

OHIO

SENATE

JOURNAL

WEDNESDAY, DECEMBER 17, 2008

TWO HUNDRED FORTY-FIFTH DAY
Senate Chamber, Columbus, Ohio
Wednesday, December 17, 2008, 1:30 p.m.

The Senate met pursuant to adjournment.

Prayer was offered by Father Paul Noble, St. Matthew's Church, Gahanna, Ohio, followed by the Pledge of Allegiance to the Flag.

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

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

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

H. B. No. 649-Representative Hottinger.

Cosponsors: Representatives Bacon, Dolan, Flowers, Jones, McGregor, R., Schlichter, Stewart, J., Adams, Aslanides, Batchelder, Ciafardini, Collier, Daniels, Evans, Gibbs, Goodwin, Hagan, J., Hite, Hughes, Peterson, Reinhard, Schindel, Schneider, Sears, Setzer, Uecker, Wachtmann, White, Widener, Zehringer.

To amend section 5902.02 and to enact sections 5902.16 and 5902.161 of the Revised Code to provide compensation to veterans of the Persian Gulf, Afghanistan, and Iraq conflicts.

To the Committee on Finance and Financial Institutions.

S. B. No. 391-Senator Grendell.

To amend sections 302.02, 302.03, 302.081, 302.11, 302.13, 302.14, 302.17, 302.18, 302.19, and 302.201 and to enact sections 302.042 and 302.161 of the Revised Code to permit an alternative form of county government in a county having a population of 1.2 million or more to have an elected chairperson, at-large members, and members from districts on the board of county commissioners.

To the Committee on Finance and Financial Institutions.

S. B. No. 392-Senator Turner.

Cosponsors: Senators Stivers, Miller, R., Sawyer.

To enact section 3314.191 of the Revised Code to require community school sponsors to report to the Department of Education information about operators hired by the schools they sponsor.

To the Committee on Education.

YES - 5: J. KIRK SCHURING, SHIRLEY A. SMITH, RAY MILLER, BILL HARRIS, TOM NIEHAUS.

NO - 0.

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

The report of the committee was accepted.

Said bills were considered a second time and referred to committee as recommended.

REPORTS OF STANDING AND SELECT COMMITTEES

Senator Amstutz submitted the following report:

The standing committee on Ways and Means and Economic Development, to which was referred **Sub. H. B. No. 196**-Representative Patton, et al., having had the same under consideration, reports it back and recommends its passage.

Co-Sponsor: Amstutz.

YES - 8: RON AMSTUTZ, TIMOTHY O. SCHAFFER, KEVIN J. COUGHLIN, DAVID GOODMAN, TOM PATTON, TOM NIEHAUS, STEVE STIVERS, ERIC H. KEARNEY.

NO - 3: GARY W. CATES, THOMAS SAWYER, DALE MILLER.

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

The report of the committee was accepted.

Senator Cates submitted the following report:

The standing committee on State and Local Government and Veterans' Affairs, to which was referred **Sub. H. B. No. 446**-Representative Webster, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

YES - 5: GARY W. CATES, BILL SEITZ, ROBERT L. SCHULER, MARK D. WAGONER, JOHN A. CAREY.

NO - 4: TERESA FEDOR, JOHN A. BOCCIERI, TIMOTHY J. GRENDALL, TOM ROBERTS.

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

The report of the committee was accepted.

Senator Grendell submitted the following report:

The standing committee on Judiciary - Criminal Justice, to which was referred **Sub. H. B. No. 74**-Representative Schlichter, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: Schaffer, Stivers, Fedor, Turner.

YES - 9: TIMOTHY J. GRENDALL, STEPHEN C. AUSTRIA, TIMOTHY O. SCHAFFER, STEVE STIVERS, TERESA FEDOR, SHIRLEY A. SMITH, NINA TURNER, BILL SEITZ, KEITH L. FABER.

NO - 0.

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

The report of the committee was accepted.

Senator Grendell submitted the following report:

The standing committee on Judiciary - Criminal Justice, to which was referred **Sub. H. B. No. 130**-Representatives White, Yates, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: Seitz, Turner, Fedor.

YES - 6: TIMOTHY J. GRENDALL, BILL SEITZ, NINA TURNER, TERESA FEDOR, SHIRLEY A. SMITH, KEITH L. FABER.

NO - 3: STEVE STIVERS, STEPHEN C. AUSTRIA, TIMOTHY O. SCHAFFER.

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

The report of the committee was accepted.

Senator Grendell submitted the following report:

The standing committee on Judiciary - Criminal Justice, to which was referred **Am. H. B. No. 450**-Representative Goodwin, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: Grendell, Seitz, Faber.

YES - 7: TIMOTHY J. GRENDALL, STEVE STIVERS,
TIMOTHY O. SCHAFFER, STEPHEN C. AUSTRIA,
BILL SEITZ, TERESA FEDOR, KEITH L. FABER.

NO - 2: NINA TURNER, SHIRLEY A. SMITH.

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

The report of the committee was accepted.

Senator Grendell submitted the following report:

The standing committee on Judiciary - Criminal Justice, to which was referred **Am. H. B. No. 471**-Representative Setzer, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: Schaffer, Stivers, Turner, Seitz.

YES - 9: TIMOTHY J. GRENDALL, STEVE STIVERS,
TIMOTHY O. SCHAFFER, STEPHEN C. AUSTRIA,
TERESA FEDOR, SHIRLEY A. SMITH, NINA
TURNER, BILL SEITZ, KEITH L. FABER.

NO - 0.

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

The report of the committee was accepted.

Senator Grendell submitted the following report:

The standing committee on Judiciary - Criminal Justice, to which was referred **Sub. H. B. No. 648**-Representative Jones, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: Grendell, Austria, Schaffer, Turner, Fedor, Stivers, Faber.

YES - 9: TIMOTHY J. GRENDALL, STEVE STIVERS,
TIMOTHY O. SCHAFFER, STEPHEN C. AUSTRIA,
BILL SEITZ, NINA TURNER, TERESA FEDOR,
SHIRLEY A. SMITH, KEITH L. FABER.

NO - 0.

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

The report of the committee was accepted.

Senator Niehaus submitted the following report:

The standing committee on Environment and Natural Resources, to which was referred **Am. Sub. H. B. No. 635**-Representative Gibbs, et al., having had the same under consideration, reports it back and recommends its passage.

YES - 7: TOM NIEHAUS, TIMOTHY O. SCHAFFER, DALE
MILLER, TOM PATTON, NINA TURNER, SUSAN L.
MORANO, TIMOTHY J. GRENDALL.

NO - 0.

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

The report of the committee was accepted.

Senator Schuring submitted the following report:

The Standing Committee on Rules to which were referred the appointments by the Governor of:

Steven J. Allen, Democrat, from New Albany, Franklin County, Ohio, as a Member of the Ohio Arts Council for at term beginning August 28, 2008 and ending at the close of business July 1, 2013, replacing Martha MacDonell, whose term expired.

Karen A. Bell, Democrat, from Columbus, Franklin County, Ohio, as a Member of the Ohio Arts Council for at term beginning August 28, 2008 and ending at the close of business July 1, 2013, replacing Mary T. Wolfe, whose term expired.

Michael L. Bennett, Democrat, from Zanesville, Muskingum County, Ohio, as a Member of the Zane State College Board of Trustees for a term beginning August 13, 2008 and ending at the close of business July 31, 2011, replacing Lisa K. Merry, whose term expired.

Raymond M. Bilecky, Democrat, from Columbiana Station, Lorain County, Ohio, as a Member of the Ohio Occupational Therapy, Physical Therapy and Athletic Trainers Board for term beginning September 19, 2008

and ending at the close of business August 27, 2011.

Louisa G. Celebrezze, Democrat, from Columbus, Franklin County, Ohio, as a Member of the Ohio Arts Council for a term beginning September 2, 2008 and ending at the close of business July 1, 2013, replacing Barbara Robinson, whose term expired.

Tonie Slocum-Champion, Democrat, from Cleveland, Cuyahoga County, Ohio, as a Member of the Ohio Medical Transportation Board for a term beginning August 29, 2008 and ending at the close of business July 5, 2010, replacing Michael Bakes, whose term expired.

Matthew R. Cox, Republican, from Avon, Lorain County, Ohio, as a Member of the State Lottery Commission for a term beginning August 28, 2008 and ending at the close of business August 1, 2011, replacing Elizabeth Schuster, whose term expired.

Thomas J. Denbow, Democrat, from Cleveland, Cuyahoga County, Ohio, as a Member of the Ohio Water Advisory Council for a new term beginning May 14, 2008 and ending at the close of business February 1, 2010.

Marsha McFadden Dumm, Democrat, from Circleville, Pickaway County, Ohio, as a Member of the Ohio Board of Dietetics for a term beginning August 29, 2008 and ending at the close of business June 30, 2013, replacing Claire Adkins, whose term expired.

Lynn Foster, Republican, from Marietta, Washington County, Ohio, as a Member of the Technical Advisory Council on Oil and Gas for a new term beginning June 20, 2008 and ending at the close of business January 31, 2011.

Ralph Douglas Gillum, Democrat, from Pataskala, Licking County, Ohio, as a Member of the Ohio Retirement Study Council for a new term beginning September 10, 2008 and ending at the close of business June 30, 2011.

Robert E. Greenlese, Democrat, from Waterville, Lucas County, Ohio, as a Member of the Ohio Rail Development Commission for a term beginning August 14, 2008 and ending at the close of business October 20, 2009, replacing James Hartung, who resigned.

Robert A. Hall, Democrat, from Napoleon, Henry County, Ohio, as a Member of the Northwest State Community College Board of Trustees for a term beginning August 12, 2008 and ending at the close of business June 10, 2014, replacing Joan Aschliman, whose term expired.

Melissa G. Haney, Republican, from Copley, Summit County, Ohio, as a Member of the Ohio Water Advisory Council for a new term beginning May 14, 2008 and ending at the close of business February 1, 2010.

Chris Hanners, Democrat, from Chillicothe, Ross County, Ohio, as a Member of the State Dental Board for a term beginning August 28, 2008 and ending at the close of business April 6, 2012, replacing Gregory A. McDonald, whose term expired.

Thomas H. McGloshen, Jr., Democrat, from Dublin, Franklin County, Ohio, as a Member of the Counselor, Social Worker, and Marriage and Family Therapist Board for a term beginning August 15, 2008 and ending at the close of business October 10, 2008, replacing William Mosier, who resigned.

John Moore, Democrat, from Columbus, Franklin County, Ohio, as a Member of the Ohio Medical Transportation Board for a new term beginning September 3, 2008 and ending at the close of business July 5, 2010.

Robert C. Nevin, Republican, from Xenia, Greene County, as a Member of the Wright State University Board of Trustees for a term beginning August 28, 2007 and ending at the close of business June 30, 2012, replacing Lester L. Lyles, who resigned.

Dana M. Oleskiewicz, Democrat, from Chagrin Falls, Geauga County, Ohio, as a Member of the Ohio Water Advisory Council for a new term beginning May 14, 2008 and ending at the close of business February 1, 2010.

Alan J. Rapoport, Democrat, from Cleveland Heights, Cuyahoga County, Ohio, as a Member of the Motor Vehicle Salvage Dealers Licensing Board for a new term beginning September 3, 2008 and ending at the close of business July 31, 2011.

David Viola, Democrat, from Minerva, Stark County, Ohio, as a Member of the Ohio, Medical Transportation Board for a new term beginning August 29, 2008 and ending at the close of business July 5, 2010.

Mark D. Walton, Republican, from Cincinnati, Hamilton County, Ohio, as a Member of the Cincinnati State Technical and Community College Board of Trustees for a new term beginning October 3, 2008 and ending at the close of business August 31, 2014.

Eugene Weiss, Democrat, from Solon, Cuyahoga County, Ohio, as a Member of the Ohio Athletic Commission for a new term beginning September 4, 2008 and ending at the close of business September 3, 2011.

Rashmi Yajnik, Democrat, from Hilliard, Franklin County, Ohio, as a Member of the Ohio Civil Rights Commission for a new term beginning September 18, 2008 and ending at the close of business July 28, 2013.

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

YES - 10: BILL HARRIS, TOM NIEHAUS, MARK D. WAGONER, STEPHEN C. AUSTRIA, JOHN A. CAREY, J. KIRK SCHURING, CAPRI S. CAFARO, DALE MILLER, SHIRLEY A. SMITH, RAY MILLER.

NO - 0.

The question being, "Shall the Senate advise and consent to the

appointments by the Governor?"

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

Those who voted in the affirmative were: Senators

Amstutz	Austria	Boccieri	Buehrer
Cafaro	Carey	Cates	Coughlin
Faber	Fedor	Goodman	Grendell
Kearney	Lehner	Miller D	Miller R
Morano	Niehaus	Padgett	Patton
Roberts	Sawyer	Schaffer	Schuler
Schuring	Seitz	Smith	Stivers
Turner	Wagoner	Wilson	Harris-32.

So the Senate advised and consented to said appointments.

Senator Schuring submitted the following report:

The Standing Committee on Rules to which were referred the appointments by the Attorney General of:

Dorothy Leslie, Republican, Upper Sandusky, Wyandot County, representing family farmers on the Ohio Consumers' Counsel Governing Board, term beginning September 1, 2008 and ending September 1, 2011.

Jerome Solove, Republican, Powell, Delaware County, representing residential consumers on the Ohio Consumers' Counsel Governing Board, term beginning September 1, 2008 and ending September 1, 2011.

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

YES - 10: BILL HARRIS, TOM NIEHAUS, MARK D. WAGONER, JOHN A. CAREY, J. KIRK SCHURING, STEPHEN C. AUSTRIA, CAPRI S. CAFARO, DALE MILLER, SHIRLEY A. SMITH, RAY MILLER.

NO - 0.

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

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

Those who voted in the affirmative were: Senators

Amstutz	Austria	Boccieri	Buehrer
Cafaro	Carey	Cates	Coughlin
Faber	Fedor	Goodman	Grendell
Kearney	Lehner	Miller D	Miller R

Morano	Niehaus	Padgett	Patton
Roberts	Sawyer	Schaffer	Schuler
Schuring	Seitz	Smith	Stivers
Turner	Wagoner	Wilson	Harris-32.

So the Senate advised and consented to said appointments.

On the motion of Senator Niehaus, the Senate recessed until 4:56 p.m.

The Senate met pursuant to the recess.

On the motion of Senator Niehaus the Senate advanced to the Sixth Order of Business, Bills for Third Consideration.

BILLS FOR THIRD CONSIDERATION

Sub. H. B. No. 444-Representative Stewart, J.

Cosponsors: Representatives Szollosi, Luckie, Bolon, Book, Boyd, Brady, Brown, Budish, Celeste, Chandler, DeBose, Domenick, Driehaus, Dyer, Evans, Fende, Foley, Garrison, Gerberry, Goyal, Harwood, Heard, Koziura, Letson, Lundy, McGregor, J., Newcomb, Okey, Patton, Sayre, Slesnick, Stewart, D., Ujvagi, Williams, B., Williams, S., Yuko. Senator Miller, D.

To amend sections 3781.111, 4517.21, 4740.01, 4740.02, 4740.04, and 4740.07 and to enact section 4740.16 of the Revised Code to make changes to the construction industry licensing laws, to discipline unlicensed contractors, eliminate unlicensed contractor activity, to provide that an insurer or subrogee may sell through a licensed motor vehicle auction owner a motor vehicle that comes into its possession through the operation of an insurance contract, and to require the Ohio Civil Rights Commission to deem that specified persons involved with the construction of a building have complied with the Americans with Disabilities Act if the owner of that building obtained a proper building permit, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 444**, pass?"

Senator Stivers moved to amend as follows:

In line 18, delete "4740.07" and insert "4740.10"

In line 193, delete " has employees who are" and insert " otherwise supervises or directs"

In line 201, strike through "an" and insert " any"; after "individual" insert

" who is supervised or directed by a contractor or who is otherwise"

In line 202, after "contractor" insert " and"

Delete lines 373 through 455 and insert:

"**Sec. 4740.10.** (A) The appropriate section of the Ohio construction industry licensing board, upon an affirmative vote of four of its members, may take any of the following actions against a licensee who violates Chapter 4740. of the Revised Code:

(1) Impose a fine on the licensee, not exceeding one thousand dollars per violation per day;

(2) Direct the administrative section to suspend the licensee's license for a period of time the section establishes;

(3) Direct the administrative section to revoke the licensee's license;

(4) Require the licensee to complete additional continuing education course work. Any continuing education course work completed pursuant to this division may not count toward any other continuing education requirements this chapter establishes.

(5) Direct the administrative section to refuse to issue or renew a license if the section finds that the applicant or licensee has done any of the following:

(a) Been convicted of a misdemeanor involving moral turpitude or a felony;

(b) Violated any provision of this chapter or the rules adopted pursuant thereto;

(c) Obtained a license or any order, ruling, or authorization of the board by fraud, misrepresentation, or deception;

(d) Engaged in fraud, misrepresentation, or deception in the conduct of business.

(B) The appropriate section of the board shall determine the length of time that a license is to be suspended and whether or when an individual whose license has been revoked may apply for reinstatement. The appropriate section of the board may accept or refuse an application for reinstatement and may require an examination for reinstatement.

(C) The appropriate section of the board may investigate any alleged violation of this chapter or the rules adopted pursuant to it. If, after an investigation, a section determines that any person has engaged or is engaging in any practice that violates this chapter or the rules adopted pursuant to it, that section may apply to the court of common pleas of the county in which the violation occurred or is occurring for an injunction or other appropriate relief to enjoin or terminate the violation.

(D) Any person who wishes to make a complaint against a person who

holds a license shall submit the complaint in writing to the appropriate section of the board within three years after the date of the action or event upon which the complaint is based."

In line 472, after "section" insert ", upon an affirmative vote of four of its members,"

In line 492, delete "4740.07" and insert "4740.10"

In line 2 of the title, delete "4740.07" and insert "4740.10"

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

The motion to amend was agreed to.

The question being, "Shall the bill, **Sub. H. B. No. 444**, pass as amended?"

Senator Bocchieri moved to amend as follows:

In line 35, after " (2)" delete the balance of the line

Delete line 36

In line 37, delete " the Revised Code, for" and insert " For"

In line 38, after " commission" insert " only"; delete " the following persons who prepared" and insert " approval of a plan as required under section 3791.04 of the Revised Code creates a rebuttable presumption that"

In line 39, delete " to obtain that"

Delete lines 40 through 49

In line 50, delete " drawings, specifications, or data" and insert " are in compliance with the rules adopted by the board pursuant to this section as they relate to accessibility"

Between lines 77 and 78, insert:

" (F) The board annually shall provide statewide training on the rules adopted by the board pursuant to this section as they relate to accessibility for nonresidential building department personnel certified by the board who approve, review plans, and inspect nonresidential construction."

In line 10 of the title, delete "and"; delete "require" and insert "create a rebuttable presumption for purposes of enforcement of"

In line 11 of the title, delete "to deem that specified"

Delete lines 12 through 15 of the title and insert "that items submitted for plan approval under the Board Building Standards rules are in compliance with the Board's rules relating to accessibility, and to require the Board to provide statewide training on accessibility rules."

