVENTION MONTH IN OHIO.

To the committee on State Government and Elections

**H. Con. R. No. 27 - Representatives Batchelder, Setzer, Yuko, Koziura, Seitz, Hughes, Flowers, Webster, Letson**

TO URGE THE UNITED STATES DEPARTMENT OF TRANSPORTATION TO SUSPEND THE CROSS-BORDER TRUCKING DEMONSTRATION PROJECT BEING IMPLEMENTED PURSUANT TO THE NORTH AMERICAN FREE TRADE AGREEMENT.

To the committee on Infrastructure, Homeland Security and Veterans Affairs

**H. Con. R. No. 28 - Representatives Hottinger, McGregor, J., Flowers, Evans, Hughes, Stebelton, Setzer, Huffman, Fende, Collier**

TO DESIGNATE OCTOBER 21 THROUGH 27, 2007, AS SAVE FOR RETIREMENT WEEK IN OHIO.

To the committee on State Government and Elections

**S.Con.R. No. 17 - Senator Stivers, Miller, D., Amstutz, Clancy, Carey, Gardner, Mason, Wilson, Cafaro, Schuler, Jacobson, Miller, R., Kearney, Spada, Austria, Smith, Cates, Harris, Morano, Mumper, Niehaus, Padgett, Sawyer, Schaffer, Goodman, Faber**

TO DESIGNATE OCTOBER 2007 AS DISABILITY EMPLOYMENT AWARENESS MONTH IN OHIO.

To the committee on State Government and Elections

/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 Schneider moved that majority party members asking leave to be absent or absent the week of Tuesday, October 9, 2007, be excused, so long as a written request is on file in the majority leadership offices.

The motion was agreed to.

Representative Driehaus moved that minority party members asking leave to be absent or absent the week of Tuesday, October 9, 2007, be excused, so long as a written request is on file in the minority leadership offices.

The motion was agreed to.

**BILLS FOR THIRD CONSIDERATION**

**Sub. H. B. No. 214**-Representatives Wagner, Combs.  
Cosponsors: Representatives Seitz, McGregor, J., Stebelton, Brown.

To amend sections 2151.152, 2151.23, 2151.39, 3313.64, 5103.031, 5103.032, 5103.035, 5103.0312, 5103.0313, 5103.16, 5103.391, 5126.04, 5153.122, and 5153.123 and to enact sections 5103.23, 5103.231, 5103.232, 5103.233, 5103.234, 5103.235, 5103.236, and 5103.237 of the Revised Code relative to training for foster caregivers, department of job and family services authority to begin the child placement level of care pilot program and petition Congress for expanded usage of Title IV-E funding, the Interstate Compact on the Placement of Children, and the coordination of the provision of services for foster children with mental retardation or developmental disabilities , was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Wagner moved to amend as follows:

In line 360, after "**3.**" delete the balance of the line

Delete lines 361 through 437

In line 438, delete "**Section 4.**"

In line 446, delete "**5**" and insert "**4**"

In line 456, delete "**6.**" and insert "**5.**"

In line 1519, delete "**7**" and insert "**6**"

In line 1521, delete "**8**" and insert "**7**"

In line 1530, delete "**9**" and insert "**8**"

In line 1531, delete "**9**" and insert "**5**"

In line 1535, delete "10" and insert "9"

In line 1536, delete "Sections 1 and 3 of"

Delete lines 8 and 9 of the title

In line 10 of the title, delete "program and petition" and insert "petitioning"

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?"

Representative Wagner moved to amend as follows:

In line 16, after "sections" insert "149.43,"; after "2151.152," insert "5101.29,"

Between lines 18 and 19, insert:

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

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

(a) Medical records;

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

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

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

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

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

(g) Trial preparation records;

- (h) Confidential law enforcement investigatory records;
- (i) Records containing information that is confidential under section 2710.03 or 4112.05 of the Revised Code;
- (j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;
- (k) Inmate records released by the department of rehabilitation and correction to the department of youth services or a court of record pursuant to division (E) of section 5120.21 of the Revised Code;
- (l) Records maintained by the department of youth services pertaining to children in its custody released by the department of youth services to the department of rehabilitation and correction pursuant to section 5139.05 of the Revised Code;
- (m) Intellectual property records;
- (n) Donor profile records;
- (o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;
- (p) Peace officer, parole officer, prosecuting attorney, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, or EMT residential and familial information;
- (q) In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code or a municipal hospital operated pursuant to Chapter 749. of the Revised Code, information that constitutes a trade secret, as defined in section 1333.61 of the Revised Code;
- (r) Information pertaining to the recreational activities of a person under the age of eighteen;
- (s) Records provided to, statements made by review board members during meetings of, and all work products of a child fatality review board acting under sections 307.621 to 307.629 of the Revised Code, other than the report prepared pursuant to section 307.626 of the Revised Code;
- (t) Records provided to and statements made by the executive director of a public children services agency or a prosecuting attorney acting pursuant to section 5153.171 of the Revised Code other than the information released under that section;
- (u) Test materials, examinations, or evaluation tools used in an examination for licensure as a nursing home administrator that the board of examiners of nursing home administrators administers under section 4751.04 of the Revised Code or contracts under that section with a private or government entity to administer;
- (v) Records the release of which is prohibited by state or federal law;



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

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

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

(z) Records listed in section 5101.29 of the Revised Code.

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

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

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

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

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

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

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

(5) "Intellectual property record" means a record, other than a financial or administrative record, that is produced or collected by or for faculty or staff of a state institution of higher learning in the conduct of or as a result of study or research on an educational, commercial, scientific, artistic, technical, or scholarly issue, regardless of whether the study or research was sponsored by the institution alone or in conjunction with a governmental body or private concern,

and that has not been publicly released, published, or patented.

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

(7) "Peace officer, parole officer, prosecuting attorney, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, or EMT residential and familial information" means any information that discloses any of the following about a peace officer, parole officer, prosecuting attorney, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, or EMT:

(a) The address of the actual personal residence of a peace officer, parole officer, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, or EMT, except for the state or political subdivision in which the peace officer, parole officer, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, or EMT resides;

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

(c) The social security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of, or any medical information pertaining to, a peace officer, parole officer, prosecuting attorney, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, or EMT;

(d) The name of any beneficiary of employment benefits, including, but not limited to, life insurance benefits, provided to a peace officer, parole officer, prosecuting attorney, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, or EMT by the peace officer's, parole officer's, prosecuting attorney's, assistant prosecuting attorney's, correctional employee's, youth services employee's, firefighter's, or EMT's employer;

(e) The identity and amount of any charitable or employment benefit deduction made by the peace officer's, parole officer's, prosecuting attorney's, assistant prosecuting attorney's, correctional employee's, youth services employee's, firefighter's, or EMT's employer from the peace officer's, parole officer's, prosecuting attorney's, assistant prosecuting attorney's, correctional employee's, youth services employee's, firefighter's, or EMT's compensation unless the amount of the deduction is required by state or federal law;

(f) The name, the residential address, the name of the employer, the address of the employer, the social security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of the spouse, a former spouse, or any child of a peace officer, parole officer, prosecuting attorney, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, or EMT;

(g) A photograph of a peace officer who holds a position or has an assignment that may include undercover or plain clothes positions or assignments as determined by the peace officer's appointing authority.

As used in divisions (A)(7) and (B)(9) of this section, "peace officer" has the same meaning as in section 109.71 of the Revised Code and also includes the superintendent and troopers of the state highway patrol; it does not include the sheriff of a county or a supervisory employee who, in the absence of the sheriff, is authorized to stand in for, exercise the authority of, and perform the duties of the sheriff.

As used in divisions (A)(7) and (B)(5) of this section, "correctional employee" means any employee of the department of rehabilitation and correction who in the course of performing the employee's job duties has or has had contact with inmates and persons under supervision.

As used in divisions (A)(7) and (B)(5) of this section, "youth services employee" means any employee of the department of youth services who in the course of performing the employee's job duties has or has had contact with children committed to the custody of the department of youth services.

As used in divisions (A)(7) and (B)(9) of this section, "firefighter" means any regular, paid or volunteer, member of a lawfully constituted fire department of a municipal corporation, township, fire district, or village.

As used in divisions (A)(7) and (B)(9) of this section, "EMT" means EMTs-basic, EMTs-I, and paramedics that provide emergency medical services for a public emergency medical service organization. "Emergency medical service organization," "EMT-basic," "EMT-I," and "paramedic" have the same meanings as in section 4765.01 of the Revised Code.

