

**OHIO**

**House**

**of**

**Representatives**

**JOURNAL**

**CORRECTED VERSION**  
**THURSDAY, JUNE 3, 2010**

ONE HUNDRED EIGHTY-EIGHTH DAY  
Hall of the House of Representatives, Columbus, Ohio  
**Thursday, June 3, 2010, 9:00 o'clock a.m.**

The House met pursuant to adjournment.

Pursuant to House Rule No. 23, the Clerk called the House to order.

Representative Dodd was selected to preside under the Rule.

The journal of yesterday was read and approved.

### INTRODUCTION OF BILLS

The following bill was introduced:

**H. B. No. 546**-Representatives Gardner, Amstutz.

To amend Section 509.10 of Am. Sub. H.B. 1 of the 128th General Assembly to require the Budget Planning and Management Commission to meet at least six times during the period of July 1, 2010, through November 30, 2010, and to declare an emergency.

Said bill was considered the first time.

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

Representative Combs submitted the following report:

The standing committee on Transportation and Infrastructure to which was referred **H. B. No. 448**-Representative Chandler, et al., having had the same under consideration, reports it back and recommends its passage.

RE: SCHOOL BUSES EQUIPPED WITH SEATBELT ASSEMBLY

MIKE FOLEY  
JOHN PATRICK CARNEY  
JOSEPH W. UECKER  
JEFFREY MCCLAIN  
MARGARET RUHL  
KENNY YUKO

JAMES ZEHRINGER  
JOHN DOMENICK  
ALICIA REECE  
COURTNEY COMBS  
ROBERT F. HAGAN  
TROY BALDERSON

The report was agreed to.

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

Representative Combs submitted the following report:

The standing committee on Transportation and Infrastructure to which was referred **H. B. No. 463**-Representative Moran, et al., having had the same under consideration, reports it back with the following amendment and recommends its passage when so amended.

RE: ENCLOSED THREE WHEEL MOTORCYCLE

Representative Hagan moved to amend the title as follows:

Add the name: "Foley."

Representative Yuko moved to amend as follows:

In line 30, after " and" insert " either"; after " motor" insert " or an internal combustion engine"

In line 4 of the title, after "and" insert "either"

In line 5 of the title, after "motor" insert "or an internal combustion engine"

The motion was agreed to and the bill so amended.

ROBERT F. HAGAN  
JOHN DOMENICK  
ALICIA REECE  
COURTNEY COMBS  
JEFFREY MCCLAIN  
JOSEPH W. UECKER

JOHN PATRICK CARNEY  
MIKE FOLEY  
KENNY YUKO  
TROY BALDERSON  
MARGARET RUHL  
JAMES ZEHRINGER

The report was agreed to.

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

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

**H.B. No. 540 - Representative Slesnick, et al**

TO INCREASE FROM TEN DOLLARS TO TWENTY DOLLARS THE FEE FOR THE COMPUTERIZATION OF THE OFFICE OF THE CLERKS OF THE MUNICIPAL, THE COUNTY, AND COMMON PLEAS COURTS, TO REQUIRE THAT ALL MONEYS COLLECTED BY THE CLERK OF A COURT BE PAID TO THE APPROPRIATE PERSON, FUND, OR ENTITY ON OR BEFORE THE TWENTIETH DAY OF EACH MONTH, TO PERMIT THE MUNICIPAL COURT, COUNTY COURT, AND COURT OF COMMON PLEAS TO COLLECT UNPAID COURT COSTS, FEES, OR FINES FROM AN OBLIGOR'S STATE INCOME TAX REFUND, TO REQUIRE THE AUDITOR OF STATE TO CREATE AND MAINTAIN A CHART DETAILING THE DISTRIBUTION OF COURT COSTS, FEES,

AND FINES COLLECTED BY COURT CLERKS, AND TO CREATE THE COMMITTEE ON COURT COSTS.

To the committee on Judiciary

**H.B. No. 541 - Representatives Foley and Stautberg, et al**

TO GENERALLY AUTHORIZE MUNICIPAL CORPORATIONS AND OTHER POLITICAL SUBDIVISIONS TO ENTER INTO AGREEMENTS TO PERFORM SERVICES FOR ONE ANOTHER.

To the committee on Local Government/Public Administration

T. TODD BOOK  
BARBARA BOYD  
MATT LUNDY  
CHERYL GROSSMAN

JOSEPH KOZIURA  
TIMOTHY J. DEGEETER  
RANDY GARDNER

Representative Chandler moved that the House and Constitutional Rules requiring bills to be considered by each house on three different days be suspended as to the second consideration of the House Bills 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 were considered the second time and referred as recommended.

#### **MOTIONS AND RESOLUTIONS**

Representative Koziura reported for the Rules and Reference Committee recommending that the following House Resolutions be read by title only and approved:

**H.R. No. 328 - Representative Patten**

Honoring Joshua Heil as a national champion wrestler.

**H.R. No. 329 - Representative Ruhl**

Honoring Hannah Beh as a 2010 Health Kids Challenge's Stirring Up Health Contest National Middle School Recipe Winner.

/s/ TODD BOOK  
Todd Book, Chair

Representative Chandler moved that the Rules and Reference Committee Report on resolutions be agreed to and that the resolutions contained therein be approved.

The motion was agreed to.

Representative Chandler moved that the majority and minority party members asking leave to be absent or absent the week of Wednesday, June 2, 2010, be excused, so long as a written request is on file in the majority and minority leadership offices.

The motion was agreed to.

Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate accedes to the request of the House of Representatives for a Committee of Conference on matters of difference between the two Houses on:

**Am. Sub. S. B. No. 110** -Senator Niehaus - et al.

The President of the Senate has appointed as managers on the part of the Senate on such matters of difference:

Senators Niehaus, Grendell and Cafaro.

Attest:

Vincent L. Keeran,  
Clerk.

Message from the Speaker

The Speaker hereby appoints the following members of the House to the Committee of Conference on matters of difference between the two houses on

**Am. Sub. S. B. No. 110**-Senator Niehaus - et al.

Representatives Dodd, Newcomb, and Wachtmann.

Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate accedes to the request of the House of Representatives for a Committee of Conference on matters of difference between the two Houses on:

**Sub. S. B. No. 181** -Senator Stewart - et al.

The President of the Senate has appointed as managers on the part of the Senate on such matters of difference:

Senators Niehaus, Cates and D. Miller.

Attest:

Vincent L. Keeran,  
Clerk.

Message from the Speaker

The Speaker hereby appoints the following members of the House to the Committee of Conference on matters of difference between the two houses on

**Sub. S. B. No. 181**-Senator Stewart - et al.

Representatives Sykes, Goyal, and Amstutz.

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:

**Sub. S. B. No. 260** -Senator Goodman

Cosponsors: Senators Hughes, Cates, Grendell, Harris, Patton, Schaffer, Stewart

To amend section 107.40 and to enact section 5503.031 of the Revised Code to ban the use of prison labor at the Governor's residence and to provide that, in general, no executive order and no policy, rule, or practice may require prior approval, control, or management of State Highway Patrol Investigations by the Governor, Director of Public Safety or other official of the Department, or legal counsel.

**Am. Sub. S. B. No. 243** -Senator Buehrer

Cosponsors: Senators Carey, Coughlin, Faber, Gibbs, Grendell, Jones, Schaffer, Cates, Harris, Hughes, Niehaus, Patton, Schuring, Wagoner, Widener, Seitz

To amend section 3701.99 and to enact section 3701.95 of the Revised Code to prohibit the creation, transportation, or receipt of a human-animal hybrid, the transfer of a nonhuman embryo into a human womb, and the transfer of a human embryo into a nonhuman womb.

Attest:

Vincent L. Keeran,  
Clerk.

Said bills were considered the first time.

Message from the Speaker

Pursuant to House Rules 13, 28, and 30, the Speaker hereby makes the following changes to the committee on Ways and Means:

Remove Representative Schneider; appoint Representative Bolon.

Representative Chandler moved that the House revert to the fifth order of business, being reports of standing and select committees and bills for second consideration.

The motion was agreed to.

On motion of Representative Chandler, the House recessed.

The House met pursuant to recess.

Prayer was offered by Representative Clayton Luckie-39th district, followed by the Pledge of Allegiance to the Flag.

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

Rachel Ellman, a guest of Representative Garland-20th district.

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

Representative Stautberg submitted the following report:

The standing committee on Housing and Urban Revitalization to which was referred **H. B. No. 323**-Representative Murray, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: FORECLOSURE AND NUISANCE ABATEMENT ACTIONS

DENISE DRIEHAUS  
ROLAND WINBURN  
TRACY HEARD  
CLAYTON LUCKIE  
PETER BECK  
RICHARD R. HOLLINGTON  
MIKE FOLEY  
TERRY BLAIR

NAN BAKER  
CHERYL GROSSMAN  
BARBARA BOYD  
JOE WALTER  
LOUIS W. BLESSING  
PETER STAUTBERG  
DAN STEWART  
JOHN OTTERMAN

The following member voted "NO"

KRIS JORDAN

The report was agreed to.

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

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. 519** -Representatives Yuko, Book

Cosponsors: Representatives Luckie, Celeste, Garland, Weddington, Driehaus, Boyd, DeBose, Foley, Harris, Letson, Mallory, Reece, Stewart, Szollosi, Williams, B., Winburn Senators Niehaus, Faber, Goodman, Harris

To amend sections 101.70, 102.02, 102.03, 109.31, 109.572, 109.71, 109.77, 109.79, 121.41, 121.60, 1705.48, 2915.01, 2915.02, 2915.091, 2915.101, 3793.02, 4301.355, 4301.62, 4303.181, 4303.182, 4303.30, 5502.03, 5703.052, 5703.19, 5703.21, 5703.70, 5747.01, 5747.02, 5747.20, and 5747.98 and to enact sections 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, 3772.08, 3772.09, 3772.091, 3772.10, 3772.11, 3772.111, 3772.112, 3772.12, 3772.121, 3772.13, 3772.131, 3772.14 to 3772.33, 3772.99, 3793.032, 5747.063, 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), to make changes to bingo and instant bingo laws, and to allow raffles of free prizes at professional sporting events.

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. 519**-Representatives Yuko, Book, et al., be taken up for immediate consideration.

The motion was agreed to without objection.

The Senate amendments to **Sub. H. B. No. 519**-Representatives Yuko, Book, et al., were taken up for consideration.

**Sub. H. B. No. 519**-Representatives Yuko, Book.

Cosponsors: Representatives Luckie, Celeste, Garland, Weddington, Driehaus, Boyd, DeBose, Foley, Harris, Letson, Mallory, Reece, Stewart, Szollosi, Williams, B., Winburn. Senators Niehaus, Faber, Goodman, Harris.

To amend sections 101.70, 102.02, 102.03, 109.31, 109.572, 109.71, 109.77, 109.79, 121.41, 121.60, 1705.48, 2915.01, 2915.02, 2915.091, 2915.101, 3793.02, 4301.355, 4301.62, 4303.181, 4303.182, 4303.30, 5502.03, 5703.052, 5703.19, 5703.21, 5703.70, 5747.01, 5747.02, 5747.20, and 5747.98 and to enact sections 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, 3772.08, 3772.09, 3772.091, 3772.10, 3772.11, 3772.111, 3772.112, 3772.12, 3772.121, 3772.13, 3772.131, 3772.14 to 3772.33, 3772.99, 3793.032, 5747.063, 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), to make changes to bingo and instant bingo laws, and to allow raffles of free prizes at professional sporting events.

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

The yeas and nays were taken and resulted - yeas 22, nays 75, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Bacon	Batchelder	Blessing
Boose	Bubp	Burke	Coley
Combs	Daniels	Hall	Hite
Hollington	Mandel	Martin	McGregor
Ruhl	Sears	Snitchler	Stautberg
Wagner			Zehringer-22.

Those who voted in the negative were: Representatives

Adams R.	Amstutz	Baker	Balderson
Beck	Belcher	Blair	Bolon
Book	Boyd	Carney	Celeste
Chandler	DeGeeter	Derickson	Dodd
Domenick	Driehaus	Dyer	Evans
Fende	Foley	Gardner	Garland
Garrison	Gerberry	Goodwin	Goyal
Grossman	Hackett	Hagan	Harris
Harwood	Heard	Hottinger	Huffman
Jordan	Koziura	Lehner	Letson
Luckie	Lundy	Maag	Mallory
McClain	Mecklenborg	Moran	Morgan
Murray	Newcomb	O'Farrell	Oelslager
Okey	Otterman	Patten	Phillips
Pillich	Pryor	Reece	Schneider
Skindell	Slesnick	Stebelton	Stewart
Sykes	Szollosi	Uecker	Wachtmann

Walter  
Winburn

Weddington  
Yuko

Williams B.

Williams S.  
Budish-75.

The Senate amendments were not concurred in.

### BILLS FOR THIRD CONSIDERATION

#### 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. Representatives Okey, Murray, Book, Coley, Dyer, Stebelton.

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, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 98, 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	Brown
Bubp	Burke	Carney	Celeste
Chandler	Coley	Combs	Daniels
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	Mandel	Martin
McClain	McGregor	Mecklenborg	Moran
Morgan	Murray	Newcomb	O'Farrell
Oelslager	Okey	Otterman	Patten
Phillips	Pillich	Pryor	Reece
Ruhl	Schneider	Sears	Skindell
Slesnick	Snitchler	Stautberg	Stebelton
Stewart	Sykes	Szollosi	Uecker
Wachtmann	Wagner	Walter	Weddington
Williams B.	Williams S.	Winburn	Yuko
Zehringer			Budish-98.