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

The motion to amend was agreed to.

The question recurred, "Shall the bill, **Sub. H. B. No. 444**, pass as amended?"

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

Those who voted in the affirmative were: Senators

Amstutz	Austria	Bocchieri	Buehrer
Cafaro	Carey	Cates	Coughlin
Faber	Fedor	Goodman	Grendell
Kearney	Lehner	Miller D	Miller R
Morano	Niehaus	Padgett	Patton
Roberts	Sawyer	Schaffer	Schuler
Schuring	Seitz	Smith	Stivers
Turner	Wagoner	Wilson	Harris-32.

So the bill passed.

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

Senator Stivers moved to amend the title as follows:

Add the names: "Goodman, Harris, Patton, Seitz, Wagoner, Fedor, Bocchieri."

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

The motion was agreed to and the title so amended.

Sub. H. B. No. 648-Representative Jones.

Cosponsors: Representatives Batchelder, Hottinger, Stebelton, Bulp, Nero, Grady, Setzer, Adams, Schindel, Wachtmann, Gardner, Widener, Brinkman, Zehringer, Uecker, Mecklenborg, Wagner, McGregor, R., McGregor, J., Combs, Sears, Goodwin, Daniels, Hite, Collier, Domenick, Reinhard, Schlichter, Aslanides, Bacon, Blessing, Carmichael, Ciafardini, Coley, Core, DeWine, Dolan, Evans, Flowers, Gibbs, Hagan, J., Huffman, Hughes, Schneider, Stewart, J., Webster, White, Wolpert. Senators Grendell, Austria, Schaffer, Turner, Fedor, Stivers, Faber.

To amend section 1347.99 and to enact sections 1347.15 and 5703.211 of the Revised Code to require state agencies to adopt rules governing access to the confidential personal information that they keep, to create a civil action for harm resulting from an intentional violation of these rules, to impose a criminal penalty for such an intentional violation, and to require the Department of Taxation to adopt rules to generally require the tracking of searches of any of the Department's databases, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 648**, pass?"

The yeas and nays were taken and resulted - yeas 30, nays 2, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Austria	Boccieri	Buehrer
Cafaro	Carey	Cates	Coughlin
Faber	Fedor	Goodman	Grendell
Kearney	Lehner	Morano	Niehaus
Padgett	Patton	Roberts	Sawyer
Schaffer	Schuler	Schuring	Seitz
Smith	Stivers	Turner	Wagoner
Wilson			Harris-30.

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

So the bill passed.

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

Senator Wagoner moved to amend the title as follows:

Add the names: "Amstutz, Boccieri, Buehrer, Carey, Harris, Lehner, Niehaus, Padgett, Patton, Wagoner, Coughlin, Goodman, Cates."

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

The motion was agreed to and the title so amended.

Sub. H. B. No. 7-Representative Brinkman.

Cosponsors: Representatives Yuko, Hottinger, Huffman, Webster, Jones, DeBose, Letson, Williams, B., Wachtmann, Hagan, R., Adams, Aslanides, Batchelder, Blessing, Boyd, Budish, Celeste, Chandler, Coley, Collier, Combs, Daniels, DeGeeter, Dodd, Dolan, Domenick, Driehaus, Evans, Flowers, Gardner, Gibbs, Goyal, Hagan, J., Heard, Hite, Mallory, Mandel, McGregor, J., Mecklenborg, Newcomb, Oelslager, Patton, Raussen, Sayre, Schindel, Schlichter, Schneider, Setzer, Slesnick, Stebelton, Stewart, J., Uecker, White, Widowfield, Zehringer. Senators Wagoner, Morano, Padgett, Miller, D., Seitz.

To amend sections 2151.353, 2151.361, 2151.414, 2151.415, 3107.012, 3107.031, 3107.033, 3107.055, 3107.06, 3107.07, 3107.101, 3107.11, 3107.14, 3107.60, 3107.66, 3313.6011, 3317.024, 5103.03, 5107.30, and 5153.122 of the Revised Code regarding adoption law and custody of an abused, neglected, or dependent child, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 7**, pass?"

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

Those who voted in the affirmative were: Senators

Amstutz	Austria	Boccieri	Buehrer
---------	---------	----------	---------

Cafaro	Carey	Cates	Coughlin
Faber	Fedor	Goodman	Grendell
Kearney	Lehner	Miller D	Miller R
Morano	Niehaus	Padgett	Patton
Roberts	Sawyer	Schaffer	Schuler
Schuring	Seitz	Smith	Stivers
Turner	Wagoner	Wilson	Harris-32.

So the bill passed.

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

Senator Coughlin moved to amend the title as follows:

Add the names: "Amstutz, Boccieri, Buehrer, Carey, Cates, Coughlin, Faber, Harris, Lehner, Kearney, Niehaus, Patton, Roberts, Sawyer, Schaffer, Schuring, Stivers, Turner, Fedor."

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

The motion was agreed to and the title so amended.

Sub. H. B. No. 74-Representative Schlichter.

Cosponsors: Representatives McGregor, J., Bacon, Wagoner, Setzer, Fende, Dodd, Combs, Adams, Collier, Aslanides, Batchelder, Boyd, Daniels, DeBose, Domenick, Dyer, Evans, Flowers, Gibbs, Goyal, Hagan, J., Harwood, Heard, Hughes, Luckie, Mandel, Patton, Schindel, Szollosi, Williams, B. Senators Schaffer, Stivers, Fedor, Turner.

To amend section 2907.08 of the Revised Code to make spying or eavesdropping upon a minor in a state of nudity for the purpose of sexual gratification or arousal a felony of the fifth degree under all circumstances, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 74**, pass?"

The yeas and nays were taken and resulted - yeas 31, nays 1, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Austria	Boccieri	Buehrer
Cafaro	Carey	Cates	Coughlin
Faber	Fedor	Goodman	Grendell
Kearney	Lehner	Miller R	Morano
Niehaus	Padgett	Patton	Roberts
Sawyer	Schaffer	Schuler	Schuring
Seitz	Smith	Stivers	Turner
Wagoner	Wilson		Harris-31.

Senator Miller D voted in the negative-1.

So the bill passed.

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

Senator Grendell moved to amend the title as follows:

Add the names: "Carey, Cates, Harris, Padgett."

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

The motion was agreed to and the title so amended.

Sub. H. B. No. 129-Representatives Evans, Book.

Cosponsors: Representatives Seitz, McGregor, J., Stebelton, Peterson, Yuko, Chandler, Letson, Wagoner, Garrison, Sayre, Coley, Adams, Batchelder, Combs, Daniels, DeBose, DeGeeter, Domenick, Gibbs, Hagan, J., Hagan, R., Harwood, Luckie, Patton, Szollosi, Uecker, Wagner, Webster. Senators Seitz, Goodman, Kearney, Turner, Fedor.

To authorize for a two-year period a pilot program that allows the members of the Ohio Developmental Disabilities Council, the Ohio Statewide Independent Living Council, the Governor's Council on People with Disabilities, and the facility governing board and judicial advisory board that govern or advise on the STAR Community Justice Center in Franklin Furnace, Ohio, to be present at board meetings by teleconference or interactive video teleconference, and to require reports on the effects of member participation in meetings in this manner, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 129**, pass?"

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

Those who voted in the affirmative were: Senators

Amstutz	Austria	Boccieri	Buehrer
Cafaro	Carey	Cates	Coughlin
Faber	Fedor	Goodman	Grendell
Kearney	Lehner	Miller D	Miller R
Morano	Niehaus	Padgett	Patton
Roberts	Sawyer	Schaffer	Schuler
Schuring	Seitz	Smith	Stivers
Turner	Wagoner	Wilson	Harris-32.

So the bill passed.

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

Senator Goodman moved to amend the title as follows:

Add the names: "Harris, Morano, Padgett, Niehaus."

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

The motion was agreed to and the title so amended.

Sub. H. B. No. 130-Representatives White, Yates.

Cosponsors: Representatives Seitz, Peterson, Hagan, R., Carano, Miller, Yuko, Wagner, McGregor, J., Flowers, Letson, Strahorn, Williams, S., DeWine, Luckie, Brinkman, Celeste, DeBose, Heard, Otterman, J., Sykes. Senators Seitz, Turner, Fedor.

To amend sections 9.06, 121.05, 124.11, 321.44, 341.192, 1713.34, 2921.36, 2929.01, 2929.13, 2929.14, 2929.141, 2929.15, 2929.17, 2929.19, 2929.20, 2935.36, 2943.032, 2949.12, 2951.021, 2951.041, 2953.08, 2953.13, 2967.03, 2967.05, 2967.12, 2967.121, 2967.141, 2967.15, 2967.26, 2967.28, 4507.51, 5120.52, 5120.63, 5120.66, 5139.02, 5139.18, 5139.281, 5139.31, 5139.36, 5139.38, 5139.41, 5139.43, 5139.50, 5145.01, 5145.163, and 5149.06, to enact sections 9.871, 109.37, 2967.29, 4743.06, 5120.07, 5120.59, and 5120.70, and to repeal section 2967.11 of the Revised Code to modify sentencing procedures with respect to post-release control and related releases from prison, to conform the Revised Code to the decision of the Ohio Supreme Court in *State ex rel. Bray v. Russell* (2000), 89 Ohio St.3d 132 by removing provisions related to bad time, to authorize courts to participate in the supervision of released prisoners, to provide released prisoners with identification cards and additional procedures for access to social services, to make other changes relative to opportunities for prisoner training and employment, to modify procedures for the judicial or medical release of prisoners and intervention in lieu of conviction, to grant the Adult Parole Authority more flexibility in determining periods of post-release control, to adopt other cost-control measures, to create the Ex-offender Reentry Coalition, to provide for the indemnification of the Department of Rehabilitation and Correction for legal costs incurred in certain cases, to provide for legal representation of Department employees charged with offenses in certain cases until a grand jury has acted, to create a fund for the deposit of money received in certain federal law enforcement cases, to authorize the Department to enter into contracts to provide water and sewage treatment services, to make other changes related to the operations of the Department of Rehabilitation and Correction, to clarify the duties of juvenile parole officers, to establish reimbursement rates paid by the Department of Youth Services for outside medical providers, to authorize the Director of Youth Services to designate a deputy director, to modify the formula for expending appropriations for the care and custody of felony delinquents and the purposes for which money in the Felony Delinquent Care and Custody Fund may be used, to allow for unlimited reappointments of members of the Release Authority, to make other changes related to the operations of the Department of Youth Services, and to terminate the ex-offender reentry coalition on December 31, 2011, by repealing section 5120.07 of the Revised Code on that date, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 130**, pass?"

On the motion of Senator Niehaus, **Sub. H. B. No. 130** was informally passed and retained its place on the calendar.

Sub. H. B. No. 196-Representative Patton.

Cosponsors: Representatives Combs, Collier, Stebelton, Gibbs, Hagan, J., Schindel, Mecklenborg, Dolan, Aslanides, Bacon, Batchelder, Coley, Evans, Grady, Huffman, Hughes, Schneider, Uecker, Webster. Senator Amstutz.

To amend section 5747.98 and to enact sections 122.85 and 5747.66 of the Revised Code to authorize income tax credits for investments in motion pictures produced in Ohio, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 196**, pass?"

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

Those who voted in the affirmative were: Senators

Amstutz	Austria	Buehrer	Carey
Cates	Coughlin	Goodman	Grendell
Kearney	Lehner	Niehaus	Padgett
Patton	Schaffer	Schuler	Schuring
Stivers	Turner	Wagoner	Wilson
			Harris-21.

Those who voted in the negative were: Senators

Bocchieri	Cafaro	Faber	Fedor
Miller D	Miller R	Morano	Roberts
Sawyer	Seitz		Smith-11.

So the bill passed.

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

Senator Patton moved to amend the title as follows:

Add the names: "Grendell, Harris, Niehaus, Coughlin."

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

The motion was agreed to and the title so amended.

Sub. H. B. No. 267-Representative Huffman.

Cosponsors: Representatives Evans, Chandler, Seitz, McGregor, R., Uecker, Dyer, Batchelder, Blessing, Bolon, Book, Boyd, Combs, Domenick, Fende, Flowers, Gibbs, Hagan, R., Hite, Letson, Mallory, Otterman, J., Sears, Stewart, D., Webster, White, Yates.

To amend sections 103.73, 103.74, 1905.01, 1905.05, and 5120.55 and to enact section 1905.06 of the Revised Code to permit the Department of

Rehabilitation and Correction to establish a loan repayment program for recruitment of health professionals, to modify the laws governing inspections conducted by the Correctional Institution Inspection Committee, and to modify the laws governing mayor's courts, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 267**, pass?"

Senator Coughlin moved to amend as follows:

In line 10, delete "1905.05,"

In line 11, after "5120.55" insert "of the Revised Code"; delete "and section 1905.06 of the Revised Code be"

In line 12, delete "enacted"

In line 124, delete " in Put-in-Bay in Ottawa county."

In line 126, reinsert "one"; delete " two"; delete " and less than forty-five thousand"

In line 127, after "county" insert "and Cuyahoga Falls in Summit county"

In line 148, delete " in Put-in-Bay in Ottawa county."

In line 149, reinsert "one"; delete " two"

In line 150, delete " and less than forty-five thousand"

In line 151, after "county" insert " and Cuyahoga Falls in Summit county"

In line 222, delete " in Put-in-Bay in Ottawa county."

In line 223, reinsert "one"; delete " two"

In line 224, delete " and less than forty-five thousand"

In line 225, after "county" insert " and Cuyahoga Falls in Summit county"

Delete lines 340 through 418

In line 540, delete "1905.05,"

In line 1 of the title, delete "1905.05,"

In line 2 of the title, delete "and to enact section 1905.06"

In line 8 of the title, delete "modify"

In line 9 of the title, delete "the laws governing" and insert "prohibit Cuyahoga Falls from having a"; delete "courts" and insert "court"

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

Senator Grendell moved that he be excused from voting under Senate Rule No. 57.

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

The motion was agreed to.

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

The motion to amend was agreed to.

The question being, "Shall the bill, **Sub. H. B. No. 267**, pass as amended?"

The yeas and nays were taken and resulted - yeas 31, nays 1, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Austria	Bocchieri	Buehrer
Cafaro	Carey	Cates	Coughlin
Faber	Fedor	Goodman	Kearney
Lehner	Miller D	Miller R	Morano
Niehaus	Padgett	Patton	Roberts
Sawyer	Schaffer	Schuler	Schuring
Seitz	Smith	Stivers	Turner
Wagoner	Wilson		Harris-31.

Senator Grendell voted in the negative-1.

So the bill passed.

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

Senator Faber moved to amend the title as follows:

Add the names: "Coughlin, Faber, Fedor, Harris, Miller, D., Patton."

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

The motion was agreed to and the title so amended.

Sub. H. B. No. 320-Representative Jones.

Cosponsors: Representatives Brown, Evans, McGregor, J., Schindel, Stebelton, Uecker, Combs, Domenick, Newcomb, Ujvagi, Wachtmann, Boyd, Chandler, DeBose, DeGeeter, Dyer, Gardner, Heard, Hite, Hottinger, Koziura, Oelslager, Schneider, Skindell, Widener, Williams, S., Yates, Yuko. Senator Miller, D.

To amend sections 4507.071, 4511.093, 4511.81, and 4513.263 of the Revised Code to require certain children who are between four and eight years of age to be secured in a booster seat, to make violation of the booster seat provisions a secondary traffic offense, and to allow a court, under certain circumstances, to grant unaccompanied driving privileges one time to a probationary driver's license holder who, because of a moving violation, otherwise would be subject to a restriction that the person be accompanied by

the holder's parent or guardian, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 320**, pass?"

Senator Buehrer moved to amend as follows:

In line 345, delete "(K)" and insert "(L)"

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

The motion to amend was agreed to.

The question being, "Shall the bill, **Sub. H. B. No. 320**, pass as amended?"

Senator Lehner moved to amend as follows:

In line 233, after "Code" insert "or a vehicle that is regulated under section 5104.011 of the Revised Code"

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

The motion to amend was agreed to.

The question recurred, "Shall the bill, **Sub. H. B. No. 320**, pass as amended?"

Senator Kearney moved to amend as follows:

In line 204, strike through "(C)"

In line 205, delete "or"

In line 257, strike through "(C)"; delete "or"

In line 259, delete "(C) or"

In line 261, delete "(C) or"

In line 266, delete "(C) or"

In line 4 of the title, delete "to make"

Delete line 5 of the title

In line 6 of the title, delete "secondary traffic offense,"

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

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

Those who voted in the affirmative were: Senators

Fedor

Kearney

Lehner

Miller D

Miller R Smith	Morano Stivers	Roberts	Sawyer Turner-11.
-------------------	-------------------	---------	----------------------

Those who voted in the negative were: Senators

Amstutz	Austria	Boccieri	Buehrer
Cafaro	Carey	Cates	Coughlin
Faber	Goodman	Grendell	Niehaus
Padgett	Patton	Schaffer	Schuler
Schuring	Seitz	Wagoner	Wilson
			Harris-21.

The motion to amend was not agreed to.

The question recurred, "Shall the bill, **Sub. H. B. No. 320**, pass as amended?"

The yeas and nays were taken and resulted - yeas 27, nays 5, as follows:

Those who voted in the affirmative were: Senators

Austria	Boccieri	Cafaro	Coughlin
Fedor	Goodman	Grendell	Kearney
Lehner	Miller D	Miller R	Morano
Niehaus	Padgett	Patton	Roberts
Sawyer	Schaffer	Schuler	Schuring
Seitz	Smith	Stivers	Turner
Wagoner	Wilson		Harris-27.

Senators Amstutz, Buehrer, Carey, Cates, and Faber voted in the negative-5.

So the bill passed.

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

Senator Austria moved to amend the title as follows:

Add the names: "Austria, Lehner, Kearney, Stivers, Morano, Padgett."

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

The motion was agreed to and the title so amended.

H. B. No. 435-Representatives White, DeBose.

Cosponsors: Representatives Goodwin, Jones, Mecklenborg, Uecker, Schindel, Slesnick, Boyd, Fende, Yuko, Williams, B., Letson, Strahorn, Brown, Hottinger, Adams, Bacon, Batchelder, Beatty, Bolon, Brinkman, Budish, Celeste, Collier, Combs, Dodd, Dolan, Domenick, Driehaus, Dyer, Evans, Flowers, Garrison, Gerberry, Gibbs, Goyal, Hagan, J., Harwood, Heard, Hughes, Luckie, Lundy, Mallory, Mandel, McGregor, J., Patton, Sayre, Schlichter, Schneider, Stewart, D., Stewart, J., Sykes, Szollosi, Williams, S., Wolpert, Yates. Senators Cates, Seitz, Roberts.

To amend section 107.12 of the Revised Code to reform the Governor's

Office of Faith-Based and Community Initiatives, was considered the third time.

The question being, "Shall the bill, **H. B. No. 435**, pass?"

Senator Miller, R. moved to amend as follows:

In line 73, after "representatives" insert "or the senate"

In line 76, delete "according to their party membership" and insert "and the senate"

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

The motion to amend was agreed to.

The question being, "Shall the bill, **H. B. No. 435**, pass as amended?"

