

OHIO

House

of

Representatives

JOURNAL

THURSDAY, MAY 27, 2010

ONE HUNDRED EIGHTY-FIFTH DAY
Hall of the House of Representatives, Columbus, Ohio
Thursday, May 27, 2010, 1:00 o'clock p.m.

The House met pursuant to adjournment.

Prayer was offered by Representative Raymond Pryor-85th district, followed by the Pledge of Allegiance to the Flag.

The journal of yesterday was read and approved.

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

Heather Wilson, received H. R. 237, presented by Representative Stebelton-5th district.

Seth Butler, Aaron Craft, and the Liberty-Benton High School girls basketball team received House Resolutions 281, 284 and 282, respectively, presented by Representative Hite-76th district.

INTRODUCTION OF BILLS

The following bills were introduced:

H. B. No. 538-Representative Baker.

To amend sections 3517.155 and 3517.992 of the Revised Code to increase from \$5,000 to \$100,000 the penalty for making a false statement in campaign materials related to the nomination or election of a statewide or General Assembly candidate if additional publications of the campaign materials containing the false statement are made after a panel of the Elections Commission has determined that there is probable cause to believe that the campaign materials contain a false statement, and to require the person who made the false statement to pay the complainant's reasonable attorney's fees.

H. B. No. 539-Representative Daniels.

Cosponsors: Representatives Wagner, Ruhl, Stewart, Stebelton, Grossman, Adams, J.

To permit a board of elections that conducts a special election on July 13, 2010, for the purpose of nominating candidates for congressional office to conduct that election with a limited number of polling places and to declare an emergency.

Said bills were considered the first time.

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

Representative Wachtmann submitted the following report:

The standing committee on Health to which was referred **H. B. No. 310**-Representatives Garland, Driehaus, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: HEALTH INSURERS COVERAGE FOR PROSTHESES

BARBARA BOYD
MATT SZOLLOSI
TOM LETSON
W. SCOTT OELSLAGER
MIKE FOLEY
KENNY YUKO

JOHN PATRICK CARNEY
ROBERT F. HAGAN
DEBORAH NEWCOMB
DEBBIE PHILLIPS
ROLAND WINBURN

The following members voted "NO"

LYNN R. WACHTMANN
DAVE BURKE
BRUCE W. GOODWIN
ROBERT MECKLENBORG

TROY BALDERSON
COURTNEY COMBS
MATT HUFFMAN

The report was agreed to.

The bill was ordered to be engrossed and placed on the calendar.

Representative Wachtmann submitted the following report:

The standing committee on Health to which was referred **H. B. No. 357**-Representative Carney, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: PUBLIC HEALTH EMERGENCIES

BARBARA BOYD
TROY BALDERSON
MATT SZOLLOSI
TOM LETSON
W. SCOTT OELSLAGER
MIKE FOLEY
KENNY YUKO

JOHN PATRICK CARNEY
DAVE BURKE
ROBERT F. HAGAN
DEBORAH NEWCOMB
DEBBIE PHILLIPS
ROLAND WINBURN

The following members voted "NO"

LYNN R. WACHTMANN
BRUCE W. GOODWIN
ROBERT MECKLENBORG

COURTNEY COMBS
MATT HUFFMAN

The report was agreed to.

The bill was ordered to be engrossed and placed on the calendar.

Representative Wachtmann submitted the following report:

The standing committee on Health to which was referred **H. B. No. 406**-Representative Williams, S., having had the same under consideration, reports it back and recommends its passage.

RE: LUPUS EDUCATION AND AWARENESS PROGRAM

BARBARA BOYD
LYNN R. WACHTMANN
DAVE BURKE
COURTNEY COMBS
BRUCE W. GOODWIN
MATT HUFFMAN
ROBERT MECKLENBORG
W. SCOTT OELSLAGER
MIKE FOLEY
KENNY YUKO

JOHN PATRICK CARNEY
TROY BALDERSON
MATT SZOLLOSI
RANDY GARDNER
ROBERT F. HAGAN
TOM LETSON
DEBORAH NEWCOMB
DEBBIE PHILLIPS
ROLAND WINBURN

The report was agreed to.

The bill was ordered to be engrossed and placed on the calendar.

Representative Daniels submitted the following report:

The standing committee on State Government to which was referred **H. B. No. 475**-Representative Mallory, et al., having had the same under consideration, reports it back with the following amendment and recommends its passage when so amended.

RE: EXEMPT FROM REGULATION AMATEUR BOXING, KARATE, KICK BOXING, WRESTLING FOR A CHARITY

Representative Gerberry moved to amend the title as follows:

Add the names: "Gerberry, Lundy, Williams, B., Hite."

Representative Mallory moved to amend as follows:

In line 39, after " any" insert " amateur"; after the first underlined comma insert " kick boxing."

In line 40, delete " match" and insert " event"

In line 2 of the title, after "exempt" insert "amateur"; after the first comma insert "kick boxing,"; delete "matches" and insert "events"

The motion was agreed to and the bill so amended.

RON GERBERRY
DALE MALLORY
BRIAN G. WILLIAMS

MATT LUNDY
ROBIN BELCHER
DAVID DANIELS

JOHN ADAMS
CLIFF HITE
GERALD L. STEBELTON

CHERYL GROSSMAN
KRIS JORDAN

The report was agreed to.

The bill was ordered to be engrossed and placed on the calendar.

Representative Wachtmann submitted the following report:

The standing committee on Health to which was referred **H. B. No. 477**-Representative Yuko, et al., having had the same under consideration, reports it back and recommends its passage.

RE: PAIN AWARENESS MONTH SEPTEMBER

BARBARA BOYD
LYNN R. WACHTMANN
DAVE BURKE
COURTNEY COMBS
BRUCE W. GOODWIN
MATT HUFFMAN
ROBERT MECKLENBORG
W. SCOTT OELSLAGER
MIKE FOLEY
KENNY YUKO

JOHN PATRICK CARNEY
TROY BALDERSON
MATT SZOLLOSI
RANDY GARDNER
ROBERT F. HAGAN
TOM LETSON
DEBORAH NEWCOMB
DEBBIE PHILLIPS
ROLAND WINBURN

The report was agreed to.

The bill was ordered to be engrossed and placed on the calendar.

Representative Mandel submitted the following report:

The standing committee on Financial Institutions, Real Estate, and Securities to which was referred **H. B. No. 490**-Representatives Dyer, Coley, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: UNIFORM COMMERCIAL CODE

Representative Koziura moved to amend the title as follows:

Add the names: "Koziura, Pillich."

JOSEPH KOZIURA
RICHARD ADAMS
TERRY BLAIR
DAN DODD
CLYDE EVANS
ROBERT HACKETT
CONNIE PILLICH
BARBARA R. SEARS

LORRAINE M. FENDE
ROBIN BELCHER
TIMOTHY DERICKSON
STEPHEN DYER
NANCY GARLAND
KRIS JORDAN
ALLAN R. SAYRE
STEPHEN SLESNICK

W. CARLTON WEDDINGTON SANDRA WILLIAMS
JAMES ZEHRINGER

The report was agreed to.

The bill was ordered to be engrossed and placed on the calendar.

Representative Daniels submitted the following report:

The standing committee on State Government to which was referred **H. B. No. 495**-Representatives Book, Dodd, having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: IMPLEMENT RECOMMENDATIONS OF SUNSET REVIEW
COMMITTEE

Representative Gerberry moved to amend the title as follows:

Add the names: "Gerberry, Mallory, Belcher, Williams, B., Daniels, Adams, J., Grossman, Hite, Jordan, Stebelton."

RON GERBERRY	MATT LUNDY
DALE MALLORY	ALLAN R. SAYRE
DAN STEWART	ROBIN BELCHER
BRIAN G. WILLIAMS	DAVID DANIELS
JOHN ADAMS	CHERYL GROSSMAN
CLIFF HITE	KRIS JORDAN
GERALD L. STEBELTON	

The report was agreed to.

The bill was ordered to be engrossed and placed on the calendar.

Representative Maag submitted the following report:

The standing committee on Environment and Brownfield Development to which was referred **Sub. S. B. No. 110**-Senator Niehaus, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: REVISE HOUSEHOLD SEWAGE TREATMENT SYSTEMS
LAW

DALE MALLORY	MIKE MORAN
RON MAAG	ROSS MCGREGOR
BARBARA R. SEARS	JEFF WAGNER
JOE WALTER	BRIAN G. WILLIAMS
ROLAND WINBURN	

The following members voted "NO"

ROBERT F. HAGAN	PEGGY LEHNER
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The report was agreed to.

The bill was ordered to be engrossed and placed on the calendar.

Representative Morgan submitted the following report:

The standing committee on Finance and Appropriations to which was referred **Sub. S. B. No. 181**-Senator Stewart, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: LANDOWNERS-PROVIDE ACCESS TO ABANDONED MINES FOR RECLAMATION-IMMUNITY

Representative Sykes moved to amend the title as follows:

Add the name: "Representative Weddington."

VERNON SYKES	JOHN PATRICK CARNEY
RON AMSTUTZ	RICHARD ADAMS
LINDA S. BOLON	BARBARA BOYD
DAVE BURKE	TED CELESTE
KATHLEEN CHANDLER	DENISE DRIEHAUS
STEPHEN DYER	LORRAINE M. FENDE
RANDY GARDNER	NANCY GARLAND
JENNIFER GARRISON	BRUCE W. GOODWIN
JAY P. GOYAL	CHERYL GROSSMAN
DAVE HALL	TRACY HEARD
RICHARD R. HOLLINGTON	CLAYTON LUCKIE
RON MAAG	JEFFREY MCCLAIN
ROSS MCGREGOR	ROBERT MECKLENBORG
SETH MORGAN	BARBARA R. SEARS
MICHAEL J. SKINDELL	STEPHEN SLESNICK
W. CARLTON WEDDINGTON	

The report was agreed to.

The bill was ordered to be engrossed and placed on the calendar.

Representative Mandel submitted the following report:

The standing committee on Financial Institutions, Real Estate, and Securities to which was referred **Sub. S. B. No. 219**-Senator Grendell, et al., having had the same under consideration, reports it back with the following amendment and recommends its passage when so amended.

RE: RETIREMENT BENEFITS

Representative Koziura moved to amend the title as follows:

Add the names: "Representatives Dyer, Fende, Koziura, Garland, Belcher, Evans."

Representative Hackett moved to amend as follows:

In line 906, delete " (1)" and insert " (A)"

In line 912, delete " (2)" and insert " (B)"

In line 914, delete " (3)" and insert " (C)"

The motion was agreed to and the bill so amended.

JOSEPH KOZIURA	LORRAINE M. FENDE
RICHARD ADAMS	ROBIN BELCHER
TERRY BLAIR	TIMOTHY DERICKSON
DAN DODD	STEPHEN DYER
CLYDE EVANS	NANCY GARLAND
ROBERT HACKETT	KRIS JORDAN
CONNIE PILLICH	ALLAN R. SAYRE
BARBARA R. SEARS	STEPHEN SLESNICK
W. CARLTON WEDDINGTON	SANDRA WILLIAMS
JAMES ZEHRINGER	

The report was agreed to.

The bill was ordered to be engrossed and placed on the calendar.

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

H.B. No. 531 - Representative B. Williams, et al
TO ELIMINATE THE PROHIBITION AGAINST HUNTING OR SHOOTING GAME WITHIN ONE-HALF MILE OF A TOWNSHIP PARK.
To the committee on Local Government and Public Administration

H.B. No. 532 - Representatives Murray and Okey, et al
TO EXCLUDE FROM THE ESTATE TAX LAND SUBJECT TO AN AGRICULTURAL OR CONSERVATION EASEMENT.
To the committee on Ways and Means

H.B. No. 533 - Representative Newcomb, et al
TO DESIGNATE THE PORTION OF UNITED STATES ROUTE 322 WITHIN THE MUNICIPAL CORPORATION OF ORWELL LOCATED IN ASHTABULA COUNTY, AS THE "SGT. KURT D. SCHAMBERG ORWELL VETERANS HIGHWAY."
To the committee on Transportation and Infrastructure

H.B. No. 534 - Representative Newcomb, et al
TO REVISE THE DUTIES OF THE OHIO GRAPE INDUSTRIES COMMITTEE.
To the committee on Agriculture and Natural Resources

S.B. No. 179 - Senators Grendell and Schaffer, et al
TO PROHIBIT SPENDING AMERICAN RECOVERY AND

REINVESTMENT ACT OF 2009 FUNDS ON SIGNS THAT IDENTIFY
THE SOURCE OF SPECIFIC PROJECT FUNDING AND TO DECLARE
AN EMERGENCY.

To the committee on Transportation and Infrastructure

T. TODD BOOK
BARBARA BOYD
MATT LUNDY
JOHN ADAMS
CHERYL GROSSMAN

JOSEPH KOZIURA
TIMOTHY J. DEGEETER
LOUIS W. BLESSING
RANDY GARDNER

Representative Szollosi moved that the House and Constitutional Rules requiring bills to be considered by each house on three different days be suspended as to the second consideration of all House Bills and the Senate Bill contained in the report of the committee on Rules and Reference.

The motion was agreed to without objection.

The report was agreed to.

Said House Bills and Senate Bill were considered the second time and referred as recommended.

MOTIONS AND RESOLUTIONS

Representative Goyal moved that majority party members asking leave to be absent or absent the week of Wednesday, May 26, 2010, be excused, so long as a written request is on file in the majority leadership offices.

The motion was agreed to.

Representative Adams, J. moved that minority party members asking leave to be absent or absent the week of Wednesday, May 26, 2010, be excused, so long as a written request is on file in the minority leadership offices.

The motion was agreed to.

BILLS FOR THIRD CONSIDERATION

Representative Szollosi moved that House Rule 66, pertaining to bills being placed on the calendar, be suspended and that **H. J. R. No. 15**-Representatives Letson, Garrison be taken up for immediate consideration the third time.

The motion was agreed to without objection.