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

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

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

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

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

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

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

(11) "Redaction" means obscuring or deleting any information that is exempt from the duty to permit public inspection or copying from an item that otherwise meets the definition of a "record" in section 149.011 of the Revised Code.

(12) "Designee" and "elected official" have the same meanings as in section 109.43 of the Revised Code.

(B)(1) Upon request and subject to division (B)(8) of this section, all public records responsive to the request shall be promptly prepared and made available for inspection to any person at all reasonable times during regular business hours. Subject to division (B)(8) of this section, upon request, a public office or person responsible for public records shall make copies of the requested public record available at cost and within a reasonable period of time. If a public record contains information that is exempt from the duty to permit public inspection or to copy the public record, the public office or the person responsible for the public record shall make available all of the information within the public record that is not exempt. When making that public record available for public inspection or copying that public record, the public office or the person responsible for the public record shall notify the requester of any redaction or make the redaction plainly visible. A redaction shall be deemed a denial of a request to inspect or copy the redacted information, except if federal or state law authorizes or requires a public office to make the redaction.

(2) To facilitate broader access to public records, a public office or the person responsible for public records shall organize and maintain public records in a manner that they can be made available for inspection or copying in accordance with division (B) of this section. A public office also shall have available a copy of its current records retention schedule at a location readily available to the public. If a requester makes an ambiguous or overly broad request or has difficulty in making a request for copies or inspection of public records under this section such that the public office or the person responsible for the requested public record cannot reasonably identify what public records are being requested, the public office or the person responsible for the requested public record may deny the request but shall provide the requester with an opportunity to revise the request by informing the requester of the manner in which records are maintained by the public office and accessed in the ordinary course of the public office's or person's duties.

(3) If a request is ultimately denied, in part or in whole, the public office or the person responsible for the requested public record shall provide the requester with an explanation, including legal authority, setting forth why the request was denied. If the initial request was provided in writing, the explanation

also shall be provided to the requester in writing. The explanation shall not preclude the public office or the person responsible for the requested public record from relying upon additional reasons or legal authority in defending an action commenced under division (C) of this section.

(4) Unless specifically required or authorized by state or federal law or in accordance with division (B) of this section, no public office or person responsible for public records may limit or condition the availability of public records by requiring disclosure of the requester's identity or the intended use of the requested public record. Any requirement that the requester disclose the requestor's identity or the intended use of the requested public record constitutes a denial of the request.

(5) A public office or person responsible for public records may ask a requester to make the request in writing, may ask for the requester's identity, and may inquire about the intended use of the information requested, but may do so only after disclosing to the requester that a written request is not mandatory and that the requester may decline to reveal the requester's identity or the intended use and when a written request or disclosure of the identity or intended use would benefit the requester by enhancing the ability of the public office or person responsible for public records to identify, locate, or deliver the public records sought by the requester.

(6) If any person chooses to obtain a copy of a public record in accordance with division (B) of this section, the public office or person responsible for the public record may require that person to pay in advance the cost involved in providing the copy of the public record in accordance with the choice made by the person seeking the copy under this division. The public office or the person responsible for the public record shall permit that person to choose to have the public record duplicated upon paper, upon the same medium upon which the public office or person responsible for the public record keeps it, or upon any other medium upon which the public office or person responsible for the public record determines that it reasonably can be duplicated as an integral part of the normal operations of the public office or person responsible for the public record. When the person seeking the copy makes a choice under this division, the public office or person responsible for the public record shall provide a copy of it in accordance with the choice made by the person seeking the copy. Nothing in this section requires a public office or person responsible for the public record to allow the person seeking a copy of the public record to make the copies of the public record.

(7) Upon a request made in accordance with division (B) of this section and subject to division (B)(6) of this section, a public office or person responsible for public records shall transmit a copy of a public record to any person by United States mail or by any other means of delivery or transmission within a reasonable period of time after receiving the request for the copy. The public office or person responsible for the public record may require the person making the request to pay in advance the cost of postage if the copy is

transmitted by United States mail or the cost of delivery if the copy is transmitted other than by United States mail, and to pay in advance the costs incurred for other supplies used in the mailing, delivery, or transmission.

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

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

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

(9) Upon written request made and signed by a journalist on or after December 16, 1999, a public office, or person responsible for public records, having custody of the records of the agency employing a specified peace officer, parole officer, prosecuting attorney, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, or EMT shall disclose to the journalist the address of the actual personal residence of the peace officer, parole officer, prosecuting attorney, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, or EMT and, if the peace officer's, parole officer's, prosecuting attorney's, assistant prosecuting attorney's, correctional employee's, youth services employee's, firefighter's, or EMT's spouse, former spouse, or child is employed by a public office, the name and address of the employer of the peace officer's, parole officer's, prosecuting attorney's, assistant prosecuting attorney's, correctional employee's, youth services employee's, firefighter's, or EMT's spouse, former spouse, or child. The request shall include the journalist's name and title and the name and address of

the journalist's employer and shall state that disclosure of the information sought would be in the public interest.

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

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

If a requestor transmits a written request by hand delivery or certified mail to inspect or receive copies of any public record in a manner that fairly describes the public record or class of public records to the public office or person responsible for the requested public records, except as otherwise provided in this section, the requestor shall be entitled to recover the amount of statutory damages set forth in this division if a court determines that the public office or the person responsible for public records failed to comply with an obligation in accordance with division (B) of this section.

The amount of statutory damages shall be fixed at one hundred dollars for each business day during which the public office or person responsible for the requested public records failed to comply with an obligation in accordance with division (B) of this section, beginning with the day on which the requester files a mandamus action to recover statutory damages, up to a maximum of one thousand dollars. The award of statutory damages shall not be construed as a penalty, but as compensation for injury arising from lost use of the requested information. The existence of this injury shall be conclusively presumed. The award of statutory damages shall be in addition to all other remedies authorized by this section.

The court may reduce an award of statutory damages or not award

statutory damages if the court determines both of the following:

(a) That, based on the ordinary application of statutory law and case law as it existed at the time of the conduct or threatened conduct of the public office or person responsible for the requested public records that allegedly constitutes a failure to comply with an obligation in accordance with division (B) of this section and that was the basis of the mandamus action, a well-informed public office or person responsible for the requested public records reasonably would believe that the conduct or threatened conduct of the public office or person responsible for the requested public records did not constitute a failure to comply with an obligation in accordance with division (B) of this section;

(b) That a well-informed public office or person responsible for the requested public records reasonably would believe that the conduct or threatened conduct of the public office or person responsible for the requested public records would serve the public policy that underlies the authority that is asserted as permitting that conduct or threatened conduct.

(2)(a) If the court issues a writ of mandamus that orders the public office or the person responsible for the public record to comply with division (B) of this section and determines that the circumstances described in division (C)(1) of this section exist, the court shall determine and award to the relator all court costs.

(b) If the court renders a judgment that orders the public office or the person responsible for the public record to comply with division (B) of this section, the court may award reasonable attorney's fees subject to reduction as described in division (C)(2)(c) of this section. The court shall award reasonable attorney's fees, subject to reduction as described in division (C)(2)(c) of this section when either of the following applies:

(i) The public office or the person responsible for the public records failed to respond affirmatively or negatively to the public records request in accordance with the time allowed under division (B) of this section.

(ii) The public office or the person responsible for the public records promised to permit the relator to inspect or receive copies of the public records requested within a specified period of time but failed to fulfill that promise within that specified period of time.

(c) Court costs and reasonable attorney's fees awarded under this section shall be construed as remedial and not punitive. Reasonable attorney's fees shall include reasonable fees incurred to produce proof of the reasonableness and amount of the fees and to otherwise litigate entitlement to the fees. The court may reduce an award of attorney's fees to the relator or not award attorney's fees to the relator if the court determines both of the following:

(i) That, based on the ordinary application of statutory law and case law as it existed at the time of the conduct or threatened conduct of the public office or person responsible for the requested public records that allegedly constitutes a



failure to comply with an obligation in accordance with division (B) of this section and that was the basis of the mandamus action, a well-informed public office or person responsible for the requested public records reasonably would believe that the conduct or threatened conduct of the public office or person responsible for the requested public records did not constitute a failure to comply with an obligation in accordance with division (B) of this section;

(ii) That a well-informed public office or person responsible for the requested public records reasonably would believe that the conduct or threatened conduct of the public office or person responsible for the requested public records as described in division (C)(2)(c)(i) of this section would serve the public policy that underlies the authority that is asserted as permitting that conduct or threatened conduct.