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

Those who voted in the affirmative were: Senators

Amstutz	Austria	Boccieri	Buehrer
Cafaro	Carey	Cates	Coughlin
Faber	Fedor	Goodman	Grendell
Kearney	Lehner	Miller D	Miller R
Morano	Niehaus	Padgett	Patton
Roberts	Sawyer	Schaffer	Schuler
Schuring	Seitz	Smith	Stivers
Turner	Wagoner	Wilson	Harris-32.

So the bill passed.

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

Senator Cates moved to amend the title as follows:

Add the names: "Amstutz, Buehrer, Fedor, Harris, Kearney, Miller, R., Padgett, Wilson, Miller, D., Wagoner, Stivers, Austria, Patton."

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

The motion was agreed to and the title so amended.

Sub. H. B. No. 446-Representative Webster.

Cosponsors: Representatives Evans, Setzer, Combs, Skindell, Yuko, Uecker, Bacon, Chandler, Coley, Domenick, Flowers, Hughes, Mallory, Patton, Schneider.

To amend sections 951.01, 951.10, 951.11, 951.12, 951.13, 951.99, 955.01,

955.011, 955.02, 955.04, 955.05, 955.06, 955.08, 955.10, 955.11, 955.12, 955.14, 955.15, 955.16, 955.17, 955.18, 955.19, 955.20, 955.201, 955.21, 955.22, 955.26, 955.261, 955.27, 955.28, 955.29, 955.351, 955.41, 955.42, 955.44, 955.51, 955.99, 957.16, 959.131, 959.132, 959.99, 1717.02, 1717.05, 1717.06, 1717.08, 1717.09, 1717.14, 3719.01, 4501.21, 4729.01, and 4736.01; to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 955.26 (955.40), 955.261 (955.41), 955.41 (955.43), 955.43 (955.45), 955.44 (955.46), and 957.16 (901.36); to enact new section 955.39 and sections 109.804, 951.20, 951.21, 951.22, 955.014, 955.13, 955.161, 955.391, 957.01, 957.02, 957.03, 957.04, 957.05, and 957.99; and to repeal sections 951.02, 955.202, 955.31, 955.33, 955.39, 955.40, 1717.03, and 1717.04 of the Revised Code to revise the statutes governing animal control, and to amend the version of section 4736.01 of the Revised Code that is scheduled to take effect July 1, 2009, to continue the provisions of this act on and after that effective date, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 446**, pass?"

On the motion of Senator Niehaus, **Sub. H. B. No. 446** was informally passed and retained its place on the calendar.

Sub. H. B. No. 450-Representative Goodwin.

Cosponsors: Representatives Wachtmann, Barrett, Peterson, McGregor, J., Brinkman, Fessler, Gibbs, Combs, Evans, Huffman, Adams, Stebelton, Letson, Core, Carmichael, Uecker, Blessing, Dyer, Williams, S., Aslanides, Bacon, Batchelder, Bolon, Book, Coley, Collier, DeBose, Dodd, Domenick, Fende, Flowers, Gardner, Gerberry, Goyal, Hagan, J., Heydinger, Hite, Hottinger, Hughes, Jones, Mallory, Mandel, Mecklenborg, Oelslager, Okey, Otterman, J., Patton, Sayre, Schindel, Schlichter, Schneider, Sears, Setzer, Stewart, J., Webster, Zehringer. Senators Grendell, Seitz, Faber.

To amend sections 109.731, 311.42, 2923.125, 2923.1213, 2923.211, 3333.31, 4506.07, 4506.11, 4507.06, 4507.13, 4507.51, and 4507.52 of the Revised Code and to amend Section 263.20.13 of Am. Sub. H.B. 119 of the 127th General Assembly to permit a member of the armed services or the Ohio National Guard who is between the ages of 18 and 21 to purchase a handgun if the person has received firearms training, to clarify the residency criterion for the issuance of a concealed carry license for persons who are absent from, or who are present in, the state in compliance with military or naval orders, to grant certain veterans and their families who relocate to Ohio immediate eligibility for in-state tuition at state institutions of higher education, to modify the fee for a license or temporary emergency license to carry a concealed handgun, and to provide upon request for the inclusion of a symbol indicating an honorable discharge from the military upon a veteran's driver's license, commercial driver's license, or state identification card, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 450**, pass?"

Senator Faber moved to amend as follows:

In line 1060, delete " Whether" and insert " On and after the date that is fifteen months after the effective date of this amendment, whether"

In line 1103, after the comma insert " on and after the date that is fifteen months after the effective date of this amendment,"

In line 1154, delete " If" and insert " On and after the date that is fifteen months after the effective date of this amendment, if"

In line 1213, delete " Whether" and insert " On and after the date that is fifteen months after the effective date of this amendment, whether"

In line 1241, after the comma insert " on and after the date that is fifteen months after the effective date of this amendment,"

In line 1273, after the semicolon insert " on and after the date that is fifteen months after the effective date of this amendment,"

In line 1347, delete " The" and insert " On and after the date that is fifteen months after the effective date of this amendment, the"

In line 1372, after the comma insert " on and after the date that is fifteen months after the effective date of this amendment,"

In line 1407, delete " If" and insert " On and after the date that is fifteen months after the effective date of this amendment, if"

In line 19 of the title, after "request" insert "made 15 months or later after the bill's effective date"

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

The motion to amend was agreed to.

The question being, "Shall the bill, **Sub. H. B. No. 450**, pass as amended?"

Senator Fedor moved to amend as follows:

In line 26, delete "of the Revised Code"; after "amended" insert "and section 124.1311 of the Revised Code be enacted"

Between lines 164 and 165, insert:

" **Sec. 124.1311.** (A) As used in this section:

(1) "Funeral honors detail" means a funeral honors detail as described in the "National Defense Authorization Act of 2003," 116 Stat. 2556, 10 U.S.C. 1491.

(2) "State employee" means a state employee who is trained to participate in a funeral honors detail at the funeral of a veteran and who is a retired or active member of the armed forces of the United States or of a reserve component of the armed forces of the United States, including the Ohio national guard.

(B) A state employee is entitled to a maximum of twenty hours of paid leave for those hours the employee is absent from work in order to participate in a funeral honors detail at the funeral of a veteran."

In line 3 of the title, after "4507.52" insert "and to enact section 124.1311"

In line 19 of the title, delete "and"

In line 23 of the title, after "card" insert ", and to grant paid leave to certain state employees so that they may participate in a funeral honors detail at the funeral of a veteran"

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

The motion to amend was agreed to.

The question recurred, "Shall the bill, **Sub. H. B. No. 450**, pass as amended?"

The yeas and nays were taken and resulted - yeas 30, nays 2, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Austria	Boccieri	Buehrer
Cafaro	Carey	Cates	Coughlin
Faber	Fedor	Goodman	Grendell
Kearney	Lehner	Miller D	Miller R
Morano	Niehaus	Padgett	Patton
Roberts	Sawyer	Schaffer	Schuler
Schuring	Seitz	Stivers	Wagoner
Wilson			Harris-30.

Senators Smith and Turner voted in the negative-2.

So the bill passed.

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

Senator Stivers moved to amend the title as follows:

Add the names: "Buehrer, Cafaro, Carey, Fedor, Padgett, Patton, Schuler, Stivers, Wagoner, Wilson, Harris, Schaffer, Austria."

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

The motion was agreed to and the title so amended.

Sub. H. B. No. 471-Representative Setzer.

Cosponsors: Representatives Gibbs, Combs, Bacon, Domenick, Dyer, Evans,

Flowers, Grady, Hughes, Letson, Schneider. Senators Schaffer, Stivers, Turner, Seitz.

To amend sections 313.05, 313.10, 313.16, 2743.191, 2903.214, and 2919.27 and to enact section 313.211 of the Revised Code to change certain powers and duties of coroners, to specify that certain records of a decedent relating to the criminal investigation of the decedent's death are not public records, to authorize the court to require that certain persons who engage in menacing by stalking and against whom a civil order of protection is granted be electronically monitored, and to authorize the court to require that certain persons convicted of violating a protection order that requires electronic monitoring be electronically monitored, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 471**, pass?"

On the motion of Senator Niehaus, **Sub. H. B. No. 471** was informally passed and retained its place on the calendar.

Sub. H. B. No. 493-Representative Daniels.

Cosponsors: Representatives Ujvagi, Flowers, Goodwin, Collier, Zehringer, Strahorn, Otterman, J., Hagan, R., Budish, Chandler, Combs, Domenick, Evans, Gerberry, Harwood, Letson, Szollosi. Senators Wagoner, Seitz.

To amend sections 3923.05 and 3923.80 and to enact sections 3701.86, 3701.861, 3923.82, and 4731.72 of the Revised Code and to amend Section 5 of Sub. H.B. 125 of the 127th General Assembly regarding billing for anatomic pathology services, health benefits for routine patient care during cancer clinical trials, health benefits for injuries resulting from use of alcohol or drugs, and most favored nation clauses in health care contracts, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 493**, pass?"

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

Those who voted in the affirmative were: Senators

Amstutz	Austria	Bocchieri	Buehrer
Cafaro	Carey	Cates	Coughlin
Faber	Fedor	Goodman	Grendell
Kearney	Lehner	Miller D	Miller R
Morano	Niehaus	Padgett	Patton
Roberts	Sawyer	Schaffer	Schuler
Schuring	Seitz	Smith	Stivers
Turner	Wagoner	Wilson	Harris-32.

So the bill passed.

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

Senator Seitz moved to amend the title as follows:

Add the names: "Harris, Schuler, Niehaus."

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

The motion was agreed to and the title so amended.

Sub. H. B. No. 500-Representative Hughes.

Cosponsors: Representatives Flowers, Yuko, Letson, Stebelton, Stewart, D., Carmichael, Domenick, Bacon, Batchelder, Brown, Chandler, Collier, Combs, Dyer, Evans, Gerberry, Gibbs, Goyal, Harwood, Heard, Hite, Luckie, Lundy, McGregor, J., Raussen, Sayre, Schindel, Schneider, Setzer, Slesnick, Szollosi, Williams, B., Zehringer.

To amend sections 5703.21 and 5743.08 and to enact sections 3739.01 to 3739.18, 3739.99, 4112.31, and 4112.32 of the Revised Code to establish reduced ignition propensity standards for cigarettes, to authorize the State Fire Marshal to monitor and the Attorney General and the State Fire Marshal to enforce such standards, to establish penalties for violations of such standards, and to establish a New African Immigrants Commission to advocate for the development and implementation of policies and programs to address the needs of the State's sub-Saharan African population, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 500**, pass?"

The yeas and nays were taken and resulted - yeas 31, nays 1, as follows:

Those who voted in the affirmative were: Senators

Austria	Bocchieri	Buehrer	Cafaro
Carey	Cates	Coughlin	Faber
Fedor	Goodman	Grendell	Kearney
Lehner	Miller D	Miller R	Morano
Niehaus	Padgett	Patton	Roberts
Sawyer	Schaffer	Schuler	Schuring
Seitz	Smith	Stivers	Turner
Wagoner	Wilson		Harris-31.

Senator Amstutz voted in the negative-1.

So the bill passed.

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

Senator Stivers moved to amend the title as follows:

Add the names: "Fedor, Miller, R., Padgett, Turner, Goodman, Sawyer, Cates."

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

The motion was agreed to and the title so amended.

Am. H. B. No. 503-Representatives Peterson, Letson.

Cosponsors: Representatives Evans, Bacon, Boyd, Yuko, Stebelton, Hagan, R., Williams, B., Beatty, Raussen, Huffman, Fende, Mecklenborg, Heard, Celeste, Brown, Strahorn, Otterman, J., Budish, Combs, DeBose, DeGeeter, Domenick, Dyer, Foley, Gerberry, Harwood, Heydinger, Hughes, Luckie, Mallory, Oelslager, Patton, Schneider, Stewart, D., White, Yates. Senator Miller, D.

To amend sections 4732.10 and 5122.01 of the Revised Code regarding the experience and training requirements necessary for admission to examination for a psychologist license, was considered the third time.

The question being, "Shall the bill, **Am. H. B. No. 503**, pass?"

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

Those who voted in the affirmative were: Senators

Amstutz	Austria	Boccieri	Buehrer
Cafaro	Carey	Cates	Coughlin
Faber	Fedor	Goodman	Grendell
Kearney	Lehner	Miller D	Miller R
Morano	Niehaus	Padgett	Patton
Roberts	Sawyer	Schaffer	Schuler
Schuring	Seitz	Smith	Stivers
Turner	Wagoner	Wilson	Harris-32.

So the bill passed.

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

Senator Coughlin moved to amend the title as follows:

Add the names: "Fedor, Morano, Sawyer, Turner."

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

The motion was agreed to and the title so amended.

Sub. H. B. No. 529-Representative Wachtmann.

Cosponsors: Representatives Goodwin, Gardner, Wagner, Sears, Combs, Uecker, Flowers, McGregor, J., Evans, Zehringer, McGregor, R., Hite, Strahorn, Stebelton, Mecklenborg, Schindel, Jones, Boyd, DeBose, Letson, Fende, Hagan, R., Bacon, Batchelder, Blessing, Chandler, Coley, Dolan, Domenick, Driehaus, Gibbs, Hagan, J., Harwood, Hughes, Raussen, Schlichter, Schneider, Szollosi, Williams, B.

To amend sections 124.04, 313.13, 313.23, 313.30, 1337.11, 2105.35, 2108.09, 2108.11, 2108.15, 2108.17, 2108.18, 2108.19, 2108.20, 2108.21, 2108.30, 2108.78, 2108.99, 2133.01, 2133.07, 2133.16, 2305.37, 2919.16, 3301.07, 4501.024, 4503.721, 4506.07, 4506.081, 4506.11, 4507.06, 4507.231, 4507.501, 4507.51, 4508.021, and 4717.17, to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 2108.09 (2108.02), 2108.11 (2108.30), 2108.15 (2108.34), 2108.17 (2108.35), 2108.18 (2108.23), 2108.19 (2108.32), 2108.20 (2108.33), 2108.21 (2108.31), and 2108.30 (2108.40), to enact new sections 2108.01, 2108.03, 2108.04, 2108.05, 2108.06, 2108.07, 2108.08, 2108.09, 2108.10, 2108.11, 2108.12, 2108.15, 2108.17, 2108.18, 2108.19, 2108.20, and 2108.21, and sections 2108.13, 2108.14, 2108.16, 2108.22, 2108.24, 2108.25, 2108.26, 2108.261, 2108.262, 2108.263, 2108.264, 2108.265, 2108.266, 2108.267, 2108.268, 2108.269, 2108.27, 2108.271, 2108.272, 2108.28, and 2108.29 and to repeal sections 2108.01, 2108.02, 2108.021, 2108.03, 2108.04, 2108.05, 2108.06, 2108.07, 2108.071, 2108.08, 2108.10, 2108.101, 2108.12, 2108.53, and 2108.60 of the Revised Code to adopt the Revised Uniform Anatomical Gift Act, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 529**, pass?"

The yeas and nays were taken and resulted - yeas 31, nays 1, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Austria	Boccieri	Buehrer
Cafaro	Carey	Cates	Coughlin
Faber	Fedor	Goodman	Grendell
Kearney	Lehner	Miller D	Miller R
Morano	Niehaus	Padgett	Patton
Roberts	Sawyer	Schaffer	Schuler
Schuring	Seitz	Stivers	Turner
Wagoner	Wilson		Harris-31.

Senator Smith voted in the negative-1.

So the bill passed.

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

Senator Wagoner moved to amend the title as follows:

Add the names: "Carey, Lehner, Padgett, Seitz, Wilson."

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

The motion was agreed to and the title so amended.

On the motion of Senator Niehaus, **Sub. H. B. No. 471**, having been informally passed, was taken up for consideration.

The question being, "Shall the bill, **Sub. H. B. No. 471**, pass?"

The yeas and nays were taken and resulted - yeas 31, nays 1, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Austria	Boccieri	Buehrer
Cafaro	Carey	Coughlin	Faber
Fedor	Goodman	Grendell	Kearney
Lehner	Miller D	Miller R	Morano
Niehaus	Padgett	Patton	Roberts
Sawyer	Schaffer	Schuler	Schuring
Seitz	Smith	Stivers	Turner
Wagoner	Wilson		Harris-31.

Senator Cates voted in the negative-1.

So the bill passed.

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

Senator Schaffer moved to amend the title as follows:

Add the names: "Harris, Sawyer, Wilson."

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

The motion was agreed to and the title so amended.

On the motion of Senator Niehaus, **Sub. H. B. No. 130**, having been informally passed, was taken up for consideration.

The question being, "Shall the bill, **Sub. H. B. No. 130**, pass?"

Senator Faber moved that he be excused from voting under Senate Rule No. 57.

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

The motion was agreed to.

The question recurred, "Shall the bill, **Sub. H. B. No. 130**, pass?"

Senator Schuler moved to amend as follows:

In line 59, after "124.11" insert ", 135.804"; after "321.44" insert ", 322.07, 323.151, 323.152, 323.153, 323.154, 323.155, 323.156, 323.159"

In line 63, after "2967.28" insert ", 3317.16, 4503.065, 4503.066, 4503.067, 4503.068"; after "4507.51" insert ", 4735.18"

In line 66, after "2967.29" insert ", 4735.24"

Between lines 865 and 866, insert:

"**Sec. 135.804.** As used in sections 135.804 to 135.807 of the Revised Code:

(A) "Taxes" has the same meaning as in section 323.01 of the Revised

Code.

(B) "Eligible borrower" means a person meeting all of the following:

(1) The person is the owner of a homestead that is not charged with more than two years' worth of certified delinquent taxes.

(2) The person had total income in the year prior to submitting an application for a reduced rate loan under a property tax payment linked deposit program of the lesser of fifty thousand dollars or the total income limit established pursuant to section 135.805 of the Revised Code by the board of county commissioners as an eligibility requirement for participation in a property tax payment linked deposit program.

(3) The person meets all other eligibility requirements established pursuant to section 135.805 of the Revised Code by the board of county commissioners for participation in a property tax payment linked deposit program.

(C) "Eligible lending institution" means a financial institution that meets all of the following:

(1) The financial institution is eligible to make loans to individuals that are secured by mortgages, including mortgages commonly known as reverse mortgages.

(2) The financial institution has an office located within the territorial limits of the county.

(3) The financial institution is an eligible public depository described in section 135.32 of the Revised Code into which the county's investing authority may deposit the public moneys of the county.

(4) The financial institution has entered into an agreement described in division (B)(4) of section 135.805 of the Revised Code with the investing authority of the county to participate in the property tax payment linked deposit program.

(D) (1) "Homestead" means either of the following:

~~(+)~~ (a) A dwelling, including a unit in a multiple-unit dwelling and a manufactured home or mobile home taxed as real property pursuant to division (B) of section 4503.06 of the Revised Code, owned and occupied as a home by an individual whose domicile is in this state and who has not acquired ownership from a person, other than the individual's spouse, related by consanguinity or affinity for the purpose of qualifying for a property tax payment linked deposit program.

~~(2)~~ (b) A unit in a housing cooperative that is occupied as a home, but not owned, by an individual whose domicile is in this state.