The bill passed.

Representative Lundy moved to amend the title as follows:

Add the names: "Adams, R., Bacon, Balderson, Beck, Belcher, Blair, Blessing, Bolon, Boose, Boyd, Brown, Bubp, Carney, Celeste, Chandler, Combs, Daniels, DeGeeter, Dodd, Domenick, Evans, Fende, Garland, Garrison, Gerberry, Goyal, Grossman, Hackett, Hagan, Hall, Harris, Harwood, Heard, Hottinger, Koziura, Lehner, Letson, Luckie, Lundy, Maag, Mallory, McClain, Mecklenborg, Moran, Newcomb, Oelslager, Phillips, Pillich, Pryor, Ruhl, Schneider, Sears, Skindell, Slesnick, Snitchler, Stewart, Szollosi, Uecker, Wachtmann, Walter, Weddington, Williams, B., Winburn, Yuko, Zehringer."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**Am. S. B. No. 270**-Senator Hughes.

Cosponsors: Senators Miller, R., Goodman, Harris, Schiavoni, Strahorn, Turner, Cates.

To establish a dam construction permit pilot program that, with respect to an eligible dam project, establishes permit fee and bonding requirements that are different from the permit fee and bonding requirements otherwise required under applicable law, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Garland moved to amend as follows:

In line 7, after "**Section 1.**" insert "That section 755.14 be amended and section 755.141 of the Revised Code be enacted to read as follows:

**Sec. 755.14.** (A) If the legislative authority of a municipal corporation determines that the power to equip, operate, and maintain parks, playgrounds, playfields, gymnasiums, public baths, swimming pools, or recreation centers shall be exercised by a recreation board, it may establish such a board, which shall possess all the powers and be subject to all the responsibilities of the respective local authorities under sections 755.12 to 755.18 of the Revised Code. The board shall consist of five persons, two of whom shall be members of the board of education of the city or village school district or shall be appointed by that board of education. The other members of the recreation board shall be appointed by the mayor or manager as executive of such municipal corporation with the consent of its council. The members who are board of education members and members appointed by a board of education shall be residents of the school district making the appointment but need not be residents of the municipal corporation. All other members of the board shall be residents of the municipal corporation. All members of the board shall serve for terms of five years, except that the members first appointed shall be appointed for such terms that the term of one member shall expire annually thereafter. Members of the

board shall serve without pay. Vacancies in the board, occurring otherwise than by expiration of term, shall be for the unexpired term and shall be filled in the same manner as original appointments.

(B) ~~(1)~~ The legislative authorities of the municipal corporations, boards of township trustees of the townships, boards of township park commissioners, boards of county commissioners of the counties, and boards of education of the school districts joined in the operation and maintenance of parks or recreation facilities under section 755.16 of the Revised Code may, by resolution, establish a joint recreation board which may possess all the powers and be subject to all the responsibilities of the respective local authorities under sections 755.12 to 755.18 of the Revised Code. The resolutions shall specify the number of members of the joint recreation board ~~, other than any members who may be appointed under division (B)(2) of this section,~~ and the method of appointing members and filling vacancies. Members of the board shall serve without pay.

~~(2) If a park or recreational facility owned, operated, or maintained by a joint recreation board created under division (B)(1) of this section is the site where an exhibition sanctioned by the United States Christopher Columbus quinqucentenary jubilee commission is being or has been held and the exhibition is or was sponsored by an organization that is also sponsoring or has sponsored an exhibition sanctioned by the international association of horticulture producers, then the governor, speaker of the house of representatives, and president of the senate shall each appoint one member to the board. The members appointed by the speaker of the house of representatives and the president of the senate may be members of the general assembly, but any members of the general assembly appointed to the board shall be nonvoting members and shall serve only while they remain members of the general assembly. Members appointed under division (B)(2) of this section shall serve terms of three years and serve without pay, and all vacancies in their positions on the board, whether for an unexpired term or at the end of a term, shall be filled in the same manner as the original appointments.~~

(C) The legislative authorities of the several subdivisions joined in the operation and maintenance of recreation facilities under section 755.16 of the Revised Code may, by resolution, establish a joint recreation district, consisting of all the territory of the subdivisions so joined. The joint recreation district board of trustees shall be the governing body of a district and shall possess all the powers of a legislative authority of an individual subdivision under sections 755.12 to 755.18 of the Revised Code. The Subject to section 755.141 of the Revised Code, the number of trustees shall be fixed by the resolutions creating the district and may be any number so long as there is representation of all participating subdivisions.

**Sec. 755.141.** If a park or recreational facility owned, operated, or maintained by a joint recreation district created under division (C) of section 755.14 of the Revised Code is the site where an exhibition sanctioned by the United States Christopher Columbus quinqucentenary jubilee commission is being or has been held and the exhibition is or was sponsored by the organization that

is also sponsoring or has sponsored an exhibition sanctioned by the international association of horticulture producers, the following provisions shall apply, in addition to the provisions of sections 755.12 to 755.18 of the Revised Code:

(A) The governor, speaker of the house of representatives, and president of the senate shall each appoint one member to the board of trustees of the district. These members may be members of the general assembly, but any members of the general assembly appointed to the board of trustees shall be nonvoting members and shall serve only while they remain members of the general assembly. Members appointed under this division shall serve terms of three years and serve without pay, and all vacancies in their positions on the board, whether for an unexpired term or at the end of a term, shall be filled in the same manner as the original appointments.

(B) The board of trustees of a joint recreation district may designate the amounts and forms of property and casualty insurance protection to be provided. The expense of providing the protection shall be paid from operating funds of the joint recreation district.

(C) The board of trustees of a joint recreation district may acquire, construct, maintain, and operate horticultural facilities, public banquet facilities, greenhouses, and such other facilities as are authorized in section 755.16 of the Revised Code.

(D)(1) By resolution of its board of trustees, the joint recreation district may issue revenue bonds beyond the limit of bonded indebtedness provided by law, for the acquisition, construction, furnishing, or equipping of any real or personal property, or any combination thereof which it is authorized to acquire, construct, furnish, or equip, including all costs in connection with or incidental thereto.

(2) The revenue bonds of the joint recreation district shall be secured only by a pledge of and a lien on the revenues of the joint recreation district that are designated in the resolution, including, but not limited to, any property to be acquired, constructed, furnished, or equipped with the proceeds of the bond issue, after provision only for the reasonable cost of operating, maintaining, and repairing the property of the joint recreation district so designated. The bonds may further be secured by the covenant of the joint recreation district to maintain rates or charges that will produce revenues sufficient to meet the costs of operating, maintaining, and repairing such property and to meet the interest and principal requirements of the bonds and to establish and maintain reserves for the foregoing purposes. The board of trustees of the joint recreation district, by resolution, may provide for the issuance of additional revenue bonds from time to time, to be secured equally and ratably, without preference, priority, or distinction, with outstanding revenue bonds, but subject to the terms and limitations of any trust agreement described in this section, and of any resolution authorizing bonds then outstanding. The board of trustees, by resolution, may designate additional property of the district, the revenues of which shall be pledged and be subject to a lien for the payment of the debt charges on revenue

bonds theretofore authorized by resolution of the board of trustees, to the same extent as the revenues above described.

(3) In the discretion of the board of trustees, the revenue bonds of the district may be secured by a trust agreement between the joint recreation district and a corporate trustee, that may be any trust company or bank having powers of a trust company, within or without the state.

(4) The trust agreement may provide for the pledge or assignment of the revenues to be received, but shall not pledge the general credit and taxing power of the joint recreation district. The trust agreement or the resolution providing for the issuance of revenue bonds may set forth the rights and remedies of the bondholders and trustees, and may contain other provisions for protecting and enforcing their rights and remedies that are determined in the discretion of the board of trustees to be reasonable and proper. The agreement or resolution may provide for the custody, investment, and disbursement of all moneys derived from the sale of such bonds, or from the revenues of the joint recreation district, other than those moneys received from taxes levied pursuant to section 755.171 of the Revised Code, and may provide for the deposit of such funds without regard to Chapter 135, of the Revised Code.

(5) All bonds issued under authority of this section, regardless of form or terms and regardless of any other law to the contrary, shall have all qualities and incidents of negotiable instruments, subject to provisions for registration, and may be issued in coupon, fully registered, or other form, or any combination thereof, as the board of trustees determines. Provision may be made for the registration of any coupon bonds as to principal alone or as to both principal and interest, and for the conversion into coupon bonds of any fully registered bonds or bonds registered as to both principal and interest.

(6) The revenue bonds shall bear interest at such rate or rates, shall bear such date or dates, and shall mature within thirty years following the date of issuance and in such amount, at such time or times, and in such number of installments, as may be provided in or pursuant to the resolution authorizing their issuance. Any original issue of revenue bonds shall mature not later than thirty years from their date of issue. Such resolution also shall provide for the execution of the bonds, which may be by facsimile signatures unless prohibited by the resolution, and the manner of sale of the bonds. The resolution shall provide for, or provide for the determination of, any other terms and conditions relative to the issuance, sale, and retirement of the bonds that the board of trustees in its discretion determines to be reasonable and proper.

(7) Whenever a joint recreation district considers it expedient, it may issue renewal notes and refund any bonds, whether the bonds to be refunded have or have not matured. The final maturity of any notes, including any renewal notes, shall not be later than five years from the date of issue of the original issue of notes. The final maturity of any refunding bonds shall not be later than the later of thirty years from the date of issue of the original issue of bonds or the date by which it is expected, at the time of issuance of the refunding bonds, that

the useful life of all of the property, other than interests in land, refinanced with proceeds of the bonds will have expired. The refunding bonds shall be sold and the proceeds applied to the purchase, redemption, or payment of the bonds to be refunded and the costs of issuance of the refunding bonds. The bonds and notes issued under this section, their transfer, and the income therefrom, shall at all times be free from taxation within the state.

(E) A joint recreation district described in this section may do all of the following:

(1) Operate or appoint agents to operate, or otherwise provide for the operation of, its properties and its facilities, activities, and programs and to enter into agreements and arrangements related thereto, and to receive and apply the net proceeds thereof solely to the management, operation, development, maintenance, and repair of its properties, its buildings, facilities, improvements, and grounds;

(2) Impose and collect a charge for admission for selective events, exhibits, and facilities;

(3) Offer memberships of various denominations for selective activities or facilities;

(4) Form advisory and other support committees to the board of trustees to provide counsel and assistance to the board in the management, operation, and development of its properties, buildings, facilities, improvements, and grounds;

(5) Grant licenses, or enter into leases or contracts, for the use of any part of its properties, facilities, buildings, and grounds for such length of time and upon such terms and conditions as the board of trustees deems appropriate and necessary, and grant easements in, through, or over its property;

(6) Receive and accept from any federal, state, county, municipal, or local government or agency, any grant or contribution of money, property, labor, or other things of value, to be held, used, and applied for the purpose for which such grants and contributions are made; and

(7) Accept and expend gifts, grants, devises, and bequests of money and property on behalf of the board of trustees and hold, use, and apply such gifts, grants, devises, and bequests according to the terms thereof.

(F)(1) For purposes of division (F)(2) of this section:

(a) "Bank" has the same meaning as in section 1101.01 of the Revised Code.

(b) "Savings and loan association" has the same meaning as in section 1151.01 of the Revised Code.

(c) "Savings bank" has the same meaning as in section 1161.01 of the Revised Code.

(2) The board of trustees may enter into a contract for a secured line of

credit with a bank, savings and loan association, or savings bank if the contract meets all of the following requirements:

(a) The term of the contract does not exceed one year, except that the contract may provide for the automatic renewal of the contract for up to four additional one-year periods.

(b) The contract provides that the bank, savings and loan association, or savings bank shall not commence a civil action against the board, any member of the board, or the county or the municipal corporation to recover the principal, interest, or any charges or other amounts that remain outstanding on the secured line of credit at the time of any default by the board.

(c) The contract provides that no assets other than those of the joint recreation district can be used to secure the line of credit.

(d) The terms and conditions of the contract comply with all state and federal statutes and rules governing the extension of a secured line of credit.

(3) Any obligation incurred by a board of trustees of a joint recreation district pursuant to division (B) of this section is an obligation of that board only and not a general obligation of the board of county commissioners, the county, or the municipal corporation within the meaning of division (Q) of section 133.01 of the Revised Code.

(G)(1) For purposes of division (G)(2) of this section, "lease-purchase agreement" has the same meaning as a lease with an option to purchase.

(2) For any purpose for which a board of trustees of a joint recreation district described in this section is authorized to acquire real or personal property, that board may enter into a lease-purchase agreement in accordance with this section to acquire the property.