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

(E)(1) To ensure that all employees of public offices are appropriately educated about a public office's obligations under division (B) of this section, all elected officials or their appropriate designees shall attend training approved by the attorney general as provided in section 109.43 of the Revised Code. In addition, all public offices shall adopt a public records policy in compliance with this section for responding to public records requests. In adopting a public records policy under this division, a public office may obtain guidance from the model public records policy developed and provided to the public office by the attorney general under section 109.43 of the Revised Code. Except as otherwise provided in this section, the policy may not limit the number of public records that the public office will make available to a single person, may not limit the number of public records that it will make available during a fixed period of time, and may not establish a fixed period of time before it will respond to a request for inspection or copying of public records, unless that period is less than eight hours.

(2) The public office shall distribute the public records policy adopted by the public office under division (E)(1) of this section to the employee of the public office who is the records custodian or records manager or otherwise has custody of the records of that office. The public office shall require that employee to acknowledge receipt of the copy of the public records policy. The public office shall create a poster that describes its public records policy and shall post the poster in a conspicuous place in the public office and in all locations where the public office has branch offices. The public office may post its public records policy on the internet web site of the public office if the public office maintains an internet web site. A public office that has established a manual or handbook of its general policies and procedures for all employees of the public office shall include the public records policy of the public office in the manual or handbook.

(F)(1) The bureau of motor vehicles may adopt rules pursuant to Chapter 119. of the Revised Code to reasonably limit the number of bulk commercial

special extraction requests made by a person for the same records or for updated records during a calendar year. The rules may include provisions for charges to be made for bulk commercial special extraction requests for the actual cost of the bureau, plus special extraction costs, plus ten per cent. The bureau may charge for expenses for redacting information, the release of which is prohibited by law.

(2) As used in division (F)(1) of this section:

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

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

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

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

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

Between lines 35 and 36, insert:

"**Sec. 5101.29.** When contained in a record held by the department of job and family services or a county agency, the following are not public records for purposes of section 149.43 of the Revised Code:

(A) Names and other identifying information regarding children enrolled in or attending a child day-care center or home subject to licensure, certification, or registration under Chapter 5104. of the Revised Code;

(B) Names and other identifying information regarding children placed with an institution or association certified under section 5103.03 of the Revised

Code;

(C) Names and other identifying information regarding a person who makes an oral or written complaint regarding an institution, association, child day-care center, or home subject to licensure, certification, or registration to the department or other state or county entity responsible for enforcing Chapter 5103. or 5104. of the Revised Code ;

(D)(1) Except as otherwise provided in division (D)(2) of this section, names, documentation, and other identifying information regarding a foster caregiver or a prospective foster caregiver, including the foster caregiver application for certification under section 5103.03 of the Revised Code and the home study conducted pursuant to section 5103.0324 of the Revised Code.

(2) Notwithstanding division (D)(1) of this section, the following are public records for the purposes of section 149.43 of the Revised Code, when contained in a record held by the department of job and family services, a county agency, or other governmental entity:

(a) All of the following information regarding a currently certified foster caregiver who has had a foster care certificate revoked pursuant to Chapter 5103. of the Revised Code or, after receiving a current or current renewed certificate has been convicted of, pleaded guilty to, or indicted or otherwise charged with any offense described in division (C)(1) of section 2151.86 of the Revised Code:

(i) The foster caregiver's name, date of birth, and county of residence;

(ii) The date of the foster caregiver's certification;

(iii) The date of each placement of a foster child into the foster caregiver's home;

(iv) If applicable, the date of the removal of a foster child from the foster caregiver's home and the reason for the foster child's removal unless release of such information would be detrimental to the foster child or other children residing in the foster caregiver's home;

(v) If applicable, the date of the foster care certificate revocation and all documents related to the revocation unless otherwise not a public record pursuant to section 149.43 of the Revised Code.

(b) Nonidentifying foster care statistics including, but not limited to, the number of foster caregivers and foster care certificate revocations."

In line 357, after "sections" insert "149.43,"; after "2151.152," insert "5101.29,"

In line 1535, after "**10.**" insert "Section 149.43 of the Revised Code is presented in this act as a composite of the section as amended by both Sub. H.B. 9 and Sub. H.B. 141 of the 126th General Assembly."

In line 1536, delete "Sections 1 and 3 of"

In line 1542, delete "composite is" and insert "composites are"; delete "version of the section" and insert "versions of the sections"

In line 1543, delete "section" and insert "sections"

In line 1 of the title, after "sections" insert "149.43,"

In line 2 of the title, after "3313.64," insert "5101.29,"

In line 7 of the title, after the comma insert "the public record status of identifying information of current and prospective foster caregivers,"

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

The yeas and nays were taken and resulted - yeas 52, nays 44, as follows:

Those who voted in the affirmative were: Representatives

Adams	Aslanides	Barrett	Batchelder
Blessing	Brady	Brinkman	Carmichael
Celeste	Coley	Collier	Combs
Core	Daniels	Distel	Dolan
Driehaus	Evans	Flowers	Foley
Gibbs	Goodwin	Hagan J.	Hite
Hottinger	Huffman	Jones	Latta
Letson	McGregor J.	McGregor R.	Patton
Peterson	Redfern	Reinhard	Sayre
Schindel	Schlichter	Setzer	Stebelton
Stewart J.	Uecker	Wachtmann	Wagner
Wagoner	Webster	White	Widener
Widowfield	Wolpert	Zehringer	Husted-52.

Those who voted in the negative were: Representatives

Bacon	Beatty	Bolon	Book
Boyd	Brown	Budish	Chandler
DeBose	DeGeeter	DeWine	Dodd
Domenick	Dyer	Fende	Garrison
Gerberry	Goyal	Hagan R.	Harwood
Healy	Heard	Hughes	Koziura
Luckie	Lundy	Mallory	Mecklenborg
Miller	Oelslager	Okey	Otterman
Raussen	Schneider	Skindell	Stewart D.
Strahorn	Sykes	Szollosi	Ujvagi
Williams B.	Williams S.	Yates	Yuko-44.

The motion was agreed to and the bill so amended.

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

The yeas and nays were taken and resulted - yeas 87, nays 9, as follows:

Those who voted in the affirmative were: Representatives

Adams	Aslanides	Bacon	Barrett
Batchelder	Blessing	Bolon	Book
Boyd	Brady	Brinkman	Brown

Budish	Carmichael	Celeste	Coley
Collier	Combs	Core	Daniels
DeBose	DeGeeter	DeWine	Distel
Dodd	Dolan	Domenick	Driehaus
Dyer	Evans	Fende	Flowers
Foley	Gerberry	Gibbs	Goodwin
Goyal	Hagan J.	Harwood	Healy
Heard	Hite	Hottinger	Huffman
Hughes	Jones	Latta	Letson
Luckie	Lundy	Mallory	McGregor J.
McGregor R.	Mecklenborg	Oelslager	Otterman
Patton	Peterson	Raussen	Redfern
Reinhard	Sayre	Schindel	Schlichter
Schneider	Setzer	Skindell	Stebelton
Stewart D.	Stewart J.	Strahorn	Sykes
Szollosi	Uecker	Wachtmann	Wagner
Wagoner	Webster	White	Widener
Widowfield	Williams S.	Wolpert	Yates
Yuko	Zehringer		Husted-87.

Those who voted in the negative were: Representatives

Beatty	Chandler	Garrison	Hagan R.
Koziura	Miller	Okey	Ujvagi
			Williams B.-9.

The bill passed.

Representative Wagner moved to amend the title as follows:

Add the names: "Aslanides, Batchelder, Blessing, Collier, Flowers, Goodwin, Hagan, J., Letson, Raussen, Wachtmann."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**Sub. H. B. No. 41**-Representative Uecker.

Cosponsors: Representatives McGregor, J., Stebelton, Brown, Flowers, Fende, Wagoner, Stewart, D., Yuko.