H. J. R. No. 15-Representatives Letson, Garrison.

Proposing to amend Sections 1, 2, 6, 12, 13, and 15 of Article XI, to amend, for the purpose of adopting new section numbers as indicated in parentheses, Sections 6 (3), 12 (6), 13 (7), and 15 (9) of Article XI, to enact new Sections 4, 5, and 8 of Article XI, and to repeal Sections 3, 4, 5, 7, 8, 9, 10, 11, and 14 of Article XI of the Constitution of the State of Ohio to revise

the process for apportioning the state for General Assembly districts, was taken up for consideration the third time.

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

Representative Letson moved to amend the title as follows:

Add the names: "Belcher, Bolon, Boyd, Carney, Celeste, Chandler, DeBose, Dodd, Domenick, Dyer, Fende, Foley, Garland, Garrison, Gerberry, Goyal, Hagan, Harris, Harwood, Koziura, Luckie, Mallory, Moran, Murray, Newcomb, Patten, Phillips, Pillich, Pryor, Stewart, Sykes, Szollosi, Walter, Williams, B.."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

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

Representative Heard moved to amend as follows:

In line 14, delete "special" and insert "general"

In line 15, delete "May 4" and insert "November 2"

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

The yeas and nays were taken and resulted - yeas 96, nays 1, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Bacon
Baker	Balderson	Batchelder	Beck
Belcher	Blair	Blessing	Bolon
Book	Boose	Boyd	Bubp
Burke	Carney	Celeste	Chandler
Coley	Combs	Daniels	DeBose
DeGeeter	Derickson	Dodd	Domenick
Driehaus	Dyer	Evans	Fende
Foley	Gardner	Garland	Garrison
Gerberry	Goodwin	Goyal	Grossman
Hackett	Hagan	Hall	Harris
Harwood	Heard	Hite	Hottinger
Huffman	Jordan	Koziura	Lehner
Letson	Luckie	Lundy	Maag
Mallory	Mandel	Martin	McClain
McGregor	Mecklenborg	Moran	Morgan
Murray	Newcomb	Oelslager	Okey
Otterman	Patten	Phillips	Pillich
Pryor	Reece	Ruhl	Sayre
Schneider	Sears	Skindell	Snitchler
Stautberg	Stebelton	Stewart	Sykes
Szollosi	Uecker	Wachtmann	Wagner
Walter	Weddington	Williams B.	Williams S.
Winburn	Yuko	Zehringer	Budish-96.

Representative Hollington voted in the negative-1.

The motion was agreed to and the joint resolution so amended.

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

Representative Batchelder moved to amend as follows:

Delete lines 11 through 387 and insert:

"Be it resolved by the General Assembly of the State of Ohio, three-fifths of the members elected to each house concurring herein, that there shall be submitted to the electors of the state, in the manner prescribed by law at a special election to be held on November 2, 2010, a proposal to amend Sections 1, 2, 3, 5, 6, 7, 8, 10, 11, 12, 13, and 15 of Article XI and to amend, for the purpose of adopting new Section numbers as indicated in parentheses, Sections 5 (4), 6 (5), 7 (6), 8 (7), 10 (8), 11 (9), 12 (10), 13 (11), and 15 (12) of Article XI of the Constitution of the State of Ohio to read as follows:

ARTICLE XI

Section 1. ~~The governor, auditor of state, secretary of state, one person chosen by the speaker of the house of representatives and the leader in the senate of the political party of which the speaker is a member, and one person chosen by the legislative leaders in the two houses of the major political party of which the speaker is not a member shall be the persons responsible for the apportionment of this state for members of the general assembly.~~

~~Such persons, or a majority of their number, shall meet and establish in the manner prescribed in this Article the boundaries for each of ninety-nine house of representatives districts and thirty-three senate districts. Such meeting shall convene on a date designated by the governor between August 1 and October 1 in the year one thousand nine hundred seventy one and every tenth year thereafter. (A) The Ohio redistricting commission shall consist of the following seven members and shall be responsible for the redistricting of this state for the general assembly:~~

~~(1) The governor;~~

~~(2) The auditor of state;~~

~~(3) The secretary of state;~~

~~(4) The speaker of the house of representatives;~~

~~(5) The legislative leader of the largest political party in the house of representatives of which the speaker of the house of representatives is not a member;~~

~~(6) The president of the senate; and~~

~~(7) The legislative leader of the largest political party in the senate of which the president of the senate is not a member.~~

(B) All meetings of the Ohio redistricting commission shall be open to the public. The governor shall give ~~such persons~~ the commission members and the public at least two weeks advance notice of the date, time, and place of ~~such~~ the first meeting :

The ~~governor~~ of the commission, which shall be held after the first day of March but before the sixteenth day of March of the year ending in the numeral one. At that first meeting, the members shall convene, select co-chairpersons, at least one of whom shall be a member of a political party other than the largest one represented on the commission, and adopt procedural rules for the operation of the commission.

(C) Not later than the thirtieth day of April of a year ending in the numeral one, the Ohio redistricting commission shall convene, public notice being given, to establish a schedule that it determines appropriate to carry out the duties set forth in this article. Not later than the first day of October of a year ending in the numeral one, the commission shall adopt, in the manner prescribed in this article, the boundaries for each of the ninety-nine house of representatives districts and thirty-three senate districts. After the commission adopts each plan, the commission shall file that plan with the secretary of state. Upon filing with the secretary of state, the plan shall become effective.

Immediately after the adoption of a plan under this division, the commission shall prepare a report that explains the basis on which the commission made its decisions to achieve the districting criteria specified in this article.

(D) Unless otherwise specified in this article, a simple majority of its members shall be required for any action by the Ohio redistricting commission. The affirmative vote of five members of the commission, including votes from at least two members of the commission who are members of a political party other than the largest one represented on the commission, shall be required to adopt any plan.

(E) The Ohio redistricting commission shall make the necessary provisions to allow for public comment at public hearings and in writing and to allow for any resident of Ohio to submit a general assembly plan for consideration. The commission shall develop and implement a plan to make available to the public all relevant data and information necessary for the submission of a potential general assembly plan by any resident of Ohio.

(F) The attorney general shall be responsible for defending a plan adopted by the members of the Ohio redistricting commission in any legal action arising from the process described in this article.

(G) The general assembly shall be responsible for making the appropriations it determines necessary in order for the Ohio redistricting commission to perform its duties under this article and to defend against any lawsuit arising from the performance of the duties set forth in this article.

(H) After the adoption of a general assembly plan and the completion of any necessary administrative functions, the co-chairpersons of the Ohio redistricting commission shall jointly dissolve the commission. Upon the dissolution of the commission, the co-chairs shall arrange for all records of the commission to be delivered to the Ohio historical society for preservation.

(I) The secretary of state shall cause the ~~apportionment~~ redistricting plan to be published no later than the fifth day of October 5 of the year in which it is made, in such manner as provided by law.

Section 2. The ~~apportionment~~ redistricting of this state for members of the general assembly shall be made in the following manner: ~~The~~

(A) The whole population of the state, as determined by the federal decennial census or, if such is unavailable, such other basis as the general assembly may direct, shall be divided by the number "ninety-nine" and the quotient shall be the ratio of representation in the house of representatives for ten years next succeeding such ~~apportionment~~ redistricting. The

(B) The whole population of the state as determined by the federal decennial census or, if such is unavailable, such other basis as the general assembly may direct, shall be divided by the number "thirty-three" and the quotient shall be the ratio of representation in the senate for ten years next succeeding such ~~apportionment~~ redistricting.

Section 3. (A) The population of each house of representatives district shall be substantially equal to the ratio of representation in the house of representatives, as provided in ~~section~~ Section 2 of this ~~Article~~ article, and in no event shall any house of representatives district contain a population of less than ninety-five percent per cent nor more than one hundred five percent per cent of the ratio of representation in the house of representatives, except in those instances where reasonable effort is made to avoid dividing a county in accordance with ~~section 9~~ as otherwise provided in division (B) of Section 8 of this ~~Article~~ article.

(B) The population of each senate district shall be substantially equal to the ratio of representation in the senate, as provided in Section 2 of this article, and in no event shall any senate district contain a population of less than ninety-five per cent nor more than one hundred five per cent of the ratio of representation in the senate as determined pursuant to this article.

Section 5 4. ~~Each~~ (A) Each house of representatives district shall be entitled to a single representative in each ~~General Assembly~~ general assembly. ~~Every~~

(B) Each senate district shall be entitled to a single senator in each ~~General Assembly~~ general assembly.

Section 6 5. District boundaries established pursuant to this ~~Article~~ article shall not be changed until the ensuing federal decennial census and the ensuing ~~apportionment~~ redistricting or as provided in ~~section 13~~ this section and

Section 12 of this ~~Article~~ article, notwithstanding the fact that boundaries of political subdivisions or ~~city municipal~~ wards within the district may be changed during that time. District boundaries shall be created by using the boundaries of political subdivisions and ~~city municipal~~ wards as they exist at the time of the federal decennial census on which the ~~apportionment~~ redistricting is based, or , if unavailable, on such other basis as the general assembly has directed.

If the currently applicable redistricting plan is determined to be invalid by an unappealed final order of a court of competent jurisdiction, the court shall convene the Ohio redistricting commission to adopt a new plan that is in compliance with the law, including the provisions of this article. In convening the commission under this section, the court may adjust the timelines established in this article as necessary for the timely adoption of a new plan.

No court shall, in any circumstance, order the implementation or enforcement of any plan that has not been approved by the Ohio redistricting commission in the manner prescribed by this article.

Section 7 6. (A) Any plan adopted by the Ohio redistricting commission shall comply with all applicable Ohio and federal constitutional provisions and all applicable federal statutory provisions, including, but not limited to, those dealing specifically with the protection of minority voting rights.

(B) ~~Every house of representatives general assembly~~ district shall be compact and composed of contiguous territory, and the boundary of each district shall be a single nonintersecting continuous line. To the extent consistent with the requirements of section 3 of this Article article, the boundary lines of districts shall be so drawn as to delineate an area containing one or more whole counties.

~~(B)~~ (C) Where the requirements of section 3 of this Article article cannot feasibly be attained by forming a district from a whole county or counties, such district shall be formed by combining the whole areas of governmental units giving preference in the order named to counties, townships, municipalities, and city municipal wards.

~~(C)~~ (D) Where the requirements of section 3 of this Article article cannot feasibly be attained by combining the areas of governmental units as prescribed in division ~~(B)~~ (C) of this section, only one two such unit units may be divided between two districts, giving preference in per house of representatives district. In the selection of a unit for division under division (D) of this section, preference shall be given to a contiguous township, a city ward, a city contiguous municipality, and a village in the order named.

~~(D)~~ In making a new apportionment, district boundaries established by the preceding apportionment shall be adopted to the extent reasonably consistent with the requirements of section 3 of this Article.

(E) When the formation of competitive districts does not conflict with the other principles established by this article, the Ohio redistricting commission shall make its best efforts to maximize the number of competitive districts using

the following criteria:

(1) The commission shall determine the three most competitive general elections by percentage for nonjudicial statewide state or federal office, including the elections of a president and vice president of the United States, in which the candidates receiving the highest and second highest number of votes were the nominees of political parties, held in the three previous even-numbered years immediately preceding the year in which the commission meets to adopt new plans, provided that the two partisan candidates combined received at least ninety-five per cent of the total votes cast.

(2) Using the three most competitive elections selected under division (E)(1) of this section, the commission shall determine the average partisan indexes for each proposed district by doing the following:

(a) Taking the percentage of the vote received in the district for each of the two partisan candidates who received the highest vote totals counting only the votes cast for those two partisan candidates, then

(b) Averaging together the three voting percentages for the candidates with the same partisan affiliation by dividing the sum of the percentages by the number three to yield the average partisan indexes for that district.

(3) A "competitive district" is a district where the average partisan indexes determined by this section are not more than five per cent apart.

Section 8 7. A county having at least one house of representatives ratio of representation shall have as many house of representatives districts wholly within the boundaries of the county as it has whole ratios of representation. Any fraction of the population in excess of a whole ratio shall be a part of only one adjoining house of representatives district.

The number of whole ratios of representation for a county shall be determined by dividing the population of the county by the ratio of representation for the house of representatives determined under ~~section~~ Section 2 of this ~~Article~~ article.

Section 10 8. The standards prescribed in ~~sections~~ this section and Sections 3, 6, and 7, ~~8, and 9~~ of this ~~Article~~ article shall govern the establishment of house of representatives districts, which shall be created and numbered in the following order to the extent that such order is consistent with the foregoing standards:

(A) Each county containing population substantially equal to one ratio of representation in the house of representatives, as provided in ~~section~~ Section 2 of this ~~Article~~ article, but in no event less than ninety-five ~~percent~~ per cent of the ratio nor more than one hundred five ~~percent~~ per cent of the ratio shall be designated a representative district.

(B) Each county containing population between ninety and ninety-five ~~percent~~ per cent of the ratio or between one hundred five and one hundred ten

~~percent~~ per cent of the ratio may be designated a representative district.

(C) Proceeding in succession from the largest to the smallest, each remaining county containing more than one whole ratio of representation shall be divided into house of representatives districts. Any remaining territory within such county containing a fraction of one whole ratio of representation shall be included in one representative district by combining it with adjoining territory outside the county.

(D) The remaining territory of the state shall be combined into representative districts.

Section 11 9. Senate districts shall be composed of three contiguous house of representatives districts. A county having at least one whole senate ratio of representation shall have as many senate districts wholly within the boundaries of the county as it has whole senate ratios of representation. Any fraction of the population in excess of a whole ratio shall be a part of only one adjoining senate district. Counties having less than one senate ratio of representation, but at least one house of representatives ratio of representation shall be part of only one senate district.

The number of whole ratios of representation for a county shall be determined by dividing the population of the county by the ratio of representation in the senate determined under ~~section~~ Section 2 of this ~~Article~~ article.

Senate districts shall be numbered from one through thirty-three and as provided in ~~section 12~~ Section 11 of this ~~Article~~ article.

Section 12 10. At any time the boundaries of senate districts are changed in any plan of ~~apportionment~~ redistricting made pursuant to any provision of this ~~Article~~ article, a senator whose term will not expire within two years of the time the plan of ~~apportionment~~ redistricting is made shall represent, for the remainder of the term for which ~~he~~ the senator was elected, the senate district which contains the largest portion of the population of the district from which ~~he~~ the senator was elected, and the district shall be given the number of the district from which the senator was elected. If more than one senator whose term will not so expire would represent the same district by following the provisions of this section, the ~~persons responsible for apportionment, by a majority of their number,~~ Ohio redistricting commission shall designate which senator shall represent the district and shall designate which district the other senator or senators shall represent for the balance of their term or terms.