(2) The homestead shall include so much of the land surrounding it, not exceeding one acre, as is reasonably necessary for the use of the dwelling or unit

as a home. An owner includes a holder of one of the several estates in fee, a vendee in possession under a purchase agreement or a land contract, a mortgagor, a life tenant, one or more tenants with a right of survivorship, tenants in common, and a settlor of a revocable or irrevocable inter vivos trust holding the title to a homestead occupied by the settlor as of right under the trust.

(E) "Housing cooperative" means a housing complex of at least two ~~hundred fifty~~ units that is owned and operated by a nonprofit corporation that issues a share of the corporation's stock to an individual, entitling the individual to live in a unit of the complex, and collects a monthly maintenance fee from the individual to maintain, operate, and pay the taxes of the complex.

(F) "Investing authority" and "public moneys" have the same meanings as in section 135.31 of the Revised Code.

(G) "Lien certificate" means the certificate described in section 135.807 of the Revised Code.

(H) "Old age and survivors benefits received pursuant to the 'Social Security Act'" or "tier I railroad retirement benefits received pursuant to the 'Railroad Retirement Act'" means:

(1) Old age benefits payable under the social security or railroad retirement laws in effect on the last day of the calendar year prior to the year for which a reduced rate loan under a property tax payment linked deposit program is applied for, or, if no such benefits are payable that year, old age benefits payable the first succeeding year in which old age benefits under the social security or railroad retirement laws are payable, except in those cases where a change in social security or railroad retirement benefits results in a reduction in income.

(2) The lesser of:

(a) Survivors benefits payable under the social security or railroad retirement laws in effect on the last day of the calendar year prior to the year for which a reduced rate loan under a property tax payment linked deposit program is applied for, or, if no such benefits are payable that year, survivors benefits payable the first succeeding year in which survivors benefits are payable; or

(b) Old age benefits of the deceased spouse, as determined under division (H)(1) of this section, upon which the surviving spouse's survivors benefits are based under the social security or railroad retirement laws, except in those cases where a change in benefits would cause a reduction in income.

Survivors benefits are those described in division (H)(2)(b) of this section only if the deceased spouse received old age benefits in the year in which the deceased spouse died. If the deceased spouse did not receive old age benefits in the year in which the deceased spouse died, then survivors benefits are those described in division (H)(2)(a) of this section.

(I) "Permanently and totally disabled" means a person who, on the first day of January of the year that a reduced rate loan under a property tax payment

linked deposit program is applied for, has some impairment in body or mind that makes the person unable to work at any substantially remunerative employment that the person reasonably is able to perform and that will, with reasonable probability, continue for an indefinite period of at least twelve months without any present indication of recovery therefrom or has been certified as permanently and totally disabled by a state or federal agency having the function of so classifying persons.

(J) "Property tax payment linked deposit program" means a ~~county-wide~~ countywide program authorized under section 135.805 of the Revised Code and established by the board of county commissioners of a county pursuant to that section.

(K) "Sixty-five years of age or older" means a person who has attained age sixty-four prior to the first day of January of the year of application for a reduced rate loan under a property tax payment linked deposit program.

(L) "Total income" means the adjusted gross income of the owner and the owner's spouse for the year preceding the year in which application for a reduced rate loan under a property tax payment linked deposit program is made, as determined under the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended, adjusted as follows:

(1) Subtract the amount of disability benefits included in adjusted gross income, but not to exceed fifty-two hundred dollars;

(2) Add old age and survivors benefits received pursuant to the "Social Security Act" that are not included in adjusted gross income;

(3) Add retirement, pension, annuity, or other retirement payments or benefits not included in adjusted gross income;

(4) Add tier I and tier II railroad retirement benefits received pursuant to the "Railroad Retirement Act," 50 Stat. 307, 45 U.S.C.A. 228;

(5) Add interest on federal, state, and local government obligations;

(6) For a person who received a reduced rate loan under a property tax payment linked deposit program for a prior year on the basis of being permanently and totally disabled and whose current application for a reduced rate loan is made on the basis of age, subtract the following amount:

(a) If the person received disability benefits that were not included in adjusted gross income in the year preceding the first year in which the person applied for a reduced rate loan on the basis of age, subtract an amount equal to the disability benefits the person received in that preceding year, to the extent included in total income in the current year and not subtracted under division (L)(1) of this section in the current year;

(b) If the person received disability benefits that were included in adjusted gross income in the year preceding the first year in which the person applied for a reduced rate loan on the basis of age, subtract an amount equal to

the amount of disability benefits that were subtracted pursuant to division (L)(1) of this section in that preceding year, to the extent included in total income in the current year and not subtracted under division (L)(1) of this section in the current year.

Disability benefits that are paid by the department of veterans affairs or a branch of the armed forces of the United States on account of an injury or disability shall not be included in total income."

Between lines 975 and 976, insert:

"**Sec. 322.07.** (A) By resolution the board of county commissioners may prescribe a lower rate for the real property transfer tax levied under section 322.02 of the Revised Code than the uniform rate that is otherwise levied. The lower rate shall apply to any deed conveying a homestead ~~for which the grantor has obtained a certificate of reduction in taxes under section 323.154 of the Revised Code~~ for receiving a reduction in taxes under division (A) of section 323.152 of the Revised Code.

(B) A board of county commissioners that prescribes a lower real property transfer tax rate under division (A) of this section shall prescribe the same lower rate for the manufactured home transfer tax if it levies a manufactured home transfer tax under section 322.06 of the Revised Code. The lower manufactured home transfer tax rate shall apply to any certificate of title conveying a used manufactured or used mobile home ~~for which the grantor has obtained a certificate of~~ receiving a reduction in assessable value under section ~~4503.067~~ 4503.065 of the Revised Code.

Sec. 323.151. As used in sections 323.151 to 323.159 of the Revised Code:

(A) (1) "Homestead" means either of the following:

(+) (a) A dwelling, including a unit in a multiple-unit dwelling and a manufactured home or mobile home taxed as real property pursuant to division (B) of section 4503.06 of the Revised Code, owned and occupied as a home by an individual whose domicile is in this state and who has not acquired ownership from a person, other than the individual's spouse, related by consanguinity or affinity for the purpose of qualifying for the real property tax reduction provided in section 323.152 of the Revised Code.

(-) (b) A unit in a housing cooperative that is occupied as a home, but not owned, by an individual whose domicile is in this state.

(2) The homestead shall include so much of the land surrounding it, not exceeding one acre, as is reasonably necessary for the use of the dwelling or unit as a home. An owner includes a holder of one of the several estates in fee, a vendee in possession under a purchase agreement or a land contract, a mortgagor, a life tenant, one or more tenants with a right of survivorship, tenants in common, and a settlor of a revocable or irrevocable inter vivos trust holding the title to a homestead occupied by the settlor as of right under the trust. The tax

commissioner shall adopt rules for the uniform classification and valuation of real property or portions of real property as homesteads.

(B) "Sixty-five years of age or older" means a person who has attained age sixty-four prior to the first day of January of the year of application for reduction in real estate taxes.

(C) "Permanently and totally disabled" means a person who has, on the first day of January of the year of application for reduction in real estate taxes, some impairment in body or mind that makes the person unable to work at any substantially remunerative employment that the person is reasonably able to perform and that will, with reasonable probability, continue for an indefinite period of at least twelve months without any present indication of recovery therefrom or has been certified as permanently and totally disabled by a state or federal agency having the function of so classifying persons.

(D) "Housing cooperative" means a housing complex of at least two ~~hundred fifty~~ units that is owned and operated by a nonprofit corporation that issues a share of the corporation's stock to an individual, entitling the individual to live in a unit of the complex, and collects a monthly maintenance fee from the individual to maintain, operate, and pay the taxes of the complex.

Sec. 323.152. In addition to the reduction in taxes required under section 319.302 of the Revised Code, taxes shall be reduced as provided in divisions (A) and (B) of this section.

(A)(1) Division (A) of this section applies to any of the following:

(a) A person who is permanently and totally disabled;

(b) A person who is sixty-five years of age or older;

(c) A person who is the surviving spouse of a deceased person who was permanently and totally disabled or sixty-five years of age or older and who applied and qualified for a reduction in taxes under this division in the year of death, provided the surviving spouse is at least fifty-nine but not sixty-five or more years of age on the date the deceased spouse dies.

(2) Real property taxes on a homestead owned and occupied, or a homestead in a housing cooperative occupied, by a person to whom division (A) of this section applies shall be reduced for each year for which ~~the owner obtains a certificate of reduction from the county auditor under section 323.154 of the Revised Code or for which the occupant obtains a certificate of reduction in accordance with section 323.159 of the Revised Code~~ an application for the reduction has been approved. The reduction shall equal the greater of the reduction granted for the tax year preceding the first tax year to which this section applies pursuant to Section 803.06 of Am. Sub. H.B. 119 of the 127th general assembly, if the taxpayer received a reduction for that preceding tax year, or the product of the following:

(a) Twenty-five thousand dollars of the true value of the property in money;

(b) The assessment percentage established by the tax commissioner under division (B) of section 5715.01 of the Revised Code, not to exceed thirty-five per cent;

(c) The effective tax rate used to calculate the taxes charged against the property for the current year, where "effective tax rate" is defined as in section 323.08 of the Revised Code;

(d) The quantity equal to one minus the sum of the percentage reductions in taxes received by the property for the current tax year under section 319.302 of the Revised Code and division (B) of section 323.152 of the Revised Code.

(B) To provide a partial exemption, real property taxes on any homestead, and manufactured home taxes on any manufactured or mobile home on which a manufactured home tax is assessed pursuant to division (D)(2) of section 4503.06 of the Revised Code, shall be reduced for each year for which ~~the owner obtains a certificate of reduction from the county auditor under section 323.154 of the Revised Code~~ an application for the reduction has been approved. The amount of the reduction shall equal two and one-half per cent of the amount of taxes to be levied on the homestead or the manufactured or mobile home after applying section 319.301 of the Revised Code.

(C) The reductions granted by this section do not apply to special assessments or respread of assessments levied against the homestead, and if there is a transfer of ownership subsequent to the filing of an application for a reduction in taxes, such reductions are not forfeited for such year by virtue of such transfer.

(D) The reductions in taxable value referred to in this section shall be applied solely as a factor for the purpose of computing the reduction of taxes under this section and shall not affect the total value of property in any subdivision or taxing district as listed and assessed for taxation on the tax lists and duplicates, or any direct or indirect limitations on indebtedness of a subdivision or taxing district. If after application of sections 5705.31 and 5705.32 of the Revised Code, including the allocation of all levies within the ten-mill limitation to debt charges to the extent therein provided, there would be insufficient funds for payment of debt charges not provided for by levies in excess of the ten-mill limitation, the reduction of taxes provided for in sections 323.151 to 323.159 of the Revised Code shall be proportionately adjusted to the extent necessary to provide such funds from levies within the ten-mill limitation.

(E) No reduction shall be made on the taxes due on the homestead of any person convicted of violating division ~~(C) or~~ (D) or (E) of section 323.153 of the Revised Code for a period of three years following the conviction.

Sec. 323.153. (A) To obtain a reduction in real property taxes under division (A) or (B) of section 323.152 of the Revised Code or in manufactured home taxes under division (B) of section 323.152 of the Revised Code, the owner shall file an application with the county auditor of the county in which the owner's homestead is located.

To obtain a reduction in real property taxes under division (A) of section 323.152 of the Revised Code, the occupant of a homestead in a housing cooperative shall file an application with the nonprofit corporation that owns and operates the housing cooperative, in accordance with this paragraph. Not later than the first day of March each year, the corporation shall obtain applications from the county auditor's office and provide one to each new occupant. Not later than the first day of May, any occupant who may be eligible for a reduction in taxes under division (A) of section 323.152 of the Revised Code shall submit the completed application to the corporation. Not later than the fifteenth day of May, the corporation shall file all completed applications, and the information required by division (B) of section 323.159 of the Revised Code, with the county auditor of the county in which the occupants' homesteads are located. Continuing applications shall be furnished to an occupant in the manner provided in division (C)(4) of this section.

(1) An application for reduction based upon a physical disability shall be accompanied by a certificate signed by a physician, and an application for reduction based upon a mental disability shall be accompanied by a certificate signed by a physician or psychologist licensed to practice in this state, attesting to the fact that the applicant is permanently and totally disabled. The certificate shall be in a form that the tax commissioner requires and shall include the definition of permanently and totally disabled as set forth in section 323.151 of the Revised Code. An application for reduction based upon a disability certified as permanent and total by a state or federal agency having the function of so classifying persons shall be accompanied by a certificate from that agency.

An application for a reduction under division (A) of section 323.152 of the Revised Code constitutes a continuing application for a reduction in taxes for each year in which the dwelling is the applicant's homestead.

(2) An application for a reduction in taxes under division (B) of section 323.152 of the Revised Code shall be filed only if the homestead or manufactured or mobile home was transferred in the preceding year or did not qualify for and receive the reduction in taxes under that division for the preceding tax year. The application for homesteads transferred in the preceding year shall be incorporated into any form used by the county auditor to administer the tax law in respect to the conveyance of real property pursuant to section 319.20 of the Revised Code or of used manufactured homes or used mobile homes as defined in section 5739.0210 of the Revised Code. The owner of a manufactured or mobile home who has elected under division (D)(4) of section 4503.06 of the Revised Code to be taxed under division (D)(2) of that section for the ensuing year may file the application at the time of making that election. The application shall contain a statement that failure by the applicant to affirm on the application that the dwelling on the property conveyed is the applicant's homestead prohibits the owner from receiving the reduction in taxes until a proper application is filed within the period prescribed by division (A)(3) of this section. Such an application constitutes a continuing application for a reduction in taxes for each year in which the dwelling is the applicant's homestead.

(3) Failure to receive a new application filed under division (A)(1) or (2) or notification under division (C) of this section after ~~a certificate of reduction has been issued under section 323.154 of the Revised Code, or failure to receive a new application filed under division (A)(1) or notification under division (C) of this section after a certificate of reduction has been issued under section 323.159 of the Revised Code,~~ an application for reduction has been approved is prima-facie evidence that the original applicant is entitled to the reduction in taxes calculated on the basis of the information contained in the original application. The original application and any subsequent application, including any late application, shall be in the form of a signed statement and shall be filed after the first Monday in January and not later than the first Monday in June. The original application and any subsequent application for a reduction in real property taxes shall be filed in the year for which the reduction is sought. The original application and any subsequent application for a reduction in manufactured home taxes shall be filed in the year preceding the year for which the reduction is sought. The statement shall be on a form, devised and supplied by the tax commissioner, which shall require no more information than is necessary to establish the applicant's eligibility for the reduction in taxes and the amount of the reduction, and, ~~for a certificate of reduction issued under section 323.154 of the Revised Code~~ except for homesteads that are units in a housing cooperative, shall include an affirmation by the applicant that ownership of the homestead was not acquired from a person, other than the applicant's spouse, related to the owner by consanguinity or affinity for the purpose of qualifying for the real property or manufactured home tax reduction provided for in division (A) or (B) of section 323.152 of the Revised Code. The form shall contain a statement that conviction of willfully falsifying information to obtain a reduction in taxes or failing to comply with division (C) of this section results in the revocation of the right to the reduction for a period of three years.

(B) A late application for a tax reduction for the year preceding the year in which an original application is filed, or for a reduction in manufactured home taxes for the year in which an original application is filed, may be filed with the original application. If the county auditor determines the information contained in the late application is correct, the auditor shall determine the amount of the reduction in taxes to which the applicant would have been entitled for the preceding tax year had the applicant's application been timely filed and approved in that year.

The amount of such reduction shall be treated by the auditor as an overpayment of taxes by the applicant and shall be refunded in the manner prescribed in section 5715.22 of the Revised Code for making refunds of overpayments. On the first day of July of each year, the county auditor shall certify the total amount of the reductions in taxes made in the current year under this division to the tax commissioner, who shall treat the full amount thereof as a reduction in taxes for the preceding tax year and shall make reimbursement to the county therefor in the manner prescribed by section 323.156 of the Revised Code, from money appropriated for that purpose.

(C)(1) If, in any year after an application has been filed under division (A)(1) or (2) of this section, the owner does not qualify for a reduction in taxes on the homestead or on the manufactured or mobile home set forth on such application, the owner shall notify the county auditor that the owner is not qualified for a reduction in taxes.

(2) If, in any year after an application has been filed under division (A) of this section, the occupant of a homestead in a housing cooperative does not qualify for a reduction in taxes on the homestead, the occupant shall notify the county auditor that the occupant is not qualified for a reduction in taxes or file a new application under division (A) of this section.

(3) If the county auditor or county treasurer discovers that the owner of property not entitled to the reduction in taxes under division (B) of section 323.152 of the Revised Code failed to notify the county auditor as required by division (C)(1) of this section, a charge shall be imposed against the property in the amount by which taxes were reduced under that division for each tax year the county auditor ascertains that the property was not entitled to the reduction and was owned by the current owner. Interest shall accrue in the manner prescribed by division (B) of section 323.121 or division (G)(2) of section 4503.06 of the Revised Code on the amount by which taxes were reduced for each such tax year as if the reduction became delinquent taxes at the close of the last day the second installment of taxes for that tax year could be paid without penalty. The county auditor shall notify the owner, by ordinary mail, of the charge, of the owner's right to appeal the charge, and of the manner in which the owner may appeal. The owner may appeal the imposition of the charge and interest by filing an appeal with the county board of revision not later than the last day prescribed for payment of real and public utility property taxes under section 323.12 of the Revised Code following receipt of the notice and occurring at least ninety days after receipt of the notice. The appeal shall be treated in the same manner as a complaint relating to the valuation or assessment of real property under Chapter 5715. of the Revised Code. The charge and any interest shall be collected as other delinquent taxes.

(4) Each year during January, the county auditor shall furnish by ordinary mail a continuing application to each person ~~issued a certificate of reduction under section 323.154 or 323.159 of the Revised Code with respect to a reduction in taxes~~ receiving a reduction under division (A) of section 323.152 of the Revised Code. The continuing application shall be used to report changes in ownership or ~~occupancy of the homestead, including changes in or revocation of a revocable inter vivos trust, changes in~~ occupancy of the homestead, disability, and other ~~changes in the information earlier furnished the auditor relative to the reduction in taxes on the property.~~ The continuing application shall be returned to the auditor not later than the first Monday in June; provided, that if such changes do not affect the status of the homestead exemption or the amount of the reduction to which the owner is entitled under division (A) of section 323.152 of the Revised Code or to which the occupant is entitled under section 323.159 of the Revised Code, the application does not need to be returned.

(5) Each year during February, the county auditor, except as otherwise provided in this paragraph, shall furnish by ordinary mail an original application to the owner, as of the first day of January of that year, of a homestead or a manufactured or mobile home that transferred during the preceding calendar year and that qualified for and received a reduction in taxes under division (B) of section 323.152 of the Revised Code for the preceding tax year. In order to receive the reduction under that division, the owner shall file the application with the county auditor not later than the first Monday in June. If the application is not timely filed, the auditor shall not grant a reduction in taxes for the homestead for the current year, and shall notify the owner that the reduction in taxes has not been granted, in the same manner prescribed under section 323.154 of the Revised Code for notification of denial of an application. Failure of an owner to receive an application does not excuse the failure of the owner to file an original application. The county auditor is not required to furnish an application under this paragraph for any homestead for which application has previously been made on a form incorporated into any form used by the county auditor to administer the tax law in respect to the conveyance of real property or of used manufactured homes or used mobile homes, and an owner who previously has applied on such a form is not required to return an application furnished under this paragraph.