To amend section 4745.01 and to enact sections 4770.01 to 4770.14 and 4770.99 of the Revised Code to require the licensure of persons operating security or life-safety systems companies or companies providing locksmith services and of individuals performing specified types of security or life-safety systems work or locksmith services and to establish the Security or Life-Safety Systems Advisory Board in the Office of the State Fire Marshal , was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 82, nays 14, as follows:

Those who voted in the affirmative were: Representatives

Adams	Aslanides	Barrett	Beatty
Blessing	Bolon	Book	Boyd
Brady	Brinkman	Brown	Budish
Carmichael	Celeste	Chandler	Coley
Collier	Combs	Core	Daniels
DeBose	DeGeeter	DeWine	Distel
Dodd	Dolan	Driehaus	Dyer
Evans	Fende	Flowers	Foley
Garrison	Gerberry	Gibbs	Goyal
Hagan R.	Harwood	Healy	Hite
Hottinger	Hughes	Koziura	Letson
Luckie	Lundy	McGregor J.	McGregor R.
Mecklenborg	Miller	Oelslager	Okey
Otterman	Patton	Peterson	Rausen
Redfern	Reinhard	Sayre	Schindel
Schlichter	Schneider	Setzer	Skindell
Stebelton	Stewart D.	Stewart J.	Strahorn
Sykes	Szollosi	Uecker	Ujvagi
Wagner	Wagoner	Webster	Widener
Widowfield	Williams B.	Wolpert	Yuko
Zehringer			Husted-82.

Those who voted in the negative were: Representatives

Bacon	Batchelder	Domenick	Goodwin
Hagan J.	Heard	Huffman	Jones
Latta	Mallory	Wachtmann	White
Williams S.			Yates-14.

The bill passed.

Representative Uecker moved to amend the title as follows:

Add the names: "Chandler, Goyal, Harwood, Luckie, Skindell."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**Sub. H. B. No. 177**-Representative Blessing.

Cosponsors: Representatives Chandler, Adams, Yuko, Webster.

To amend section 3769.07 of the Revised Code to allow the same person, association, trust, or corporation to own and operate two separate race tracks in Ohio , was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Latta moved to amend as follows:

After line 107, insert:

"**Section 3.** This act is hereby declared to be an emergency measure

necessary for the immediate preservation of the public peace, health, and safety. The reason for this necessity lies in the fact that a change in the definition of "skill-based amusement machine" must be made very soon to clarify the legality of the operation of these machines. Therefore, this act shall go into immediate effect."

In line 4 of the title, after "Ohio" insert "and to declare an emergency"

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

The yeas and nays were taken and resulted - yeas 79, nays 17, as follows:

Those who voted in the affirmative were: Representatives

Adams	Aslanides	Bacon	Barrett
Batchelder	Beatty	Book	Brady
Brown	Budish	Carmichael	Celeste
Coley	Combs	DeBose	DeGeeter
DeWine	Distel	Dodd	Dolan
Domenick	Driehaus	Dyer	Evans
Fende	Flowers	Foley	Garrison
Gerberry	Gibbs	Goodwin	Goyal
Hagan J.	Hagan R.	Harwood	Healy
Heard	Hite	Hottinger	Hughes
Jones	Koziura	Latta	Letson
Luckie	Lundy	McGregor J.	McGregor R.
Mecklenborg	Oelslager	Okey	Otterman
Patton	Peterson	Redfern	Reinhard
Sayre	Schindel	Schlichter	Schneider
Setzer	Stebelton	Stewart D.	Strahorn
Sykes	Szollosi	Uecker	Ujvagi
Wagner	Wagoner	Webster	White
Widener	Widowfield	Williams B.	Wolpert
Yates	Zehringer		Husted-79.

Those who voted in the negative were: Representatives

Blessing	Bolon	Boyd	Brinkman
Chandler	Collier	Core	Daniels
Huffman	Mallory	Miller	Rausen
Skindell	Stewart J.	Wachtmann	Williams S.
			Yuko-17.

The motion was agreed to and the bill so amended.

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

Representative Latta moved to amend as follows:

In line 5, delete "section" and insert "sections 2915.01 and"; delete "of the Revised Code"

In line 6, after "amended" insert "and sections 2915.06 and 2915.061 of the Revised Code be enacted"

Between lines 6 and 7, insert:

"Sec. 2915.01. As used in this chapter:

(A) "Bookmaking" means the business of receiving or paying off bets.

(B) "Bet" means the hazarding of anything of value upon the result of an event, undertaking, or contingency, but does not include a bona fide business risk.

(C) "Scheme of chance" means a slot machine, lottery, numbers game, pool conducted for profit, or other scheme in which a participant gives a valuable consideration for a chance to win a prize, but does not include bingo, a skill-based amusement machine, or a pool not conducted for profit.

(D) "Game of chance" means poker, craps, roulette, or other game in which a player gives anything of value in the hope of gain, the outcome of which is determined largely by chance, but does not include bingo.

(E) "Game of chance conducted for profit" means any game of chance designed to produce income for the person who conducts or operates the game of chance, but does not include bingo.

(F) "Gambling device" means any of the following:

(1) A book, totalizer, or other equipment for recording bets;

(2) A ticket, token, or other device representing a chance, share, or interest in a scheme of chance or evidencing a bet;

(3) A deck of cards, dice, gaming table, roulette wheel, slot machine, or other apparatus designed for use in connection with a game of chance;

(4) Any equipment, device, apparatus, or paraphernalia specially designed for gambling purposes;

(5) Bingo supplies sold or otherwise provided, or used, in violation of this chapter.

(G) "Gambling offense" means any of the following:

(1) A violation of section 2915.02, 2915.03, 2915.04, 2915.05, 2915.06, 2915.07, 2915.08, 2915.081, 2915.082, 2915.09, 2915.091, 2915.092, 2915.10, or 2915.11 of the Revised Code;

(2) A violation of an existing or former municipal ordinance or law of this or any other state or the United States substantially equivalent to any section listed in division (G)(1) of this section or a violation of section 2915.06 of the Revised Code as it existed prior to July 1, 1996;

(3) An offense under an existing or former municipal ordinance or law of this or any other state or the United States, of which gambling is an element;

(4) A conspiracy or attempt to commit, or complicity in committing, any offense under division (G)(1), (2), or (3) of this section.

(H) Except as otherwise provided in this chapter, "charitable



organization" means any tax exempt religious, educational, veteran's, fraternal, sporting, service, nonprofit medical, volunteer rescue service, volunteer firefighter's, senior citizen's, historic railroad educational, youth athletic, amateur athletic, or youth athletic park organization. An organization is tax exempt if the organization is, and has received from the internal revenue service a determination letter that currently is in effect stating that the organization is, exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3), 501(c)(4), 501(c)(8), 501(c)(10), or 501(c)(19) of the Internal Revenue Code, or if the organization is a sporting organization that is exempt from federal income taxation under subsection 501(a) and is described in subsection 501(c)(7) of the Internal Revenue Code. To qualify as a charitable organization, an organization, except a volunteer rescue service or volunteer ~~fire~~ firefighter's firefighter's organization, shall have been in continuous existence as such in this state for a period of two years immediately preceding either the making of an application for a bingo license under section 2915.08 of the Revised Code or the conducting of any game of chance as provided in division (D) of section 2915.02 of the Revised Code. A charitable organization that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code and that is created by a veteran's organization, a fraternal organization, or a sporting organization does not have to have been in continuous existence as such in this state for a period of two years immediately preceding either the making of an application for a bingo license under section 2915.08 of the Revised Code or the conducting of any game of chance as provided in division (D) of section 2915.02 of the Revised Code.

(I) "Religious organization" means any church, body of communicants, or group that is not organized or operated for profit and that gathers in common membership for regular worship and religious observances.

(J) "Educational organization" means any organization within this state that is not organized for profit, the primary purpose of which is to educate and develop the capabilities of individuals through instruction by means of operating or contributing to the support of a school, academy, college, or university.

(K) "Veteran's organization" means any individual post or state headquarters of a national veteran's association or an auxiliary unit of any individual post of a national veteran's association, which post, state headquarters, or auxiliary unit has been in continuous existence in this state for at least two years and incorporated as a nonprofit corporation and either has received a letter from the state headquarters of the national veteran's association indicating that the individual post or auxiliary unit is in good standing with the national veteran's association or has received a letter from the national veteran's association indicating that the state headquarters is in good standing with the national veteran's association. As used in this division, "national veteran's association" means any veteran's association that has been in continuous existence as such for a period of at least five years and either is incorporated by an act of the United States congress or has a national dues-paying membership of

at least five thousand persons.

(L) "Volunteer firefighter's organization" means any organization of volunteer firefighters, as defined in section 146.01 of the Revised Code, that is organized and operated exclusively to provide financial support for a volunteer fire department or a volunteer fire company and that is recognized or ratified by a county, municipal corporation, or township.

(M) "Fraternal organization" means any society, order, state headquarters, or association within this state, except a college or high school fraternity, that is not organized for profit, that is a branch, lodge, or chapter of a national or state organization, that exists exclusively for the common business or sodality of its members, and that has been in continuous existence in this state for a period of five years.