Section 13 11. The supreme court of Ohio or an applicable federal court shall have exclusive, original jurisdiction in all cases arising under this ~~Article~~ article. In the event that any section of this Constitution relating to ~~apportionment~~ redistricting or any plan of ~~apportionment~~ redistricting made by the ~~persons responsible for apportionment, by a majority of their number,~~ Ohio redistricting commission is determined to be invalid by ~~either the supreme court of Ohio, or the supreme court of the United States~~ an unappealed final order of a

~~court of competent jurisdiction~~, then notwithstanding any other provisions of this Constitution, the ~~persons responsible for apportionment by a majority of their number~~ Ohio redistricting commission shall ascertain and determine a plan of ~~apportionment~~ redistricting in conformity with such provisions of this Constitution as are then valid, including establishing terms of office and election of members of the general assembly from districts designated in the plan, to be used until the next regular ~~apportionment~~ redistricting in conformity with such provisions of this Constitution as are then valid.

Notwithstanding any provision of this Constitution or any law regarding the residence of senators and representatives, a plan of ~~apportionment~~ redistricting made pursuant to this section shall allow thirty days for persons to change residence in order to be eligible for election.

~~The governor shall give the persons responsible for apportionment two weeks advance written notice of the date, time, and place of any meeting held pursuant to this section.~~

Section 15 12. The various provisions of this ~~Article XI~~ article are intended to be severable, and the invalidity of one or more of such provisions shall not affect the validity of the remaining provisions.

EFFECTIVE DATE AND REPEAL

If adopted by a majority of the electors voting on this proposal, Sections 1, 2, 3, 5 (4), 6 (5), 7 (6), 8 (7), 10 (8), 11 (9), 12 (10), 13 (11), and 15 (12) of Article XI amended or amended and renumbered by this proposal shall take effect on January 1, 2011, and existing Sections 1, 2, 3, 5, 6, 7, 8, 10, 11, 12, 13, and 15 of Article XI and Sections 4, 9, and 14 of Article XI of the Constitution of the State of Ohio are repealed from that effective date.

SCHEDULE

The amendments to Section 12 (10) of Article XI of the Ohio Constitution in part substitute gender neutral for gender specific language. These gender neutralizing amendments are not intended to make a substantive change in the Ohio Constitution. The gender neutral language is to be construed as a restatement of, and substituted in a continuing way for, the corresponding gender specific language existing prior to adoption of the gender neutralizing amendments."

Delete lines 1 through 10 of the title and insert "Proposing to amend Sections 1, 2, 3, 5, 6, 7, 8, 10, 11, 12, 13, and 15 of Article XI, to amend, for the purpose of adopting new Section numbers as indicated in parentheses, Sections 5 (4), 6 (5), 7 (6), 8 (7), 10 (8), 11 (9), 12 (10), 13 (11), and 15 (12) of Article XI, and to repeal Sections 4, 9, and 14 of Article XI of the Constitution of the State of Ohio to revise the redistricting process for General Assembly districts."

Pursuant to House Rule 91, the amendment was ruled out of order.

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

Representative Blessing moved to amend as follows:

In line 294, reinsert "The supreme court of Ohio"; delete " (A)
Notwithstanding"

Delete line 295

In line 296, delete all before "shall"

In line 302, reinsert "supreme court of Ohio"; delete " apportionment"

In line 303, delete " special tribunal"

In line 313, reinsert the stricken period

In line 321, delete " . A decision"

Delete line 322

In line 323, delete " appealable"; strike through the period

Delete lines 324 through 360

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

Representative Heard moved that the motion be laid on the table.

The question being, "Shall the motion to amend be laid on the table?"

The yeas and nays were taken and resulted - yeas 51, nays 46, as follows:

Those who voted in the affirmative were: Representatives

Belcher	Bolon	Book	Boyd
Carney	Celeste	Chandler	DeBose
DeGeeter	Dodd	Domenick	Driehaus
Dyer	Fende	Foley	Garland
Garrison	Gerberry	Goyal	Hagan
Harris	Harwood	Heard	Koziura
Letson	Luckie	Lundy	Mallory
Moran	Murray	Newcomb	Okey
Otterman	Patten	Phillips	Pillich
Pryor	Reece	Sayre	Schneider
Skindell	Stewart	Sykes	Szollosi
Walter	Weddington	Williams B.	Williams S.
Winburn	Yuko		Budish-51.

Those who voted in the negative were: Representatives

Adams J.	Adams R.	Amstutz	Bacon
Baker	Balderson	Batchelder	Beck
Blair	Blessing	Boose	Bubp
Burke	Coley	Combs	Daniels
Derickson	Evans	Gardner	Goodwin
Grossman	Hackett	Hall	Hite
Hollington	Hottinger	Huffman	Jordan
Lehner	Maag	Mandel	Martin

McClain	McGregor	Mecklenborg	Morgan
Oelslager	Ruhl	Sears	Snitchler
Stautberg	Stebelton	Uecker	Wachtmann
Wagner			Zehringer-46.

The motion to amend was laid on the table.

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

The yeas and nays were taken and resulted - yeas 69, nays 28, as follows:

Those who voted in the affirmative were: Representatives

Bacon	Belcher	Blair	Bolon
Book	Boyd	Carney	Celeste
Chandler	Coley	Combs	Daniels
DeBose	DeGeeter	Derickson	Dodd
Domenick	Driehaus	Dyer	Evans
Fende	Foley	Gardner	Garland
Garrison	Gerberry	Goyal	Hackett
Hagan	Harris	Harwood	Heard
Hottinger	Koziura	Lehner	Letson
Luckie	Lundy	Mallory	Mandel
McGregor	Moran	Murray	Newcomb
Oelslager	Okey	Otterman	Patten
Phillips	Pillich	Pryor	Reece
Sayre	Schneider	Sears	Skindell
Stewart	Sykes	Szollosi	Uecker
Wagner	Walter	Weddington	Williams B.
Williams S.	Winburn	Yuko	Zehringer Budish-69.

Those who voted in the negative were: Representatives

Adams J.	Adams R.	Amstutz	Baker
Balderson	Batchelder	Beck	Blessing
Boose	Bubp	Burke	Goodwin
Grossman	Hall	Hite	Hollington
Huffman	Jordan	Maag	Martin
McClain	Mecklenborg	Morgan	Ruhl
Snitchler	Stautberg	Stebelton	Wachtmann-28.

The joint resolution was adopted.

Am. H. B. No. 55-Representatives Williams, B., Combs.

Cosponsors: Representatives Bolon, Book, Boyd, Chandler, Domenick, Evans, Fende, Foley, Gerberry, Hagan, Harris, Letson, Skindell, Slesnick, Williams, S., Winburn, Yuko.

To amend sections 959.99, 2152.19, 2903.213, 2903.214, 2919.26, 3113.31, 4732.141, and 4757.33 and to enact section 4731.284 of the Revised Code to revise the penalties and sentencing provisions regarding violations of the cruelty to animals statutes and to include the protection of companion animals

in temporary protection orders, domestic violence protection orders, anti-stalking protection orders, and related protection orders, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Heard moved to amend as follows:

In line 10, after "sections" insert "955.11,"

Between lines 12 and 13, insert:

"Sec. 955.11. (A) As used in this section:

(1)(a) "Dangerous dog" means a dog that, without provocation, and subject to division (A)(1)(b) of this section, has chased or approached in either a menacing fashion or an apparent attitude of attack, or has attempted to bite or otherwise endanger any person, while that dog is off the premises of its owner, keeper, or harbinger and not under the reasonable control of its owner, keeper, harbinger, or some other responsible person, or not physically restrained or confined in a locked pen ~~which that~~ has a top, locked fenced yard, or other locked enclosure ~~which that~~ has a top.

(b) "Dangerous dog" does not include a police dog that has chased or approached in either a menacing fashion or an apparent attitude of attack, or has attempted to bite or otherwise endanger any person while the police dog is being used to assist one or more law enforcement officers in the performance of their official duties.

(2) "Menacing fashion" means that a dog would cause any person being chased or approached to reasonably believe that the dog will cause physical injury to that person.

(3) "Police dog" means a dog that has been trained, and may be used, to assist one or more law enforcement officers in the performance of their official duties.

(4)(a) "Vicious dog" means a dog that, without provocation and subject to division (A)(4)(b) of this section, meets ~~any~~ either of the following:

(i) Has killed or caused serious injury to any person;

(ii) Has caused injury, other than killing or serious injury, to any person, or has killed another dog.

~~(iii) Belongs to a breed that is commonly known as a pit bull dog. The ownership, keeping, or harboring of such a breed of dog shall be prima facie evidence of the ownership, keeping, or harboring of a vicious dog.~~

(b) "Vicious dog" does not include either of the following:

(i) A police dog that has killed or caused serious injury to any person or that has caused injury, other than killing or serious injury, to any person while

the police dog is being used to assist one or more law enforcement officers in the performance of their official duties;

(ii) A dog that has killed or caused serious injury to any person while a person was committing or attempting to commit a trespass or other criminal offense on the property of the owner, keeper, or harbinger of the dog.

(5) "Without provocation" means that a dog was not teased, tormented, or abused by a person, or that the dog was not coming to the aid or the defense of a person who was not engaged in illegal or criminal activity and who was not using the dog as a means of carrying out such activity.

(B) Upon the transfer of ownership of any dog, the seller of the dog shall give the buyer a transfer of ownership certificate that shall be signed by the seller. The certificate shall contain the registration number of the dog, the name of the seller, and a brief description of the dog. Blank forms of the certificate may be obtained from the county auditor. A transfer of ownership shall be recorded by the auditor upon presentation of a transfer of ownership certificate that is signed by the former owner of a dog and that is accompanied by a fee of twenty-five cents.

(C) Prior to the transfer of ownership or possession of any dog, upon the buyer's or other transferee's request, the seller or other transferor of the dog shall give to the person a written notice relative to the behavior and propensities of the dog.

(D) Within ten days after the transfer of ownership or possession of any dog, if the seller or other transferor of the dog has knowledge that the dog is a dangerous or vicious dog, ~~he~~ the seller or other transferor shall give to the buyer or other transferee, the board of health for the district in which the buyer or other transferee resides, and the dog warden of the county in which the buyer or other transferee resides, a completed copy of a written form on which the seller shall furnish the following information:

- (1) The name and address of the buyer or other transferee of the dog;
- (2) The age, sex, color, breed, and current registration number of the dog.

In addition, the seller shall answer the following questions, which shall be specifically stated on the form as follows:

"Has the dog ever chased or attempted to attack or bite a person? If yes, describe the incident(s) in which the behavior occurred."

"Has the dog ever bitten a person? If yes, describe the incident(s) in which the behavior occurred."

"Has the dog ever seriously injured or killed a person? If yes, describe the incident(s) in which the behavior occurred."

The dog warden of the county in which the seller resides shall furnish the form to the seller at no cost.

(E) No seller or other transferor of a dog shall fail to comply with the applicable requirements of divisions (B) to (D) of this section."

In line 1780, after "sections" insert "955.11,"

In line 1 of the title, after "sections" insert "955.11,"

In line 6 of the title, delete "and" and insert a comma

In line 9 of the title, after the second "orders" insert ", and to remove pit bulls from the definition of "vicious dog" in state law"

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

The yeas and nays were taken and resulted - yeas 86, nays 10, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Baker
Balderson	Batchelder	Beck	Belcher
Blair	Blessing	Bolon	Boose
Boyd	Bubp	Burke	Carney
Celeste	Chandler	Coley	Combs
Daniels	DeBose	Derickson	Dodd
Domenick	Dyer	Evans	Fende
Foley	Gardner	Garland	Gerberry
Goyal	Grossman	Hackett	Hagan
Hall	Harris	Harwood	Heard
Hite	Hollington	Hottinger	Huffman
Jordan	Koziura	Lehner	Letson
Luckie	Lundy	Maag	Mallory
Martin	McClain	McGregor	Mecklenborg
Moran	Morgan	Murray	Newcomb
Oelslager	Okey	Otterman	Patten
Phillips	Pillich	Pryor	Ruhl
Sayre	Schneider	Sears	Skindell
Snitchler	Stautberg	Stebelton	Stewart
Szollosi	Uecker	Wachtmann	Walter
Williams B.	Williams S.	Winburn	Yuko
Zehringer			Budish-86.

Those who voted in the negative were: Representatives

Bacon	Book	DeGeeter	Driehaus
Garrison	Goodwin	Reece	Sykes
Wagner			Weddington-10.

The motion was agreed to and the bill so amended.

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

The yeas and nays were taken and resulted - yeas 93, nays 3, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Bacon
Baker	Balderson	Batchelder	Beck

Belcher	Blair	Blessing	Bolon
Book	Boose	Boyd	Bubp
Burke	Carney	Celeste	Chandler
Coley	Combs	Daniels	DeBose
DeGeeter	Derickson	Dodd	Domenick
Driehaus	Dyer	Evans	Fende
Foley	Gardner	Garland	Garrison
Gerberry	Goodwin	Goyal	Grossman
Hackett	Hagan	Hall	Harris
Harwood	Heard	Hollington	Hottinger
Huffman	Jordan	Koziura	Lehner
Letson	Luckie	Lundy	Maag
Mallory	Martin	McClain	McGregor
Mecklenborg	Moran	Morgan	Murray
Newcomb	Oelslager	Okey	Otterman
Patten	Phillips	Pillich	Pryor
Reece	Ruhl	Sayre	Schneider
Sears	Skindell	Snitchler	Stautberg
Stebelton	Stewart	Sykes	Szollosi
Uecker	Wachtmann	Walter	Weddington
Williams B.	Williams S.	Winburn	Yuko
			Budish-93.

Representatives Hite, Wagner, and Zehringer voted in the negative-3.

The bill passed.