(D) No person shall knowingly make a false statement for the purpose of obtaining a reduction in the person's real property or manufactured home taxes under section 323.152 of the Revised Code.

(E) No person shall knowingly fail to notify the county auditor of changes required by division (C) of this section that have the effect of maintaining or securing a reduction in taxes under section 323.152 of the Revised Code.

(F) No person shall knowingly make a false statement or certification attesting to any person's physical or mental condition for purposes of qualifying such person for tax relief pursuant to sections 323.151 to 323.159 of the Revised Code.

Sec. 323.154. ~~On or before the day the county auditor has completed the duties imposed by sections 319.30 to 319.302 of the Revised Code, the auditor shall issue a certificate of reduction in taxes in triplicate for each person who has complied with section 323.153 of the Revised Code and whose homestead, as defined in division (A)(1) of section 323.151 of the Revised Code, or manufactured or mobile home the auditor finds is entitled to a reduction in real property or manufactured home taxes for that year under section 323.152 of the Revised Code. Except as provided in section 323.159 of the Revised Code, in the case of a homestead entitled to a reduction under division (A) of that section, the certificate shall state the taxable value of the homestead on the first day of January of that year, the total reduction in taxes for that year under that section, the tax rate that is applicable against such homestead for that year, and any other information the tax commissioner requires. In the case of a homestead or a~~

~~manufactured or mobile home entitled to a reduction under division (B) of that section, the certificate shall state the total amount of the reduction in taxes for that year under that section and any other information the tax commissioner requires. The certificate for reduction in taxes shall be on a form approved by the commissioner. Upon issuance of such a certificate, the county auditor shall forward one copy and the original to the county treasurer and retain one copy. The county auditor also~~ The county auditor shall approve or deny an application for reduction under section 323.152 of the Revised Code and shall so notify the applicant not later than the first Monday in October. Notification shall be provided on a form prescribed by the tax commissioner. If the application is approved, upon issuance of the notification the county auditor shall record the amount of reduction in taxes in the appropriate column on the general tax list and duplicate of real and public utility property and on the manufactured home tax list. If the application is denied, the notification shall inform the applicant of the reasons for the denial.

~~If an application, late application, or continuing application is not approved, or if the county auditor otherwise determines that a homestead or a manufactured or mobile home does not qualify for a reduction in taxes under division (A) or (B) of section 323.152 of the Revised Code, the auditor shall notify the applicant of the reasons for denial not later than the first Monday in October. If an applicant believes that the application for reduction has been improperly denied or that the reduction is for less than that to which the applicant is entitled, the applicant may file an appeal with the county board of revision not later than the date of closing of the collection for the first half of real and public utility property taxes or manufactured home taxes. The appeal shall be treated in the same manner as a complaint relating to the valuation or assessment of real property under Chapter 5715. of the Revised Code.~~

~~**Sec. 323.155.** The county treasurer shall retain the original certificate of reduction in taxes issued under section 323.154 of the Revised Code and forward the copy to the person to whom the certificate is issued, along with the tax bill submitted pursuant to section 323.13 of the Revised Code or the advance payment certificate submitted pursuant to section 4503.061 of the Revised Code.~~

~~The county treasurer shall retain the original certificate of reduction issued under section 323.159 of the Revised Code and forward a copy to the person to whom the certificate is issued, and a copy to the nonprofit corporation that owns and operates the housing cooperative in which the person is an occupant, along with the corporation's tax bill submitted pursuant to section 323.13 of the Revised Code.~~

The tax bill prescribed under section 323.131 of the Revised Code shall indicate the net amount of taxes due following the reductions in taxes under sections 319.301, 319.302, and 323.152 of the Revised Code.

Any reduction in taxes under ~~this~~ section 323.152 of the Revised Code shall be disregarded as income or resources in determining eligibility for any program or calculating any payment under Title LI of the Revised Code.

Sec. 323.156. Within thirty days after a settlement of taxes under divisions (A), (C), and (H) of section 321.24 of the Revised Code, the county treasurer shall certify to the tax commissioner one-half of the total amount of taxes on real property that were reduced pursuant to section 323.152 of the Revised Code for the preceding tax year, and one-half of the total amount of taxes on manufactured and mobile homes that were reduced pursuant to division (B) of section 323.152 of the Revised Code for the current tax year, ~~as evidenced by the certificates of reduction and the tax duplicate certified to the county treasurer by the county auditor.~~ The commissioner, within thirty days of the receipt of such certifications, shall provide for payment to the county treasurer, from the general revenue fund, of the amount certified, which shall be credited upon receipt to the county's undivided income tax fund, and an amount equal to two per cent of the amount by which taxes were reduced, which shall be credited upon receipt to the county general fund as a payment, in addition to the fees and charges authorized by sections 319.54 and 321.26 of the Revised Code, to the county auditor and treasurer for the costs of administering the exemption provided under sections 323.151 to 323.159 of the Revised Code.

Immediately upon receipt of funds into the county undivided income tax fund under this section, the auditor shall distribute the full amount thereof among the taxing districts in the county as though the total had been paid as taxes by each person for whom taxes were reduced under sections 323.151 to 323.159 of the Revised Code.

Sec. 323.159. (A) As used in this section:

(1) "Applicant" means the person who occupies a homestead in a housing cooperative.

(2) "Homestead" has the same meaning as in division (A) ~~(2)~~ (1)(b) of section 323.151 of the Revised Code.

(B) Not later than the first day of May each year, any nonprofit corporation that owns and operates a housing cooperative shall determine the amount of property taxes it paid for the housing cooperative for the preceding tax year and shall attribute to each homestead in the housing cooperative a portion of the total property taxes as if the homestead's occupant paid the taxes. The taxes attributed to each homestead shall be based on the percentage that the square footage of the homestead is of the total square footage of the housing cooperative and on other reasonable factors that reflect the value of the homestead. Not later than the fifteenth day of May each year, the corporation shall file this information with the county auditor, along with any applications submitted to it under division (A) of section 323.153 of the Revised Code. No nonprofit corporation that owns and operates a housing cooperative shall fail to file with the county auditor the information required by this division and division (A) of section 323.153 of the Revised Code.

(C) ~~On or before the day the county auditor has completed the duties imposed by sections 319.30 to 319.302 of the Revised Code, the auditor shall~~

~~issue a certificate of reduction in taxes for each applicant who has complied with section 323.153 of the Revised Code and whose homestead the auditor finds is entitled to a reduction in real property taxes for that year under division (A) of section 323.152 of the Revised Code. The county auditor shall calculate the taxable value of each applicant's homestead as if the homestead was owned by the applicant and shall use the information provided by the nonprofit corporation under division (B) of this section to determine the reduction in taxable value to be attributed to the homestead.~~

The certificate shall state the taxable value, on the first day of January of that year, attributed to each homestead in the housing cooperative; the reduction in taxable value and reduction in taxes attributed to the homestead; the total amount of the reduction in taxable value for the housing cooperative based on all certificates issued under this section for homesteads in the housing cooperative; the nonprofit corporation's total reduction in taxes for that year under division (A) of section 323.152 of the Revised Code; the tax rate that is applicable against the housing cooperative for that year; and any other information the tax commissioner requires. The county auditor shall prepare three copies of the original certificate. Upon the issuance of such a certificate, the county auditor shall forward two copies and the original to the county treasurer and retain one copy. The county auditor also shall approve or deny an application for reduction under division (A) of section 323.152 of the Revised Code and, not later than the first Monday in October, shall so notify the applicant and the nonprofit corporation that owns and operates the housing cooperative. Notification shall be provided on a form prescribed by the tax commissioner. If the application is approved, upon issuance of the notification the county auditor shall record the amount of reduction in taxes in the appropriate column on the general tax list and duplicate of real and public utility property.

(D) On receipt of the notice from the county auditor under division (C) of this section, the nonprofit corporation that owns and operates the housing cooperative shall reduce the monthly maintenance fee for each homestead for which ~~an applicant received a certificate of reduction under this section~~ application for reduction was approved for the year following the year for which ~~the certificate was issued~~ application was approved. The reduction in the monthly maintenance fee shall equal one-twelfth of the reduction in taxes attributed to the homestead by the county auditor under division (C) of this section.

(E) If an application, late application, or continuing application is not approved, or if the county auditor otherwise determines that a homestead does not qualify for a reduction in taxes under division (A) of section 323.152 of the Revised Code, the auditor shall notify the applicant, and the nonprofit corporation that owns and operates the housing cooperative, of the reasons for denial not later than the first Monday in October. If the applicant believes that the application for reduction has been improperly denied, or the nonprofit corporation that owns and operates the housing cooperative believes that the

reduction is for less than that to which the housing cooperative is entitled, the applicant or housing cooperative, respectively, may file an appeal with the county board of revision not later than the date of closing of the collection for the first half of real and public utility property taxes. The appeal shall be treated in the same manner as a complaint relating to the valuation or assessment of real property under Chapter 5715. of the Revised Code."

Between lines 5078 and 5079, insert:

"**Sec. 3317.16.** (A) As used in this section:

(1) "State share percentage" means the percentage calculated for a joint vocational school district as follows:

(a) Calculate the state base cost funding amount for the district under division (B) of this section. If the district would not receive any base cost funding for that year under that division, the district's state share percentage is zero.

(b) If the district would receive base cost funding under that division, divide that base cost amount by an amount equal to the following:
the formula amount X
formula ADM

The resultant number is the district's state share percentage.

(2) The "total special education weight" for a joint vocational school district shall be calculated in the same manner as prescribed in division (B)(1) of section 3317.022 of the Revised Code.

(3) The "total vocational education weight" for a joint vocational school district shall be calculated in the same manner as prescribed in division (B)(4) of section 3317.022 of the Revised Code.

(4) The "total recognized valuation" of a joint vocational school district shall be determined by adding the recognized valuations of all its constituent school districts that were subject to the joint vocational school district's tax levies for the applicable fiscal year both the current and preceding tax years.

(5) "Resident district" means the city, local, or exempted village school district in which a student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.

(6) "Community school" means a community school established under Chapter 3314. of the Revised Code.

(B) The department of education shall compute and distribute state base cost funding to each joint vocational school district for the fiscal year in accordance with the following formula:

$$\frac{\text{formula amount X}}{\text{formula ADM}} - (.0005 \times \text{total recognized valuation})$$

If the difference obtained under this division is a negative number, the district's computation shall be zero.

(C)(1) The department shall compute and distribute state vocational education additional weighted costs funds to each joint vocational school district in accordance with the following formula:

$$\frac{\text{state share percentage} \times \text{formula amount}}{\text{total vocational education weight}}$$

In each fiscal year, a joint vocational school district receiving funds under division (C)(1) of this section shall spend those funds only for the purposes the department designates as approved for vocational education expenses. Vocational educational expenses approved by the department shall include only expenses connected to the delivery of career-technical programming to career-technical students. The department shall require the joint vocational school district to report data annually so that the department may monitor the district's compliance with the requirements regarding the manner in which funding received under division (C)(1) of this section may be spent.

(2) The department shall compute for each joint vocational school district state funds for vocational education associated services costs in accordance with the following formula:

$$\frac{\text{state share percentage} \times .05 \times \text{the formula amount}}{\text{the sum of categories one and two vocational education ADM}}$$

In any fiscal year, a joint vocational school district receiving funds under division (C)(2) of this section, or through a transfer of funds pursuant to division (L) of section 3317.023 of the Revised Code, shall spend those funds only for the purposes that the department designates as approved for vocational education associated services expenses, which may include such purposes as apprenticeship coordinators, coordinators for other vocational education services, vocational evaluation, and other purposes designated by the department. The department may deny payment under division (C)(2) of this section to any district that the department determines is not operating those services or is using funds paid under division (C)(2) of this section, or through a transfer of funds pursuant to division (L) of section 3317.023 of the Revised Code, for other purposes.

(D)(1) The department shall compute and distribute state special education and related services additional weighted costs funds to each joint vocational school district in accordance with the following formula:

$$\frac{\text{state share percentage} \times \text{formula amount}}{\text{total special education weight}}$$

(2)(a) As used in this division, the "personnel allowance" means thirty thousand dollars in fiscal years 2008 and 2009.

(b) For the provision of speech language pathology services to students,

including students who do not have individualized education programs prepared for them under Chapter 3323. of the Revised Code, and for no other purpose, the department shall pay each joint vocational school district an amount calculated under the following formula:

(formula ADM divided by 2000) X the personnel allowance X state share percentage

(3) In any fiscal year, a joint vocational school district shall spend for purposes that the department designates as approved for special education and related services expenses at least the amount calculated as follows:

(formula amount
X the sum of categories one through
six special education ADM) +
(total special education weight X
formula amount)

The purposes approved by the department for special education expenses shall include, but shall not be limited to, compliance with state rules governing the education of children with disabilities, providing services identified in a student's individualized education program as defined in section 3323.01 of the Revised Code, provision of speech language pathology services, and the portion of the district's overall administrative and overhead costs that are attributable to the district's special education student population.

The department shall require joint vocational school districts to report data annually to allow for monitoring compliance with division (D)(3) of this section. The department shall annually report to the governor and the general assembly the amount of money spent by each joint vocational school district for special education and related services.

(4) In any fiscal year, a joint vocational school district shall spend for the provision of speech language pathology services not less than the sum of the amount calculated under division (D)(1) of this section for the students in the district's category one special education ADM and the amount calculated under division (D)(2) of this section.

(E)(1) If a joint vocational school district's costs for a fiscal year for a student in its categories two through six special education ADM exceed the threshold catastrophic cost for serving the student, as specified in division (C)(3)(b) of section 3317.022 of the Revised Code, the district may submit to the superintendent of public instruction documentation, as prescribed by the superintendent, of all of its costs for that student. Upon submission of documentation for a student of the type and in the manner prescribed, the department shall pay to the district an amount equal to the sum of the following:

(a) One-half of the district's costs for the student in excess of the threshold catastrophic cost;

(b) The product of one-half of the district's costs for the student in excess of the threshold catastrophic cost multiplied by the district's state share

percentage.

(2) The district shall only report under division (E)(1) of this section, and the department shall only pay for, the costs of educational expenses and the related services provided to the student in accordance with the student's individualized education program. Any legal fees, court costs, or other costs associated with any cause of action relating to the student may not be included in the amount.

(F) Each fiscal year, the department shall pay each joint vocational school district an amount for adult technical and vocational education and specialized consultants.

(G)(1) A joint vocational school district's local share of special education and related services additional weighted costs equals:

$$\frac{(1 - \text{state share percentage}) \times \text{Total special education weight}}{\text{the formula amount}}$$

(2) For each student with a disability receiving special education and related services under an individualized education program, as defined in section 3323.01 of the Revised Code, at a joint vocational district, the resident district or, if the student is enrolled in a community school, the community school shall be responsible for the amount of any costs of providing those special education and related services to that student that exceed the sum of the amount calculated for those services attributable to that student under divisions (B), (D), (E), and (G)(1) of this section.

Those excess costs shall be calculated by subtracting the sum of the following from the actual cost to provide special education and related services to the student:

(a) The formula amount;

(b) The product of the formula amount times the applicable multiple specified in section 3317.013 of the Revised Code;

(c) Any funds paid under division (E) of this section for the student;

(d) Any other funds received by the joint vocational school district under this chapter to provide special education and related services to the student, not including the amount calculated under division (G)(2) of this section.

(3) The board of education of the joint vocational school district may report the excess costs calculated under division (G)(2) of this section to the department of education.

(4) If the board of education of the joint vocational school district reports excess costs under division (G)(3) of this section, the department shall pay the amount of excess cost calculated under division (G)(2) of this section to the joint vocational school district and shall deduct that amount as provided in division (G)(4)(a) or (b) of this section, as applicable:

(a) If the student is not enrolled in a community school, the department shall deduct the amount from the account of the student's resident district pursuant to division (M) of section 3317.023 of the Revised Code.

(b) If the student is enrolled in a community school, the department shall deduct the amount from the account of the community school pursuant to section 3314.083 of the Revised Code.

Sec. 4503.065. (A) This section applies to any of the following:

(1) An individual who is permanently and totally disabled;

(2) An individual who is sixty-five years of age or older;

(3) An individual who is the surviving spouse of a deceased person who was permanently and totally disabled or sixty-five years of age or older and who applied and qualified for a reduction in assessable value under this section in the year of death, provided the surviving spouse is at least fifty-nine but not sixty-five or more years of age on the date the deceased spouse dies.

(B) The manufactured home tax on a manufactured or mobile home that is paid pursuant to division (C) of section 4503.06 of the Revised Code and that is owned and occupied as a home by an individual whose domicile is in this state and to whom this section applies, shall be reduced for any tax year for which ~~the owner obtains a certificate of reduction from the county auditor under section 4503.067 of the Revised Code~~ an application for such reduction has been approved, provided the individual did not acquire ownership from a person, other than the individual's spouse, related by consanguinity or affinity for the purpose of qualifying for the reduction. An owner includes a settlor of a revocable or irrevocable inter vivos trust holding the title to a manufactured or mobile home occupied by the settlor as of right under the trust.

(1) For manufactured and mobile homes for which the tax imposed by section 4503.06 of the Revised Code is computed under division (D)(2) of that section, the reduction shall equal the greater of the reduction granted for the tax year preceding the first tax year to which this section applies pursuant to Section 803.06 of Am. Sub. H.B. 119 of the 127th general assembly, if the taxpayer received a reduction for that preceding tax year, or the product of the following:

(a) Twenty-five thousand dollars of the true value of the property in money;

(b) The assessment percentage established by the tax commissioner under division (B) of section 5715.01 of the Revised Code, not to exceed thirty-five per cent;

(c) The effective tax rate used to calculate the taxes charged against the property for the current year, where "effective tax rate" is defined as in section 323.08 of the Revised Code;

(d) The quantity equal to one minus the sum of the percentage reductions in taxes received by the property for the current tax year under section 319.302

of the Revised Code and division (B) of section 323.152 of the Revised Code.

(2) For manufactured and mobile homes for which the tax imposed by section 4503.06 of the Revised Code is computed under division (D)(1) of that section, the reduction shall equal the greater of the reduction granted for the tax year preceding the first tax year to which this section applies pursuant to Section 803.06 of Am. Sub. H.B. 119 of the 127th general assembly, if the taxpayer received a reduction for that preceding tax year, or the product of the following:

(a) Twenty-five thousand dollars of the cost to the owner, or the market value at the time of purchase, whichever is greater, as those terms are used in division (D)(1) of section 4503.06 of the Revised Code;

(b) The percentage from the appropriate schedule in division (D)(1)(b) of section 4503.06 of the Revised Code;

(c) The assessment percentage of forty per cent used in division (D)(1)(b) of section 4503.06 of the Revised Code;

(d) The tax rate of the taxing district in which the home has its situs.