The lease-purchase agreement shall provide for a series of terms in which no term extends beyond the end of the fiscal year of the joint recreation district in which that term commences. In total, the terms provided for in the agreement shall be for not more than the useful life of the real or personal property that is the subject of the agreement. A property's useful life shall be determined either by the maximum number of installment payments permitted under the statute that authorizes the board to acquire the property or, if there is no such provision, by the maximum number of years to maturity provided for the issuance of bonds in division (B) of section 133.20 of the Revised Code if bonds were to be issued by a subdivision under that section to finance such facilities. If the useful life cannot be determined under either of those statutes, it shall be estimated as provided in division (C) of section 133.20 of the Revised Code.

The lease-purchase agreement shall provide that, at the end of the final term in the agreement, if all obligations of the joint recreation district have been satisfied, the title to the leased property shall vest in the joint recreation district if that title has not vested in the joint recreation district before or during the lease terms; except that the lease-purchase agreement may require the joint recreation

district to pay an additional lump sum payment as a condition of obtaining that title.

(3) A board of trustees of a joint recreation district that enters into a lease-purchase agreement under this section may do any of the following with the property that is the subject of the agreement:

(a) If the property is personal property, assign the board's rights to that property;

(b) Grant the lessor a security interest in the property;

(c) If the property is real property, grant leases, easements, or licenses for underlying land or facilities under the board's control for terms not exceeding five years beyond the final term of the lease-purchase agreement.

(4) The authority granted in division (G) of this section is in addition to and not in derogation of, any other financing authority provided by law.

(H) The board of trustees of a joint recreation district described in this section may exercise such other powers as shall have been granted to it in the agreement between the municipal corporation and the board of county commissioners establishing the joint recreation district entered into pursuant to division (C) of section 755.14 of the Revised Code.

**Section 2.** That existing section 755.14 of the Revised Code is hereby repealed.

### **Section 3."**

In line 1 of the title, after "To" insert "amend section 755.14 and to enact section 755.141 of the Revised Code to authorize a joint recreation district operating on the site of the United States Christopher Columbus Quincentenary Jubilee to issue revenue bonds, maintain lines of credit, and enter into lease purchase agreements for property; to expand the district's powers with respect to its own property; and to make certain appointments to the district's board permissive rather than mandatory; and to"

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

The yeas and nays were taken and resulted - yeas 98, 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	Brown
Bubp	Burke	Carney	Celeste
Chandler	Coley	Combs	Daniels
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	Mandel	Martin
McClain	McGregor	Mecklenborg	Moran
Morgan	Murray	Newcomb	O'Farrell
Oelslager	Okey	Otterman	Patten
Phillips	Pillich	Pryor	Reece
Ruhl	Schneider	Sears	Skindell
Slesnick	Snitchler	Stautberg	Stebelton
Stewart	Sykes	Szollosi	Uecker
Wachtmann	Wagner	Walter	Weddington
Williams B.	Williams S.	Winburn	Yuko
Zehringer			Budish-98.

The motion was agreed to and the bill so amended.

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

06/03/2010

The Honorable Armond Budish, Speaker  
The Ohio House of Representatives  
Columbus, Ohio

Speaker Budish,

Pursuant to House Rule No. 57(b), I respectfully request that I be excused from voting on **Am. S. B. No. 270**-Senator Hughes, et al., because it might be construed that I have an interest in the legislation.

Sincerely yours,

/s/ TRACY HEARD  
TRACY HEARD  
State Representative  
26th House District

The request was granted.

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	Brown

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

Representative Jordan voted in the negative-1.

The bill passed.

Representative Carney moved to amend the title as follows:

Add the names: "Representatives Bacon, Carney, Chandler, Combs, Domenick, Gardner, Garland, Grossman, Harris, Hite, Letson, Luckie, Stewart, Weddington, Yuko."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**Sub. S. B. No. 187**-Senator Seitz.

Cosponsors: Senators Sawyer, Cates, Gillmor, Grendell, Kearney, Miller, R., Patton, Harris, Hughes. Representatives Murray, Coley.

To enact sections 5312.01 to 5312.15 of the Revised Code to establish the Ohio Planned Community Law, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Skindell moved to amend as follows:

Delete lines 483 through 486

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

06/03/2010

The Honorable Armond Budish, Speaker  
The Ohio House of Representatives  
Columbus, Ohio

Speaker Budish,

Pursuant to House Rule No. 57(b), I respectfully request that I be excused from voting on **Sub. H. B. No. 187**-Representative Huffman, et al., because it might be construed that I have an interest in the legislation.

Sincerely yours,

/s/ STEPHEN DYER  
STEPHEN DYER  
State Representative  
43rd House District

The request was granted.

The yeas and nays were taken and resulted - yeas 65, nays 32, as follows:

Those who voted in the affirmative were: Representatives

Baker	Belcher	Bolon	Book
Boose	Boyd	Brown	Carney
Celeste	Chandler	Combs	DeGeeter
Derickson	Dodd	Domenick	Driehaus
Evans	Fende	Foley	Garland
Garrison	Gerberry	Goodwin	Goyal
Grossman	Hagan	Harris	Harwood
Heard	Hite	Hottinger	Koziura
Letson	Luckie	Lundy	Mallory
McClain	McGregor	Moran	Morgan
Murray	Newcomb	O'Farrell	Oelslager
Okey	Otterman	Patten	Phillips
Pillich	Pryor	Reece	Schneider
Skindell	Slesnick	Stebelton	Stewart
Sykes	Szollosi	Walter	Weddington
Williams B.	Williams S.	Winburn	Yuko
			Budish-65.

Those who voted in the negative were: Representatives

Adams J.	Adams R.	Amstutz	Bacon
Balderson	Batchelder	Beck	Blair
Blessing	Bubp	Burke	Coley
Daniels	Gardner	Hackett	Hall
Hollington	Huffman	Jordan	Lehner

Maag	Mandel	Martin	Mecklenborg
Ruhl	Sears	Snitchler	Stautberg
Uecker	Wachtmann	Wagner	Zehringer-32.

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 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	Brown
Bubp	Burke	Carney	Celeste
Chandler	Coley	Combs	Daniels
DeGeeter	Derickson	Dodd	Domenick
Driehaus	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	Mandel	McClain	McGregor
Mecklenborg	Moran	Morgan	Murray
Newcomb	O'Farrell	Oelslager	Okey
Otterman	Patten	Phillips	Pillich
Pryor	Reece	Ruhl	Schneider
Sears	Skindell	Slesnick	Snitchler
Stautberg	Stebelton	Sykes	Szollosi
Uecker	Wachtmann	Wagner	Walter
Weddington	Williams B.	Williams S.	Winburn
Yuko	Zehringer		Budish-95.

Representative Martin voted in the negative-1.

The bill passed.

Representative Okey moved to amend the title as follows:

Add the names: "Boyd, Brown, Carney, Combs, Domenick, Garland, Harris, Letson, Luckie, Pillich, Williams, B., Winburn, Yuko."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**Sub. S. B. No. 162**-Senator Buehrer.

Cosponsors: Senators Gibbs, Gillmor, Grendell, Patton, Seitz, Stewart, Wagoner, Harris, Jones, Kearney, Strahorn, Wilson, Widener, Turner, Schiavoni, Miller, R., Hughes.

To amend sections 324.01, 324.03, 1332.24, 2317.02, 2917.21, 2929.01, 4901.01, 4901.02, 4901.11, 4901.15, 4901.22, 4903.01, 4903.20, 4903.22, 4903.23, 4905.01, 4905.02, 4905.03, 4905.04, 4905.09, 4905.12, 4905.14, 4905.16, 4905.18, 4905.20, 4905.21, 4905.26, 4905.30, 4905.34, 4905.40, 4905.402, 4905.41, 4905.42, 4905.45, 4905.46, 4905.47, 4905.51, 4905.52, 4905.58, 4905.59, 4905.61, 4905.63, 4905.71, 4905.73, 4905.84, 4905.90, 4905.99, 4907.01, 4907.14, 4907.30, 4909.01, 4909.02, 4909.03, 4909.17, 4911.01, 4921.01, 4923.01, 4927.01, 4927.02, 4929.02, 4931.02, 4931.03, 4931.04, 4931.11, 4931.99, 4933.14, 4933.18, 4933.19, 4939.01, 5515.01, 5733.57, 6101.17, and 6115.21, to amend sections 4931.11 (4931.05) and 4931.35 (4931.06) for the purpose of adopting new section numbers as shown in parentheses, to enact new sections 4927.03 and 4927.04 and sections 4927.05, 4927.06, 4927.07, 4927.08, 4927.09, 4927.11, 4927.12, 4927.13, 4927.14, 4927.15, 4927.16, 4927.17, 4927.18, 4927.19, 4927.20, 4927.21, and 4931.01, and to repeal sections 4905.041, 4905.23, 4905.231, 4905.24, 4905.241, 4905.242, 4905.243, 4905.244, 4905.25, 4905.381, 4905.49, 4905.491, 4905.50, 4927.03, 4927.04, 4931.06, 4931.07, 4931.12, 4931.13, 4931.14, 4931.15, 4931.16, 4931.17, 4931.18, 4931.19, 4931.21, 4931.22, 4931.25, 4931.26, 4931.27, 4931.28, 4931.29, 4931.30, and 4931.31 of the Revised Code to revise state regulation of telephone companies, remove telegraph companies from utility regulation, and to create the Select Committee on Telecommunications Regulatory Reform, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 98, 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	Brown
Bubp	Burke	Carney	Celeste
Chandler	Coley	Combs	Daniels
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	Mandel	Martin
McClain	McGregor	Mecklenborg	Moran
Morgan	Murray	Newcomb	O'Farrell
Oelslager	Okey	Otterman	Patten
Phillips	Pillich	Pryor	Reece
Ruhl	Schneider	Sears	Skindell
Slesnick	Snitchler	Stautberg	Stebelton

Stewart	Sykes	Szollosi	Uecker
Wachtmann	Wagner	Walter	Weddington
Williams B.	Williams S.	Winburn	Yuko
Zehringer			Budish-98.

The bill passed.

Representative DeGeeter moved to amend the title as follows:

Add the names: "Representatives Bacon, Beck, Belcher, Book, Boyd, Carney, Coley, Combs, Daniels, DeGeeter, Domenick, Driehaus, Dyer, Evans, Fende, Gardner, Garland, Gerberry, Goyal, Grossman, Hackett, Hagan, Harris, Harwood, Heard, Hite, Hottinger, Koziura, Letson, Newcomb, O'Farrell, Patten, Phillips, Pillich, Pryor, Ruhl, Szollosi, Weddington, Williams, B., Yuko."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**Sub. H. B. No. 352**-Representative Bolon.

Cosponsors: Representatives Fende, Luckie, Williams, B., Yuko.

To amend sections 6109.24, 6109.31, and 6109.32 and to enact section 6109.99 of the Revised Code to require certain public water systems to submit technical, managerial, and financial capability plans under certain noncompliance or public health risk conditions, to implement capability assurance plans, and to add prohibitions and penalties to the Safe Drinking Water Law, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 87, nays 11, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Bacon	Baker
Balderson	Belcher	Blair	Blessing
Bolon	Book	Boose	Boyd
Brown	Bubp	Burke	Carney
Celeste	Chandler	Coley	Combs
Daniels	DeGeeter	Derickson	Dodd
Domenick	Driehaus	Dyer	Evans
Fende	Foley	Gardner	Garland
Garrison	Gerberry	Goyal	Grossman
Hackett	Hagan	Harris	Harwood
Heard	Hite	Hollington	Hottinger
Huffman	Koziura	Lehner	Letson
Luckie	Lundy	Maag	Mallory
Mandel	McClain	McGregor	Mecklenborg
Moran	Murray	Newcomb	O'Farrell

Oelslager	Okey	Otterman	Patten
Phillips	Pillich	Pryor	Reece
Ruhl	Schneider	Sears	Skindell
Slesnick	Snitchler	Stautberg	Stebelton
Stewart	Sykes	Szollosi	Uecker
Walter	Weddington	Williams B.	Williams S.
Winburn	Yuko		Budish-87.

Those who voted in the negative were: Representatives

Amstutz	Batchelder	Beck	Goodwin
Hall	Jordan	Martin	Morgan
Wachtmann	Wagner		Zehringer-11.

The bill passed.

Representative Bolon moved to amend the title as follows:

Add the names: "Belcher, Chandler, Domenick, Driehaus, Foley, Garland, Harris, Harwood, Heard, Lehner, Letson, Mallory, Pillich, Walter, Weddington, Winburn."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**Am. H. B. No. 505**-Representative Heard.

Cosponsors: Representatives Winburn, Newcomb, Blair, Sears, Phillips, Domenick, Weddington, Walter, Pryor, Garland, Murray, Harris.

To amend sections 305.171 and 3917.04 of the Revised Code to authorize a board of county commissioners to provide for a health and wellness benefit program for its officers and employees, which may be offered through a cafeteria plan meeting the requirements of the Internal Revenue Code, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 98, 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	Brown
Bubp	Burke	Carney	Celeste
Chandler	Coley	Combs	Daniels
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	Mandel	Martin
McClain	McGregor	Mecklenborg	Moran
Morgan	Murray	Newcomb	O'Farrell
Oelslager	Okey	Otterman	Patten
Phillips	Pillich	Pryor	Reece
Ruhl	Schneider	Sears	Skindell
Slesnick	Snitchler	Stautberg	Stebelton
Stewart	Sykes	Szollosi	Uecker
Wachtmann	Wagner	Walter	Weddington
Williams B.	Williams S.	Winburn	Yuko
Zehringer			Budish-98.