Representative Williams, B. moved to amend the title as follows:

Add the names: "Bubp, Celeste, Derickson, Dyer, Garland, Goyal, Grossman, Heard, Luckie, Lundy, McGregor, Murray, Patten, Sears, Stewart, Szollosi."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Sub. H. B. No. 13-Representatives Garrison, Harris.

Cosponsors: Representatives Yuko, Newcomb, Hagan, Murray, Phillips, Williams, B., DeBose, Bolon, Okey, Luckie, Fende, Lundy, Williams, S., Heard, Chandler.

To amend sections 2907.06, 2950.13, and 2950.99 and to enact sections 2950.035 and 2950.044 of the Revised Code to prohibit Tier III sex offender/child victim offenders who have committed specified offenses against a victim under 16 years of age from knowingly being present on school premises or preschool or child day-care center premises and to increase the penalty for a first offense of sexual imposition to a misdemeanor of the first degree in specified circumstances, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 95, nays 1, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Bacon
Baker	Balderson	Batchelder	Beck
Belcher	Blair	Blessing	Bolon
Book	Boose	Boyd	Bubp
Burke	Carney	Celeste	Chandler
Coley	Combs	Daniels	DeBose
DeGeeter	Derickson	Dodd	Domenick
Driehaus	Dyer	Evans	Fende
Foley	Gardner	Garland	Garrison
Gerberry	Goodwin	Goyal	Grossman
Hackett	Hagan	Hall	Harris
Harwood	Heard	Hite	Hollington
Hottinger	Huffman	Jordan	Koziura
Lehner	Letson	Luckie	Lundy
Maag	Mallory	Martin	McClain
McGregor	Mecklenborg	Moran	Morgan
Murray	Newcomb	Oelslager	Okey
Otterman	Patten	Phillips	Pillich
Pryor	Reece	Ruhl	Sayre
Schneider	Sears	Snitchler	Stautberg
Stebelton	Stewart	Sykes	Szollosi
Uecker	Wachtmann	Wagner	Walter
Weddington	Williams B.	Williams S.	Winburn
Yuko	Zehringer		Budish-95.

Representative Skindell voted in the negative-1.

The bill passed.

Representative Garrison moved to amend the title as follows:

Add the names: "Bacon, Beck, Belcher, Blessing, Boose, Boyd, Carney, Coley, Domenick, Driehaus, Dyer, Evans, Garland, Goodwin, Goyal, Grossman, Hackett, Hite, Hottinger, Lehner, Letson, Mallory, Patten, Pillich, Pryor, Sayre, Snitchler, Uecker, Walter, Weddington, Winburn."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Sub. H. B. No. 357-Representative Carney.

Cosponsors: Representatives Domenick, Lehner, Okey, Slesnick, Yuko.

To amend sections 3734.02, 4117.10, 4729.29, 4765.11, 4765.35, 4765.37, 4765.38, 4765.39, 4765.49, 5502.21, and 5502.41 and to enact sections 121.25, 124.394, 124.395, 3345.042, 3701.147, and 3701.148 of the Revised Code to modify the laws governing the Intrastate Mutual Aid Compact, to authorize the Governor to declare the existence of a health exigency, to permit state agencies to require their employees to leave their workplaces when they demonstrate symptoms related to a health exigency, to specify that certain persons involved with infectious wastes may be exempt from regulation under

the environmental protection laws, to authorize certain emergency medical services personnel to deliver drugs during an emergency that affects the public health, to modify the conditions under which certain emergency medical services may be provided, and to declare an emergency, was taken up for consideration the third time.

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

Representative Carney moved to amend as follows:

Delete lines 1774 through 1781

In line 16 of the title, after the comma insert "and"

In line 18 of the title, delete ", and to"

In line 19 of the title, delete "declare an emergency"

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

The yeas and nays were taken and resulted - yeas 94, nays 2, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Bacon
Baker	Balderson	Batchelder	Beck
Belcher	Blair	Blessing	Bolon
Book	Boose	Boyd	Bubp
Burke	Carney	Celeste	Chandler
Coley	Daniels	DeBose	DeGeeter
Derickson	Dodd	Domenick	Driehaus
Dyer	Evans	Fende	Foley
Gardner	Garland	Garrison	Gerberry
Goodwin	Goyal	Grossman	Hackett
Hagan	Hall	Harris	Harwood
Heard	Hite	Hollington	Hottinger
Huffman	Jordan	Koziura	Lehner
Letson	Luckie	Lundy	Maag
Mallory	Martin	McClain	McGregor
Mecklenborg	Moran	Morgan	Murray
Newcomb	Oelslager	Okey	Otterman
Patten	Phillips	Pillich	Pryor
Reece	Ruhl	Sayre	Sears
Skindell	Snitchler	Stautberg	Stebelton
Stewart	Sykes	Szollosi	Uecker
Wachtmann	Wagner	Walter	Weddington
Williams B.	Williams S.	Winburn	Yuko
Zehringer			Budish-94.

Representatives Combs and Schneider voted in the negative-2.

The motion was agreed to and the bill so amended.

The question being, "Shall the bill pass?"

Representative Heard moved to amend as follows:

In line 193, after "assistance" insert "or aid"

In line 199, after "assistance" insert "or aid pursuant"

In line 1608, after "assistance" insert "or aid"

In line 1619, strike through "subdivision's obligation to" and insert "subdivision shall"

In line 1622, delete "or aid"; strike through "under this section" and insert "or aid to another participating political subdivision that is impacted by an incident, disaster, exercise, training activity, planned event, or emergency, any of which requires additional resources. The provision of the assistance or aid"

In line 1634, after "assistance" insert "or aid"

In line 1753, after "assistance" insert "or aid"

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

The yeas and nays were taken and resulted - yeas 95, nays 1, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Bacon
Baker	Balderson	Batchelder	Beck
Belcher	Blair	Blessing	Bolon
Book	Boose	Boyd	Bubp
Burke	Carney	Celeste	Chandler
Coley	Daniels	DeBose	DeGeeter
Derickson	Dodd	Domenick	Driehaus
Dyer	Evans	Fende	Foley
Gardner	Garland	Garrison	Gerberry
Goodwin	Goyal	Grossman	Hackett
Hagan	Hall	Harris	Harwood
Heard	Hite	Hollington	Hottinger
Huffman	Jordan	Koziura	Lehner
Letson	Luckie	Lundy	Maag
Mallory	Martin	McClain	McGregor
Mecklenborg	Moran	Morgan	Murray
Newcomb	Oelslager	Okey	Otterman
Patten	Phillips	Pillich	Pryor
Reece	Ruhl	Sayre	Schneider
Sears	Skindell	Snitchler	Stautberg
Stebelton	Stewart	Sykes	Szollosi
Uecker	Wachtmann	Wagner	Walter
Weddington	Williams B.	Williams S.	Winburn
Yuko	Zehringer		Budish-95.

Representative Combs voted in the negative-1.

The motion was agreed to and the bill so amended.

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

The yeas and nays were taken and resulted - yeas 78, nays 18, as follows:

Those who voted in the affirmative were: Representatives

Adams R.	Bacon	Baker	Balderson
Beck	Belcher	Blair	Blessing
Bolon	Book	Boyd	Bubp
Burke	Carney	Celeste	Chandler
Coley	DeBose	DeGeeter	Derickson
Dodd	Domenick	Driehaus	Dyer
Evans	Fende	Foley	Garland
Garrison	Gerberry	Goyal	Grossman
Hackett	Hagan	Hall	Harris
Harwood	Heard	Hite	Hollington
Hottinger	Koziura	Lehner	Letson
Luckie	Lundy	Mallory	McGregor
Moran	Morgan	Murray	Newcomb
Oelslager	Okey	Otterman	Patten
Phillips	Pillich	Pryor	Reece
Sayre	Schneider	Skindell	Snitchler
Stautberg	Stewart	Sykes	Szollasi
Uecker	Wagner	Walter	Weddington
Williams B.	Williams S.	Winburn	Yuko
Zehringer			Budish-78.

Those who voted in the negative were: Representatives

Adams J.	Amstutz	Batchelder	Boose
Combs	Daniels	Gardner	Goodwin
Huffman	Jordan	Maag	Martin
McClain	Mecklenborg	Ruhl	Sears
Stebelton			Wachtmann-18.

The bill passed.

Representative Carney moved to amend the title as follows:

Add the names: "Boyd, Chandler, Dyer, Foley, Garland, Hackett, Harris, Harwood, Letson, Luckie, Lundy, Murray, Newcomb, Stewart, Walter, Williams, B., Winburn."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Sub. S. B. No. 110-Senator Niehaus.

Cosponsors: Senators Cafaro, Fedor, Harris, Kearney, Sawyer, Schaffer, Schiavoni, Seitz, Turner, Miller, D., Strahorn, Smith, Miller, R., Morano.

To amend sections 711.05, 711.10, 3718.01, 3718.02, 3718.03, 3718.04, 3718.05, 3718.06, 3718.09, and 6117.51 and to enact sections 3718.011, 3718.012, 3718.023, 3718.024, 3718.025, 3718.041, and 3718.11 of the Revised Code to revise the Household Sewage and Small Flow On-Site Sewage Treatment Systems Law, and to amend Section 3 of Am. H.B. 416 of

the 127th General Assembly to extend the date by which the report of the Great Lakes-St. Lawrence River Basin Water Resources Compact Advisory Board is due, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Heard moved to amend as follows:

In line 590, delete everything after the underlined period

Delete lines 591 through 602

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

The yeas and nays were taken and resulted - yeas 54, nays 42, as follows:

Those who voted in the affirmative were: Representatives

Adams R.	Amstutz	Baker	Beck
Belcher	Boyd	Burke	Carney
Celeste	Chandler	DeBose	DeGeeter
Domenick	Driehaus	Dyer	Fende
Foley	Garland	Goodwin	Goyal
Hagan	Harris	Heard	Hite
Hollington	Koziura	Lehner	Letson
Luckie	Lundy	Mallory	Moran
Morgan	Murray	Okey	Otterman
Patten	Pillich	Pryor	Reece
Schneider	Skindell	Stebelton	Stewart
Sykes	Szollosi	Walter	Weddington
Williams B.	Williams S.	Winburn	Yuko
Zehringer			Budish-54.

Those who voted in the negative were: Representatives

Adams J.	Bacon	Balderson	Batchelder
Blair	Blessing	Bolon	Book
Boose	Bubp	Coley	Combs
Daniels	Derickson	Dodd	Evans
Gardner	Garrison	Gerberry	Grossman
Hackett	Hall	Harwood	Hottinger
Huffman	Jordan	Maag	Martin
McClain	McGregor	Mecklenborg	Newcomb
Oelslager	Phillips	Ruhl	Sayre
Sears	Snitchler	Stautberg	Uecker
Wachtmann			Wagner-42.

The motion was agreed to and the bill so amended.

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

The yeas and nays were taken and resulted - yeas 93, nays 3, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Bacon
Baker	Balderson	Batchelder	Beck
Belcher	Blair	Blessing	Bolon
Book	Boose	Boyd	Bubp
Burke	Carney	Celeste	Chandler
Combs	Daniels	DeBose	DeGeeter
Derickson	Dodd	Domenick	Driehaus
Dyer	Evans	Fende	Foley
Gardner	Garland	Garrison	Gerberry
Goodwin	Goyal	Grossman	Hackett
Hagan	Hall	Harris	Harwood
Heard	Hite	Hollington	Hottinger
Jordan	Koziura	Lehner	Letson
Luckie	Lundy	Maag	Mallory
Martin	McClain	McGregor	Mecklenborg
Moran	Morgan	Murray	Newcomb
Oelslager	Okey	Otterman	Patten
Phillips	Pillich	Pryor	Reece
Sayre	Schneider	Sears	Skindell
Snitchler	Stautberg	Stebelton	Stewart
Sykes	Szollosi	Uecker	Wachtmann
Wagner	Walter	Weddington	Williams B.
Williams S.	Winburn	Yuko	Zehring Budish-93.

Representatives Coley, Huffman, and Ruhl voted in the negative-3.

The bill passed.

Representative Dodd moved to amend the title as follows:

Add the names: "Bubp, Chandler, DeBose, Domenick, Garland, Hagan, Harwood, Letson, Luckie, Mallory, Reece, Uecker, Walter, Weddington, Williams, B., Winburn, Yuko."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

On motion of Representative Szollosi, the House recessed.

The House met pursuant to recess.

Sub. S. B. No. 181-Senator Stewart.

Cosponsors: Senators Goodman, Schaffer, Seitz, Niehaus, Faber, Gibbs, Gillmor, Harris, Hughes, Patton, Wagoner, Wilson, Carey. Representative Weddington.