(N) "Volunteer rescue service organization" means any organization of volunteers organized to function as an emergency medical service organization, as defined in section 4765.01 of the Revised Code.

(O) "Service organization" means either of the following:

(1) Any organization, not organized for profit, that is organized and operated exclusively to provide, or to contribute to the support of organizations or institutions organized and operated exclusively to provide, medical and therapeutic services for persons who are crippled, born with birth defects, or have any other mental or physical defect or those organized and operated exclusively to protect, or to contribute to the support of organizations or institutions organized and operated exclusively to protect, animals from inhumane treatment or provide immediate shelter to victims of domestic violence;

(2) Any organization that is described in subsection 509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code and is either a governmental unit or an organization that is tax exempt under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code and that is an organization, not organized for profit, that is organized and operated primarily to provide, or to contribute to the support of organizations or institutions organized and operated primarily to provide, medical and therapeutic services for persons who are crippled, born with birth defects, or have any other mental or physical defect.

(P) "Nonprofit medical organization" means either of the following:

(1) Any organization that has been incorporated as a nonprofit corporation for at least five years and that has continuously operated and will be operated exclusively to provide, or to contribute to the support of organizations or institutions organized and operated exclusively to provide, hospital, medical, research, or therapeutic services for the public;

(2) Any organization that is described and qualified under subsection 501(c)(3) of the Internal Revenue Code, that has been incorporated as a nonprofit corporation for at least five years, and that has continuously operated

and will be operated primarily to provide, or to contribute to the support of organizations or institutions organized and operated primarily to provide, hospital, medical, research, or therapeutic services for the public.

(Q) "Senior citizen's organization" means any private organization, not organized for profit, that is organized and operated exclusively to provide recreational or social services for persons who are fifty-five years of age or older and that is described and qualified under subsection 501(c)(3) of the Internal Revenue Code.

(R) "Charitable bingo game" means any bingo game described in division (S)(1) or (2) of this section that is conducted by a charitable organization that has obtained a license pursuant to section 2915.08 of the Revised Code and the proceeds of which are used for a charitable purpose.

(S) "Bingo" means either of the following:

(1) A game with all of the following characteristics:

(a) The participants use bingo cards or sheets, including paper formats and electronic representation or image formats, that are divided into twenty-five spaces arranged in five horizontal and five vertical rows of spaces, with each space, except the central space, being designated by a combination of a letter and a number and with the central space being designated as a free space.

(b) The participants cover the spaces on the bingo cards or sheets that correspond to combinations of letters and numbers that are announced by a bingo game operator.

(c) A bingo game operator announces combinations of letters and numbers that appear on objects that a bingo game operator selects by chance, either manually or mechanically, from a receptacle that contains seventy-five objects at the beginning of each game, each object marked by a different combination of a letter and a number that corresponds to one of the seventy-five possible combinations of a letter and a number that can appear on the bingo cards or sheets.

(d) The winner of the bingo game includes any participant who properly announces during the interval between the announcements of letters and numbers as described in division (S)(1)(c) of this section, that a predetermined and preannounced pattern of spaces has been covered on a bingo card or sheet being used by the participant.

(2) Instant bingo, punch boards, and raffles.

(T) "Conduct" means to back, promote, organize, manage, carry on, sponsor, or prepare for the operation of bingo or a game of chance.

(U) "Bingo game operator" means any person, except security personnel, who performs work or labor at the site of bingo, including, but not limited to, collecting money from participants, handing out bingo cards or sheets or objects to cover spaces on bingo cards or sheets, selecting from a receptacle the objects

that contain the combination of letters and numbers that appear on bingo cards or sheets, calling out the combinations of letters and numbers, distributing prizes, selling or redeeming instant bingo tickets or cards, supervising the operation of a punch board, selling raffle tickets, selecting raffle tickets from a receptacle and announcing the winning numbers in a raffle, and preparing, selling, and serving food or beverages.

(V) "Participant" means any person who plays bingo.

(W) "Bingo session" means a period that includes both of the following:

(1) Not to exceed five continuous hours for the conduct of one or more games described in division (S)(1) of this section, instant bingo, and seal cards;

(2) A period for the conduct of instant bingo and seal cards for not more than two hours before and not more than two hours after the period described in division (W)(1) of this section.

(X) "Gross receipts" means all money or assets, including admission fees, that a person receives from bingo without the deduction of any amounts for prizes paid out or for the expenses of conducting bingo. "Gross receipts" does not include any money directly taken in from the sale of food or beverages by a charitable organization conducting bingo, or by a bona fide auxiliary unit or society of a charitable organization conducting bingo, provided all of the following apply:

(1) The auxiliary unit or society has been in existence as a bona fide auxiliary unit or society of the charitable organization for at least two years prior to conducting bingo.

(2) The person who purchases the food or beverage receives nothing of value except the food or beverage and items customarily received with the purchase of that food or beverage.

(3) The food and beverages are sold at customary and reasonable prices.

(Y) "Security personnel" includes any person who either is a sheriff, deputy sheriff, marshal, deputy marshal, township constable, or member of an organized police department of a municipal corporation or has successfully completed a peace officer's training course pursuant to sections 109.71 to 109.79 of the Revised Code and who is hired to provide security for the premises on which bingo is conducted.

(Z) "Charitable purpose" means that the net profit of bingo, other than instant bingo, is used by, or is given, donated, or otherwise transferred to, any of the following:

(1) Any organization that is described in subsection 509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code and is either a governmental unit or an organization that is tax exempt under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code;

(2) A veteran's organization that is a post, chapter, or organization of veterans, or an auxiliary unit or society of, or a trust or foundation for, any such post, chapter, or organization organized in the United States or any of its possessions, at least seventy-five per cent of the members of which are veterans and substantially all of the other members of which are individuals who are spouses, widows, or widowers of veterans, or such individuals, provided that no part of the net earnings of such post, chapter, or organization inures to the benefit of any private shareholder or individual, and further provided that the net profit is used by the post, chapter, or organization for the charitable purposes set forth in division (B)(12) of section 5739.02 of the Revised Code, is used for awarding scholarships to or for attendance at an institution mentioned in division (B)(12) of section 5739.02 of the Revised Code, is donated to a governmental agency, or is used for nonprofit youth activities, the purchase of United States or Ohio flags that are donated to schools, youth groups, or other bona fide nonprofit organizations, promotion of patriotism, or disaster relief;

(3) A fraternal organization that has been in continuous existence in this state for fifteen years and that uses the net profit exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, if contributions for such use would qualify as a deductible charitable contribution under subsection 170 of the Internal Revenue Code;

(4) A volunteer firefighter's organization that uses the net profit for the purposes set forth in division (L) of this section.

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

(BB) "Youth athletic organization" means any organization, not organized for profit, that is organized and operated exclusively to provide financial support to, or to operate, athletic activities for persons who are twenty-one years of age or younger by means of sponsoring, organizing, operating, or contributing to the support of an athletic team, club, league, or association.

(CC) "Youth athletic park organization" means any organization, not organized for profit, that satisfies both of the following:

(1) It owns, operates, and maintains playing fields that satisfy both of the following:

(a) The playing fields are used at least one hundred days per year for athletic activities by one or more organizations, not organized for profit, each of which is organized and operated exclusively to provide financial support to, or to operate, athletic activities for persons who are eighteen years of age or younger by means of sponsoring, organizing, operating, or contributing to the support of an athletic team, club, league, or association.

(b) The playing fields are not used for any profit-making activity at any

time during the year.

(2) It uses the proceeds of bingo it conducts exclusively for the operation, maintenance, and improvement of its playing fields of the type described in division (CC)(1) of this section.

(DD) "Amateur athletic organization" means any organization, not organized for profit, that is organized and operated exclusively to provide financial support to, or to operate, athletic activities for persons who are training for amateur athletic competition that is sanctioned by a national governing body as defined in the "Amateur Sports Act of 1978," 90 Stat. 3045, 36 U.S.C.A. 373.

(EE) "Bingo supplies" means bingo cards or sheets; instant bingo tickets or cards; electronic bingo aids; raffle tickets; punch boards; seal cards; instant bingo ticket dispensers; and devices for selecting or displaying the combination of bingo letters and numbers or raffle tickets. Items that are "bingo supplies" are not gambling devices if sold or otherwise provided, and used, in accordance with this chapter. For purposes of this chapter, "bingo supplies" are not to be considered equipment used to conduct a bingo game.