The bill passed.

Representative Heard moved to amend the title as follows:

Add the names: "Adams, R., Bacon, Beck, Bolon, Boyd, Bubp, Celeste, Chandler, Combs, Derickson, Evans, Gardner, Grossman, Hackett, Hagan, Harwood, Letson, Luckie, Mallory, McClain, Moran, Morgan, Reece, Ruhl, Snitchler, Stewart, Williams, B., Yuko, Zehringer."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**Sub. H. B. No. 521**-Representatives Goyal, Garland.

Cosponsors: Representatives Williams, S., Pryor, Pillich, Lehner, Book, Moran, Harwood, Patten, Garrison, Letson, Phillips, Slesnick, Schneider, Domenick, Harris, Murray, Weddington, Brown.

To enact sections 166.45 to 166.51 of the Revised Code to create the Small Business Working Capital Loan Program, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Amstutz moved to amend as follows:

Delete lines 96 through 98 and insert "The program administrators shall approve an eligible business for a working capital loan only if the business meets the criteria established by the director of development under section 166.50 of the Revised Code. Other than establishing said criteria, the director of development shall not participate in the application for or approval of any individual working capital loan. No other officer or employee of the state government may participate in the application for or approval of any individual working capital loan."

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 52, nays 46, as follows:

Those who voted in the affirmative were: Representatives

Belcher	Bolon	Book	Boyd
Brown	Carney	Celeste	Chandler
DeGeeter	Dodd	Domenick	Driehaus
Dyer	Fende	Foley	Garland
Garrison	Gerberry	Goyal	Hagan
Harris	Harwood	Heard	Koziura
Letson	Luckie	Lundy	Mallory
Moran	Murray	Newcomb	O'Farrell
Okey	Otterman	Patten	Phillips
Pillich	Pryor	Reece	Schneider
Skindell	Slesnick	Stewart	Sykes
Szollasi	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	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 bill pass?"

Representative Blessing moved to amend as follows:

In line 4, after "That" insert "section 5112.40 be amended and"

After line 161, insert:

"**Sec. 5112.40.** As used in sections 5112.40 to 5112.48 of the Revised Code:

(A) "Assessment program year" means the twelve-month period beginning the first day of October of a calendar year and ending the last day of September of the following calendar year.

(B) "Cost reporting period" means the period of time used by a hospital

in reporting costs for purposes of the medicare program.

(C) "Federal fiscal year" means the twelve-month period beginning the first day of October of a calendar year and ending the last day of September of the following calendar year.

(D)(1) Except as provided in division (D)(2) of this section, "hospital" means a hospital to which any of the following applies:

(a) The hospital is registered under section 3701.07 of the Revised Code as a general medical and surgical hospital or a pediatric general hospital and provides inpatient hospital services, as defined in 42 C.F.R. 440.10.

(b) The hospital is recognized under the medicare program as a cancer hospital and is exempt from the medicare prospective payment system.

(c) The hospital is a psychiatric hospital licensed under section 5119.20 of the Revised Code.

(2) "Hospital" does not include either of the following:

(a) A federal hospital;

(b) A hospital that does not charge any of its patients for its services.

(E) "Hospital care assurance program" means the program established under sections 5112.01 to 5112.21 of the Revised Code.

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

(G) "Medicare" means the program established under Title XVIII of the Social Security Act.

(H) "State fiscal year" means the twelve-month period beginning the first day of July of a calendar year and ending the last day of June of the following calendar year.

(I)(1) Except as provided in divisions (I)(2) and (3) of this section, "total facility costs" means the total costs to a hospital for all care provided to all patients, including the direct, indirect, and overhead costs to the hospital of all services, supplies, equipment, and capital related to the care of patients, regardless of whether patients are enrolled in a health insuring corporation.

(2) "Total facility costs" excludes all of the following of a hospital's costs as shown on the cost-reporting data used for purposes of determining the hospital's assessment under section 5112.41 of the Revised Code:

(a) Skilled nursing services provided in distinct-part nursing facility units;

(b) Home health services;

(c) Hospice services;

- (d) Ambulance services;
- (e) Renting durable medical equipment;
- (f) Selling durable medical equipment ;

(g) Uncompensated care, as defined in section 5112.01 of the Revised Code, provided to uninsured patients.

(3) "Total facility costs" excludes any costs excluded from a hospital's total facility costs pursuant to rules, if any, adopted under division (B) of section 5112.46 of the Revised Code.

**Section 2.** That existing section 5112.40 of the Revised Code is hereby repealed.

**Section 3.** The amendment of section 5112.40 of the Revised Code is not intended to supersede the earlier repeal, with delayed effective date, of that section.

**Section 4.** Section 5112.40 of the Revised Code, as amended by this act, shall take effect October 1, 2010."

In line 1 of the title, after "To" insert "amend section 5112.40 and to"

In line 3 of the title, after "Program" insert ", to exclude uncompensated care provided to uninsured patients from a hospital's total facility costs for the purpose of the assessment on hospitals, and to provide that the provisions of section 5112.40 of the Revised Code terminate on October 1, 2011, when that section is repealed on that date"

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 53, nays 45, as follows:

Those who voted in the affirmative were: Representatives

Belcher	Bolon	Book	Boyd
Brown	Carney	Celeste	Chandler
DeGeeter	Dodd	Domenick	Driehaus
Dyer	Fende	Foley	Garland
Garrison	Gerberry	Goyal	Hagan
Harris	Harwood	Heard	Hollington
Koziura	Letson	Luckie	Lundy
Mallory	Moran	Murray	Newcomb
O'Farrell	Okey	Otterman	Patten
Phillips	Pillich	Pryor	Reece
Schneider	Skindell	Slesnick	Stewart
Sykes	Szollosi	Walter	Weddington
Williams B.	Williams S.	Winburn	Yuko
			Budish-53.

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
Hottinger	Huffman	Jordan	Lehner
Maag	Mandel	Martin	McClain
McGregor	Mecklenborg	Morgan	Oelslager
Ruhl	Sears	Snitchler	Stautberg
Stebelton	Uecker	Wachtmann	Wagner
			Zehringer-45.

The motion to amend was laid on the table.

The question recurring, "Shall the bill pass?"

Representative Blessing moved to amend as follows:

In line 4, after "That" insert "sections 5112.40 and 5112.46 be amended and"

After line 161, insert:

"**Sec. 5112.40.** As used in sections 5112.40 to 5112.48 of the Revised Code:

(A) "Assessment program year" means the twelve-month period beginning the first day of October of a calendar year and ending the last day of September of the following calendar year.

(B) "Cost reporting period" means the period of time used by a hospital in reporting costs for purposes of the medicare program.

(C) "Federal fiscal year" means the twelve-month period beginning the first day of October of a calendar year and ending the last day of September of the following calendar year.

(D)(1) Except as provided in division (D)(2) of this section, "hospital" means a hospital to which any of the following applies:

(a) The hospital is registered under section 3701.07 of the Revised Code as a general medical and surgical hospital or a pediatric general hospital and provides inpatient hospital services, as defined in 42 C.F.R. 440.10.

(b) The hospital is recognized under the medicare program as a cancer hospital and is exempt from the medicare prospective payment system.

(c) The hospital is a psychiatric hospital licensed under section 5119.20 of the Revised Code.

(2) "Hospital" does not include either of the following:

(a) A federal hospital;

(b) A hospital that does not charge any of its patients for its services.

(E) "Hospital care assurance program" means the program established under sections 5112.01 to 5112.21 of the Revised Code.

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

(G) "Medicare" means the program established under Title XVIII of the Social Security Act.

(H) "State fiscal year" means the twelve-month period beginning the first day of July of a calendar year and ending the last day of June of the following calendar year.

(I)(1) Except as provided in divisions (I)(2) and (3) of this section, "total facility costs" means the total costs to a hospital for all care provided to all patients, including the direct, indirect, and overhead costs to the hospital of all services, supplies, equipment, and capital related to the care of patients, regardless of whether patients are enrolled in a health insuring corporation.

(2) "Total facility costs" excludes all of the following of a hospital's costs as shown on the cost-reporting data used for purposes of determining the hospital's assessment under section 5112.41 of the Revised Code:

(a) Skilled nursing services provided in distinct-part nursing facility units;

(b) Home health services;

(c) Hospice services;

(d) Ambulance services;

(e) Renting durable medical equipment;

(f) Selling durable medical equipment ;

(g) Services provided to medicare beneficiaries.

(3) "Total facility costs" excludes any costs excluded from a hospital's total facility costs pursuant to rules, if any, adopted under division (B) of section 5112.46 of the Revised Code.

**Sec. 5112.46.** (A) The director of job and family services may adopt, amend, and rescind rules in accordance with Chapter 119. of the Revised Code as necessary to implement sections 5112.40 to 5112.48 of the Revised Code.

(B) The rules adopted under this section may provide that a hospital's total facility costs for the purpose of the assessment under section 5112.41 of the Revised Code exclude any of the following:

(1) A hospital's costs associated with providing care to recipients of any of the following:

(a) The medicaid program;

(b) ~~The medicare program;~~

(~~e~~) The disability financial assistance program established under Chapter 5115. of the Revised Code;

(~~d~~) (c) The program for medically handicapped children established under section 3701.023 of the Revised Code;

(~~e~~) (d) Services provided under the maternal and child health services block grant established under Title V of the Social Security Act.

(2) Any other category of hospital costs the director deems appropriate under federal law and regulations governing the medicaid program.

**Section 2.** That existing sections 5112.40 and 5112.46 of the Revised Code are hereby repealed.

**Section 3.** The amendment of sections 5112.40 and 5112.46 of the Revised Code is not intended to supersede the earlier repeal, with delayed effective date, of those sections.

**Section 4.** Sections 5112.40 and 5112.46 of the Revised Code, as amended by this act, shall take effect October 1, 2010."

In line 1 of the title, after "To" insert "amend sections 5112.40 and 5112.46 and to"

In line 3 of the title, after "Program" insert ", to exclude the costs of providing services to Medicare beneficiaries from a hospital's total facility costs for the purpose of the assessment on hospitals, and to provide that the provisions of sections 5112.40 and 5112.46 of the Revised Code terminate on October 1, 2011, when those sections are repealed on that date"

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 55, nays 43, as follows:

Those who voted in the affirmative were: Representatives

Belcher	Bolon	Book	Boose
Boyd	Brown	Carney	Celeste
Chandler	DeGeeter	Dodd	Domenick
Driehaus	Dyer	Fende	Foley
Garland	Garrison	Gerberry	Goyal
Hagan	Harris	Harwood	Heard
Hollington	Koziura	Letson	Luckie
Lundy	Mallory	Moran	Murray
Newcomb	O'Farrell	Oelslager	Okey
Otterman	Patten	Phillips	Pillich
Pryor	Reece	Schneider	Skindell
Slesnick	Stewart	Sykes	Szolloosi

Walter  
Winburn

Weddington  
Yuko

Williams B.

Williams S.  
Budish-55.

Those who voted in the negative were: Representatives

Adams J.  
Baker  
Blair  
Coley  
Evans  
Hackett  
Huffman  
Mandel  
Mecklenborg  
Snitchler  
Wachtmann

Adams R.  
Balderson  
Blessing  
Combs  
Gardner  
Hall  
Jordan  
Martin  
Morgan  
Stautberg  
Wagner

Amstutz  
Batchelder  
Bubp  
Daniels  
Goodwin  
Hite  
Lehner  
McClain  
Ruhl  
Stebelton

Bacon  
Beck  
Burke  
Derickson  
Grossman  
Hottinger  
Maag  
McGregor  
Sears  
Uecker  
Zehringer-43.

The motion to amend was laid on the table.

The question recurring, "Shall the bill pass?"

Representative Blessing moved to amend as follows:

In line 4, after "That" insert "section 5111.41 be amended and"

After line 161, insert:

"**Sec. 5112.41.** (A) For the purposes specified in section 5112.45 of the Revised Code and subject to section 5112.48 of the Revised Code, there is hereby imposed an assessment on all hospitals each assessment program year. The amount of a hospital's assessment for an assessment program year shall equal ~~;~~ ~~except as provided in division (D) of this section,~~ the percentage ~~specified in established under division (B) (C)~~ of this section of the hospital's total facility costs for the period of time specified in division ~~(C) (B)~~ of this section. The amount of a hospital's total facility costs shall be derived from cost-reporting data for the hospital submitted to the department of job and family services for purposes of the hospital care assurance program. The cost-reporting data used to determine a hospital's assessment is subject to the same type of adjustments made to the data under the hospital care assurance program.

~~(B) The percentage specified in this division is the following:~~

~~(1) For the first assessment program year beginning after the effective date of this section, one and fifty two hundredths per cent;~~

~~(2) Subject to division (D) of this section, for the second assessment program year after the effective date of this section and each successive assessment program year, one and sixty one hundredths per cent.~~

~~(C) The period of time specified in this division is the hospital's cost reporting period that ends in the state fiscal year that ends in the federal fiscal year that precedes the federal fiscal year that precedes the assessment program year for which the assessment is imposed.~~

~~(D)~~ (C) The department of job and family services shall apply to the United States secretary of health and human services for a waiver under 42 U.S.C. 1396b(w)(3)(E) to establish ~~for the second assessment program year after the effective date of this section and each successive assessment program year,~~ a tiered percentages to be used under this section for the assessment on hospitals' total facility costs instead of applying the percentage specified in division (B)(2) of this section . The highest percentage shall not exceed one and one-half per cent. If the United States secretary denies the waiver, the department shall ~~apply the~~ establish a uniform percentage specified in division (B)(2) of this section for the second assessment program year after the effective date of this section and each successive to be used for the assessment program year . The percentage shall not exceed one and one-half per cent.