To amend sections 122.12, 135.143, 148.06, 926.31, 1501.04, 1517.23, 3302.03, 3313.44, 4928.01, 5709.62, 5709.63, 5709.632, 5739.02, 5751.08, 5751.09, 6109.22, and 6111.036, to enact sections 1513.372, 1517.03, 1517.04, and 5709.084 of the Revised Code, to amend Sections 265.30.40 and

265.40.60 of Am. Sub. H.B. 1 of the 128th General Assembly, to amend Section 265.10 of Am. Sub. H.B. 1 of the 128th General Assembly, as subsequently amended, and to repeal Sections 6 and 7 of Sub. H.B. 318 of the 128th General Assembly to provide immunity from liability for eligible landowners who provide access to abandoned mine land located on their land for purposes of acid mine drainage abatement and to provide immunity from liability for nonprofit organizations that provide funding or services for such acid mine drainage abatement, to designate that methane gas emitted from an abandoned coal mine constitutes a renewable energy resource rather than an advanced energy resource for purposes of the law governing the promotion of renewable energy usage, electricity supplied from renewable energy sources, and renewable energy credits, to reestablish the Ohio Natural Areas Council, and to expand the purposes for which the Water Supply Revolving Loan Account in the Drinking Water Assistance Fund and the Water Pollution Control Loan Fund may be used; to revise the performance ratings for school districts and buildings; to require the Director of Budget and Management, upon the request of the Director of Natural Resources and beginning July 1, 2010, and ending January 1, 2012, to transfer an amount not to exceed \$1.2 million from the Natural Areas and Preserves Fund to the Departmental Projects Fund for the purpose of supporting permanent employees of the Division of Natural Areas and Preserves through January 1, 2012; to require the Administrator of the Bureau of Workers' Compensation, beginning July 1, 2010, and ending December 31, 2010, to transfer a portion of the investment earnings of the Coal-Workers Pneumoconiosis Fund to the Strip Mining Administration Fund; to include NASCAR races, certain Olympic-style boxing competitions, and the Air New Zealand Golden Oldies World Rugby Festival as sporting events for which state grants may be awarded to a county or municipal corporation; to alter the authority of the Treasurer of State to invest in single-issuer debt; to authorize regional water and sewer districts to offer additional deferred compensation plans; to modify the law governing which entities are subject to testing of agricultural commodities; to exempt from taxation property leased by a school district for a term of at least fifty years; to exempt convention centers in large-population counties from property taxation and to exempt, for one year, construction materials incorporated into such convention centers from sales and use taxation; to extend enterprise zone authority for one year; to permanently authorize the Tax Commissioner to refund erroneously made commercial activity tax payments made by persons not required to pay the tax; to expressly permit consensual extensions of the four-year time limit on assessments and refund requests for the commercial activity tax; to reauthorize and make appropriations for the Department of Development's Job Ready Sites Program for fiscal years 2011 and 2012; to reauthorize and make appropriations for the Department of Development's Clean Ohio Revitalization Program for fiscal years 2011 and 2012; and to provide for adjustments to payments to schools, to provide for adjustments to payments to nonpublic schools, and to make an appropriation, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Skindell moved the previous question. This motion under House Rule 101 is supported by the following members:

/s/ MICHAEL J. SKINDELL
MICHAEL J. SKINDELL

/s/ JOSEPH KOZIURA
JOSEPH KOZIURA

/s/ TED CELESTE
TED CELESTE

/s/ CLAYTON LUCKIE
CLAYTON LUCKIE

/s/ TOM LETSON
TOM LETSON

The question being, "Shall the debate now close?"

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

Those who voted in the affirmative were: Representatives

Belcher	Bolon	Book	Boyd
Carney	Celeste	Chandler	DeBose
DeGeeter	Dodd	Domenick	Driehaus
Dyer	Fende	Foley	Garland
Garrison	Gerberry	Goyal	Hagan
Harris	Harwood	Heard	Koziura
Letson	Luckie	Lundy	Mallory
Moran	Murray	Newcomb	Oelslager
Okey	Otterman	Patten	Phillips
Pillich	Pryor	Reece	Sayre
Schneider	Skindell	Stewart	Sykes
Szollosi	Walter	Weddington	Williams B.
Williams S.	Winburn	Yuko	Budish-52.

Those who voted in the negative were: Representatives

Adams J.	Adams R.	Amstutz	Bacon
Baker	Balderson	Batchelder	Beck
Blair	Blessing	Boose	Bubp
Burke	Coley	Combs	Daniels
Derickson	Evans	Gardner	Goodwin
Grossman	Hackett	Hall	Hite
Hollington	Hottinger	Huffman	Jordan
Lehner	Maag	Martin	McClain
McGregor	Mecklenborg	Morgan	Ruhl
Sears	Snitchler	Stautberg	Stebelton
Uecker	Wachtmann	Wagner	Zehringer-44.

The motion was agreed to and the debate closed.

The question recurring, "Shall the bill pass?"

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

Those who voted in the affirmative were: Representatives

Baker	Balderson	Batchelder	Belcher
Blessing	Bolon	Book	Boose
Boyd	Bubp	Carney	Celeste
Chandler	Combs	Daniels	DeBose
DeGeeter	Derickson	Dodd	Domenick
Driehaus	Dyer	Evans	Fende
Foley	Gardner	Garland	Garrison
Gerberry	Goodwin	Goyal	Grossman
Hackett	Hagan	Harris	Harwood
Heard	Hite	Hollington	Hottinger
Koziura	Lehner	Letson	Luckie
Lundy	Mallory	McGregor	Mecklenborg
Moran	Murray	Newcomb	Oelslager
Okey	Otterman	Patten	Phillips
Pillich	Pryor	Reece	Ruhl
Sayre	Schneider	Sears	Skindell
Snitchler	Stewart	Sykes	Szollasi
Uecker	Wachtmann	Wagner	Walter
Weddington	Williams B.	Williams S.	Winburn
Yuko	Zehringer		Budish-79.

Those who voted in the negative were: Representatives

Adams J.	Adams R.	Amstutz	Bacon
Beck	Blair	Burke	Coley
Hall	Huffman	Jordan	Maag
Martin	McClain	Morgan	Stautberg
			Stebelton-17.

The bill passed.

Representative Carney moved to amend the title as follows:

Add the names: "Boyd, DeBose, Domenick, Driehaus, Evans, Garland, Hagan, Letson, Luckie, Mallory, Reece, Sayre, Williams, B., Williams, S., Winburn, Yuko."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Message from the Senate

Mr. Speaker:

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

Sub. H. B. No. 50 -Representative Domenick
Cosponsors: Representatives Williams, B., Harris, Huffman, Brown, Murray, Oelslager, Okey, Bolon, Winburn, Harwood, Phillips, Hottinger, McGregor,

Bacon, Balderson, Batchelder, Blair, Boose, Boyd, Bubp, Burke, Carney, Combs, DeBose, Derickson, Dyer, Evans, Fende, Garland, Garrison, Gerberry, Goyal, Grossman, Hackett, Hagan, Heard, Lehner, Letson, Luckie, Mallory, Martin, McClain, Moran, Morgan, Patten, Pillich, Pryor, Ruhl, Sayre, Sears, Slesnick, Snitchler, Stebelton, Stewart, Uecker, Wachtmann, Weddington, Williams, S., Yuko, Zehringer Senators Turner, Fedor, Buehrer, Harris, Hughes, Miller, D., Morano, Patton, Sawyer, Schiavoni, Strahorn, Wagoner, Smith

To amend sections 4503.19 and 4561.15 of the Revised Code to require a motor vehicle certificate of registration to have a supplemental portion that contains all the information contained in the main portion of the certificate except for the address of the person to whom the certificate is issued and to modify the prohibition against a pilot carrying passengers unless the pilot has a specified certification.

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

Attest:

Vincent L. Keeran,
Clerk.

Pursuant to Joint Rule 16, Representative Szollosi moved that the Senate amendments to **Sub. H. B. No. 50**-Representative Domenick, et al., be taken up for immediate consideration.

The motion was agreed to without objection.

The Senate amendments to **Sub. H. B. No. 50**-Representative Domenick, et al., were taken up for consideration.

Sub. H. B. No. 50-Representative Domenick.

Cosponsors: Representatives Williams, B., Harris, Huffman, Brown, Murray, Oelslager, Okey, Bolon, Winburn, Harwood, Phillips, Hottinger, McGregor, Bacon, Balderson, Batchelder, Blair, Boose, Boyd, Bubp, Burke, Carney, Combs, DeBose, Derickson, Dyer, Evans, Fende, Garland, Garrison, Gerberry, Goyal, Grossman, Hackett, Hagan, Heard, Lehner, Letson, Luckie, Mallory, Martin, McClain, Moran, Morgan, Patten, Pillich, Pryor, Ruhl, Sayre, Sears, Slesnick, Snitchler, Stebelton, Stewart, Uecker, Wachtmann, Weddington, Williams, S., Yuko, Zehringer. Senators Turner, Fedor, Buehrer, Harris, Hughes, Miller, D., Morano, Patton, Sawyer, Schiavoni, Strahorn, Wagoner, Smith.

To amend sections 4503.19 and 4561.15 of the Revised Code to require a motor vehicle certificate of registration to have a supplemental portion that contains all the information contained in the main portion of the certificate except for the address of the person to whom the certificate is issued and to

modify the prohibition against a pilot carrying passengers unless the pilot has a specified certification.

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

The yeas and nays were taken and resulted - yeas 95, nays 1, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Bacon
Baker	Balderson	Beck	Belcher
Blair	Blessing	Bolon	Book
Boose	Boyd	Bubp	Burke
Carney	Celeste	Chandler	Coley
Combs	Daniels	DeBose	DeGeeter
Derickson	Dodd	Domenick	Driehaus
Dyer	Evans	Fende	Foley
Gardner	Garland	Garrison	Gerberry
Goodwin	Goyal	Grossman	Hackett
Hagan	Hall	Harris	Harwood
Heard	Hite	Hollington	Hottinger
Huffman	Jordan	Koziura	Lehner
Letson	Luckie	Lundy	Maag
Mallory	Martin	McClain	McGregor
Mecklenborg	Moran	Morgan	Murray
Newcomb	Oelslager	Okey	Otterman
Patten	Phillips	Pillich	Pryor
Reece	Ruhl	Sayre	Schneider
Sears	Skindell	Snitchler	Stautberg
Stebelton	Stewart	Sykes	Szollosi
Uecker	Wachtmann	Wagner	Walter
Weddington	Williams B.	Williams S.	Winburn
Yuko	Zehringer		Budish-95.

Representative Batchelder voted in the negative-1.

The Senate amendments were concurred in.

Message from the Senate

Mr. Speaker:

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

Sub. H. B. No. 198 -Representatives Lehner, Ujvagi

Cosponsors: Representatives Grossman, Harris, Jones, Weddington, Foley, Domenick, Hackett, Burke, Bacon, Blair, Ruhl, Martin, Yuko, Derickson, Newcomb, Harwood, Letson, Moran, Winburn, Fende, Garland, McGregor, Bolon, Sears, Patten, Williams, B., Balderson, Batchelder, Beck, Blessing, Boyd, Brown, Carney, Celeste, Combs, Driehaus, Dyer, Evans, Garrison, Gerberry, Goyal, Hagan, Koziura, Luckie, Lundy, Maag, McClain, Morgan, Murray, Phillips, Pillich, Pryor, Reece, Slesnick, Stebelton, Stewart,

Williams, S. Senators Morano, Cafaro, Coughlin, Gibbs, Gillmor, Harris, Hughes, Husted, Jones, Miller, D., Niehaus, Sawyer, Schaffer, Schiavoni, Schuring, Seitz, Stewart, Strahorn, Wagoner, Widener, Wilson, Fedor, Smith, Goodman, Patton

To amend sections 3923.91 and 5111.242 and to enact sections 185.01 to 185.12, 3333.611, and 3333.612 of the Revised Code, to amend Section 309.30.25 of Am. Sub. H.B. 1 of the 128th General Assembly, and to amend Section 5 of Sub. H.B. 125 of the 127th General Assembly, as subsequently amended, to establish the Patient Centered Medical Home Education Pilot Project, to authorize implementation of a primary care component of the Choose Ohio First Scholarship Program, to extend the moratorium concerning most favored nation clauses in hospital contracts, to revise the law governing the Medicaid reimbursement for nursing facilities' tax costs, and to declare an emergency.

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

Attest:

Vincent L. Keeran,
Clerk.

Pursuant to Joint Rule 16, Representative Szollosi moved that the Senate amendments to **Sub. H. B. No. 198**-Representatives Lehner, Ujvagi, et al., be taken up for immediate consideration.

The motion was agreed to without objection.

The Senate amendments to **Sub. H. B. No. 198**-Representatives Lehner, Ujvagi, et al., were taken up for consideration.

Sub. H. B. No. 198-Representatives Lehner, Ujvagi.

Cosponsors: Representatives Grossman, Harris, Jones, Weddington, Foley, Domenick, Hackett, Burke, Bacon, Blair, Ruhl, Martin, Yuko, Derickson, Newcomb, Harwood, Letson, Moran, Winburn, Fende, Garland, McGregor, Bolon, Sears, Patten, Williams, B., Balderson, Batchelder, Beck, Blessing, Boyd, Brown, Carney, Celeste, Combs, Driehaus, Dyer, Evans, Garrison, Gerberry, Goyal, Hagan, Koziura, Luckie, Lundy, Maag, McClain, Morgan, Murray, Phillips, Pillich, Pryor, Reece, Slesnick, Stebelton, Stewart, Williams, S. Senators Morano, Cafaro, Coughlin, Gibbs, Gillmor, Harris, Hughes, Husted, Jones, Miller, D., Niehaus, Sawyer, Schaffer, Schiavoni, Schuring, Seitz, Stewart, Strahorn, Wagoner, Widener, Wilson, Fedor, Smith, Goodman, Patton.

To amend sections 3923.91 and 5111.242 and to enact sections 185.01 to 185.12, 3333.611, and 3333.612 of the Revised Code, to amend Section 309.30.25 of Am. Sub. H.B. 1 of the 128th General Assembly, and to amend

Section 5 of Sub. H.B. 125 of the 127th General Assembly, as subsequently amended, to establish the Patient Centered Medical Home Education Pilot Project, to authorize implementation of a primary care component of the Choose Ohio First Scholarship Program, to extend the moratorium concerning most favored nation clauses in hospital contracts, to revise the law governing the Medicaid reimbursement for nursing facilities' tax costs, and to declare an emergency.

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

The yeas and nays were taken and resulted - yeas 86, nays 10, as follows:

Those who voted in the affirmative were: Representatives

Adams R.	Amstutz	Bacon	Baker
Balderson	Beck	Belcher	Blair
Blessing	Bolon	Book	Boose
Boyd	Bubp	Burke	Carney
Celeste	Chandler	Coley	Combs
DeBose	DeGeeter	Derickson	Dodd
Domenick	Driehaus	Dyer	Evans
Fende	Foley	Gardner	Garland
Garrison	Gerberry	Goyal	Grossman
Hackett	Hagan	Hall	Harris
Harwood	Heard	Hite	Hollington
Hottinger	Huffman	Koziura	Lehner
Letson	Luckie	Lundy	Maag
Mallory	McClain	McGregor	Moran
Morgan	Murray	Newcomb	Oelslager
Okey	Otterman	Phillips	Pillich
Pryor	Reece	Ruhl	Sayre
Sears	Skindell	Snitchler	Stautberg
Stebelton	Stewart	Sykes	Szollosi
Uecker	Wagner	Walter	Weddington
Williams B.	Williams S.	Winburn	Yuko
Zehringer			Budish-86.

Those who voted in the negative were: Representatives

Adams J.	Batchelder	Daniels	Goodwin
Jordan	Martin	Mecklenborg	Patten
Schneider			Wachtmann-10.