(C) If the owner or the spouse of the owner of a manufactured or mobile home is eligible for a homestead exemption on the land upon which the home is located, the reduction to which the owner or spouse is entitled under this section shall not exceed the difference between the reduction to which the owner or spouse is entitled under division (B) of this section and the amount of the reduction under the homestead exemption.

(D) No reduction shall be made with respect to the home of any person convicted of violating division (C) or (D) of section 4503.066 of the Revised Code for a period of three years following the conviction.

Sec. 4503.066. (A)(1) To obtain a tax reduction under section 4503.065 of the Revised Code, the owner of the home shall file an application with the county auditor of the county in which the home is located. An application for reduction in taxes based upon a physical disability shall be accompanied by a certificate signed by a physician, and an application for reduction in taxes based upon a mental disability shall be accompanied by a certificate signed by a physician or psychologist licensed to practice in this state. The certificate shall attest to the fact that the applicant is permanently and totally disabled, shall be in a form that the department of taxation requires, and shall include the definition of totally and permanently disabled as set forth in section 4503.064 of the Revised Code. An application for reduction in taxes based upon a disability certified as permanent and total by a state or federal agency having the function of so classifying persons shall be accompanied by a certificate from that agency.

(2) Each application shall constitute a continuing application for a reduction in taxes for each year in which the manufactured or mobile home is occupied by the applicant. Failure to receive a new application or notification under division (B) of this section after ~~a certificate of reduction has been issued under section 4503.067 of the Revised Code~~ an application for reduction has

been approved is prima-facie evidence that the original applicant is entitled to the reduction calculated on the basis of the information contained in the original application. The original application and any subsequent application shall be in the form of a signed statement and shall be filed not later than the first Monday in June. The statement shall be on a form, devised and supplied by the tax commissioner, that shall require no more information than is necessary to establish the applicant's eligibility for the reduction in taxes and the amount of the reduction to which the applicant is entitled. The form also shall contain a statement that conviction of willfully falsifying information to obtain a reduction in taxes or failing to comply with division (B) of this section shall result in the revocation of the right to the reduction for a period of three years.

(3) A late application for a reduction in taxes for the year preceding the year for which an original application is filed may be filed with an original application. If the auditor determines that the information contained in the late application is correct, the auditor shall determine both the amount of the reduction in taxes to which the applicant would have been entitled for the current tax year had the application been timely filed and approved in the preceding year, and the amount the taxes levied under section 4503.06 of the Revised Code for the current year would have been reduced as a result of the reduction. When an applicant is permanently and totally disabled on the first day of January of the year in which the applicant files a late application, the auditor, in making the determination of the amounts of the reduction in taxes under division (A)(3) of this section, is not required to determine that the applicant was permanently and totally disabled on the first day of January of the preceding year.

The amount of the reduction in taxes pursuant to a late application shall be treated as an overpayment of taxes by the applicant. The auditor shall credit the amount of the overpayment against the amount of the taxes or penalties then due from the applicant, and, at the next succeeding settlement, the amount of the credit shall be deducted from the amount of any taxes or penalties distributable to the county or any taxing unit in the county that has received the benefit of the taxes or penalties previously overpaid, in proportion to the benefits previously received. If, after the credit has been made, there remains a balance of the overpayment, or if there are no taxes or penalties due from the applicant, the auditor shall refund that balance to the applicant by a warrant drawn on the county treasurer in favor of the applicant. The treasurer shall pay the warrant from the general fund of the county. If there is insufficient money in the general fund to make the payment, the treasurer shall pay the warrant out of any undivided manufactured or mobile home taxes subsequently received by the treasurer for distribution to the county or taxing district in the county that received the benefit of the overpaid taxes, in proportion to the benefits previously received, and the amount paid from the undivided funds shall be deducted from the money otherwise distributable to the county or taxing district in the county at the next or any succeeding distribution. At the next or any succeeding distribution after making the refund, the treasurer shall reimburse the general fund for any payment made from that fund by deducting the amount of that payment from the money distributable to the county or other taxing unit in

the county that has received the benefit of the taxes, in proportion to the benefits previously received. On the second Monday in September of each year, the county auditor shall certify the total amount of the reductions in taxes made in the current year under division (A)(3) of this section to the tax commissioner who shall treat that amount as a reduction in taxes for the current tax year and shall make reimbursement to the county of that amount in the manner prescribed in section 4503.068 of the Revised Code, from moneys appropriated for that purpose.

(B) If in any year ~~after for which~~ an application for reduction in taxes has been ~~filed under division (A) of this section~~ approved the owner no longer qualifies for the reduction ~~in taxes for which the owner was issued a certificate~~, the owner shall notify the county auditor that the owner is not qualified for a reduction in taxes.

During January of each year, the county auditor shall furnish each person ~~issued a certificate of reduction~~ whose application for reduction has been approved, by ordinary mail, a form on which to report any changes in ownership ~~of the home, including changes in or revocation of a revocable inter vivos trust, changes in~~ occupancy, disability, and other ~~changes in the~~ information earlier furnished the auditor relative to the application.

(C) No person shall knowingly make a false statement for the purpose of obtaining a reduction in taxes under section 4503.065 of the Revised Code.

(D) No person shall knowingly fail to notify the county auditor of any change required by division (B) of this section that has the effect of maintaining or securing a reduction in taxes under section 4503.065 of the Revised Code.

(E) No person shall knowingly make a false statement or certification attesting to any person's physical or mental condition for purposes of qualifying such person for tax relief pursuant to sections 4503.064 to 4503.069 of the Revised Code.

(F) Whoever violates division (C), (D), or (E) of this section is guilty of a misdemeanor of the fourth degree.

Sec. 4503.067. ~~(A) At the same time the tax bill for the first half of the tax year is issued, the county auditor shall issue a certificate of reduction in taxes for a manufactured or mobile home in triplicate for each person who has complied with section 4503.066 of the Revised Code and been found by the auditor to be entitled to a reduction in taxes for the succeeding tax year. The certificate shall set forth the amount of the reduction in taxes calculated under section 4503.065 of the Revised Code. Upon issuance of the certificate, the auditor shall reduce the manufactured home tax levied on the home for the succeeding tax year by the required amount and forward the original and one copy of the certificate to the county treasurer. The auditor shall retain one copy of the certificate. The treasurer shall retain the original certificate and forward the remaining copy to the recipient with the tax bill delivered pursuant to division (D)(6) of section 4503.06 of the Revised Code.~~

~~(B) If the application or a continuing application is not approved, the auditor shall notify the applicant of the reasons for denial no later than the first Monday in October. The county auditor shall approve or deny an application for reduction under section 4503.065 of the Revised Code and shall so notify the applicant not later than the first Monday in October. Notification shall be provided on a form prescribed by the tax commissioner.~~ If a person believes that the person's application for reduction in taxes has been improperly denied or is for less than that to which the person is entitled, the person may file an appeal with the county board of revision no later than the thirty-first day of January of the following calendar year. The appeal shall be treated in the same manner as a complaint relating to the valuation or assessment of real property under Chapter 5715. of the Revised Code.

Sec. 4503.068. On or before the second Monday in September of each year, the county treasurer shall total the amount by which the taxes levied in that year were reduced pursuant to section ~~4503.067~~ 4503.065 of the Revised Code, and certify that amount to the tax commissioner. Within ninety days of the receipt of the certification, the commissioner shall certify that amount to the director of budget and management and the director shall make two payments from the general revenue fund in favor of the county treasurer. One shall be in the full amount by which taxes were reduced. The other shall be in an amount equal to two per cent of such amount and shall be a payment to the county auditor and county treasurer for the costs of administering sections 4503.064 to 4503.069 of the Revised Code.

Immediately upon receipt of the payment in the full amount by which taxes were reduced, the full amount of the payment shall be distributed among the taxing districts in the county as though it had been received as taxes under section 4503.06 of the Revised Code from each person for whom taxes were reduced under ~~sections 4503.064 to 4503.069~~ section 4503.065 of the Revised Code."

Between lines 5131 and 5132, insert:

"Sec. 4735.18. (A) Subject to section 4735.32 of the Revised Code, the superintendent of real estate, upon the superintendent's own motion, may investigate the conduct of any licensee. Subject to section 4735.32 of the Revised Code, the Ohio real estate commission shall, pursuant to section 4735.051 of the Revised Code, impose disciplinary sanctions upon any licensee who, whether or not acting in the licensee's capacity as a real estate broker or salesperson, or in handling the licensee's own property, is found to have been convicted of a felony or a crime of moral turpitude, and shall, pursuant to section 4735.051 of the Revised Code, impose disciplinary sanctions upon any licensee who, in the licensee's capacity as a real estate broker or salesperson, or in handling the licensee's own property, is found guilty of:

- (1) Knowingly making any misrepresentation;
- (2) Making any false promises with intent to influence, persuade, or

induce;

(3) A continued course of misrepresentation or the making of false promises through agents, salespersons, advertising, or otherwise;

(4) Acting for more than one party in a transaction except as permitted by and in compliance with section 4735.71 of the Revised Code;

(5) Failure within a reasonable time to account for or to remit any money coming into the licensee's possession which belongs to others;

(6) Dishonest or illegal dealing, gross negligence, incompetency, or misconduct;

(7)(a) By final adjudication by a court, a violation of any municipal or federal civil rights law relevant to the protection of purchasers or sellers of real estate or, by final adjudication by a court, any unlawful discriminatory practice pertaining to the purchase or sale of real estate prohibited by Chapter 4112. of the Revised Code, provided that such violation arose out of a situation wherein parties were engaged in bona fide efforts to purchase, sell, or lease real estate, in the licensee's practice as a licensed real estate broker or salesperson;

(b) A second or subsequent violation of any unlawful discriminatory practice pertaining to the purchase or sale of real estate prohibited by Chapter 4112. of the Revised Code or any second or subsequent violation of municipal or federal civil rights laws relevant to purchasing or selling real estate whether or not there has been a final adjudication by a court, provided that such violation arose out of a situation wherein parties were engaged in bona fide efforts to purchase, sell, or lease real estate. For any second offense under this division, the commission shall suspend for a minimum of two months or revoke the license of the broker or salesperson. For any subsequent offense, the commission shall revoke the license of the broker or salesperson.

(8) Procuring a license under this chapter, for the licensee or any salesperson by fraud, misrepresentation, or deceit;

(9) Having violated or failed to comply with any provision of sections 4735.51 to 4735.74 of the Revised Code or having willfully disregarded or violated any other provisions of this chapter;

(10) As a real estate broker, having demanded, without reasonable cause, other than from a broker licensed under this chapter, a commission to which the licensee is not entitled, or, as a real estate salesperson, having demanded, without reasonable cause, a commission to which the licensee is not entitled;

(11) Except as permitted under section 4735.20 of the Revised Code, having paid commissions or fees to, or divided commissions or fees with, anyone not licensed as a real estate broker or salesperson under this chapter or anyone not operating as an out-of-state commercial real estate broker or salesperson under section 4735.022 of the Revised Code;

(12) Having falsely represented membership in any real estate

professional association of which the licensee is not a member;

(13) Having accepted, given, or charged any undisclosed commission, rebate, or direct profit on expenditures made for a principal;

(14) Having offered anything of value other than the consideration recited in the sales contract as an inducement to a person to enter into a contract for the purchase or sale of real estate or having offered real estate or the improvements on real estate as a prize in a lottery or scheme of chance;

(15) Having acted in the dual capacity of real estate broker and undisclosed principal, or real estate salesperson and undisclosed principal, in any transaction;

(16) Having guaranteed, authorized, or permitted any person to guarantee future profits which may result from the resale of real property;

(17) Having placed a sign on any property offering it for sale or for rent without the consent of the owner or the owner's authorized agent;

(18) Having induced any party to a contract of sale or lease to break such contract for the purpose of substituting in lieu of it a new contract with another principal;

(19) Having negotiated the sale, exchange, or lease of any real property directly with a seller, purchaser, lessor, or tenant knowing that such seller, purchaser, lessor, or tenant is represented by another broker under a written exclusive agency agreement, exclusive right to sell or lease listing agreement, or exclusive purchaser agency agreement with respect to such property except as provided for in section 4735.75 of the Revised Code;

(20) Having offered real property for sale or for lease without the knowledge and consent of the owner or the owner's authorized agent, or on any terms other than those authorized by the owner or the owner's authorized agent;

(21) Having published advertising, whether printed, radio, display, or of any other nature, which was misleading or inaccurate in any material particular, or in any way having misrepresented any properties, terms, values, policies, or services of the business conducted;

(22) Having knowingly withheld from or inserted in any statement of account or invoice any statement that made it inaccurate in any material particular;

(23) Having published or circulated unjustified or unwarranted threats of legal proceedings which tended to or had the effect of harassing competitors or intimidating their customers;

(24) Having failed to keep complete and accurate records of all transactions for a period of three years from the date of the transaction, such records to include copies of listing forms, earnest money receipts, offers to purchase and acceptances of them, records of receipts and disbursements of all

funds received by the licensee as broker and incident to the licensee's transactions as such, and records required pursuant to divisions (C)(4) and (5) of section 4735.20 of the Revised Code, and any other instruments or papers related to the performance of any of the acts set forth in the definition of a real estate broker;

(25) Failure of a real estate broker or salesperson to furnish all parties involved in a real estate transaction true copies of all listings and other agreements to which they are a party, at the time each party signs them;

(26) Failure to maintain at all times a special or trust bank account in a depository located in this state. The account shall be noninterest-bearing, separate and distinct from any personal or other account of the broker, and, except as provided in division (A)(27) of this section, shall be used for the deposit and maintenance of all escrow funds, security deposits, and other moneys received by the broker in a fiduciary capacity. The name, account number, if any, and location of the depository wherein such special or trust account is maintained shall be submitted in writing to the superintendent. Checks drawn on such special or trust bank accounts are deemed to meet the conditions imposed by section 1349.21 of the Revised Code. Funds deposited in the trust or special account in connection with a purchase agreement shall be maintained in accordance with section 4735.24 of the Revised Code.

(27) Failure to maintain at all times a special or trust bank account in a depository in this state, to be used exclusively for the deposit and maintenance of all rents, security deposits, escrow funds, and other moneys received by the broker in a fiduciary capacity in the course of managing real property. This account shall be separate and distinct from any other account maintained by the broker. The name, account number, and location of the depository shall be submitted in writing to the superintendent. This account may earn interest, which shall be paid to the property owners on a pro rata basis.

Division (A)(27) of this section does not apply to brokers who are not engaged in the management of real property on behalf of real property owners.

(28) Having failed to put definite expiration dates in all written agency agreements to which the broker is a party;

(29) Having an unsatisfied final judgment in any court of record against the licensee arising out of the licensee's conduct as a licensed broker or salesperson;

(30) Failing to render promptly upon demand a full and complete statement of the expenditures by the broker or salesperson of funds advanced by or on behalf of a party to a real estate transaction to the broker or salesperson for the purpose of performing duties as a licensee under this chapter in conjunction with the real estate transaction;

(31) Failure within a reasonable time, after the receipt of the commission by the broker, to render an accounting to and pay a real estate salesperson the

salesperson's earned share of it;

(32) Performing any service for another constituting the practice of law, as determined by any court of law;

(33) Having been adjudicated incompetent for the purpose of holding the license by a court, as provided in section 5122.301 of the Revised Code. A license revoked or suspended under this division shall be reactivated upon proof to the commission of the removal of the disability.

(34) Having authorized or permitted a person to act as an agent in the capacity of a real estate broker, or a real estate salesperson, who was not then licensed as a real estate broker or real estate salesperson under this chapter or who was not then operating as an out-of-state commercial real estate broker or salesperson under section 4735.022 of the Revised Code;

(35) Having knowingly inserted or participated in inserting any materially inaccurate term in a document, including naming a false consideration;

(36) Having failed to inform the licensee's client of the existence of an offer or counteroffer or having failed to present an offer or counteroffer in a timely manner, unless otherwise instructed by the client, provided the instruction of the client does not conflict with any state or federal law.

(B) Whenever the commission, pursuant to section 4735.051 of the Revised Code, imposes disciplinary sanctions for any violation of this section, the commission also may impose such sanctions upon the broker with whom the salesperson is affiliated if the commission finds that the broker had knowledge of the salesperson's actions that violated this section.

(C) The commission shall, pursuant to section 4735.051 of the Revised Code, impose disciplinary sanctions upon any foreign real estate dealer or salesperson who, in that capacity or in handling the dealer's or salesperson's own property, is found guilty of any of the acts or omissions specified or comprehended in division (A) of this section insofar as the acts or omissions pertain to foreign real estate. If the commission imposes such sanctions upon a foreign real estate salesperson for a violation of this section, the commission also may suspend or revoke the license of the foreign real estate dealer with whom the salesperson is affiliated if the commission finds that the dealer had knowledge of the salesperson's actions that violated this section.

(D) The commission may suspend, in whole or in part, the imposition of the penalty of suspension of a license under this section.

(E) The commission immediately shall notify the real estate appraiser board of any disciplinary action taken under this section against a licensee who also is a state-certified real estate appraiser under Chapter 4763. of the Revised Code.

Sec. 4735.24. (A) Except as otherwise provided in this section, when

earnest money connected to a real estate purchase agreement is deposited in a real estate broker's trust or special account, the broker shall maintain that money in the account in accordance with the terms of the purchase agreement until one of the following occurs:

(1) The transaction closes and the broker disburses the earnest money to the closing or escrow agent or otherwise disburses the money pursuant to the terms of the purchase agreement.

(2) The parties provide the broker with written instructions that both parties have signed that specify how the broker is to disburse the earnest money and the broker acts pursuant to those instructions.

(3) The broker receives a copy of a final court order that specifies to whom the earnest money is to be awarded and the broker acts pursuant to the court order.

(4) The earnest money becomes unclaimed funds as defined in division (M)(2) of section 169.02 of the Revised Code and, after providing the notice that division (D) of section 169.03 of the Revised Code requires, the broker has reported the unclaimed funds to the director of commerce pursuant to section 169.03 of the Revised Code and has remitted all of the earnest money to the director.

(B) A purchase agreement may provide that in the event of a dispute regarding the disbursement of the earnest money, the broker will return the money to the purchaser without notice to the parties unless, within two years from the date the earnest money was deposited in the broker's trust or special account, the broker has received one of the following:

(1) Written instructions signed by both parties specifying how the money is to be disbursed;

(2) Written notice that a court action to resolve the dispute has been filed.

(C)(1) If the parties dispute the disbursement of the earnest money and the purchase agreement contains the provision described in division (B) of this section, not later than the first day of September following the two year anniversary date of the deposit of the earnest money in the broker's account, the broker shall return the earnest money to the purchaser unless the parties provided the broker with written instructions or a notice of a court action as described in division (B) of this section.

(2) If the broker cannot locate the purchaser at the time the disbursement is due, after providing the notice that division (D) of section 169.03 of the Revised Code requires, the broker shall report the earnest money as unclaimed funds to the director of commerce pursuant to section 169.03 of the Revised Code and remit all of the earnest money to the director."