~~(E)~~ (D) The assessment imposed by this section on a hospital is in addition to the assessment imposed by section 5112.06 of the Revised Code.

**Section 2.** That existing section 5112.41 of the Revised Code is hereby repealed.

**Section 3.** The amendment of section 5112.41 of the Revised Code is not intended to supersede the earlier repeal, with delayed effective date, of that section.

**Section 4.** Section 5111.41 of the Revised Code, as amended by this act, shall take effect October 1, 2010."

In line 1 of the title, after "To" insert "amend section 5112.41 and to"

In line 3 of the title, after "Program" insert ", to revise the rate at which hospitals are assessed for purposes of raising revenue for the Medicaid program, and to provide that the provisions of section 5112.41 of the Revised Code terminate on October 1, 2011, when that section is repealed on that date"

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 52, nays 46, as follows:

Those who voted in the affirmative were: Representatives

Belcher	Bolon	Book	Boyd
Brown	Carney	Celeste	Chandler
DeGeeter	Dodd	Driehaus	Dyer
Fende	Foley	Garland	Garrison
Gerberry	Goyal	Hagan	Harris
Harwood	Heard	Koziura	Letson
Luckie	Lundy	Mallory	Moran
Murray	Newcomb	O'Farrell	Oelslager
Okey	Otterman	Patten	Phillips
Pillich	Pryor	Reece	Schneider
Skindell	Slesnick	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	Domenick	Evans	Gardner
Goodwin	Grossman	Hackett	Hall
Hite	Hollington	Hottinger	Huffman
Jordan	Lehner	Maag	Mandel
Martin	McClain	McGregor	Mecklenborg
Morgan	Ruhl	Sears	Snitchler
Stautberg	Stebelton	Uecker	Wachtmann
Wagner			Zehringer-46.

The motion to amend was laid on the table.

The question recurring, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 87, nays 11, as follows:

Those who voted in the affirmative were: Representatives

Adams R.	Bacon	Baker	Balderson
Beck	Belcher	Blair	Blessing
Bolon	Book	Boose	Boyd
Brown	Bubp	Burke	Carney
Celeste	Chandler	Combs	Daniels
DeGeeter	Derickson	Dodd	Domenick
Driehaus	Dyer	Fende	Foley
Gardner	Garland	Garrison	Gerberry
Goodwin	Goyal	Grossman	Hackett
Hagan	Hall	Harris	Harwood
Heard	Hite	Hottinger	Koziura
Lehner	Letson	Luckie	Lundy
Maag	Mallory	Mandel	Martin
McClain	McGregor	Mecklenborg	Moran
Murray	Newcomb	O'Farrell	Oelslager
Okey	Otterman	Patten	Phillips
Pillich	Pryor	Reece	Ruhl
Schneider	Sears	Skindell	Slesnick
Snitchler	Stautberg	Stewart	Sykes
Szollosi	Uecker	Wagner	Walter
Weddington	Williams B.	Williams S.	Winburn
Yuko	Zehringer		Budish-87.

Those who voted in the negative were: Representatives

Adams J.	Amstutz	Batchelder	Coley
Evans	Hollington	Huffman	Jordan
Morgan	Stebelton		Wachtmann-11.

The bill passed.

Representative Goyal moved to amend the title as follows:

Add the names: "Belcher, Bolon, Boyd, Bubp, Celeste, Chandler, Dodd, Driehaus, Dyer, Gardner, Gerberry, Heard, Luckie, Lundy, Mallory, Newcomb, Oelslager, Reece, Ruhl, Stewart, Szollosi, Uecker, Williams, B., Winburn, Yuko."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**H. B. No. 406**-Representative Williams, S.

To enact sections 3701.781, 3701.782, 3701.783, 3701.784, 3701.785, and 3701.786 of the Revised Code to create the Lupus Education and Awareness Program, 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 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	Brown
Bubp	Burke	Carney	Celeste
Chandler	Coley	Combs	Daniels
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	Mandel	McClain
McGregor	Mecklenborg	Moran	Murray
Newcomb	O'Farrell	Oelslager	Okey
Otterman	Patten	Phillips	Pillich
Pryor	Reece	Ruhl	Schneider
Sears	Skindell	Slesnick	Snitchler
Stautberg	Stewart	Sykes	Szollosi
Uecker	Wachtmann	Wagner	Walter
Weddington	Williams B.	Williams S.	Winburn
Yuko	Zehringer		Budish-95.

Representatives Martin, Morgan, and Stebelton voted in the negative-3.

The bill passed.

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

Add the names: "Bacon, Belcher, Brown, Chandler, Combs, Derickson, Domenick, Foley, Goyal, Grossman, Hagan, Harris, Harwood, Heard, Hite, Letson, Luckie, Lundy, Mallory, Newcomb, Pryor, Reece, Skindell, Slesnick, Szollosi, Walter, Weddington, Williams, B., Winburn, Yuko."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**Am. H. B. No. 475**-Representative Mallory.

Cosponsors: Representatives Book, Brown, Otterman, Hagan, Letson, Domenick, Reece, Winburn, Williams, S., Gerberry, Lundy, Williams, B., Hite.

To amend section 3773.32 of the Revised Code to exempt amateur boxing, kick boxing, karate, or wrestling events that benefit a charitable organization conducted under the supervision of the fraternal order of police of Ohio or the Ohio association of professional firefighters from regulation by the Ohio Athletics Commission, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 98, 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	Brown
Bubp	Burke	Carney	Celeste
Chandler	Coley	Combs	Daniels
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	Mandel	Martin
McClain	McGregor	Mecklenborg	Moran
Morgan	Murray	Newcomb	O'Farrell
Oelslager	Okey	Otterman	Patten
Phillips	Pillich	Pryor	Reece
Ruhl	Schneider	Sears	Skindell
Slesnick	Snitchler	Stautberg	Stebelton
Stewart	Sykes	Szollosi	Uecker
Wachtmann	Wagner	Walter	Weddington
Williams B.	Williams S.	Winburn	Yuko
Zehringer			Budish-98.

The bill passed.

Representative Mallory moved to amend the title as follows:

Add the names: "Beck, Belcher, Coley, Combs, Derickson, Dodd, Evans, Garland, Goodwin, Goyal, Grossman, Hackett, Harris, Heard, Martin, Mecklenborg, Oelslager, Ruhl, Slesnick, Stewart, Szollosi, Uecker, Walter, Weddington, Yuko."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

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

Cosponsors: Representatives Chandler, Letson, Okey, Phillips, Koziura, Yuko, Domenick, Foley, Pillich, Driehaus, Luckie, Winburn, Stewart, Heard.

To amend sections 323.47, 2303.20, 2323.07, 2329.01, 2329.02, 2329.09, 2329.191, 2329.20, 2329.26, 2329.31, 2329.33, 2329.36, 2329.52, 2909.05, and 5723.01 and to enact sections 2308.01 to 2308.09 of the Revised Code relative to residential foreclosure actions, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Heard moved to amend as follows:

In line 9, after "2909.05," insert "2941.47,"

Between lines 845 and 846, insert:

**"Sec. 2941.47.** When an indictment is returned or information or complaint filed against a corporation, a summons commanding the sheriff to notify the accused thereof, returnable on the seventh day after its date, shall issue on praecipe of the prosecuting attorney. ~~Such~~ The summons with a copy of the indictment ~~, information or complaint~~ shall be served and returned in the manner provided for service of summons upon corporations in civil actions. ~~If the service cannot be made in the county where the prosecution began, the sheriff may make service in any other county of the state, upon the president, secretary, superintendent, clerk, treasurer, cashier, managing agent, or other chief officer thereof, or by leaving a copy at a general or branch office or usual place of doing business of such corporation, with the person having charge thereof. Such~~ The corporation shall appear by one of its officers or by counsel on or before the return day of the summons served and answer to the indictment ~~or~~ , information ~~, or complaint~~ by motion, demurrer, or plea, and upon failure to make ~~such an~~ appearance and answer, the ~~clerk of the court of common pleas~~ shall enter a plea of "not guilty." Upon ~~such an~~ appearance being made or plea entered, the corporation is before the court until the case is finally disposed of. On ~~said the~~ indictment ~~or~~ , information ~~, or complaint~~, no warrant of arrest may issue except for individuals who may be included in ~~such the~~ indictment ~~or~~ , information ~~, or complaint~~."

In line 904, after "2909.05," insert "2941.47,"

In line 3 of the title, after "2909.05," insert "2941.47,"

In line 5 of the title, after "Code" insert "to permit the trial of a corporation in absentia in a criminal proceeding initiated by complaint and"

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

The yeas and nays were taken and resulted - yeas 80, nays 18, as follows:

Those who voted in the affirmative were: Representatives

Adams R.	Amstutz	Bacon	Baker
Balderson	Batchelder	Belcher	Blair
Blessing	Bolon	Book	Boose
Boyd	Brown	Carney	Celeste
Chandler	Combs	DeGeeter	Derickson
Dodd	Domenick	Driehaus	Dyer
Evans	Fende	Foley	Gardner
Garland	Garrison	Gerberry	Goodwin
Goyal	Grossman	Hackett	Hagan
Harris	Harwood	Heard	Hite
Koziura	Lehner	Letson	Luckie
Lundy	Maag	Mallory	McClain
McGregor	Mecklenborg	Moran	Murray
Newcomb	O'Farrell	Oelslager	Okey
Otterman	Patten	Phillips	Pillich
Pryor	Reece	Ruhl	Schneider
Sears	Skindell	Slesnick	Snitchler
Stautberg	Stebelton	Stewart	Sykes
Szollosi	Walter	Weddington	Williams B.
Williams S.	Winburn	Yuko	Budish-80.

Those who voted in the negative were: Representatives

Adams J.	Beck	Bubp	Burke
Coley	Daniels	Hall	Hollington
Hottinger	Huffman	Jordan	Mandel
Martin	Morgan	Uecker	Wachtmann
Wagner			Zehringer-18.

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 87, nays 11, as follows:

Those who voted in the affirmative were: Representatives

Adams R.	Amstutz	Bacon	Baker
Balderson	Batchelder	Beck	Belcher
Blair	Blessing	Bolon	Book
Boose	Boyd	Brown	Bubp
Burke	Carney	Celeste	Chandler
Combs	DeGeeter	Derickson	Dodd
Domenick	Driehaus	Dyer	Evans

Fende	Foley	Gardner	Garland
Garrison	Gerberry	Goodwin	Goyal
Grossman	Hackett	Hagan	Harris
Harwood	Heard	Hite	Hollington
Hottinger	Huffman	Koziura	Lehner
Letson	Luckie	Lundy	Maag
Mallory	Mandel	McClain	McGregor
Mecklenborg	Moran	Murray	Newcomb
O'Farrell	Oelslager	Okey	Otterman
Patten	Phillips	Pillich	Pryor
Reece	Ruhl	Schneider	Sears
Skindell	Slesnick	Snitchler	Stautberg
Stewart	Sykes	Szollosi	Uecker
Walter	Weddington	Williams B.	Williams S.
Winburn	Yuko		Budish-87.

Those who voted in the negative were: Representatives

Adams J.	Coley	Daniels	Hall
Jordan	Martin	Morgan	Stebelton
Wachtmann	Wagner		Zehringer-11.

The bill passed.

Representative Murray moved to amend the title as follows:

Add the names: "Belcher, Boyd, Brown, DeGeeter, Dyer, Goyal, Harris, O'Farrell, Patten, Pryor, Skindell, Slesnick, Walter, Weddington, Williams, B.."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**Am. H. B. No. 504**-Representatives Foley, Hagan.

To amend sections 102.06 and 102.99 and to enact section 102.10 of the Revised Code to require a candidate for a statewide, nonjudicial office to file a sworn statement identifying the candidate's net worth, assets and liabilities, real property, and intangible personal property, and to require that statement to be accompanied by either a copy of the candidate's last four federal income tax returns or a sworn statement identifying the source and amount of the candidate's income for the past four years, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

06/03/2010

The Honorable Armond Budish, Speaker  
The Ohio House of Representatives  
Columbus, Ohio

Speaker Budish,

Pursuant to House Rule No. 57(b), I respectfully request that I be excused from voting on **Am. H. B. No. 504**-Representatives Foley, Hagan, because it might be construed that I have an interest in the legislation.

Sincerely yours,

/s/ JOSH MANDEL  
JOSH MANDEL  
State Representative  
17th House District

The request was granted.