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

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

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

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Bacon
Baker	Balderson	Batchelder	Beck

Belcher	Blair	Blessing	Bolon
Book	Boose	Boyd	Bubp
Burke	Carney	Celeste	Chandler
Coley	Combs	Daniels	DeBose
DeGeeter	Derickson	Dodd	Domenick
Driehaus	Dyer	Evans	Fende
Foley	Gardner	Garland	Garrison
Gerberry	Goodwin	Goyal	Grossman
Hackett	Hagan	Hall	Harris
Harwood	Heard	Hite	Hollington
Hottinger	Huffman	Jordan	Koziura
Lehner	Letson	Luckie	Lundy
Maag	Mallory	Martin	McClain
McGregor	Mecklenborg	Moran	Morgan
Murray	Newcomb	Oelslager	Okey
Otterman	Patten	Phillips	Pillich
Pryor	Reece	Ruhl	Sayre
Schneider	Sears	Skindell	Snitchler
Stautberg	Stebelton	Stewart	Sykes
Szollosi	Uecker	Wachtmann	Wagner
Walter	Weddington	Williams B.	Williams S.
Winburn	Yuko	Zehringer	Budish-96.

The Senate amendments were concurred in.

Message from the Senate

Mr. Speaker:

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

Am. Sub. H. B. No. 238 -Representative Harwood

Cosponsors: Representatives Murray, Williams, B., Pillich, Yuko, Chandler, Huffman, Letson, Bacon, Batchelder, Belcher, Bolon, Boyd, Brown, Bubp, Carney, Coley, Combs, DeBose, DeGeeter, Domenick, Driehaus, Dyer, Evans, Fende, Garland, Goyal, Grossman, Hagan, Harris, Hottinger, Luckie, Mallory, Newcomb, Oelslager, Okey, Patten, Phillips, Snitchler, Yates Senators Miller, D., Buehrer, Fedor, Harris, Hughes, Husted, Kearney, Patton, Seitz, Strahorn, Wagoner, Turner, Smith

To amend sections 124.81, 141.04, 1901.01, 1901.02, 1901.021,1901.03, 1901.06, 1901.07, 1901.08, 1901.31, 1901.312, 1901.32, 1901.34, 1905.01, 1907.11, 1907.18, 1907.26, 2903.213, 2919.26, 3105.171, 3105.63, and 3105.65 of the Revised Code to require the court in divorce or legal separation proceedings to require the spouses to fully disclose their assets and to include nondisclosure of assets as financial misconduct, to permit a court to modify a division of property in a divorce decree or decree of dissolution of marriage upon the express written consent or agreement of both spouses, to eliminate

the prohibition against a municipal or county court judge being eligible for life insurance coverage from a county or other political subdivision, to change the statutory designation of the Chardon, Lyndhurst, and Miamisburg Municipal Court judges from part-time to full-time judges, to prohibit a county court judge from retaining a fee for performing a marriage ceremony, to remove the statutorily required notice regarding possessing or purchasing a firearm when subject to certain nondomestic violence protection orders issued as a pretrial condition of release, to modify the notice requirements regarding possessing or purchasing a firearm when subject to a domestic violence-related temporary protection order, to create the Putnam County Municipal Court in Ottawa on January 1, 2011, to establish one full-time judgeship in that court, to provide for the nomination of the judge by petition only, to abolish the Putnam County County Court on that date, to designate the Putnam County Clerk of Courts as the clerk of the Putnam County Municipal Court, to provide for the election for the Putnam County Municipal Court of one full-time judge in 2011, to make deputy sheriffs ex officio bailiffs of municipal courts, to create the Montgomery County Municipal Court on July 1, 2010; to abolish the Montgomery County County Court on that date; to designate the Montgomery County Clerk of Courts as the Clerk of the Montgomery County Municipal Court; to provide for the election for the Montgomery County Municipal Court of one full-time judge and one part-time judge in 2011 and one full-time and one part-time judge in 2013; and to abolish one of the four judgeships by December 31, 2015, and one of the remaining three judgeships by December 31, 2021.

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

In line 40, after "124.81," insert "141.04,"; after "1901.02," insert "1901.021,"; after "1901.03," insert "1901.06,"

In line 41, after "1901.34," insert "1905.01,"

Between lines 161 and 162, insert:

"Sec. 141.04. (A) The annual salaries of the chief justice of the supreme court and of the justices and judges named in this section payable from the state treasury are as follows, rounded to the nearest fifty dollars:

(1) For the chief justice of the supreme court, the following amounts effective in the following years:

(a) Beginning January 1, 2000, one hundred twenty-four thousand nine hundred dollars;

(b) Beginning January 1, 2001, one hundred twenty-eight thousand six hundred fifty dollars;

(c) After 2001, the amount determined under division (E)(1) of this

section.

(2) For the justices of the supreme court, the following amounts effective in the following years:

(a) Beginning January 1, 2000, one hundred seventeen thousand two hundred fifty dollars;

(b) Beginning January 1, 2001, one hundred twenty thousand seven hundred fifty dollars;

(c) After 2001, the amount determined under division (E)(1) of this section.

(3) For the judges of the courts of appeals, the following amounts effective in the following years:

(a) Beginning January 1, 2000, one hundred nine thousand two hundred fifty dollars;

(b) Beginning January 1, 2001, one hundred twelve thousand five hundred fifty dollars;

(c) After 2001, the amount determined under division (E)(1) of this section.

(4) For the judges of the courts of common pleas, the following amounts effective in the following years:

(a) Beginning January 1, 2000, one hundred thousand five hundred dollars, reduced by an amount equal to the annual compensation paid to that judge from the county treasury pursuant to section 141.05 of the Revised Code;

(b) Beginning January 1, 2001, one hundred three thousand five hundred dollars, reduced by an amount equal to the annual compensation paid to that judge from the county treasury pursuant to section 141.05 of the Revised Code;

(c) After 2001, the aggregate annual salary amount determined under division (E)(2) of this section reduced by an amount equal to the annual compensation paid to that judge from the county treasury pursuant to section 141.05 of the Revised Code.

(5) For the full-time judges of a municipal court or the part-time judges of a municipal court of a territory having a population of more than fifty thousand, the following amounts effective in the following years, which amounts shall be in addition to all amounts received pursuant to divisions (B)(1)(a) and (2) of section 1901.11 of the Revised Code from municipal corporations and counties:

(a) Beginning January 1, 2000, thirty-two thousand six hundred fifty dollars;

(b) Beginning January 1, 2001, thirty-five thousand five hundred dollars;

(c) After 2001, the amount determined under division (E)(3) of this section.

(6) For judges of a municipal court designated as part-time judges by section 1901.08 of the Revised Code, other than part-time judges to whom division (A)(5) of this section applies, and for judges of a county court, the following amounts effective in the following years, which amounts shall be in addition to any amounts received pursuant to division (A) of section 1901.11 of the Revised Code from municipal corporations and counties or pursuant to division (A) of section 1907.16 of the Revised Code from counties:

(a) Beginning January 1, 2000, eighteen thousand eight hundred dollars;

(b) Beginning January 1, 2001, twenty thousand four hundred fifty dollars;

(c) After 2001, the amount determined under division (E)(4) of this section.

(B) Except as provided in section 1901.121 of the Revised Code, except as otherwise provided in this division, and except for the compensation to which the judges described in division (A)(5) of this section are entitled pursuant to divisions (B)(1)(a) and (2) of section 1901.11 of the Revised Code, the annual salary of the chief justice of the supreme court and of each justice or judge listed in division (A) of this section shall be paid in equal monthly installments from the state treasury. If the chief justice of the supreme court or any justice or judge listed in division (A)(2), (3), or (4) of this section delivers a written request to be paid biweekly to the administrative director of the supreme court prior to the first day of January of any year, the annual salary of the chief justice or the justice or judge that is listed in division (A)(2), (3), or (4) of this section shall be paid, during the year immediately following the year in which the request is delivered to the administrative director of the supreme court, biweekly from the state treasury.

(C) Upon the death of the chief justice or a justice of the supreme court during that person's term of office, an amount shall be paid in accordance with section 2113.04 of the Revised Code, or to that person's estate. The amount shall equal the amount of the salary that the chief justice or justice would have received during the remainder of the unexpired term or an amount equal to the salary of office for two years, whichever is less.

(D) Neither the chief justice of the supreme court nor any justice or judge of the supreme court, the court of appeals, the court of common pleas, or the probate court shall hold any other office of trust or profit under the authority of this state or the United States.

(E)(1) Each year from 2002 through 2008, the annual salaries of the chief justice of the supreme court and of the justices and judges named in divisions (A)(2) and (3) of this section shall be increased by an amount equal to the adjustment percentage for that year multiplied by the compensation paid the

preceding year pursuant to division (A)(1), (2), or (3) of this section.

(2) Each year from 2002 through 2008, the aggregate annual salary payable under division (A)(4) of this section to the judges named in that division shall be increased by an amount equal to the adjustment percentage for that year multiplied by the aggregate compensation paid the preceding year pursuant to division (A)(4) of this section and section 141.05 of the Revised Code.

(3) Each year from 2002 through 2008, the salary payable from the state treasury under division (A)(5) of this section to the judges named in that division shall be increased by an amount equal to the adjustment percentage for that year multiplied by the aggregate compensation paid the preceding year pursuant to division (A)(5) of this section and division (B)(1)(a) of section 1901.11 of the Revised Code.

(4) Each year from 2002 through 2008, the salary payable from the state treasury under division (A)(6) of this section to the judges named in that division shall be increased by an amount equal to the adjustment percentage for that year multiplied by the aggregate compensation paid the preceding year pursuant to division (A)(6) of this section and division (A) of section 1901.11 of the Revised Code from municipal corporations and counties or division (A) of section 1907.16 of the Revised Code from counties.

(F) In addition to the salaries payable pursuant to this section, the chief justice of the supreme court and the justices of the supreme court shall be entitled to a vehicle allowance of five hundred dollars per month, payable from the state treasury. The allowance shall be increased on the first day of January of each odd numbered year by an amount equal to the percentage increase, if any, in the consumer price index for the immediately preceding twenty-four month period for which information is available.

(G) On or before the first day of December of each year, the Ohio supreme court, through its chief administrator, shall notify the administrative judge of the Montgomery county municipal court, the board of county commissioners of Montgomery county, and the treasurer of the state of the yearly salary cost of five part-time county court judges as of that date. If the total yearly salary costs of all of the judges of the Montgomery county municipal court as of the first day of December of that same year exceeds that amount, the administrative judge of the Montgomery county municipal court shall cause payment of the excess between those two amounts less any reduced amount paid for the health care costs of the Montgomery county municipal court judges in comparison to the health care costs of five part-time county court judges from the general special projects fund or the fund for a specific special project created pursuant to section 1901.26 of the Revised Code to the treasurer of Montgomery county and to the treasurer of the state in amounts proportional to the percentage of the salaries of the municipal court judges paid by the county and by the state.

(H) As used in this section:

(1) The "adjustment percentage" for a year is the lesser of the following:

(a) Three per cent;

(b) The percentage increase, if any, in the consumer price index over the twelve-month period that ends on the thirtieth day of September of the immediately preceding year, rounded to the nearest one-tenth of one per cent.

(2) "Consumer price index" has the same meaning as in section 101.27 of the Revised Code.

(3) "Salary" does not include any portion of the cost, premium, or charge for health, medical, hospital, dental, or surgical benefits, or any combination of those benefits, covering the chief justice of the supreme court or a justice or judge named in this section and paid on the chief justice's or the justice's or judge's behalf by a governmental entity."

In line 178, delete " Ottawa,"

Between lines 209 and 210, insert:

" (G) Effective January 1, 2011, there is hereby established a municipal court in the municipal corporation of Ottawa.

(H) Effective July 1, 2010, there is hereby established a municipal court within Montgomery county in any municipal corporation or unincorporated territory within Montgomery county, except the municipal corporations of Centerville, Clayton, Dayton, Englewood, Germantown, Kettering, Miamisburg, Moraine, Oakwood, Union, Vandalia, and West Carrollton and Butler, German, Harrison, Miami, and Washington townships, that is selected by the legislative authority of that court."

In line 295, after " court" insert " ;

(29) The municipal court established within Montgomery county in any municipal corporation or unincorporated territory within Montgomery county, except the municipal corporations of Centerville, Clayton, Dayton, Englewood, Germantown, Kettering, Miamisburg, Moraine, Oakwood, Union, Vandalia, and West Carrollton and Butler, German, Harrison, Miami, and Washington townships, that is selected by the legislative authority of that court and that, beginning July 1, 2010, shall be styled and known as the "Montgomery county municipal court"

Between lines 511 and 512, insert:

" Beginning July 1, 2010, the Montgomery county municipal court has jurisdiction within all of Montgomery county except for the municipal corporations of Centerville, Clayton, Dayton, Englewood, Germantown, Kettering, Miamisburg, Moraine, Oakwood, Union, Vandalia, and West Carrollton and Butler, German, Harrison, Miami, and Washington townships."

In line 561, delete " The" and insert " Effective January 1, 2011, the"

Between lines 642 and 643, insert:

"**Sec. 1901.021.** (A) ~~The~~ Except as otherwise provided in division (M) of this section, the judge or judges of any municipal court established under division (A) of section 1901.01 of the Revised Code having territorial jurisdiction outside the corporate limits of the municipal corporation in which it is located may sit outside the corporate limits of the municipal corporation within the area of its territorial jurisdiction.

(B) Two or more of the judges of the Hamilton county municipal court shall be assigned by the presiding judge of the court to sit outside the municipal corporation of Cincinnati.

(C) Two of the judges of the Portage county municipal court shall sit within the municipal corporation of Ravenna, and one of the judges shall sit within the municipal corporation of Kent. The judges may sit in other incorporated areas of Portage county.

(D) One of the judges of the Wayne county municipal court shall sit within the municipal corporation of Wooster, and one shall sit within the municipal corporation of Orrville. Both judges may sit in other incorporated areas of Wayne county.

(E) The judge of the Auglaize county municipal court shall sit within the municipal corporations of Wapakoneta and St. Marys and may sit in other incorporated areas in Auglaize county.