In line 6467, after "124.11" insert ", 135.804"

In line 6468, after "321.44" insert ", 322.07, 323.151, 323.152, 323.153,

323.154, 323.155, 323.156, 323.159"

In line 6471, after "2967.28" insert ", 3317.16, 4503.065, 4503.066, 4503.067, 4503.068"; after "4507.51" insert ", 4735.18"

In line 6478, after "**4.**" insert "That the amendment by this act to section 3317.16 of the Revised Code shall first apply to the fiscal year ending June 30, 2009, and that the total amount of payments under that section during that fiscal year to any joint vocational school district affected by the amendment shall be calculated as though the amendment had been in effect prior to July 1, 2008.

Section 5."

Between lines 6483 and 6484, insert:

"**Section 6.** Section 323.156 of the Revised Code is presented in this act as a composite of the section as amended by both Am. H.B. 595 and Am. Sub. H.B. 672 of the 123rd General Assembly. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the composite is the resulting version of the section in effect prior to the effective date of the section as presented in this act."

In line 6484, delete "**5.**" and insert "**7.**"

In line 1 of the title, after "124.11" insert ", 135.804"; after "321.44" insert ", 322.07, 323.151, 323.152, 323.153, 323.154, 323.155, 323.156, 323.159"

In line 7 of the title, after "2967.28" insert ", 3317.16, 4503.065, 4503.066, 4503.067, 4503.068"; after "4507.51" insert ", 4735.18"

In line 11 of the title, after "2967.29" insert ", 4735.24"

In line 54 of the title, delete "and"

In line 57 of the title, after "date" insert ", to modify the homestead exemption, to modify how state funding for joint vocational school districts is computed when a new school district is added to the joint district, and to establish requirements for the disbursement of earnest money deposited in a real estate broker's trust or special account"

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

Senator Faber moved that he be excused from voting under Senate Rule No. 57.

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

The motion was agreed to.

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

The yeas and nays were taken and resulted - yeas 31, nays 0, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Austria	Boccieri	Buehrer
Cafaro	Carey	Cates	Coughlin
Fedor	Goodman	Grendell	Kearney
Lehner	Miller D	Miller R	Morano
Niehaus	Padgett	Patton	Roberts
Sawyer	Schaffer	Schuler	Schuring
Seitz	Smith	Stivers	Turner
Wagoner	Wilson		Harris-31.

The motion to amend was agreed to.

The question being, "Shall the bill, **Sub. H. B. No. 130**, pass as amended?"

The yeas and nays were taken and resulted - yeas 28, nays 3, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Boccieri	Buehrer	Cafaro
Carey	Cates	Coughlin	Fedor
Goodman	Grendell	Kearney	Lehner
Miller D	Miller R	Morano	Niehaus
Padgett	Patton	Roberts	Sawyer
Schuler	Schuring	Seitz	Smith
Turner	Wagoner	Wilson	Harris-28.

Senators Austria, Schaffer, and Stivers voted in the negative-3.

So the bill passed.

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

Senator Seitz moved to amend the title as follows:

Add the names: "Harris, Lehner, Kearney, Miller, D., Miller, R., Morano, Niehaus, Padgett, Patton, Roberts, Sawyer, Schuler, Smith, Wilson, Boccieri, Cafaro."

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

The motion was agreed to and the title so amended.

On the motion of Senator Niehaus, the Senate recessed until 10:56 p.m.

The Senate met pursuant to the recess.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the House of Representatives has concurred in the passage of the following bill:

Am. Sub. S. B. No. 129 -Senator Schuler

Cosponsors: Senators Gardner, Spada, Goodman, Seitz, Buehrer, Schuring, Fedor, Austria, Cates, Grendell, Harris, Kearney, Mason, Niehaus, Padgett, Sawyer, Schaffer, Smith, Stivers, Wilson, Wagoner Representatives Aslanides, Schlichter, Carmichael, Chandler, DeBose, Domenick, Driehaus, Fende, Flowers, Garrison, Hite, Letson, Newcomb, Peterson, Reinhard, Schindel, Uecker, Yuko, Zehringer

To amend sections 305.12, 308.04, 503.01, 715.72, 715.74, 715.75, 715.76, 715.761, 715.77, 715.78, 715.81, 4501.21, 4517.21, 4765.43, 4931.61, 4931.62, 4931.63, 4931.64, 4931.65, 4931.66, and 4931.70; to contingently amend sections 4503.494, 4503.496, 4503.531, and 4503.92; and to enact sections 4503.712, 4513.66, 4765.431, and 4931.651 of the Revised Code to permit local law enforcement agencies and fire departments to remove motor vehicles from the roadway after a motor vehicle accident and to provide immunity to local law enforcement agencies and fire personnel for the removal of damaged or inoperable vehicles from roadways; to temporarily authorize counties to enter into new or amended joint economic development district contracts with townships and municipal corporations; to permit a board of trustees of a regional airport authority to enter into a contract in which a board member has a direct or indirect interest if certain conditions are met; to create "Ohio C.O.P.S." license plates; to provide that an insurer or subrogee may sell through a licensed motor vehicle auction owner a motor vehicle that comes into its possession through the operation of an insurance contract; to modify the staffing requirements for ambulances during emergency runs and while transporting patients; to remove motorcycles from the kinds of motor vehicles that can be issued certain special license plates; to extend until 2012 the wireless 9-1-1 charge, raise the minimum annual fund disbursement amount for each county from \$25,000 to \$90,000, and alter local uses of that revenue; and to declare an emergency.

As a substitute bill with the following additional amendments, in which the concurrence of the Senate is requested.

In line 1044, after " if" insert " , on any given date, for the six-month period immediately prior to that date, the organization's daily average number of hours during which"

In line 1045, delete " uses" and insert " used"

In line 1047, delete " for" and insert " was"; delete " time during any" and insert " daily average number of hours that the organization made"

In line 1048, delete " seven-day period in which the organization makes"

Attest:

Laura P. Clemens,
Clerk.

Said amendments were laid over under the rule.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the House of Representatives has concurred in the passage of the following bill:

Am. Sub. S. B. No. 147 -Senator Faber

Cosponsors: Senators Schuring, Grendell, Wagoner, Morano, Seitz, Mumper, Buehrer, Coughlin, Harris, Miller, D., Padgett, Schaffer, Spada, Stivers, Cafaro, Amstutz, Sawyer, Jacobson, Fedor, Smith, Mason, Cates, Wilson
Representatives Hagan, R., DeBose, Strahorn, Letson, Williams, B., Boyd, Slesnick, Batchelder, Bolon, Chandler, Combs, Domenick, Dyer, Fende, Flowers, Gardner, Gibbs, Grady, Huffman, Hughes, Luckie, McGregor, J., Mecklenborg, Newcomb, Oelslager, Sayre, Yates, Yuko, Zehringer

To amend sections 103.73, 103.74, and 5120.55 of the Revised Code to permit the Department of Rehabilitation and Correction to recruit certain licensed health professionals through a loan repayment program and to modify the procedures used by the Correctional Institution Inspection Committee to inspect correctional institutions.

As a substitute bill with the following additional amendments, in which the concurrence of the Senate is requested.

In line 5, delete "section" and insert "sections 103.73, 103.74, and"

Between lines 6 and 7, insert:

"Sec. 103.73. (A) The correctional institution inspection committee shall do all of the following:

(1) Subject to division (C) of this section, establish and maintain a continuing program of inspection of each state correctional institution used for the custody, control, training, and rehabilitation of persons convicted of crime and of each private correctional facility. Subject to division (C) of this section, the committee may inspect any local correctional institution used for the same purposes. Subject to division (C) of this section, the committee, and each member of the committee, for the purpose of making an inspection pursuant to this section, shall have access to any state or local correctional institution, to any private correctional facility, or to any part of the institution or facility and shall not be required to give advance notice of, or to make prior arrangements before conducting, an inspection.

(2) Evaluate and assist in the development of programs to improve the condition or operation of correctional institutions;

(3) Prepare a report for submission to the succeeding general assembly of the findings the committee makes in its inspections and of any programs that have been proposed or developed to improve the condition or operation of the correctional institutions in the state. The report shall contain a separate evaluation of the inmate grievance procedure at each state correctional institution. The committee shall submit the report to the succeeding general assembly within fifteen days after commencement of that general assembly's first regular session.

(B) Subject to division (C) of this section, the committee shall make an inspection of each state correctional institution each biennium and of each private correctional facility each biennium. The inspection shall include attendance at one general meal period and one rehabilitative or educational program.

(C) An inspection of a state correctional institution, a private correctional facility, or a local correctional institution under division (A) or (B) of this section or under section 103.74 of the Revised Code, or an inspection under section 103.76 of the Revised Code, is subject to and shall be conducted in accordance with all of the following:

(1) The inspection shall not be conducted unless the chairperson of the committee grants prior approval for the inspection. ~~The grant of prior approval shall specify whether the inspection is to be conducted by a subcommittee appointed under section 103.74 of the Revised Code or is to be conducted other than by a subcommittee appointed under that section.~~

(2) The inspection shall ~~not~~ be conducted ~~unless one of the following applies:~~

(a) ~~If the inspection is to be conducted by a subcommittee appointed under section 103.74 of the Revised Code, at least two members appointed to the committee are present for the inspection;~~

~~(b) If division (C)(2)(a) of this section does not apply, at least one member appointed to the committee and at least one staff member of the committee are present for the inspection by at least one staff member of the committee and may include one or more of the members appointed to the committee.~~

(3) Unless the chairperson of the committee determines that the inspection must be conducted outside of normal business hours for any reason, including emergency circumstances or a justifiable cause that perpetuates the mission of the committee, and the chairperson specifies in the grant of prior approval for the inspection that the chairperson has so determined, the inspection shall be conducted only during normal business hours. If the chairperson determines that the inspection must be conducted outside of normal business hours and the chairperson specifies in the grant of prior approval for the inspection that the chairperson has so determined, the inspection may be conducted outside of normal business hours.

~~(4) If the inspection is to be conducted by a subcommittee appointed under section 103.74 of the Revised Code, no staff member of the committee may be present on the inspection unless the chairperson of the committee, in the grant of prior approval for the inspection, specifically authorizes staff members to be present on the inspection. If the inspection is to be conducted other than by a subcommittee appointed under that section, staff members may be present on the inspection regardless of whether the grant of prior approval contains a specific authorization for staff members to be present on the inspection.~~

(D) As used in this section:

(1) "Local public entity," "out-of-state prisoner," and "private contractor" have the same meanings as in section 9.07 of the Revised Code.

(2) "Private correctional facility" means a correctional facility in this state that houses out-of-state prisoners and that is operated by a private contractor under a contract with a local public entity pursuant to section 9.07 of the Revised Code.

~~Sec. 103.74. Subject to division (C) of section 103.73 of the Revised Code, the chairperson of the~~ The correctional institution inspection committee may appoint subcommittees, each to consist of at least two members, for the purpose of conducting inspections pursuant to section 103.73 or 103.76 of the Revised Code.

~~The committee~~ may employ a director and any other nonlegal staff, who shall be in the unclassified service of the state, that are necessary for the committee to carry out its duties and may contract for the services of whatever nonlegal technical advisors are necessary for the committee to carry out its duties. The attorney general shall act as legal counsel to the committee.

The chairperson and vice-chairperson of the legislative service commission shall fix the compensation of the director. The director, with the approval of the director of the legislative service commission, shall fix the compensation of other staff of the committee in accordance with a salary schedule established by the director of the legislative service commission. Contracts for the services of necessary technical advisors shall be approved by the director of the legislative service commission.

The general assembly shall biennially appropriate to the correctional institution inspection committee an amount sufficient to enable the committee to perform its duties. Salaries and expenses incurred by the committee shall be paid from that appropriation upon vouchers approved by the chairperson of the committee."

In line 127, delete "section" and insert "sections 103.73, 103.74, and"

In line 128, delete "is" and insert "are"

In line 1 of the title, delete "section" and insert "sections 103.73, 103.74, and"

In line 4 of the title, after "program" insert "and to modify the procedures used by the Correctional Institution Inspection Committee to inspect correctional institutions"

Attest: Laura P. Clemens,
Clerk.

Said amendments were laid over under the rule.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the House of Representatives has concurred in the passage of the following bill:

Sub. S. B. No. 196 -Senator Schaffer

Cosponsors: Senators Carey, Cates, Schuler, Austria, Fedor, Harris, Jacobson, Kearney, Mason, Mumper, Niehaus, Padgett, Roberts, Sawyer, Smith, Spada, Wagoner Representatives Bacon, Beatty, Collier, Daniels, Domenick, Fessler, Flowers, Gerberry, Grady, Hughes, Letson, Newcomb, Schindel, Schlichter, Setzer, Skindell, Yuko

To amend sections 1151.345, 1161.59, 1733.51, 2108.81, 2117.251, 3103.03, 3901.04, 3901.21, 3905.451, 3923.80, 4717.01, 4717.03, 4717.13, 4717.14, 4717.99, and 5747.02, to enact sections 4717.31 to 4717.38, and to repeal sections 1111.19 and 1111.99 of the Revised Code to revise the Preneed Funeral Contract Law and to exempt the requirement that health insurers cover routine patient care administered during a cancer clinical trial from the requirements regarding mandated health benefit review.

As a substitute bill, in which the concurrence of the Senate is requested.

Attest: Laura P. Clemens,
Clerk.

Said amendments were laid over under the rule.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the House of Representatives has concurred in the passage of the following bill:

Am. Sub. S. B. No. 248 -Senator Austria

Cosponsors: Senators Boccieri, Buehrer, Carey, Cates, Coughlin, Faber, Gardner, Harris, Jacobson, Mason, Mumper, Padgett, Schaffer, Schuring, Spada, Smith, Grendell, Fedor, Roberts, Amstutz, Kearney, Sawyer, Schuler, Stivers, Wagoner, Wilson Representatives Batchelder, Boyd, Celeste, Chandler, Ciafardini, Coley, DeBose, Domenick, Dyer, Flowers, Gardner, Gibbs, Goyal, Grady, Hagan, J., Hite, Hughes, Letson, Mandel, McGregor, R., Nero, Schindel, Schlichter, Uecker, Wachtmann, Widener, Williams, S., Yuko, Zehringer

To amend sections 149.43, 317.24, 317.27, 2313.16, 2741.02, 2921.22, 3345.01, and 5903.02 and to enact sections 2741.99, 3333.42, and 5913.11 of the Revised Code to exempt certain armed forces discharges from inspection or copying as a public record, to prohibit failing to report the unauthorized use of certain electronic property to law enforcement authorities, to excuse certain military persons from jury duty, to establish a criminal penalty for unlawfully using a deceased military person's persona, to establish tuition benefits for certain military persons, to create the Ohio Military Medal of Distinction, to clarify available remedies for actions under the Uniformed Services Employment and Reemployment Rights Act of 1994, and to require a report regarding the feasibility of a National Guard Youth Challenge Program.

As a substitute bill with the following additional amendments, in which the concurrence of the Senate is requested.

In line 1083, delete the underlined colon

In line 1084, delete "(1) At" and insert " at"

In line 1085, delete "(a)" and insert "(1)"

In line 1087, delete "(b)" and insert "(2)"

In line 1089, delete "(c)" and insert "(3)"

Delete lines 1092 through 1095

In line 1108, delete "January"

In line 1109, delete "31, 2009" and insert "the effective date of this act"

Attest:

Laura P. Clemens,
Clerk.

Said amendments were laid over under the rule.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the House of Representatives has concurred

in the passage of the following bill:

Sub. S. B. No. 306 -Senator Schuler

Cosponsors: Senators Mumper, Seitz, Wagoner, Schaffer, Spada, Cates, Amstutz, Austria, Buehrer, Grendell, Harris, Niehaus, Padgett, Schuring, Stivers, Jacobson Representatives Gibbs, Schindel, Mecklenborg, Hagan, J., Slesnick, Blessing, Chandler, Combs, Domenick, Dyer, Foley, Luckie, Oelslager, Otterman, J., Schneider, Webster

To amend sections 135.804, 307.695, 322.07, 323.151, 323.152, 323.153, 323.154, 323.155, 323.156, 323.159, 3317.16, 4503.065, 4503.066, 4503.067, 4503.068, 4735.18, and 5739.09 and to enact section 4735.24 of the Revised Code to change the definition of "housing cooperative" for the purposes of the county homestead tax exemptions and property tax payment link deposit programs for low-to-moderate income senior citizens and permanently disabled citizens, to expand the definition of a homestead owner to include settlors of irrevocable inter vivos trusts, to eliminate the necessity of issuing certificates of reduction for homestead exemptions, to modify how state funding for joint vocational school districts is computed when a new school district is added to the joint district, to establish requirements for the disbursement of earnest money deposited in a real estate broker's trust or special account, and to allow certain counties to increase the lodging tax by up to four per cent to fund a new arena or convention center project.

As a substitute bill, in which the concurrence of the Senate is requested.

Attest: Laura P. Clemens,
Clerk.

Said amendments were laid over under the rule.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the House of Representatives has concurred in the passage of the following bill:

Sub. S. B. No. 386 -Senator Grendell

Cosponsors: Senators Wilson, Carey, Cafaro, Padgett, Schaffer, Seitz, Niehaus, Austria, Harris, Patton, Schuler Representatives Aslanides, Batchelder, Bolon, Coley, Combs, Domenick, Dyer, Flowers, Gardner, Gibbs, Grady, Hite, Hughes, Mandel, McGregor, J., Mecklenborg, Nero, Sayre, Schlichter, Wachtmann

To amend section 1513.07 and to enact section 1513.076 of the Revised Code to provide for the timely issuance of coal mining and reclamation

permits.

As a substitute bill, in which the concurrence of the Senate is requested.

Attest: Laura P. Clemens,
Clerk.

Said amendments were laid over under the rule.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the House of Representatives has concurred in the passage of the following bill:

Sub. S. B. No. 353 -Senator Spada

Cosponsors: Senators Harris, Mason, Miller, D., Roberts, Smith, Seitz, Cates, Fedor, Wagoner, Bocchieri, Cafaro, Grendell, Lehner, Morano, Sawyer, Schuler, Turner, Wilson, Miller, R., Patton Representatives Hagan, J., Gibbs, Goyal, Foley, Batchelder, Bolon, Boyd, Brady, Brown, Budish, Celeste, Chandler, Coley, DeBose, DeGeeter, Dolan, Driehaus, Dyer, Grady, Hagan, R., Heard, Koziura, Luckie, Lundy, Mandel, Nero, Newcomb, Otterman, J., Setzer, Skindell, Slesnick, Williams, B., Williams, S., Yates, Yuko

To amend sections 135.341, 135.35, 135.351, 307.01, 307.07, 307.09, 307.10, 307.12, 307.64, 307.671, 307.698, 307.78, 307.806, 307.846, 319.20, 319.201, 319.30, 319.43, 319.45, 319.54, 321.24, 321.261, 321.34, 323.121, 323.132, 323.15, 323.25, 323.26, 323.28, 323.31, 323.47, 323.49, 323.50, 323.65, 323.66, 323.67, 323.68, 323.69, 323.70, 323.71, 323.72, 323.73, 323.74, 323.75, 323.76, 323.77, 323.78, 715.26, 715.261, 1724.01, 1724.02, 1724.04, 1724.05, 1724.07, 1724.10, 1724.11, 5705.05, 5705.19, 5709.12, 5721.01, 5721.011, 5721.03, 5721.06, 5721.10, 5721.11, 5721.18, 5721.19, 5721.191, 5721.20, 5721.25, 5721.30, 5721.31, 5721.32, 5721.33, 5721.36, 5721.37, 5721.38, 5721.39, 5721.40, 5721.43, 5722.01, 5722.02, 5722.03, 5722.04, 5722.06, 5722.07, 5722.08, 5722.09, 5722.10, 5722.13, 5722.14, 5722.15, 5722.21, 5723.01, 5723.03, 5723.04, 5723.08, 5723.11, 5723.12, and 5723.18, to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 321.341 (321.342) and 323.78 (323.79), to enact new sections 321.341 and 323.78 and sections 133.082, 307.781, 321.263, 321.36, 1724.03, 4582.07, 4582.08, 4582.09, 4582.32, 4582.33, 4582.34, and 5722.22 of the Revised Code to authorize the creation of land reutilization corporations to facilitate the reclamation, rehabilitation, and reutilization of vacant, abandoned, tax-foreclosed, or other real property, to revise the expedited, nonjudicial foreclosure procedure for abandoned lands,

to permit certain municipal corporations and other entities to cooperatively finance certain facilities with lodging tax-supported securities and other means regardless of when the municipal corporation had made a qualifying urban renewal designation, and to require port authorities to adopt plans of improvement.