The yeas and nays were taken and resulted - yeas 54, nays 43, as follows:

Those who voted in the affirmative were: Representatives

Belcher	Bolon	Book	Boyd
Brown	Carney	Celeste	Chandler
DeGeeter	Dodd	Domenick	Driehaus
Dyer	Fende	Foley	Garland
Garrison	Gerberry	Goyal	Hagan
Harris	Harwood	Heard	Koziura
Letson	Luckie	Lundy	Mallory
McGregor	Moran	Murray	Newcomb
O'Farrell	Oelslager	Okey	Otterman
Patten	Phillips	Pillich	Pryor
Reece	Schneider	Skindell	Slesnick
Stewart	Sykes	Szollosi	Walter
Weddington	Williams B.	Williams S.	Winburn
Yuko			Budish-54.

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
Mecklenborg	Morgan	Ruhl	Sears

Snitchler  
Wachtmann

Stautberg  
Wagner

Stebelton

Uecker  
Zehringer-43.

The bill passed.

Representative Foley moved to amend the title as follows:

Add the names: "Domenick, Gerberry, Koziura, Letson, Luckie, Patten, Pillich, Pryor, Walter, 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.

#### Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate insists on its amendments to:

**Sub. H. B. No. 519** -Representatives Yuko, Book - et al.

and asks for a Committee of Conference.

Attest:

Vincent L. Keerean,  
Clerk.

#### Message from the Speaker

The Speaker hereby appoints the following members of the House to the Committee of Conference on matters of difference between the two houses on

**Sub. H. B. No. 519**-Representatives Yuko, Book - et al.

Representatives Yuko, Book, and Blessing.

#### Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the President of the Senate has appointed as managers on the part of the Senate on matters of difference between the two Houses on:

**Sub. H. B. No. 519** -Representatives Yuko, Book - et al.

Senators Faber, Niehaus, Smith.

Attest:

Vincent L. Keeran,  
Clerk.

Message from the Senate

Mr. Speaker:

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

**Sub. S. B. No. 210** -Senators Coughlin, Kearney - et al.

Attest:

Vincent L. Keeran,  
Clerk.

On motion of Representative DeGeeter, the House recessed.

The House met pursuant to recess.

Representative Szollosi moved that the House revert to the fifth order of business, being reports of standing and select committees and bills for second consideration.

The motion was agreed to.

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

Representative Snitchler submitted the following report:

The standing committee on Public Utilities to which was referred **H. B. No. 344**-Representatives Goyal, Harris, et al., having had the same under consideration, reports it back and recommends its passage.

RE: WATER WORKS/SEWAGE DISPOSAL

TROY BALDERSON  
PETER BECK  
SANDRA WILLIAMS  
RAYMOND PRYOR  
DEBORAH NEWCOMB

MATT SZOLLOSI  
TODD SNITCHLER  
TIMOTHY J. DEGEETER  
MIKE MORAN  
RON GERBERRY

JARROD MARTIN  
 LOUIS W. BLESSING  
 CONNIE PILLICH  
 LORRAINE M. FENDE

RANDY GARDNER  
 JENNIFER GARRISON  
 MARK D. OKEY

The following members voted "NO"

COURTNEY COMBS  
 PETER STAUTBERG

JOSEPH W. UECKER

The report was agreed to.

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

Representative Snitchler submitted the following report:

The standing committee on Public Utilities to which was referred **Sub. S. B. No. 116**-Senator Buehrer, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: PUCO HEAR COMPLAINT/RAILROAD FAILS TO SUSTAIN AREAS

TIMOTHY J. DEGEETER  
 MIKE MORAN  
 TODD SNITCHLER  
 RANDY GARDNER  
 MATT SZOLLOSI  
 RAYMOND PRYOR  
 JOSEPH W. UECKER  
 DEBORAH NEWCOMB  
 CONNIE PILLICH

SANDRA WILLIAMS  
 PETER STAUTBERG  
 LOUIS W. BLESSING  
 COURTNEY COMBS  
 JARROD MARTIN  
 RON GERBERRY  
 LORRAINE M. FENDE  
 PETER BECK  
 TROY BALDERSON

The report was agreed to.

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

Representative Blair submitted the following report:

The standing committee on Ways and Means to which was referred **Am. Sub. S. B. No. 232**-Senator Widener, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: RENEWABLE ENERGY EXEMPTION

TOM LETSON  
 RON AMSTUTZ  
 DAN DODD  
 JOSEPH KOZIURA  
 MATT PATTEN  
 STEPHEN SLESNICK

ROLAND WINBURN  
 KATHLEEN CHANDLER  
 MIKE FOLEY  
 JEFFREY MCCLAIN  
 LINDA S. BOLON  
 PETER STAUTBERG

The following members voted "NO"

MATT HUFFMAN  
TERRY BOOSE  
SETH MORGAN

TERRY BLAIR  
RON MAAG

The report was agreed to.

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

### **BILLS FOR THIRD CONSIDERATION**

**Sub. S. B. No. 232**-Senator Widener.

Cosponsors: Senators Goodman, Jones, Wagoner, Fedor, Harris, Miller, D., Miller, R., Morano, Turner, Wilson, Strahorn.

To amend sections 717.25, 1710.01, 1710.02, 1710.06, 1710.07, 4928.01, 4928.64, 5709.53, 5713.30, 5713.34, 5727.01, 5727.02, 5727.06, 5727.11, 5727.111, 5727.15, 5727.30, and 5739.02 and to enact sections 1710.061, 4935.10, and 5727.75 of the Revised Code to exempt qualifying energy facilities from property taxation upon county approval, to require payments in lieu of taxes on the basis of each megawatt of production capacity of such facilities, to expand special improvement district energy improvement projects and the municipal solar energy revolving loan program law to include alternative energy, to address the treatment of energy efficiency savings and reductions in demand regarding certain energy projects, to prohibit the use of the exemption to determine the cost of compliance for the state's alternative energy portfolio standard, to clarify the sales and use tax treatment of related energy conversion equipment purchases, to specify that operators of such facilities are subject to the commercial activity tax, and to require the Public Utilities Commission to study reactive power in the state, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Heard moved to amend as follows:

After line 2935, insert:

**"Section 3.** This act is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety. The reason for such necessity is that the immediate construction of facilities to which this act applies is necessary to ensure the state's alternative energy resource benchmarks are achieved. Therefore, this act shall go into immediate effect."

In line 22 of the title, delete "and"

In line 24 of the title, after "state" insert ", and to declare an emergency"

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

The yeas and nays were taken and resulted - yeas 90, nays 7, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Bacon
Baker	Balderson	Batchelder	Beck
Belcher	Blair	Bolon	Book
Boose	Boyd	Brown	Bubp
Carney	Celeste	Chandler	Coley
Combs	Daniels	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	Koziura
Lehner	Letson	Luckie	Lundy
Mallory	Mandel	McClain	McGregor
Mecklenborg	Moran	Morgan	Murray
Newcomb	O'Farrell	Oelslager	Okey
Otterman	Phillips	Pillich	Pryor
Reece	Ruhl	Sears	Skindell
Slesnick	Snitchler	Stautberg	Stebelton
Stewart	Sykes	Szollosi	Uecker
Wachtmann	Wagner	Walter	Weddington
Williams B.	Williams S.	Winburn	Yuko
Zehringer			Budish-90.

Representatives Burke, Huffman, Jordan, Maag, Martin, Patten, and Schneider voted in the negative-7.

The motion was agreed to and the bill so amended.

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

Representative Batchelder moved to amend as follows:

After line 2935, insert:

**Section 3.** Notwithstanding Section 509.10 of Am. Sub. H.B. 1 of the 128th General Assembly, the Budget Planning and Management Commission shall meet at least six times during the period of July 1, 2010, through November 30, 2010.

**Section 4.** This act is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety. The reason for such necessity is to establish recommendations for providing relief to the state during a difficult fiscal and economic period and to develop a strategy for fulfilling the constitutional mandate of balancing the state budget. Therefore, this act shall go into immediate effect.

**Section 5.** Sections 1 and 2 of this act shall take effect ninety days after the effective date of this section."

In line 22 of the title, delete "and"

In line 24 of the title, after "state" insert ", to modify the meeting frequency of the Budget Planning and Management Commission, and to declare an emergency for that purpose"

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 47, as follows:

Those who voted in the affirmative were: Representatives

Belcher	Bolon	Book	Boyd
Brown	Carney	Celeste	Chandler
DeGeeter	Dodd	Domenick	Dyer
Fende	Foley	Garland	Garrison
Gerberry	Goyal	Hagan	Harris
Harwood	Heard	Koziura	Letson
Luckie	Lundy	Mallory	Moran
Murray	Newcomb	O'Farrell	Okey
Otterman	Patten	Phillips	Pillich
Pryor	Reece	Schneider	Skindell
Slesnick	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	Driehaus	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		Zehring-47.

The motion to amend was laid on the table.

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

Representative Blessing moved to amend as follows:

In line 26, after "1710.07," insert "3317.021,"

In line 27, after "5727.06," insert "5727.08,"

Between lines 671 and 672, insert:

"**Sec. 3317.021.** The information certified under this section shall be used to calculate payments under this chapter and Chapter 3306. of the Revised Code.

(A) On or before the first day of June of each year, the tax commissioner shall certify to the department of education and the office of budget and management the information described in divisions (A)(1) to (7) of this section for each city, exempted village, and local school district, and the information required by divisions (A)(1) and (2) of this section for each joint vocational school district, and it shall be used, along with the information certified under division (B) of this section, in making the computations for the district under this chapter and Chapter 3306. of the Revised Code.

(1) The taxable value of real and public utility real property in the school district subject to taxation in the preceding tax year, by class and by county of location.

(2) The taxable value of tangible personal property, including public utility personal property, subject to taxation by the district for the preceding tax year.

(3)(a) The total property tax rate and total taxes charged and payable for the current expenses for the preceding tax year and the total property tax rate and the total taxes charged and payable to a joint vocational district for the preceding tax year that are limited to or to the extent apportioned to current expenses.

(b) The portion of the amount of taxes charged and payable reported for each city, local, and exempted village school district under division (A)(3)(a) of this section attributable to a joint vocational school district.

(4) The value of all real and public utility real property in the school district exempted from taxation minus both of the following:

(a) The value of real and public utility real property in the district owned by the United States government and used exclusively for a public purpose;

(b) The value of real and public utility real property in the district exempted from taxation under Chapter 725. or 1728. or section 3735.67, 5709.40, 5709.41, 5709.62, 5709.63, 5709.632, 5709.73, or 5709.78 of the Revised Code.

(5) The total federal adjusted gross income of the residents of the school district, based on tax returns filed by the residents of the district, for the most recent year for which this information is available.

(6) The sum of the school district compensation value as indicated on the list of exempted property for the preceding tax year under section 5713.08 of the Revised Code as if such property had been assessed for taxation that year ~~and~~, plus the other compensation value for the school district, plus the renewable energy property compensation value for the school district, minus the amounts described in divisions (A)(6) (~~e~~) (d) to (~~h~~) (j) of this section. The portion of school district compensation value or other compensation value attributable to an

incentive district exemption may be subtracted only once even if that incentive district satisfies more than one of the criteria in divisions (A)(6) ~~(e)~~ (d) to ~~(i)~~ (j) of this section.

(a) "School district compensation value" means the aggregate value of real property in the school district exempted from taxation pursuant to an ordinance or resolution adopted under division (C) of section 5709.40, division (C) of section 5709.73, or division (B) of section 5709.78 of the Revised Code to the extent that the exempted value results in the charging of payments in lieu of taxes required to be paid to the school district under division (D)(1) or (2) of section 5709.40, division (D) of section 5709.73, or division (C) of section 5709.78 of the Revised Code.

(b) "Other compensation value" means the quotient that results from dividing (i) the dollar value of compensation received by the school district during the preceding tax year pursuant to division (B), (C), or (D) of section 5709.82 of the Revised Code and the amounts received pursuant to an agreement as specified in division (D)(2) of section 5709.40, division (D) of section 5709.73, or division (C) of section 5709.78 of the Revised Code to the extent those amounts were not previously reported or included in division (A)(6)(a) of this section, and so that any such amount is reported only once under division (A)(6)(b) of this section, in relation to exemptions from taxation granted pursuant to an ordinance or resolution adopted under division (C) of section 5709.40, division (C) of section 5709.73, or division (B) of section 5709.78 of the Revised Code, by (ii) the real property tax rate in effect for the preceding tax year for nonresidential/agricultural real property after making the reductions required by section 319.301 of the Revised Code.

(c) "Renewable energy property compensation value" means payments to a school district under division (G) of section 5727.75 of the Revised Code during the preceding tax year divided by the property tax rate in effect for the preceding tax year applicable to property assessed under Chapter 5727. of the Revised Code.

(d) The portion of school district compensation value or other compensation value that was exempted from taxation pursuant to such an ordinance or resolution for the preceding tax year, if the ordinance or resolution is adopted prior to January 1, 2006, and the legislative authority or board of township trustees or county commissioners, prior to January 1, 2006, executes a contract or agreement with a developer, whether for-profit or not-for-profit, with respect to the development of a project undertaken or to be undertaken and identified in the ordinance or resolution, and upon which parcels such project is being, or will be, undertaken;

~~(e)~~ (e) The portion of school district compensation value that was exempted from taxation for the preceding tax year and for which payments in lieu of taxes for the preceding tax year were provided to the school district under division (D)(1) of section 5709.40 of the Revised Code.