(FF) "Instant bingo" means a form of bingo that uses folded or banded tickets or paper cards with perforated break-open tabs, a face of which is covered or otherwise hidden from view to conceal a number, letter, or symbol, or set of numbers, letters, or symbols, some of which have been designated in advance as prize winners. "Instant bingo" includes seal cards. "Instant bingo" does not include any device that is activated by the insertion of a coin, currency, token, or an equivalent, and that contains as one of its components a video display monitor that is capable of displaying numbers, letters, symbols, or characters in winning or losing combinations.

(GG) "Seal card" means a form of instant bingo that uses instant bingo tickets in conjunction with a board or placard that contains one or more seals that, when removed or opened, reveal predesignated winning numbers, letters, or symbols.

(HH) "Raffle" means a form of bingo in which the one or more prizes are won by one or more persons who have purchased a raffle ticket. The one or more winners of the raffle are determined by drawing a ticket stub or other detachable section from a receptacle containing ticket stubs or detachable sections corresponding to all tickets sold for the raffle.

(II) "Punch board" means a board containing a number of holes or receptacles of uniform size in which are placed, mechanically and randomly, serially numbered slips of paper that may be punched or drawn from the hole or receptacle when used in conjunction with instant bingo. A player may punch or draw the numbered slips of paper from the holes or receptacles and obtain the prize established for the game if the number drawn corresponds to a winning number or, if the punch board includes the use of a seal card, a potential winning number.

(JJ) "Gross profit" means gross receipts minus the amount actually expended for the payment of prize awards.

(KK) "Net profit" means gross profit minus expenses.

(LL) "Expenses" means the reasonable amount of gross profit actually expended for all of the following:

- (1) The purchase or lease of bingo supplies;
- (2) The annual license fee required under section 2915.08 of the Revised Code;
- (3) Bank fees and service charges for a bingo session or game account described in section 2915.10 of the Revised Code;
- (4) Audits and accounting services;
- (5) Safes;
- (6) Cash registers;
- (7) Hiring security personnel;
- (8) Advertising bingo;
- (9) Renting premises in which to conduct a bingo session;
- (10) Tables and chairs;
- (11) Expenses for maintaining and operating a charitable organization's facilities, including, but not limited to, a post home, club house, lounge, tavern, or canteen and any grounds attached to the post home, club house, lounge, tavern, or canteen;
- (12) Any other product or service directly related to the conduct of bingo that is authorized in rules adopted by the attorney general under division (B)(1) of section 2915.08 of the Revised Code.

(MM) "Person" has the same meaning as in section 1.59 of the Revised Code and includes any firm or any other legal entity, however organized.

(NN) "Revoke" means to void permanently all rights and privileges of the holder of a license issued under section 2915.08, 2915.081, or 2915.082 of the Revised Code or a charitable gaming license issued by another jurisdiction.

(OO) "Suspend" means to interrupt temporarily all rights and privileges of the holder of a license issued under section 2915.08, 2915.081, or 2915.082 of the Revised Code or a charitable gaming license issued by another jurisdiction.

(PP) "Distributor" means any person who purchases or obtains bingo supplies and who does either of the following:

- (1) Sells, offers for sale, or otherwise provides or offers to provide the bingo supplies to another person for use in this state;

(2) Modifies, converts, adds to, or removes parts from the bingo supplies to further their promotion or sale for use in this state.

(QQ) "Manufacturer" means any person who assembles completed bingo supplies from raw materials, other items, or subparts or who modifies, converts, adds to, or removes parts from bingo supplies to further their promotion or sale.

(RR) "Gross annual revenues" means the annual gross receipts derived from the conduct of bingo described in division (S)(1) of this section plus the annual net profit derived from the conduct of bingo described in division (S)(2) of this section.

(SS) "Instant bingo ticket dispenser" means a mechanical device that dispenses an instant bingo ticket or card as the sole item of value dispensed and that has the following characteristics:

- (1) It is activated upon the insertion of United States currency.
- (2) It performs no gaming functions.
- (3) It does not contain a video display monitor or generate noise.
- (4) It is not capable of displaying any numbers, letters, symbols, or characters in winning or losing combinations.
- (5) It does not simulate or display rolling or spinning reels.
- (6) It is incapable of determining whether a dispensed bingo ticket or card is a winning or nonwinning ticket or card and requires a winning ticket or card to be paid by a bingo game operator.
- (7) It may provide accounting and security features to aid in accounting for the instant bingo tickets or cards it dispenses.
- (8) It is not part of an electronic network and is not interactive.

(TT)(1) "Electronic bingo aid" means an electronic device used by a participant to monitor bingo cards or sheets purchased at the time and place of a bingo session and that does all of the following:

- (a) It provides a means for a participant to input numbers and letters announced by a bingo caller.
  - (b) It compares the numbers and letters entered by the participant to the bingo faces previously stored in the memory of the device.
  - (c) It identifies a winning bingo pattern.
- (2) "Electronic bingo aid" does not include any device into which a coin, currency, token, or an equivalent is inserted to activate play.

(UU) "Deal of instant bingo tickets" means a single game of instant bingo tickets all with the same serial number.

(VV)(1) "Slot machine" ~~maehine~~ means either of the following:



(a) Any mechanical, electronic, video, or digital device that is capable of accepting anything of value, directly or indirectly, from or on behalf of a player who gives the thing of value in the hope of gain, ~~the outcome of which is determined largely or wholly by chance; and that does any of the following:~~

(i) Awards cash or a merchandise prize as a result of a single play of the machine that exceeds ten dollars, awards a redeemable voucher for any single play of a machine that is redeemable for a merchandise prize with a wholesale value that exceeds ten dollars, awards a redeemable voucher for a merchandise prize whose wholesale value exceeds ten dollars times the fewest number of single plays necessary to accrue the redeemable vouchers required to obtain that prize, or distributes any redeemable vouchers or merchandise prizes other than at the site of the machine at the time of play;

(ii) Awards an item described in division (BBB)(1), (2), (3), or (4) of this section;

(iii) Has any characteristic that is described in division (AAA)(2) of this section.

(b) Any mechanical, electronic, video, or digital device that is capable of accepting anything of value, directly or indirectly, from or on behalf of a player to conduct or dispense bingo or a scheme or game of chance.

(2) "Slot machine" does not include a skill-based amusement machine.

(WW) "Net profit from the proceeds of the sale of instant bingo" means gross profit minus the ordinary, necessary, and reasonable expense expended for the purchase of instant bingo supplies.

(XX) "Charitable instant bingo organization" means an organization that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code and is a charitable organization as defined in this section. A "charitable instant bingo organization" does not include a charitable organization that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code and that is created by a veteran's organization, a fraternal organization, or a sporting organization in regards to bingo conducted or assisted by a veteran's organization, a fraternal organization, or a sporting organization pursuant to section 2915.13 of the Revised Code.

(YY) "Game flare" means the board or placard that accompanies each deal of instant bingo tickets and that has printed on or affixed to it the following information for the game:

- (1) The name of the game;
- (2) The manufacturer's name or distinctive logo;
- (3) The form number;
- (4) The ticket count;

(5) The prize structure, including the number of winning instant bingo tickets by denomination and the respective winning symbol or number combinations for the winning instant bingo tickets;

(6) The cost per play;

(7) The serial number of the game.

(ZZ) "Historic railroad educational organization" means an organization that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code, that owns in fee simple the tracks and the right of way of a historic railroad that the organization restores or maintains and on which the organization provides excursions as part of a program to promote tourism and educate visitors regarding the role of railroad transportation in Ohio history, and that received as donations from a charitable organization that holds a license to conduct bingo under this chapter an amount equal to at least fifty per cent of that licensed charitable organization's net proceeds from the conduct of bingo during each of the five years preceding June 30, 2003. "Historic railroad" means all or a portion of the tracks and right-of-way of a railroad that was owned and operated by a for-profit common carrier in this state at any time prior to January 1, 1950.