(F) At least one of the judges of the Miami county municipal court shall sit within the municipal corporations of Troy, Piqua, and Tipp City, and the judges may sit in other incorporated areas of Miami county.

(G) The judge of the Crawford county municipal court shall sit within the municipal corporations of Bucyrus and Galion and may sit in other incorporated areas in Crawford county.

(H) The judge of the Jackson county municipal court shall sit within the municipal corporations of Jackson and Wellston and may sit in other incorporated areas in Jackson county.

(I) Each judge of the Columbiana county municipal court may sit within the municipal corporation of Lisbon, Salem, or East Palestine until the judges jointly select a central location within the territorial jurisdiction of the court. When the judges select a central location, the judges shall sit at that location.

(J) In any municipal court, other than the Hamilton county municipal court and the Montgomery county municipal court, that has more than one judge, the decision for one or more judges to sit outside the corporate limits of the municipal corporation shall be made by rule of the court as provided in division (C) of sections 1901.14 and 1901.16 of the Revised Code.

(K) The assignment of a judge to sit in a municipal corporation other than that in which the court is located does not affect the jurisdiction of the mayor except as provided in section 1905.01 of the Revised Code.

(L) The judges of the Clermont county municipal court may sit in any municipal corporation or unincorporated territory within Clermont county.

(M) Beginning July 1, 2010, the judges of the Montgomery county municipal court shall sit in the same locations as the judges of the Montgomery county county court sat before the county court was abolished on that date. The legislative authority of the Montgomery county municipal court may determine after that date that the judges of the Montgomery county municipal court shall sit in any municipal corporation or unincorporated territory within Montgomery county."

In line 667, after the second comma insert "Montgomery county."

In line 668, delete "Putnam county."

In line 670, after "court" insert "and effective January 1, 2011, also includes the Putnam county municipal court"

In line 674, after "to" insert "any provision of"; after "Code" insert "except division (M) of that section"

Between lines 674 and 675, insert:

"Sec. 1901.06. A municipal judge during ~~his~~ the judge's term of office shall be a qualified elector and a resident of the territory of the court to which ~~he~~ the judge is elected or appointed. A municipal judge shall have been admitted to the practice of law in this state and shall have been, for a total of at least six years preceding ~~his~~ the judge's appointment or the commencement of ~~his~~ the judge's term, engaged in the practice of law in this state or served as a judge of a court of record in any jurisdiction in the United States, or both.

Except as provided in section 1901.08 of the Revised Code, the first election of any newly created office of a municipal judge shall be held at the next regular municipal election occurring not less than one hundred days after the creation of the office. ~~The~~ Except as otherwise provided in division (G) of section 1901.01 of the Revised Code, the institution of a new municipal court shall take place on the first day of January next after the first election for the court."

Between lines 1057 and 1058, insert:

" In the Montgomery county municipal court:

One judge shall be elected in 2011 to a part-time judgeship for a term to begin on January 1, 2012. If any one of the other judgeships of the court becomes vacant and is abolished after July 1, 2010, this judgeship shall become a full-time judgeship on that date. If only one other judgeship of the court becomes vacant and is abolished as of December 31, 2021, this judgeship shall be abolished as of that date. Beginning July 1, 2010, the part-time judge of the Montgomery county county court that existed before that date whose term commenced on January 1, 2005, shall serve as a part-time judge of the Montgomery county municipal court until December 31, 2011.

One judge shall be elected in 2011 to a full-time judgeship for a term to begin on January 2, 2012, and this judgeship shall be abolished on January 1, 2016. Beginning July 1, 2010, the part-time judge of the Montgomery county county court that existed before that date whose term commenced on January 2, 2005, shall serve as a full-time judge of the Montgomery county municipal court until January 1, 2012.

One judge shall be elected in 2013 to a full-time judgeship for a term to begin on January 2, 2014. Beginning July 1, 2010, the part-time judge of the Montgomery county county court that existed before that date whose term commenced on January 2, 2007, shall serve as a full-time judge of the Montgomery county municipal court until January 1, 2014.

One judge shall be elected in 2013 to a judgeship for a term to begin on January 1, 2014. If no other judgeship of the court becomes vacant and is abolished by January 1, 2014, this judgeship shall be a part-time judgeship. When one or more of the other judgeships of the court becomes vacant and is abolished after July 1, 2010, this judgeship shall become a full-time judgeship. Beginning July 1, 2010, the part-time judge of the Montgomery county county court that existed before that date whose term commenced on January 1, 2007, shall serve as this judge of the Montgomery county municipal court until December 31, 2013.

If any one of the judgeships of the court becomes vacant before December 31, 2021, that judgeship is abolished on the date that it becomes vacant, and the other judges of the court shall be or serve as full-time judges. The abolishment of judgeships for the Montgomery county municipal court shall cease when the court has two full-time judgeships."

In line 1197, after the first comma insert "Montgomery county,"

In line 1241, after the first "(d)" insert " In the Montgomery county municipal court, the clerk of courts of Montgomery county shall be the clerk of the municipal court. The clerk of courts of Montgomery county, acting as the clerk of the Montgomery county municipal court and assuming the duties of that office, shall receive compensation at one-fourth the rate that is prescribed for the clerks of courts of common pleas as determined in accordance with the population of the county and the rates set forth in sections 325.08 and 325.18 of the Revised Code. This compensation shall be paid from the county treasury in semimonthly installments and is in addition to the annual compensation that is received for the performance of the duties of the clerk of courts of Montgomery county, as provided in sections 325.08 and 325.18 of the Revised Code.

(e)"; strike through the second "(d)" and insert "(e)"

In line 1284, strike through "(e)" in both places and insert "(f)"

In line 1327, strike through "(f)" and insert "(g)"

In line 1328, strike through "(f)" and insert "(g)"

In line 1371, strike through "(f)" and insert "(g)"

In line 1373, strike through "(g)" in both places and insert "(h)"

In line 1417, delete " Putnam county."

In line 1418, after "courts" insert " and, effective January 1, 2011, the Putnam county municipal court"

In line 1426, reinsert " ~~and~~"; delete the underlined comma

In line 1427, delete " and Putnam county"; after the first "courts" insert " and, effective January 1, 2011, in the Putnam county municipal court"

In line 1466, after the first comma insert " Montgomery county."

In line 1495, delete " the"

In line 1496, delete " Putnam county."; after "courts" insert " and, effective January 1, 2011, the Putnam county municipal court"

In line 1524, after the second comma insert " Montgomery county."

In line 1871, reinsert " ~~and~~"; delete " , and Putnam county"

In line 1872, after "attorneys" insert " and, effective January 1, 2011, the Putnam county prosecuting attorney"

In line 1890, after the period insert " The Montgomery county prosecuting attorney shall prosecute in the Montgomery county municipal court all felony, misdemeanor, and traffic violations arising in the unincorporated townships of Jefferson, Jackson, Perry, and Clay and all felony violations of state law and all violations involving a state or county agency arising within the jurisdiction of the court. All other violations arising in the territory of the Montgomery county municipal court shall be prosecuted by the village solicitor, city director of law, or similar chief legal officer for each municipal corporation within the territory of the Montgomery county municipal court."

In line 1912, reinsert " ~~or~~"; delete " , or Putnam"; after "county" insert " or, effective January 1, 2011, Putnam county"

In line 1919, reinsert " ~~or~~"

In line 1920, delete " , or Putnam"; after "county" insert " or, effective January 1, 2011, the prosecuting attorney of Putnam county"

Between lines 1933 and 1934, insert:

"**Sec. 1905.01.** (A) In Georgetown in Brown county, in Mount Gilead in Morrow county, and in all other municipal corporations having a population of more than one hundred, other than Batavia in Clermont county, not being the site of a municipal court nor a place where a judge of the Auglaize county, Crawford county, Jackson county, Miami county, Montgomery county, Portage county, or Wayne county municipal court sits as required pursuant to section 1901.021 of the Revised Code or by designation of the judges pursuant to section 1901.021

of the Revised Code, the mayor of the municipal corporation has jurisdiction, except as provided in divisions (B), (C), and (E) of this section and subject to the limitation contained in section 1905.03 and the limitation contained in section 1905.031 of the Revised Code, to hear and determine any prosecution for the violation of an ordinance of the municipal corporation, to hear and determine any case involving a violation of a vehicle parking or standing ordinance of the municipal corporation unless the violation is required to be handled by a parking violations bureau or joint parking violations bureau pursuant to Chapter 4521. of the Revised Code, and to hear and determine all criminal causes involving any moving traffic violation occurring on a state highway located within the boundaries of the municipal corporation, subject to the limitations of sections 2937.08 and 2938.04 of the Revised Code.

(B)(1) In Georgetown in Brown county, in Mount Gilead in Morrow county, and in all other municipal corporations having a population of more than one hundred, other than Batavia in Clermont county, not being the site of a municipal court nor a place where a judge of a court listed in division (A) of this section sits as required pursuant to section 1901.021 of the Revised Code or by designation of the judges pursuant to section 1901.021 of the Revised Code, the mayor of the municipal corporation has jurisdiction, subject to the limitation contained in section 1905.03 of the Revised Code, to hear and determine prosecutions involving a violation of an ordinance of the municipal corporation relating to operating a vehicle while under the influence of alcohol, a drug of abuse, or a combination of them or relating to operating a vehicle with a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the whole blood, blood serum or plasma, breath, or urine, and to hear and determine criminal causes involving a violation of section 4511.19 of the Revised Code that occur on a state highway located within the boundaries of the municipal corporation, subject to the limitations of sections 2937.08 and 2938.04 of the Revised Code, only if the person charged with the violation, within six years of the date of the violation charged, has not been convicted of or pleaded guilty to any of the following:

(a) A violation of an ordinance of any municipal corporation relating to operating a vehicle while under the influence of alcohol, a drug of abuse, or a combination of them or relating to operating a vehicle with a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the whole blood, blood serum or plasma, breath, or urine;

(b) A violation of section 4511.19 of the Revised Code;

(c) A violation of any ordinance of any municipal corporation or of any section of the Revised Code that regulates the operation of vehicles, streetcars, and trackless trolleys upon the highways or streets, to which all of the following apply:

(i) The person, in the case in which the conviction was obtained or the plea of guilty was entered, had been charged with a violation of an ordinance of a type described in division (B)(1)(a) of this section, or with a violation of

section 4511.19 of the Revised Code;

(ii) The charge of the violation described in division (B)(1)(c)(i) of this section was dismissed or reduced;

(iii) The violation of which the person was convicted or to which the person pleaded guilty arose out of the same facts and circumstances and the same act as did the charge that was dismissed or reduced.

(d) A violation of a statute of the United States or of any other state or a municipal ordinance of a municipal corporation located in any other state that is substantially similar to section 4511.19 of the Revised Code.

(2) The mayor of a municipal corporation does not have jurisdiction to hear and determine any prosecution or criminal cause involving a violation described in division (B)(1)(a) or (b) of this section, regardless of where the violation occurred, if the person charged with the violation, within six years of the violation charged, has been convicted of or pleaded guilty to any violation listed in division (B)(1)(a), (b), (c), or (d) of this section.

If the mayor of a municipal corporation, in hearing a prosecution involving a violation of an ordinance of the municipal corporation the mayor serves relating to operating a vehicle while under the influence of alcohol, a drug of abuse, or a combination of them or relating to operating a vehicle with a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the whole blood, blood serum or plasma, breath, or urine, or in hearing a criminal cause involving a violation of section 4511.19 of the Revised Code, determines that the person charged, within six years of the violation charged, has been convicted of or pleaded guilty to any violation listed in division (B)(1)(a), (b), (c), or (d) of this section, the mayor immediately shall transfer the case to the county court or municipal court with jurisdiction over the violation charged, in accordance with section 1905.032 of the Revised Code.

(C)(1) In Georgetown in Brown county, in Mount Gilead in Morrow county, and in all other municipal corporations having a population of more than one hundred, other than Batavia in Clermont county, not being the site of a municipal court and not being a place where a judge of a court listed in division (A) of this section sits as required pursuant to section 1901.021 of the Revised Code or by designation of the judges pursuant to section 1901.021 of the Revised Code, the mayor of the municipal corporation, subject to sections 1901.031, 2937.08, and 2938.04 of the Revised Code, has jurisdiction to hear and determine prosecutions involving a violation of a municipal ordinance that is substantially equivalent to division (A) of section 4510.14 or section 4510.16 of the Revised Code and to hear and determine criminal causes that involve a moving traffic violation, that involve a violation of division (A) of section 4510.14 or section 4510.16 of the Revised Code, and that occur on a state highway located within the boundaries of the municipal corporation only if all of the following apply regarding the violation and the person charged:

(a) Regarding a violation of section 4510.16 of the Revised Code or a

violation of a municipal ordinance that is substantially equivalent to that division, the person charged with the violation, within six years of the date of the violation charged, has not been convicted of or pleaded guilty to any of the following:

(i) A violation of section 4510.16 of the Revised Code;

(ii) A violation of a municipal ordinance that is substantially equivalent to section 4510.16 of the Revised Code;

(iii) A violation of any municipal ordinance or section of the Revised Code that regulates the operation of vehicles, streetcars, and trackless trolleys upon the highways or streets, in a case in which, after a charge against the person of a violation of a type described in division (C)(1)(a)(i) or (ii) of this section was dismissed or reduced, the person is convicted of or pleads guilty to a violation that arose out of the same facts and circumstances and the same act as did the charge that was dismissed or reduced.

(b) Regarding a violation of division (A) of section 4510.14 of the Revised Code or a violation of a municipal ordinance that is substantially equivalent to that division, the person charged with the violation, within six years of the date of the violation charged, has not been convicted of or pleaded guilty to any of the following:

(i) A violation of division (A) of section 4510.14 of the Revised Code;

(ii) A violation of a municipal ordinance that is substantially equivalent to division (A) of section 4510.14 of the Revised Code;

(iii) A violation of any municipal ordinance or section of the Revised Code that regulates the operation of vehicles, streetcars, and trackless trolleys upon the highways or streets in a case in which, after a charge against the person of a violation of a type described in division (C)(1)(b)(i) or (ii) of this section was dismissed or reduced, the person is convicted of or pleads guilty to a violation that arose out of the same facts and circumstances and the same act as did the charge that was dismissed or reduced.