~~(e)~~ (f) The portion of school district compensation value that was

exempted from taxation for the preceding tax year pursuant to such an ordinance or resolution, if and to the extent that, on or before April 1, 2006, the fiscal officer of the municipal corporation that adopted the ordinance, or of the township or county that adopted the resolution, certifies and provides appropriate supporting documentation to the tax commissioner and the director of development that, based on hold-harmless provisions in any agreement between the school district and the legislative authority of the municipal corporation, board of township trustees, or board of county commissioners that was entered into on or before June 1, 2005, the ability or obligation of the municipal corporation, township, or county to repay bonds, notes, or other financial obligations issued or entered into prior to January 1, 2006, will be impaired, including obligations to or of any other body corporate and politic with whom the legislative authority of the municipal corporation or board of township trustees or county commissioners has entered into an agreement pertaining to the use of service payments derived from the improvements exempted;

~~(f)~~ (g) The portion of school district compensation value that was exempted from taxation for the preceding tax year pursuant to such an ordinance or resolution, if the ordinance or resolution is adopted prior to January 1, 2006, in a municipal corporation with a population that exceeds one hundred thousand, as shown by the most recent federal decennial census, that includes a major employment center and that is adjacent to historically distressed neighborhoods, if the legislative authority of the municipal corporation that exempted the property prepares an economic analysis that demonstrates that all taxes generated within the incentive district accruing to the state by reason of improvements constructed within the district during its existence exceed the amount the state pays the school district under section 3317.022 of the Revised Code attributable to such property exemption from the school district's recognized valuation. The analysis shall be submitted to and approved by the department of development prior to January 1, 2006, and the department shall not unreasonably withhold approval.

~~(g)~~ (h) The portion of school district compensation value that was exempted from taxation for the preceding tax year under such an ordinance or resolution, if the ordinance or resolution is adopted prior to January 1, 2006, and if service payments have been pledged to be used for mixed-use riverfront entertainment development in any county with a population that exceeds six hundred thousand, as shown by the most recent federal decennial census;

~~(h)~~ (i) The portion of school district compensation value that was exempted from taxation for the preceding tax year under such an ordinance or resolution, if, prior to January 1, 2006, the legislative authority of a municipal corporation, board of township trustees, or board of county commissioners has pledged service payments for a designated transportation capacity project approved by the transportation review advisory council under Chapter 5512. of the Revised Code;

~~(i)~~ (j) The portion of school district compensation value that was exempted from taxation for the preceding tax year under such an ordinance or

resolution if the legislative authority of a municipal corporation, board of township trustees, or board of county commissioners have, by January 1, 2006, pledged proceeds for designated transportation improvement projects that involve federal funds for which the proceeds are used to meet a local share match requirement for such funding.

As used in division (A)(6) of this section, "project" has the same meaning as in section 5709.40 of the Revised Code.

(7) The aggregate value of real property in the school district for which an exemption from taxation is granted by an ordinance or resolution adopted on or after January 1, 2006, under Chapter 725. or 1728., sections 3735.65 to 3735.70, or section 5709.62, 5709.63, 5709.632, 5709.84, or 5709.88 of the Revised Code, as indicated on the list of exempted property for the preceding tax year under section 5713.08 of the Revised Code and as if such property had been assessed for taxation that year, minus the product determined by multiplying (a) the aggregate value of the real property in the school district exempted from taxation for the preceding tax year under any of the chapters or sections specified in this division, by (b) a fraction, the numerator of which is the difference between (i) the amount of anticipated revenue such school district would have received for the preceding tax year if the real property exempted from taxation had not been exempted from taxation and (ii) the aggregate amount of payments in lieu of taxes on the exempt real property for the preceding tax year and other compensation received for the preceding tax year by the school district pursuant to any agreements entered into on or after January 1, 2006, under section 5709.82 of the Revised Code between the school district and the legislative authority of a political subdivision that acted under the authority of a chapter or statute specified in this division, that were entered into in relation to such exemption, and the denominator of which is the amount of anticipated revenue such school district would have received in the preceding fiscal year if the real property exempted from taxation had not been exempted.

(B) On or before the first day of May each year, the tax commissioner shall certify to the department of education and the office of budget and management the total taxable real property value of railroads and, separately, the total taxable tangible personal property value of all public utilities for the preceding tax year, by school district and by county of location.

(C) If a public utility has properly and timely filed a petition for reassessment under section 5727.47 of the Revised Code with respect to an assessment issued under section 5727.23 of the Revised Code affecting taxable property apportioned by the tax commissioner to a school district, the taxable value of public utility tangible personal property included in the certification under divisions (A)(2) and (B) of this section for the school district shall include only the amount of taxable value on the basis of which the public utility paid tax for the preceding year as provided in division (B)(1) or (2) of section 5727.47 of the Revised Code.

(D) If on the basis of the information certified under division (A) of this

section, the department determines that any district fails in any year to meet the qualification requirement specified in division (A)(1) of section 3306.01 and division (A) of section 3317.01 of the Revised Code, the department shall immediately request the tax commissioner to determine the extent to which any school district income tax levied by the district under Chapter 5748. of the Revised Code shall be included in meeting that requirement. Within five days of receiving such a request from the department, the tax commissioner shall make the determination required by this division and report the quotient obtained under division (D)(3) of this section to the department and the office of budget and management. This quotient represents the number of mills that the department shall include in determining whether the district meets the qualification requirement of division (A)(1) of section 3306.01 and division (A) of section 3317.01 of the Revised Code.

The tax commissioner shall make the determination required by this division as follows:

(1) Multiply one mill times the total taxable value of the district as determined in divisions (A)(1) and (2) of this section;

(2) Estimate the total amount of tax liability for the current tax year under taxes levied by Chapter 5748. of the Revised Code that are apportioned to current operating expenses of the district, excluding any income tax receipts allocated for the project cost, debt service, or maintenance set-aside associated with a state-assisted classroom facilities project as authorized by section 3318.052 of the Revised Code;

(3) Divide the amount estimated under division (D)(2) of this section by the product obtained under division (D)(1) of this section.

(E)(1) On or before June 1, 2006, and the first day of April of each year thereafter, the director of development shall report to the department of education, the tax commissioner, and the director of budget and management the total amounts of payments received by each city, local, exempted village, or joint vocational school district for the preceding tax year pursuant to division (D) of section 5709.40, division (D) of section 5709.73, division (C) of section 5709.78, or division (B)(1), (B)(2), (C), or (D) of section 5709.82 , or section 5727.75 of the Revised Code in relation to exemptions from taxation granted pursuant to section 5727.75 of the Revised Code or pursuant to an ordinance adopted by the legislative authority of a municipal corporation under division (C) of section 5709.40 of the Revised Code, or a resolution adopted by a board of township trustees or board of county commissioners under division (C) of section 5709.73 or division (B) of section 5709.78 of the Revised Code, respectively. On or before April 1, 2006, and the first day of March of each year thereafter, the treasurer of each city, local, exempted village, or joint vocational school district that has entered into such an agreement or that has received a payment under section 5727.75 of the Revised Code shall report to the director of development the total amounts of such payments the district received for the preceding tax year as provided in this section. The state board of education, in

accordance with sections 3319.31 and 3319.311 of the Revised Code, may suspend or revoke the license of a treasurer found to have willfully reported erroneous, inaccurate, or incomplete data under this division.

(2) On or before April 1, 2007, and the first day of April of each year thereafter, the director of development shall report to the department of education, the tax commissioner, and the director of budget and management the total amounts of payments received by each city, local, exempted village, or joint vocational school district for the preceding tax year pursuant to divisions (B), (C), and (D) of section 5709.82 of the Revised Code in relation to exemptions from taxation granted pursuant to ordinances or resolutions adopted on or after January 1, 2006, under Chapter 725. or 1728., sections 3735.65 to 3735.70, or section 5709.62, 5709.63, 5709.632, 5709.84, or 5709.88 of the Revised Code. On or before March 1, 2007, and the first day of March of each year thereafter, the treasurer of each city, local, exempted village, or joint vocational school district that has entered into such an agreement shall report to the director of development the total amounts of such payments the district received for the preceding tax year as provided by this section. The state board of education, in accordance with sections 3319.31 and 3319.311 of the Revised Code, may suspend or revoke the license of a treasurer found to have willfully reported erroneous, inaccurate, or incomplete data under this division .

(3) On or before April 1, 2012, and the first day of April of each year thereafter, the director of development shall report to the department of education, the tax commissioner, and the director of budget and management the total amounts of payments received by each city, local, exempted village, or joint vocational school district for the preceding tax year pursuant to division (G) of section 5727.75 of the Revised Code. The treasurer of each school district that has received a payment under that section shall report to the director of development the total amounts of the payments the district received from the preceding tax year."

Between lines 1745 and 1746, insert:

**"Sec. 5727.08.** On or before the first day of March, annually, each public utility and interexchange telecommunications company, and, for tax years 2009 and thereafter, each public utility property lessor, shall file a report with the tax commissioner, on a form prescribed by the tax commissioner. The report shall include such information as the tax commissioner requires to enable the tax commissioner to make any assessment or apportionment required under this chapter. The report shall include a listing of the true value of property exempted from taxation under section 5727.75 of the Revised Code as if the property were taxable property.

The report shall be signed by either the owner of the public utility, interexchange telecommunications company, or public utility property lessor or the president, secretary, treasurer, or another duly authorized person.

If such a public utility, interexchange telecommunications company, or lessor fails to file the report on or before the first day of March, or the date it is

due under an extension allowed pursuant to section 5727.48 of the Revised Code, or fails to accurately report all taxable property, the tax commissioner may impose a penalty of up to fifty per cent of the taxable value of the property that was not timely or accurately reported. However, if such a public utility, company, or lessor files, within sixty days after the first day of March or the extended due date, the report or an amended report and discloses all items of taxable property that are required by this chapter to be reported, the penalty shall not be more than five per cent of the taxable value that was not timely or accurately reported. The penalty shall be added to and considered a part of the total taxable value of the property that was not timely or accurately reported, and may be abated in whole or in part by the tax commissioner pursuant to a petition for reassessment filed under section 5727.47 of the Revised Code."

In line 2282, delete everything after " shall"

In line 2283, delete " amount;" and insert " equal the sum of the amounts required in division (G)(1), (2), and (3) of this section and the amount required under division (G)(4) of this section."

Between lines 2333 and 2334, insert:

" (4) The taxes levied by a city, local, exempted village, joint vocational, or cooperative educational school district that would have been charged and payable against the qualified energy project but for the exemption authorized by this section, unless the board of education adopts a resolution expressing its approval of the exemption authorized by this section. If a resolution is adopted, the board shall deliver a copy of the resolution to the director of development and the county treasurer.

The county treasurer shall charge, collect, and distribute to each board of education that has not adopted a resolution under division (G)(4) of this section the amount stated in that division in the same manner as if the amount had been levied by the board as taxes."

In line 2933, after "1710.07," insert "3317.021,"

In line 2934, after "5727.06," insert "5727.08,"

After line 2939, insert:

"**Section 3.** The amendment by this act of section 3317.021 of the Revised Code applies to payments received for tax year 2011 and each tax year thereafter."

In line 2 of the title, after "1710.07," insert "3317.021,"

In line 3 of the title, after "5727.06," insert "5727.08,"

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 54, nays 44, as follows:

Those who voted in the affirmative were: Representatives

Belcher	Bolon	Book	Boyd
Brown	Carney	Celeste	Chandler
DeGeeter	Dodd	Domenick	Driehaus
Dyer	Fende	Foley	Garland
Garrison	Gerberry	Goyal	Hagan
Hall	Harris	Harwood	Heard
Koziura	Letson	Luckie	Lundy
Mallory	Moran	Murray	Newcomb
O'Farrell	Okey	Otterman	Patten
Phillips	Pillich	Pryor	Reece
Schneider	Skindell	Slesnick	Stewart
Sykes	Szollosi	Wagner	Walter
Weddington	Williams B.	Williams S.	Winburn
Yuko			Budish-54.

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	Hite	Hollington
Hottinger	Huffman	Jordan	Lehner
Maag	Mandel	Martin	McClain
McGregor	Mecklenborg	Morgan	Oelslager
Ruhl	Sears	Snitchler	Stautberg
Stebelton	Uecker	Wachtmann	Zehringer-44.

The motion to amend was laid on the table.

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

Representative Blessing moved to amend as follows:

In line 2101, after " shall" insert " confer with the board of education of each city, local, exempted village, joint vocational, or cooperative education school district having territory in the county and in which the energy project is located. Thereafter, the board of county commissioners shall"

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 53, nays 45, as follows:

Those who voted in the affirmative were: Representatives

Belcher	Bolon	Book	Boyd
Brown	Carney	Celeste	Chandler

DeGeeter	Dodd	Domenick	Driehaus
Dyer	Fende	Foley	Garland
Garrison	Gerberry	Goyal	Hagan
Harris	Harwood	Heard	Koziura
Letson	Luckie	Lundy	Mallory
Moran	Murray	Newcomb	O'Farrell
Okey	Otterman	Patten	Phillips
Pillich	Pryor	Reece	Schneider
Skindell	Slesnick	Stewart	Sykes
Szollosi	Wagner	Walter	Weddington
Williams B.	Williams S.	Winburn	Yuko
			Budish-53.