(AAA)(1) "~~Skill-based amusement machine~~" means a ~~skill-based amusement device, such as a mechanical, electronic, video, or digital device, or machine, whether or not the skill-based amusement machine requires payment for use through a coin or bill validator or other payment of consideration or value to participate in the machine's offering or to activate the machine, provided that all of the following apply:~~

~~(a) The machine involves a task, game, play, contest, competition, or tournament in which the player actively participates in the task, game, play, contest, competition, or tournament.~~

~~(b) The outcome of an individual's play and participation is not determined largely or wholly by chance.~~

~~(c) The outcome of play during a game is not controlled by a person not actively participating in the game mechanical, video, digital, or electronic device that rewards the player or players, if at all, only with merchandise prizes or with redeemable vouchers redeemable only for merchandise prizes, provided that with respect to rewards for playing the game all of the following apply:~~

~~(a) The wholesale value of a merchandise prize awarded as a result of the single play of a machine does not exceed ten dollars;~~

~~(b) Redeemable vouchers awarded for any single play of a machine are not redeemable for a merchandise prize with a wholesale value of more than ten dollars;~~

~~(c) Redeemable vouchers are not redeemable for a merchandise prize that has a wholesale value of more than ten dollars times the fewest number of single~~

plays necessary to accrue the redeemable vouchers required to obtain that prize; and

(d) Any redeemable vouchers or merchandise prizes are distributed at the site of the skill-based amusement machine at the time of play.

(2) A machine shall not be considered a skill-based amusement machine and shall be considered a slot machine if it pays cash or one or more of the following apply:

(a) The ability of a player to succeed at the game is impacted by the number or ratio of prior wins to prior losses of players playing the game.

(b) Any reward of redeemable vouchers is not based solely on the player achieving the object of the game or the players score;

(c) The outcome of the game, or the value of the redeemable voucher or merchandise prize awarded for winning the game, can be controlled by a source other than any player playing the game.

(d) The success of any player is or may be determined by a chance event that cannot be altered by player actions.

(e) The ability of any player to succeed at the game is determined by game features not visible or known to the player.

(f) The ability of the player to succeed at the game is impacted by the exercise of a skill that no reasonable player could exercise.

(2) (3) All of the following apply to any machine that is operated as described in division (AAA)(1) of this section:

(a) As used in this section, "task," "game," and "play" mean one event from the initial activation of the machine until the results of play are determined without payment of additional consideration. An individual utilizing a machine that involves a single task, game, play, contest, competition, or tournament may be awarded redeemable vouchers or merchandise prizes based on the results of play.

(b) Advance play for a single ~~task~~, game, play, contest, competition, or tournament participation may be purchased. The cost of the contest, competition, or tournament participation may be greater than a single ~~non-contest~~ noncontest, competition, or tournament play.

(c) To the extent that the machine is used in a contest, competition, or tournament, that contest, competition, or tournament has a defined starting and ending date and is open to participants in competition for scoring and ranking results toward the awarding of redeemable vouchers or merchandise prizes that are stated prior to the start of the contest, competition, or tournament.

(BBB) "Merchandise prize" means any item of value, but shall not include any of the following:

(1) Cash, gift cards, or any equivalent thereof;

(2) Plays on games of chance, state lottery tickets, bingo, or instant bingo;

(3) Firearms, tobacco, or alcoholic beverages; or

(4) A redeemable voucher that is redeemable for any of the items listed in division (BBB)(1), (2), or (3) of this section.

(CCC) "Redeemable voucher" means any ticket, token, coupon, receipt, or other noncash representation of value.

(DDD) "Pool not conducted for profit" means a scheme in which a participant gives a valuable consideration for a chance to win a prize and the total amount of consideration wagered is distributed to a participant or participants.

~~(CCC)~~ (EEE) "Sporting organization" means a hunting, fishing, or trapping organization, other than a college or high school fraternity or sorority, that is not organized for profit, that is affiliated with a state or national sporting organization, including but not limited to, the Ohio League league of sportsmen, and that has been in continuous existence in this state for a period of three years.

~~(DDD)~~ (FFF) "Community action agency" has the same meaning as in section 122.66 of the Revised Code.

**Sec. 2915.06.** (A) No person shall give to another person any item described in division (BBB)(1), (2), (3), or (4) of section 2915.01 of the Revised Code in exchange for a noncash prize, toy, or novelty received as a reward for playing or operating a skill-based amusement machine or for a free or reduced-price game won on a skill-based amusement machine.

(B) Whoever violates division (A) of this section is guilty of skill-based amusement machine prohibited conduct. A violation of division (A) of this section is a misdemeanor of the first degree for each redemption of a prize that is involved in the violation. If the offender previously has been convicted of a violation of division (A) of this section, a violation of that division is a felony of the fifth degree for each redemption of a prize that is involved in the violation. The maximum fine authorized to be imposed for a felony of the fifth degree shall be imposed upon the offender.

**Sec. 2915.061.** Any regulation of skill-based amusement machines shall be governed by this chapter and not by Chapter 1345. of the Revised Code."

In line 106, delete "section" and insert "sections 2915.1 and"

In line 107, delete "is" and insert "are"

In line 1 of the title, delete "section" and insert "sections 2915.01 and"; after "3769.07" insert "and to enact sections 2915.06 and 2915.061"

In line 4 of the title, after "Ohio" insert ", to modify the definition of "slot

machine" and "skill-based amusement machine" for purposes of the Gambling Law, to create a limit on the redemption value of prizes associated with skill-based amusement machines, and to clarify regulatory authority pertaining to skill-based amusement machines"

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

The yeas and nays were taken and resulted - yeas 87, nays 9, as follows:

Those who voted in the affirmative were: Representatives

Adams	Aslanides	Bacon	Barrett
Batchelder	Beatty	Bolon	Book
Brady	Brinkman	Brown	Carmichael
Celeste	Coley	Collier	Combs
Core	DeBose	DeGeeter	DeWine
Distel	Dodd	Dolan	Domenick
Driehaus	Dyer	Evans	Fende
Flowers	Foley	Garrison	Gerberry
Gibbs	Goodwin	Goyal	Hagan J.
Hagan R.	Harwood	Healy	Heard
Hite	Hottinger	Huffman	Hughes
Jones	Koziura	Latta	Letson
Luckie	Lundy	Mallory	McGregor J.
McGregor R.	Mecklenborg	Oelslager	Okey
Otterman	Patton	Peterson	Rausen
Redfern	Reinhard	Sayre	Schindel
Schlichter	Schneider	Setzer	Skindell
Stebelton	Stewart J.	Strahorn	Sykes
Szollosi	Uecker	Ujvagi	Wachtmann
Wagner	Wagoner	Webster	White
Widener	Widowfield	Williams B.	Wolpert
Yates	Zehringer		Husted-87.

Those who voted in the negative were: Representatives

Blessing	Boyd	Budish	Chandler
Daniels	Miller	Stewart D.	Williams S.
			Yuko-9.

The motion was agreed to and the bill so amended.

The question being, "Shall the emergency clause stand as part of the bill?"

The yeas and nays were taken and resulted - yeas 83, nays 13, as follows:

Those who voted in the affirmative were: Representatives

Adams	Aslanides	Bacon	Barrett
Batchelder	Beatty	Bolon	Book
Brady	Brown	Budish	Carmichael
Celeste	Coley	Combs	Core
DeBose	DeGeeter	DeWine	Distel
Dodd	Dolan	Domenick	Driehaus
Dyer	Evans	Fende	Flowers
Foley	Garrison	Gerberry	Gibbs

Goodwin	Goyal	Hagan J.	Hagan R.
Harwood	Healy	Heard	Hiite
Hottinger	Huffman	Hughes	Jones
Koziura	Latta	Letson	Luckie
Lundy	Mallory	McGregor J.	McGregor R.
Mecklenborg	Oelslager	Okey	Otterman
Patton	Peterson	Redfern	Reinhard
Sayre	Schindel	Schlichter	Schneider
Setzer	Stebelton	Stewart D.	Strahorn
Sykes	Szollosi	Uecker	Ujvagi
Wagner	Wagoner	Webster	White
Widener	Widowfield	Williams B.	Wolpert
Yates	Zehringer		Husted-83.

Those who voted in the negative were: Representatives

Blessing	Boyd	Brinkman	Chandler
Collier	Daniels	Miller	Raussen
Skindell	Stewart J.	Wachtmann	Williams S.
			Yuko-13.

Having received a constitutional majority, the emergency clause stood as part of the bill.

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

Representative Beatty moved that House Rule 91, pertaining to amendments be suspended.

The motion was agreed to without objection.

Representative Flowers moved to amend as follows:

In division (VV)(1)(a) of section 2915.01 of the Revised Code, as amended by 127HB177-4795 to Sub. H.B. 177, after "wholly by chance" delete "and that does any of the following;" and insert a semicolon

Delete division (VV)(1)(a)(i), (ii) and (iii) of section 2915.01 of the Revised Code, as amended by 127HB177-4795 to Sub. H.B. 177

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

The yeas and nays were taken and resulted - yeas 92, nays 3, as follows:

Those who voted in the affirmative were: Representatives

Adams	Aslanides	Bacon	Barrett
Batchelder	Beatty	Bolon	Book
Boyd	Brady	Brinkman	Brown
Budish	Carmichael	Celeste	Chandler
Coley	Collier	Combs	Core
DeBose	DeGeeter	DeWine	Distel
Dodd	Dolan	Domenick	Driehaus
Dyer	Evans	Fende	Flowers
Foley	Garrison	Gerberry	Gibbs
Goodwin	Goyal	Hagan J.	Hagan R.