(2) The mayor of a municipal corporation does not have jurisdiction to hear and determine any prosecution or criminal cause involving a violation described in division (C)(1)(a)(i) or (ii) of this section if the person charged with the violation, within six years of the violation charged, has been convicted of or pleaded guilty to any violation listed in division (C)(1)(a)(i), (ii), or (iii) of this section and does not have jurisdiction to hear and determine any prosecution or criminal cause involving a violation described in division (C)(1)(b)(i) or (ii) of this section if the person charged with the violation, within six years of the violation charged, has been convicted of or pleaded guilty to any violation listed in division (C)(1)(b)(i), (ii), or (iii) of this section.

(3) If the mayor of a municipal corporation, in hearing a prosecution involving a violation of an ordinance of the municipal corporation the mayor serves that is substantially equivalent to division (A) of section 4510.14 or

section 4510.16 of the Revised Code or a violation of division (A) of section 4510.14 or section 4510.16 of the Revised Code, determines that, under division (C)(2) of this section, mayors do not have jurisdiction of the prosecution, the mayor immediately shall transfer the case to the county court or municipal court with jurisdiction over the violation in accordance with section 1905.032 of the Revised Code.

(D) If the mayor of a municipal corporation has jurisdiction pursuant to division (B)(1) of this section to hear and determine a prosecution or criminal cause involving a violation described in division (B)(1)(a) or (b) of this section, the authority of the mayor to hear or determine the prosecution or cause is subject to the limitation contained in division (C) of section 1905.03 of the Revised Code. If the mayor of a municipal corporation has jurisdiction pursuant to division (A) or (C) of this section to hear and determine a prosecution or criminal cause involving a violation other than a violation described in division (B)(1)(a) or (b) of this section, the authority of the mayor to hear or determine the prosecution or cause is subject to the limitation contained in division (C) of section 1905.031 of the Revised Code.

(E)(1) The mayor of a municipal corporation does not have jurisdiction to hear and determine any prosecution or criminal cause involving any of the following:

(a) A violation of section 2919.25 or 2919.27 of the Revised Code;

(b) A violation of section 2903.11, 2903.12, 2903.13, 2903.211, or 2911.211 of the Revised Code that involves a person who was a family or household member of the defendant at the time of the violation;

(c) A violation of a municipal ordinance that is substantially equivalent to an offense described in division (E)(1)(a) or (b) of this section and that involves a person who was a family or household member of the defendant at the time of the violation.

(2) The mayor of a municipal corporation does not have jurisdiction to hear and determine a motion filed pursuant to section 2919.26 of the Revised Code or filed pursuant to a municipal ordinance that is substantially equivalent to that section or to issue a protection order pursuant to that section or a substantially equivalent municipal ordinance.

(3) As used in this section, "family or household member" has the same meaning as in section 2919.25 of the Revised Code.

(F) In keeping a docket and files, the mayor, and a mayor's court magistrate appointed under section 1905.05 of the Revised Code, shall be governed by the laws pertaining to county courts."

Strike through lines 1972 through 1976

In line 2861, after "124.81," insert "141.04,"; after "1901.02," insert "1901.021,"

In line 2862, after "1901.03," insert "1901.06,"; after "1901.34," insert "1905.01,"

In line 2865, after "**Section 3.**" insert "(A) Effective July 1, 2010, the Montgomery County County Court is abolished.

(B) All causes, executions, and other proceedings pending in the Montgomery County County Court at the close of business on June 30, 2010, shall be transferred to and proceed in the Montgomery County Municipal Court on July 1, 2010, as if originally instituted in the Montgomery County Municipal Court. Parties to those causes, judgments, executions, and proceedings may make any amendments to their pleadings that are required to conform them to the rules of the Montgomery County Municipal Court. The Clerk of the Montgomery County County Court or other custodian shall transfer to the Montgomery County Municipal Court all pleadings, orders, entries, dockets, bonds, papers, records, books, exhibits, files, moneys, property, and persons that belong to, are in the possession of, or are subject to the jurisdiction of the Montgomery County County Court, or any officer of that court, at the close of business on June 30, 2010, and that pertain to those causes, judgments, executions, and proceedings.

(C) All employees of the Montgomery County County Court shall be transferred to and shall become employees of the Montgomery County Municipal Court on July 1, 2010.

(D) Effective July 1, 2010, the part-time judgeships in the Montgomery County County Court are abolished.

Section 4. Any additional funds that were collected by the Montgomery County County Court and paid to the Montgomery County Treasurer for deposit into either a general special projects fund or a fund established for a specific special project pursuant to division (B)(1) of section 1907.24 of the Revised Code or that were collected by the Montgomery County County Court and paid to the Montgomery County Treasurer to computerize the court, to make available computerized legal research services, or to do both or to computerize the office of the clerk of the court pursuant to section 1907.261 of the Revised Code, or for any other purpose determined by the court, shall be transferred on July 1, 2010, into either the general special projects fund or the fund established for a specific special project for the Montgomery County Municipal Court, as provided in division (B)(1) of section 1901.26 of the Revised Code, in a separate fund pursuant to divisions (A)(2) and (B)(1) of section 1901.261 of the Revised Code, or into any other fund established by the court.

Section 5. Sections 141.04, 1901.01, 1901.02, 1901.021, 1901.03, 1901.06, 1901.31, 1901.34, 1905.01, and 1907.11 of the Revised Code, as amended by this act, shall take effect July 1, 2010.

Section 6."

In line 2888, delete "**4.**" and insert "**7.**"; delete "1901.01, 1901.02,

1901.03,"

In line 2889, delete "1901.31, "; after "1901.312," insert "and"; delete ", 1901.34, and 1907.11"

In line 2892, delete "5." and insert "8."

After line 2900, insert:

In line 1 of the title, after "124.81," insert "141.04, "; after "1901.02," insert "1901.021, "; after "1901.03," insert "1901.06,"

In line 3 of the title, after "1901.34," insert "1905.01,"

In line 38 of the title, delete "and"

In line 39 of the title, after "courts" insert ", to create the Montgomery County Municipal Court on July 1, 2010; to abolish the Montgomery County County Court on that date; to designate the Montgomery County Clerk of Courts as the Clerk of the Montgomery County Municipal Court; to provide for the election for the Montgomery County Municipal Court of one full-time judge and one part-time judge in 2011 and one full-time and one part-time judge in 2013; to abolish one of the four judgeships by December 31, 2015, and one of the remaining three judgeships by December 31, 2021."

Attest:

Vincent L. Keeran,
Clerk.

Pursuant to Joint Rule 16, Representative Szollosi moved that the Senate amendments to **Am. Sub. H. B. No. 238**-Representative Harwood, et al., be taken up for immediate consideration.

The motion was agreed to without objection.

The Senate amendments to **Am. Sub. H. B. No. 238**-Representative Harwood, et al., were taken up for consideration.

Am. Sub. H. B. No. 238-Representative Harwood.

Cosponsors: Representatives Murray, Williams, B., Pillich, Yuko, Chandler, Huffman, Letson, Bacon, Batchelder, Belcher, Bolon, Boyd, Brown, Bulp, Carney, Coley, Combs, DeBose, DeGeeter, Domenick, Driehaus, Dyer, Evans, Fende, Garland, Goyal, Grossman, Hagan, Harris, Hottinger, Luckie, Mallory, Newcomb, Oelslager, Okey, Patten, Phillips, Snitchler, Yates. Senators Miller, D., Buehrer, Fedor, Harris, Hughes, Husted, Kearney, Patton, Seitz, Strahorn, Wagoner, Turner, Smith.

To amend sections 124.81, 141.04, 1901.01, 1901.02, 1901.021, 1901.03, 1901.06, 1901.07, 1901.08, 1901.31, 1901.312, 1901.32, 1901.34, 1905.01, 1907.11, 1907.18, 1907.26, 2903.213, 2919.26, 3105.171, 3105.63, and 3105.65 of the Revised Code to require the court in divorce or legal separation

proceedings to require the spouses to fully disclose their assets and to include nondisclosure of assets as financial misconduct, to permit a court to modify a division of property in a divorce decree or decree of dissolution of marriage upon the express written consent or agreement of both spouses, to eliminate the prohibition against a municipal or county court judge being eligible for life insurance coverage from a county or other political subdivision, to change the statutory designation of the Chardon, Lyndhurst, and Miamisburg Municipal Court judges from part-time to full-time judges, to prohibit a county court judge from retaining a fee for performing a marriage ceremony, to remove the statutorily required notice regarding possessing or purchasing a firearm when subject to certain nondomestic violence protection orders issued as a pretrial condition of release, to modify the notice requirements regarding possessing or purchasing a firearm when subject to a domestic violence-related temporary protection order, to create the Putnam County Municipal Court in Ottawa on January 1, 2011, to establish one full-time judgeship in that court, to provide for the nomination of the judge by petition only, to abolish the Putnam County County Court on that date, to designate the Putnam County Clerk of Courts as the clerk of the Putnam County Municipal Court, to provide for the election for the Putnam County Municipal Court of one full-time judge in 2011, to make deputy sheriffs ex officio bailiffs of municipal courts, to create the Montgomery County Municipal Court on July 1, 2010; to abolish the Montgomery County County Court on that date; to designate the Montgomery County Clerk of Courts as the Clerk of the Montgomery County Municipal Court; to provide for the election for the Montgomery County Municipal Court of one full-time judge and one part-time judge in 2011 and one full-time and one part-time judge in 2013; and to abolish one of the four judgeships by December 31, 2015, and one of the remaining three judgeships by December 31, 2021.

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

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

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Bacon
Baker	Balderson	Batchelder	Beck
Belcher	Blair	Blessing	Bolon
Book	Boose	Boyd	Bubp
Burke	Carney	Celeste	Chandler
Coley	Combs	Daniels	DeBose
DeGeeter	Derickson	Dodd	Domenick
Driehaus	Dyer	Evans	Fende
Foley	Gardner	Garland	Garrison
Gerberry	Goodwin	Goyal	Grossman
Hackett	Hagan	Hall	Harris
Harwood	Heard	Hite	Hollington
Hottinger	Huffman	Jordan	Koziura
Lehner	Letson	Luckie	Lundy
Maag	Mallory	Martin	McClain

McGregor	Mecklenborg	Moran	Morgan
Murray	Newcomb	Oelslager	Okey
Otterman	Patten	Phillips	Pillich
Pryor	Reece	Ruhl	Sayre
Schneider	Sears	Skindell	Snitchler
Stautberg	Stebelton	Stewart	Sykes
Szollosi	Uecker	Wachtmann	Wagner
Walter	Weddington	Williams B.	Williams S.
Winburn	Yuko	Zehringer	Budish-96.

The Senate amendments were concurred in.

Message from the Senate

Mr. Speaker:

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

Am. Sub. S. B. No. 204 -Senator Wagoner

Cosponsors: Senators Carey, Gibbs, Grendell, Husted, Jones, Morano, Niehaus, Patton, Schaffer, Widener, Schuring, Kearney, Buehrer, Harris, Hughes, Miller, D., Sawyer, Seitz, Turner, Wilson

To amend sections 4517.01, 4517.52, 4517.54, 4517.55, and 4517.59 and to enact sections 4517.541 and 4517.542 of the Revised Code relative to the termination of franchises and prohibited acts under the Motor Vehicle Dealers Law.

Am. Sub. S. B. No. 263 -Senator Faber

Cosponsors: Senators Niehaus, Goodman, Harris, Wagoner

To amend sections 101.70, 102.02, 102.03, 109.572, 109.71, 109.77, 109.79, 121.60, 126.45, 1705.48, 2915.01, 2915.02, 2915.091, 3793.02, 4301.355, 4301.62, 4303.181, 4303.182, 4303.30, 5502.03, 5703.052, 5703.19, 5703.21, 5703.70, 5747.01, and 5747.02, and to enact sections 121.54, 3517.1015, 3772.01 to 3772.03, 3772.031, 3772.032, 3772.033, 3772.034, 3772.04, 3772.05, 3772.051, 3772.06, 3772.061, 3772.062, 3772.07 to 3772.09, 3772.091, 3772.10, 3772.11, 3772.111, 3772.112, 3772.12, 3772.121, 3772.13, 3772.131, 3772.14 to 3772.34, 3772.99, 3793.032, 5753.01 to 5753.06, 5753.061, and 5753.07 to 5753.10 of the Revised Code to create the Ohio Casino Control Commission and related provisions and to set forth casino gaming statutes under Ohio Constitution, Article XV, Section 6(C).

Attest:

Vincent L. Keeran,
Clerk.

Said bills were considered the first time.

Message from the Speaker

May 25, 2010

Speaker Armond Budish
77 South High Street, 14th Floor
Columbus, OH 43215

Dear Speaker Budish,

I am writing to formally notify you of my resignation as State Representative of the 96th House district, effective May 31, 2010. It has been a pleasure for me to serve the people of the 96th House District in this capacity since January of 2005. I have had the opportunity to work alongside you and many other great legislators. I thank you for your leadership and assistance throughout the years as we have worked to advance an agenda for all Ohioans.

Again, thank you for the opportunities you have given me while I served in the House of Representatives. I wish for you and all my fellow House colleagues success as you continue the great work of serving our state.

Sincerely,

/s/ ALLAN R. SAYRE
Allan R. Sayre
State Representative
96th House District

Message from the Speaker

May 27, 2010

The Honorable Allan R. Sayre
State Representative, 96th District
Ohio House of Representatives
77 South High Street
Columbus, Ohio 43215-6111

Dear Representative Sayre:

This is to acknowledge receipt and acceptance of your letter of resignation, effective Monday, May 31, 2010.

You have served your constituents and the State of Ohio well over the years and I am confident you will continue to do so as Chief Deputy Auditor in Tuscarawas County.

Sincerely,

/s/ ARMOND BUDISH

Armond Budish

Speaker

Ohio House of Representatives

On motion of Representative Szollosi, the House adjourned until Tuesday, June 1, 2010 at 11:00 o'clock a.m.

Attest:

THOMAS L. SHERMAN,
Clerk.