As a substitute bill, in which the concurrence of the Senate is requested.

Attest: Laura P. Clemens,
Clerk.

Said amendments were laid over under the rule.

Message from the House of Representatives

Mr. President:

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

H. B. No. 655 -Representative Dolan
Cosponsors: Representatives Coley, Grady, Huffman, Nero

To enact sections 353.01, 353.02, 353.03, 353.04, and 353.05 of the Revised Code to allow a board of county commissioners in a county with a population of 1.2 million or more to submit to the electors the question of whether to adopt a restructured form of county government.

Attest: Laura P. Clemens,
Clerk.

Said bill was considered the first time.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the House of Representatives has concurred in the passage of the following bill:

S. B. No. 372 -Senator Niehaus
Cosponsors: Senators Schaffer, Harris, Lehner, Morano, Patton, Roberts, Sawyer, Seitz, Stivers, Turner, Wagoner Representatives Aslanides, Bacon, Collier, Domenick, Grady, Stebelton, Wachtmann

To amend sections 3745.71 and 3745.72 of the Revised Code to extend from January 1, 2009, to January 1, 2014, the time by which environmental audits must be completed in order to be within the scope of certain privileges and immunities that apply to such audits, and to declare an emergency.

Attest:

Laura P. Clemens,
Clerk.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the House of Representatives has concurred in the Senate amendments to:

Sub. H. B. No. 79 -Representative Batchelder - et al.

Am. Sub. H. B. No. 209 -Representative Core - et al.

Am. Sub. H. B. No. 215 -Representative Collier - et al.

Am. Sub. H. B. No. 266 -Representative Huffman - et al.

Am. Sub. H. B. No. 273 -Speaker Husted, Representative Beatty - et al.

Am. Sub. H. B. No. 280 -Representative Schneider - et al.

Am. Sub. H. B. No. 395 -Representative Hughes - et al.

Am. Sub. H. B. No. 420 -Representative Brinkman - et al.

Sub. H. B. No. 427 -Representatives Webster, Letson - et al.

Am. H. B. No. 522 -Representative Oelslager - et al.

Attest:

Laura P. Clemens,
Clerk.

MESSAGE FROM THE PRESIDENT

Pursuant to Senate Rule No. 19, the Senate President makes the following appointment change to the following Standing Committee effective through the close of business today:

Removes Senator Robert Schuler from the Standing Committee on Ways & Means & Economic Development

Appoints Senator Tom Niehaus to the Standing Committee on Ways & Means & Economic Development

On the motion of Senator Niehaus the Senate reverted to the Second Order of Business, Reports of Standing and Select Committees.

REPORTS OF STANDING AND SELECT COMMITTEES

Senator Carey submitted the following report:

The standing committee on Finance and Financial Institutions, to which was referred **H. B. No. 649**-Representative Hottinger, et al., having had the same under consideration, reports it back and recommends its passage.

Co-Sponsors: Carey, Wagoner.

YES - 11: JOY PADGETT, KEITH L. FABER, TOM NIEHAUS, JOHN A. CAREY, MARK D. WAGONER, GARY W. CATES, THOMAS SAWYER, ERIC H. KEARNEY, STEPHEN C. AUSTRIA, JASON H. WILSON, CAPRI S. CAFARO.

NO - 1: RON AMSTUTZ.

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

The report of the committee was accepted.

Senator Carey submitted the following report:

The standing committee on Finance and Financial Institutions, to which was referred **S. B. No. 391**-Senator Grendell, having had the same under consideration, reports it back and recommends its passage.

YES - 11: JOHN A. CAREY, STEVE STIVERS, MARK D.

WAGONER, GARY W. CATES, THOMAS SAWYER,
RON AMSTUTZ, JOY PADGETT, KEITH L. FABER,
STEPHEN C. AUSTRIA, TOM NIEHAUS, JASON H.
WILSON.

NO - 2: ERIC H. KEARNEY, CAPRI S. CAFARO.

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

The report of the committee was accepted.

HOUSE AMENDMENTS TO SENATE BILLS AND RESOLUTIONS

The amendments of the House of Representatives to:

Sub. S. B. No. 203-Senator Grendell.

Cosponsors: Senators Padgett, Cates, Faber, Fedor, Goodman, Harris, Mason, Miller, D., Miller, R., Morano, Mumper, Niehaus, Sawyer, Schaffer, Stivers, Wagoner, Wilson, Boccieri, Spada, Austria. Representatives Hagan, R., Bacon, Batchelder, Beatty, Blessing, Bolon, Book, Boyd, Brown, Bulp, Budish, Celeste, Chandler, Ciafardini, Collier, Combs, Core, Daniels, DeBose, DeGeeter, Dolan, Domenick, Dyer, Evans, Fende, Flowers, Foley, Garrison, Gerberry, Goodwin, Goyal, Grady, Hagan, J., Harwood, Heard, Heydinger, Hite, Hottinger, Huffman, Hughes, Jones, Koziura, Letson, Luckie, Mandel, McGregor, J., Nero, Newcomb, Oelslager, Okey, Peterson, Reinhard, Sayre, Schlichter, Schneider, Sears, Skindell, Slesnick, Stebelton, Stewart, D., Stewart, J., Strahorn, Szollosi, Uecker, Ujvagi, Wachtmann, White, Williams, B., Yuko, Zehringer.

To amend sections 3719.21, 4729.99, 4776.02, and 4776.04 and to enact section 4729.42 of the Revised Code to prohibit unauthorized pharmacy-related drug conduct relative to persons employed as pharmacy technicians, were taken up.

The question being, "Shall the Senate concur in the House amendments to **Sub. S. B. No. 203**?"

The yeas and nays were taken and resulted - yeas 31, nays 0, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Austria	Boccieri	Buehrer
Cafaro	Carey	Cates	Coughlin
Faber	Fedor	Goodman	Grendell
Kearney	Lehner	Miller D	Miller R
Morano	Niehaus	Padgett	Patton
Roberts	Sawyer	Schaffer	Schuring
Seitz	Smith	Stivers	Turner
Wagoner	Wilson		Harris-31.

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

The amendments of the House of Representatives to:

Sub. S. B. No. 243-Senator Schaffer.

Cosponsors: Senators Gardner, Jacobson, Boccieri, Carey, Harris, Seitz, Smith, Goodman, Faber, Cates, Grendell, Niehaus, Buehrer, Fedor, Mumper, Spada, Wagoner, Wilson. Representatives Bacon, Batchelder, Book, Brady, Bulp, Chandler, Combs, DeBose, DeGeeter, Domenick, Evans, Fende, Flowers, Gerberry, Gibbs, Goyal, Grady, Harwood, Hite, Hughes, Letson, Luckie, Mallory, McGregor, J., Miller, Nero, Peterson, Schindel, Schlichter, Slesnick, Stebelton, Stewart, J., Uecker, Wachtmann, Yates, Yuko, Zehringer.

To amend section 4503.53 and to enact sections 5.081, 5.082, 5.2241, 5.2242, 5.2243, 5.2244, 5.2245, 5.2246, 5.2247, 5.2248, 5.2249, 5.2250, 5.2251, 5.2252, 5.2253, 5.2254, 5.2255, 5.2256, 5.2257, 5.2258, 5.2259, 5.2260, 5.2261, 5.2262, 5.2263, 5.2264, 4503.481, 4503.494, 4503.496, 4503.513, 4503.531, 4503.762, 4503.92, 5533.051, 5533.092, 5533.101, 5533.251, 5533.351, 5533.352, 5533.354, 5533.601, 5533.604, 5533.605, 5533.681, 5533.682, 5533.683, 5533.684, and 5533.92 of the Revised Code to designate various official days, weeks, and months, to designate the tomato as the official state fruit, to designate the pawpaw as the official state native fruit, to create certain special license plates, and to designate certain memorial highways and bridges, were taken up.

The question being, "Shall the Senate concur in the House amendments to **Sub. S. B. No. 243**?"

The yeas and nays were taken and resulted - yeas 31, nays 0, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Austria	Boccieri	Buehrer
Cafaro	Carey	Cates	Coughlin
Faber	Fedor	Goodman	Grendell
Kearney	Lehner	Miller D	Miller R
Morano	Niehaus	Padgett	Patton
Roberts	Sawyer	Schaffer	Schuring
Seitz	Smith	Stivers	Turner
Wagoner	Wilson		Harris-31.

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

The amendments of the House of Representatives to:

Sub. S. B. No. 277-Senator Stivers.

Cosponsors: Senators Seitz, Miller, D., Kearney, Goodman, Schuring, Fedor, Harris, Mason, Miller, R., Mumper, Roberts, Sawyer, Cates. Representatives Hughes, Bacon, Boyd, Celeste, DeBose, Domenick, Flowers, Foley, Goyal, Grady, Harwood, Heard, Letson, Luckie, McGregor, J., Nero, Oelslager, Sayre, Skindell, Stewart, D., Ujvagi, Yuko.

To enact sections 1901.185 and 3767.50 of the Revised Code to create a new cause of action in foreclosure in the environmental division of a municipal court to abate blighted parcels, were taken up.

The question being, "Shall the Senate concur in the House amendments to **Sub. S. B. No. 277**?"

The yeas and nays were taken and resulted - yeas 30, nays 1, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Austria	Bocchieri	Buehrer
Cafaro	Carey	Cates	Coughlin
Faber	Fedor	Goodman	Kearney
Lehner	Miller D	Miller R	Morano
Niehaus	Padgett	Patton	Roberts
Sawyer	Schaffer	Schuring	Seitz
Smith	Stivers	Turner	Wagoner
Wilson			Harris-30.

Senator Grendell voted in the negative-1.

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

The amendments of the House of Representatives to:

Am. Sub. S. B. No. 279-Senator Schuring.

Cosponsors: Senators Harris, Niehaus, Padgett, Stivers, Wilson. Representatives Bacon, Batchelder, Boyd, Chandler, DeBose, Domenick, Dyer, Fende, Flowers, Gibbs, Grady, Hughes, Luckie, Nero, Schindel, Sears, Stebelton, Strahorn, Wachtmann, Williams, B., Yuko.

To amend sections 3727.01, 3727.02, 3727.321, 3727.41, 4503.44, 4715.62, 4730.03, 4730.09, 4731.15, 4731.155, 4731.19, 4731.281, 4731.293, and 4760.131 and to enact section 3727.322 of the Revised Code regarding certain State Medical Board procedures, physician assistants, limited branches of medicine, the submission of information by hospitals in meeting certain performance measures, to include the American Safety and Health Institute as a provider of basic life-support training for expanded function dental auxiliaries, and to declare an emergency, were taken up.

The question being, "Shall the section, Section 4, setting forth the

emergency features of the bill, stand as a part of the bill?"

The yeas and nays were taken and resulted - yeas 31, nays 0, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Austria	Boccieri	Buehrer
Cafaro	Carey	Cates	Coughlin
Faber	Fedor	Goodman	Grendell
Kearney	Lehner	Miller D	Miller R
Morano	Niehaus	Padgett	Patton
Roberts	Sawyer	Schaffer	Schuring
Seitz	Smith	Stivers	Turner
Wagoner	Wilson		Harris-31.

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

The question being, "Shall the Senate concur in the House amendments to **Am. Sub. S. B. No. 279**?"

The yeas and nays were taken and resulted - yeas 31, nays 0, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Austria	Boccieri	Buehrer
Cafaro	Carey	Cates	Coughlin
Faber	Fedor	Goodman	Grendell
Kearney	Lehner	Miller D	Miller R
Morano	Niehaus	Padgett	Patton
Roberts	Sawyer	Schaffer	Schuring
Seitz	Smith	Stivers	Turner
Wagoner	Wilson		Harris-31.

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

The amendments of the House of Representatives to:

Sub. S. B. No. 320-Senator Seitz.

Cosponsors: Senators Spada, Schuring, Padgett, Coughlin, Schaffer, Grendell, Fedor, Amstutz, Austria, Boccieri, Buehrer, Cates, Faber, Harris, Kearney, Mason, Miller, R., Morano, Mumper, Niehaus, Sawyer, Schuler, Stivers, Wagoner, Wilson, Smith, Jacobson. Representatives Yuko, Mallory, Bacon, Blessing, Bolon, Chandler, Collier, Combs, DeBose, Domenick, Dyer, Evans, Flowers, Gibbs, Goyal, Grady, Hagan, J., Hite, Hughes, Luckie, Mandel, Mecklenborg, Nero, Newcomb, Oelslager, Otterman, J., Sayre, Schindel, Schneider, Setzer, Zehringer.

To amend sections 2913.01, 2913.02, 2913.72, and 2923.31 and to enact section 1333.851 of the Revised Code to include organized retail theft and substantially similar conduct occurring in another state within the definition of corrupt activity as used in the Ohio Corrupt Activities Law, to require compensation of an alcoholic beverage distributor before reassigning the distributor's product or brand territory, to make changes to the law governing certain franchise agreements between a successor manufacturer and distributor, and to permit a court to order an offender who steals rental property to pay for the cost of repairing or replacing the stolen property and any loss of revenue resulting from deprivation of the property due to theft, were taken up.

The question being, "Shall the Senate concur in the House amendments to **Sub. S. B. No. 320**?"

The yeas and nays were taken and resulted - yeas 31, nays 0, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Austria	Boccieri	Buehrer
Cafaro	Carey	Cates	Coughlin
Faber	Fedor	Goodman	Grendell
Kearney	Lehner	Miller D	Miller R
Morano	Niehaus	Padgett	Patton
Roberts	Sawyer	Schaffer	Schuring
Seitz	Smith	Stivers	Turner
Wagoner	Wilson		Harris-31.

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

The amendments of the House of Representatives to:

Sub. S. B. No. 380-Senator Seitz.

Cosponsors: Senators Cates, Carey, Wagoner, Amstutz, Coughlin, Harris, Schaffer, Faber, Buehrer. Representatives Daniels, Aslanides, Bacon, Batchelder, Blessing, Bubp, Carmichael, Ciafardini, Flowers, Gibbs, Grady, Hagan, J., Mecklenborg, Nero, Schindel, Schneider, Sears, Setzer, Stebelton, Uecker, Wachtmann, Wagner.

To amend sections 3501.07, 3501.90, 3503.15, 3505.21, 3509.01, 3509.04, 3509.05, 3509.06, 3509.07, 3511.05, and 3511.11 of the Revised Code to require absent voter's ballot identification envelope statements to be completed for absent voter's ballots to be counted, to require boards of elections to notify absent voters that their ballots will be rejected if they do not complete the required statement, to generally prohibit same day voter registration and application for absent voter's ballots, to permit election

observers to be appointed to serve at the board of elections or at another designated site during the time absent voter's ballots may be cast in person, to revise the time period in which voters may cast absent voter's ballots in person, to require the Secretary of State to notify boards of elections of mismatches between voter registration information and motor vehicle records, and to revise the process for appointing members of a board of elections, were taken up.

The question being, "Shall the Senate concur in the House amendments to **Sub. S. B. No. 380?**"

The yeas and nays were taken and resulted - yeas 19, nays 12, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Austria	Buehrer	Carey
Cates	Coughlin	Faber	Goodman
Grendell	Lehner	Niehaus	Padgett
Patton	Schaffer	Schuring	Seitz
Stivers	Wagoner		Harris-19.

Those who voted in the negative were: Senators

Boccieri	Cafaro	Fedor	Kearney
Miller D	Miller R	Morano	Roberts
Sawyer	Smith	Turner	Wilson-12.

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

On the motion of Senator Niehaus, the Senate recessed until 12:50 a.m.

The Senate met pursuant to the recess.

Senator Niehaus moved that the vote, whereby **Am. Sub. H. B. No. 450** was passed, be now reconsidered.

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

The yeas and nays were taken and resulted - yeas 27, nays 3, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Austria	Boccieri	Buehrer
Cafaro	Carey	Cates	Faber
Fedor	Goodman	Grendell	Kearney
Lehner	Miller D	Morano	Niehaus
Padgett	Patton	Roberts	Sawyer
Schaffer	Schuring	Seitz	Stivers
Wagoner	Wilson		Harris-27.

Senators Miller R, Smith, and Turner voted in the negative-3.

The motion was agreed to.

The question being, "Shall the bill, **Am. Sub. H. B. No. 450**, pass?"

Senator Grendell moved to amend as follows:

In line 24, delete "109.731, 311.42,"

In line 25, delete "2923.1213,"

Delete lines 28 through 191

In line 207, delete " (a)"; reinsert "prescribed by the Ohio"

Reinsert lines 208 through 217

In line 218, reinsert "disability;"; delete "as described in either of the following:"

Delete lines 219 through 245

Delete lines 679 through 910

In line 1498, delete "109.731, 311.42,"

In line 1499, delete "2923.1213,"

In line 1 of the title, delete "109.731, 311.42,"

In line 2 of the title, delete "2923.1213,"

In line 16 of the title, delete "to"

Delete lines 17 and 18 of the title

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

The motion to amend was agreed to.

The question being, "Shall the bill, **Am. Sub. H. B. No. 450**, pass as amended?"

The yeas and nays were taken and resulted - yeas 28, nays 3, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Austria	Boccieri	Buehrer
Cafaro	Carey	Cates	Coughlin
Faber	Fedor	Goodman	Grendell
Kearney	Lehner	Miller D	Morano
Niehaus	Padgett	Patton	Roberts
Sawyer	Schaffer	Schuring	Seitz
Stivers	Wagoner	Wilson	Harris-28.

Senators Miller R, Smith, and Turner voted in the negative-3.

2010 SENATE JOURNAL, WEDNESDAY, DECEMBER 17, 2008

So the bill passed.

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

The title was agreed to.

On the motion of Senator Niehaus, the Senate adjourned until Thursday, December 18, 2008 at 10:30 a.m.

Attest:

VINCENT L. KEERAN,
Clerk.