Harwood	Healy	Heard	Hite
Hottinger	Huffman	Hughes	Jones
Koziura	Latta	Letson	Luckie
Lundy	Mallory	McGregor J.	McGregor R.
Mecklenborg	Oelsluger	Okey	Otterman
Patton	Peterson	Rausen	Redfern
Reinhard	Sayre	Schindel	Schlichter
Schneider	Setzer	Skindell	Stebelton
Stewart D.	Stewart J.	Strahorn	Sykes
Szollosi	Uecker	Ujvagi	Wachtmann
Wagner	Wagoner	Webster	White
Widener	Widowfield	Williams S.	Wolpert
Yates	Yuko	Zehringer	Husted-92.

Representatives Blessing, Daniels, and Miller voted in the negative-3.

The motion was agreed to and the bill so amended.

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

The yeas and nays were taken and resulted - yeas 83, nays 13, as follows:

Those who voted in the affirmative were: Representatives

Adams	Aslanides	Bacon	Barrett
Batchelder	Beatty	Bolon	Book
Brady	Brinkman	Brown	Budish
Carmichael	Celeste	Coley	Combs
Core	DeBose	DeWine	Distel
Dodd	Dolan	Domenick	Driehaus
Dyer	Evans	Fende	Flowers
Garrison	Giberry	Gibbs	Goodwin
Goyal	Hagan J.	Hagan R.	Harwood
Healy	Heard	Hite	Hottinger
Huffman	Hughes	Jones	Koziura
Latta	Letson	Luckie	Lundy
Mallory	McGregor J.	McGregor R.	Mecklenborg
Oelsluger	Okey	Otterman	Patton
Peterson	Rausen	Redfern	Reinhard
Sayre	Schindel	Schlichter	Schneider
Setzer	Stebelton	Stewart D.	Stewart J.
Sykes	Szollosi	Uecker	Ujvagi
Wagner	Wagoner	Webster	White
Widener	Widowfield	Williams B.	Wolpert
Yates	Zehringer		Husted-83.

Those who voted in the negative were: Representatives

Blessing	Boyd	Chandler	Collier
Daniels	DeGeeter	Foley	Miller
Skindell	Strahorn	Wachtmann	Williams S.
			Yuko-13.

Having received the required constitutional majority, the bill passed as an emergency measure.

Representative Blessing moved to amend the title as follows:

Remove the name: "Chandler."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**S. B. No. 40-Senator Schuler.**

Cosponsors: Senators Boccieri, Buehrer, Carey, Clancy, Faber, Gardner, Grendell, Kearney, Miller, D., Mumper, Schaffer, Cates, Austria, Fedor, Padgett, Roberts, Schuring, Stivers, Spada, Wilson, J., Sawyer. Representative Seitz.

To enact section 5.2235 of the Revised Code to designate October as "German Heritage Month" , was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 96, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Adams	Aslanides	Bacon	Barrett
Batchelder	Beatty	Blessing	Bolon
Book	Boyd	Brady	Brinkman
Brown	Budish	Carmichael	Celeste
Chandler	Coley	Collier	Combs
Core	Daniels	DeBose	DeGeeter
DeWine	Distel	Dodd	Dolan
Domenick	Driehaus	Dyer	Evans
Fende	Flowers	Foley	Garrison
Gerberry	Gibbs	Goodwin	Goyal
Hagan J.	Hagan R.	Harwood	Healy
Heard	Hite	Hottinger	Huffman
Hughes	Jones	Koziura	Latta
Letson	Luckie	Lundy	Mallory
McGregor J.	McGregor R.	Mecklenborg	Miller
Oelslager	Okey	Otterman	Patton
Peterson	Rausen	Redfern	Reinhard
Sayre	Schindel	Schlichter	Schneider
Setzer	Skindell	Stebelton	Stewart D.
Stewart J.	Strahorn	Sykes	Szollosi
Uecker	Ujvagi	Wachtmann	Wagner
Wagoner	Webster	White	Widener
Widowfield	Williams B.	Williams S.	Wolpert
Yates	Yuko	Zehringer	Husted-96.

The bill passed.

Representative Daniels moved to amend the title as follows:

Add the names: "Bacon, Batchelder, Blessing, Bolon, Book, Brinkman,



Celeste, Chandler, Coley, Combs, Daniels, Dodd, Domenick, Driehaus, Dyer, Evans, Fende, Flowers, Foley, Gerberry, Goodwin, Goyal, Hagan, J., Harwood, Hite, Hottinger, Huffman, Hughes, Latta, Letson, Luckie, Mallory, McGregor, J., Mecklenborg, Otterman, Patton, Peterson, Raussen, Reinhard, Sayre, Schindel, Schlichter, Schneider, Setzer, Skindell, Stebelton, Stewart, D., Stewart, J., Strahorn, Szollosi, Ujvagi, Wachtmann, Wagoner, White, Widowfield, Yates, Yuko, Zehringer."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**S. C. R. No. 5-Senator Padgett.**

Cosponsors: Senators Cates, Clancy, Gardner, Boccieri, Schuler, Miller, D., Schaffer, Kearney, Austria, Buehrer, Fedor, Goodman, Roberts, Spada, Wilson, Harris, Stivers.

To urge the Congress of the United States to recognize the significance of the eastern states, including Ohio, in the preparation for, and return of, the Lewis and Clark Expedition by enacting legislation extending the Lewis and Clark National Historic Trail east to its origin at Monticello , was taken up for consideration the third time.

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

Representative Stewart, J. moved to amend the title as follows:

Add the names: "Representatives Aslanides, Bacon, Bolon, Book, Brinkman, Brown, Chandler, Combs, Dodd, Dolan, Domenick, Dyer, Evans, Fende, Garrison, Gerberry, Goyal, Harwood, Hughes, Jones, Latta, Letson, Luckie, Miller, Oelslager, Okey, Otterman, Patton, Schindel, Schneider, Setzer, Skindell, Stebelton, Stewart, D., Stewart, J., Wachtmann, Wagoner, Williams, B., Yates, Zehringer."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

The question recurring, "Shall the concurrent resolution be adopted?"

The yeas and nays were taken and resulted - yeas 96, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Adams	Aslanides	Bacon	Barrett
Batchelder	Beatty	Blessing	Bolon
Book	Boyd	Brady	Brinkman
Brown	Budish	Carmichael	Celeste
Chandler	Coley	Collier	Combs
Core	Daniels	DeBose	DeGeeter
DeWine	Distel	Dodd	Dolan
Domenick	Driehaus	Dyer	Evans
Fende	Flowers	Foley	Garrison
Gerberry	Gibbs	Goodwin	Goyal

Hagan J.	Hagan R.	Harwood	Healy
Heard	Hite	Hottinger	Huffman
Hughes	Jones	Koziura	Latta
Letson	Luckie	Lundy	Mallory
McGregor J.	McGregor R.	Mecklenborg	Miller
Oelslager	Okey	Otterman	Patton
Peterson	Raussen	Redfern	Reinhard
Sayre	Schindel	Schlichter	Schneider
Setzer	Skindell	Stebelton	Stewart D.
Stewart J.	Strahorn	Sykes	Szollosi
Uecker	Ujvagi	Wachtmann	Wagner
Wagoner	Webster	White	Widener
Widowfield	Williams B.	Williams S.	Wolpert
Yates	Yuko	Zehringer	Husted-96.

The concurrent resolution was adopted.

#### Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has passed the following bill in which the concurrence of the House is requested:

**S. B. No. 44** -Senator Carey

Cosponsors: Senators Cafaro, Clancy, Padgett, Miller, D., Schuler, Grendell, Boccieri, Cates, Harris, Schaffer, Spada, Stivers, Wilson

To amend section 5511.09 of the Revised Code to permit local jurisdictions to request the Director of Transportation to designate a name for a bridge that is part of the highway system.

Attest:

David A. Battocletti,  
Clerk.

Said bill was considered the first time.

On motion of Representative DeWine, the House adjourned until Thursday, October 11, 2007 at 10:00 o'clock a.m.

Attest:

LAURA P. CLEMENS,  
Clerk.