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
			Zehringer-45.

The motion to amend was laid on the table.

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

The yeas and nays were taken and resulted - yeas 91, nays 7, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Bacon
Baker	Batchelder	Beck	Belcher
Blessing	Bolon	Book	Boose
Boyd	Brown	Bubp	Carney
Celeste	Chandler	Coley	Combs
Daniels	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	Koziura	Lehner
Letson	Luckie	Lundy	Mallory
Mandel	Martin	McClain	McGregor
Mecklenborg	Moran	Murray	Newcomb
O'Farrell	Oelslager	Okey	Otterman
Patten	Phillips	Pillich	Pryor
Reece	Ruhl	Schneider	Sears

Skindell	Slesnick	Snitchler	Stautberg
Stebelton	Stewart	Sykes	Szollosi
Uecker	Wachtmann	Wagner	Walter
Weddington	Williams B.	Williams S.	Winburn
Yuko	Zehringer		Budish-91.

Representatives Balderson, Blair, Burke, Huffman, Jordan, Maag, and Morgan voted in the negative-7.

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

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

The yeas and nays were taken and resulted - yeas 91, nays 7, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Bacon
Baker	Batchelder	Beck	Belcher
Blessing	Bolon	Book	Boose
Boyd	Brown	Bubp	Carney
Celeste	Chandler	Coley	Combs
Daniels	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	Koziura	Lehner
Letson	Luckie	Lundy	Mallory
Mandel	Martin	McClain	McGregor
Mecklenborg	Moran	Murray	Newcomb
O'Farrell	Oelslager	Okey	Otterman
Patten	Phillips	Pillich	Pryor
Reece	Ruhl	Schneider	Sears
Skindell	Slesnick	Snitchler	Stautberg
Stebelton	Stewart	Sykes	Szollosi
Uecker	Wachtmann	Wagner	Walter
Weddington	Williams B.	Williams S.	Winburn
Yuko	Zehringer		Budish-91.

Representatives Balderson, Blair, Burke, Huffman, Jordan, Maag, and Morgan voted in the negative-7.

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

Representative Letson moved to amend the title as follows:

Add the names: "Bolon, Book, Bubp, Celeste, Domenick, Driehaus, Evans, Fende, Garland, Garrison, Gerberry, Harris, Harwood, Hite, Koziura, Letson, McClain, Murray, Newcomb, O'Farrell, Otterman, Ruhl, Szollosi, Walter, Williams, B., Yuko."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**Sub. H. B. No. 495**-Representatives Book, Dodd.

Cosponsors: Representatives Gerberry, Mallory, Belcher, Williams, B., Daniels, Adams, J., Grossman, Hite, Jordan, Stebelton.

To amend sections 101.83, 101.84, 101.85, 101.86, 109.91, 121.084, 121.32, 127.14, 149.304, 173.03, 173.04, 901.90, 1349.71, 1506.22, 1506.23, 1506.24, 3301.90, 3302.021, 3302.10, 3311.71, 3312.01, 3312.09, 3313.6013, 3335.27, 3345.062, 3701.025, 3701.63, 3705.35, 3705.36, 3718.03, 3727.311, 3727.312, 3737.03, 3737.21, 3737.81, 3737.86, 3737.88, 3743.54, 3746.04, 3769.083, 3769.085, 3769.086, 4121.03, 4121.121, 4121.77, 4123.341, 4123.342, 4123.35, 4169.02, 4169.03, 4169.04, 4169.05, 4169.06, 4503.52, 4503.77, 4723.61, 4723.63, 4723.69, 5104.39, and 5123.093; to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 1506.22 (6161.04), 1506.23 (6161.05), and 1506.24 (6161.06); to enact sections 125.835 and 6161.021; and to repeal sections 101.37, 122.98, 122.981, 125.833, 184.23, 184.231, 1501.25, 1733.329, 1733.3210, 2151.282, 2323.44, 3312.11, 3312.12, 3319.70, 3319.71, 3701.92, 3702.92, 3746.03, 3769.084, 4121.79, 4501.025, 4723.62, 4723.621, 4981.35, 5104.08, 5111.710, and 5902.15 of the Revised Code; to repeal section 101.38 of the Revised Code on December 31, 2011; to amend Section 203 of Am. Sub. H.B. 15 of the 128th General Assembly, Section 20 of Am. Sub. H.B. 554 of the 127th General Assembly, Section 513.03 of Am. Sub. H.B. 66 of the 126th General Assembly as subsequently amended, and Section 15.02 of Am. Sub. H.B. 640 of the 123rd General Assembly; and to repeal Section 309.40.70 of Am. Sub. H.B. 1 of the 128th General Assembly, Section 3 of Am. H.B. 416 of the 127th General Assembly, Sections 265.70.20, 709.10, and 751.13 of Am. Sub. H.B. 1 of the 128th General Assembly, Sections 755.40, 755.80, and 756.40 of Am. Sub. H.B. 2 of the 128th General Assembly, Section 3 of Sub. H.B. 7 of the 127th General Assembly, Section 555.17 of Am. Sub. H.B. 67 of the 127th General Assembly, Sections 263.30.30, 337.20.20, 377.20, 737.11, and 737.12 of Am. Sub. H.B. 119 of the 127th General Assembly, Sections 6 and 7 of Sub. H.B. 125 of the 127th General Assembly, Section 2 of Sub. H.B. 233 of the 127th General Assembly, Section 3 of Am. H.B. 416 of the 127th General Assembly, Sections 703.30 and 715.50 of Am. Sub. H.B. 562 of the 127th General Assembly, Section 512.45 of Am. Sub. H.B. 100 of the 127th General Assembly as subsequently amended, Section 4 of Am. Sub. S.B. 77 of the 127th General Assembly, Sections 206.10.12, 206.42.12, 206.66.24, 206.66.43, 209.63.58, 503.09, 503.12, and 560.03 of Am. Sub. H.B. 66 of the 126th General Assembly, Sections 3 and 4 of Sub. H.B. 187 of the 126th General Assembly, Section 1 of Sub. H.B. 371 of the 126th General Assembly, Section 235.60.70 of Am. Sub. H.B. 699 of the 126th General Assembly, Section 3 of Am. Sub. S.B. 167 of the 126th General Assembly, Section 5 of Am. Sub. S.B. 260 of the 126th General Assembly, Section 3 of Am. Sub. S.B. 311 of the 126th General Assembly, Section 3 of Sub. S.B. 393

of the 126th General Assembly, Sections 12 and 25 of Am. Sub. H.B. 87 of the 125th General Assembly, Sections 41.35 and 153 of Am. Sub. H.B. 95 of the 125th General Assembly, Section 3 of Sub. H.B. 204 of the 125th General Assembly, Section 8 of Sub. H.B. 299 of the 125th General Assembly, Section 6 of Am. Sub. H.B. 516 of the 125th General Assembly, Section 3 of Am. Sub. S.B. 86 of the 125th General Assembly, Section 5 of Sub. H.B. 57 of the 124th General Assembly, Section 3 of Am. Sub. H.B. 474 of the 124th General Assembly, Section 4 of Am. Sub. S.B. 281 of the 124th General Assembly, Section 701.20 of Am. Sub. H.B. 562 of the 127th General Assembly as subsequently amended, Section 206.66.53 of Am. Sub. H.B. 66 of the 126th General Assembly as subsequently amended, Section 6 of Sub. H.B. 336 of the 126th General Assembly as subsequently amended, Section 755.03 of Am. Sub. H.B. 530 of the 126th General Assembly, as subsequently amended, Section 6 of Am. Sub. S.B. 238 of the 126th General Assembly as subsequently amended, Section 8 of Am. Sub. S.B. 311 of the 126th General Assembly as subsequently amended, Section 152 of Am. Sub. H.B. 95 of the 125th General Assembly, as subsequently amended, Section 59.29 of Am. Sub. H.B. 95 of the 125th General Assembly as subsequently amended, and Section 69 of H.B. 117 of the 121st General Assembly as subsequently amended to abolish, terminate, transfer, or renew various agencies and by reestablishing the Sunset Review Committee but postponing its operation until the 132nd General Assembly, and to terminate the operation of certain provisions of this act on December 31, 2016, by repealing sections 101.82, 101.83, 101.84, 101.85, 101.86, and 101.87 of the Revised Code on that date, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Wachtmann moved to amend as follows:

In line 100, delete "127.14,"

In line 105, delete "4121.03, 4121.121, 4121.77, 4123.341,"

In line 106, delete "4123.342, 4123.35,"

Delete lines 451 through 542

Delete lines 2859 through 4129

In line 4932, delete "127.14,"

In line 4937, delete "4121.03, 4121.121, 4121.77,"

In line 4938, delete "4123.341, 4123.342, 4123.35,"

In line 4943, delete "4121.79,"

Delete lines 5225 through 5282

Delete lines 5419 through 5421

In line 5769, delete everything after "**Section 15.**"

Delete lines 5770 through 5781

In line 5782, delete "**Section 16.**"

In line 2 of the title, delete "127.14,"

In line 9 of the title, delete "4121.03, 4121.121, 4121.77,"

In line 10 of the title, delete "4123.341, 4123.342, 4123.35,"

In line 21 of the title, delete "4121.79,"

Delete line 25 of the title

In line 26 of the title, delete "General Assembly,"

In line 47 of the title, delete "Section 512.45 of Am. Sub."

Delete line 48 of the title

In line 49 of the title, delete "subsequently amended,"

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 53, nays 44, as follows:

Those who voted in the affirmative were: Representatives

Belcher	Bolon	Book	Boyd
Brown	Carney	Celeste	Chandler
DeGeeter	Dodd	Domenick	Driehaus
Dyer	Fende	Foley	Garland
Garrison	Gerberry	Goyal	Hagan
Harris	Harwood	Heard	Koziura
Letson	Luckie	Lundy	Mallory
Moran	Murray	Newcomb	O'Farrell
Oelslager	Okey	Otterman	Patten
Phillips	Pillich	Pryor	Reece
Schneider	Skindell	Slesnick	Stewart
Sykes	Szollosi	Walter	Weddington
Williams B.	Williams S.	Winburn	Yuko
			Budish-53.

Those who voted in the negative were: Representatives

Adams J.	Adams R.	Amstutz	Bacon
Baker	Balderson	Batchelder	Beck
Blair	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	Ruhl
Sears	Snitchler	Stautberg	Stebelton
Uecker	Wachtmann	Wagner	Zehring-44.

The motion to amend was laid on the table.

The question recurring, "Shall the bill pass?"

Representative Snitchler moved to amend as follows:

In line 107, after "5104.39," insert "5111.708, 5123.032,"

Between lines 4669 and 4670, insert:

**"Sec. 5111.708.** (A) The director of job and family services, ~~after consulting with the medicaid buy-in advisory council,~~ shall adopt rules in accordance with Chapter 119. of the Revised Code as necessary to implement the medicaid buy-in for workers with disabilities program. The rules shall do all of the following:

- (1) Specify assets, asset values, and amounts to be disregarded in determining asset and income eligibility limits for the program;
- (2) Establish meanings for the terms "earned income," "health insurance," "resources," "spouse," and "unearned income";
- (3) Establish additional eligibility requirements for the program that must be established for the United States secretary of health and human services to approve the program;
- (4) For the purpose of division (B) of section 5111.704 of the Revised Code, specify an amount to be subtracted from the difference determined under division (A) of that section.

(B) The director, ~~after consulting with the medicaid buy-in advisory council,~~ may adopt rules in accordance with Chapter 119. of the Revised Code to specify amounts to be disregarded from an individual's earned income, unearned income, or both under division (C) of section 5111.703 of the Revised Code for the purpose of determining whether the individual is within the income eligibility limit for the medicaid buy-in for workers with disabilities program.

**Sec. 5123.032.** (A) As used in this section, "developmental center" means any institution or facility of the department of developmental disabilities that, on or after January 30, 2004, is named, designated, or referred to as a developmental center.

(B) Notwithstanding any other provision of law, ~~on and after January 30, 2004,~~ any closure of a developmental center shall be subject to, and in accordance with, this section. ~~Notwithstanding any other provision of law, if the governor announced on or after January 1, 2003, and prior to January 30, 2004, the intended closure of a developmental center and if the closure identified in the announcement has not occurred prior to January 30, 2004, the closure identified~~

~~in the announcement shall be subject to the criteria set forth in this section as if the announcement had been made on or after January 30, 2004, except for the time at which the notice to the general assembly must be provided as identified in division (C) of this section.~~

~~(C) Notwithstanding any other provision of law, on and after January 30, 2004, at least ten days prior to making any official, public announcement that the governor intends to close one or more developmental centers, the governor shall notify the general assembly in writing that the governor intends to close one or more developmental centers. Notwithstanding any other provision of law, if the governor announced on or after January 1, 2003, and prior to January 30, 2004, the intended closure of a developmental center and if the closure identified in the announcement has not occurred prior to January 30, 2004, not later than ten days after January 30, 2004, the~~ The governor shall notify the general assembly in writing of the prior announcement and that the governor intends to close the center identified in the prior announcement, and the notification to the general assembly shall constitute, for purposes of this section, the governor's official, public announcement that the governor intends to close that center.

The notice required by this division shall identify by name each developmental center that the governor intends to close or, if the governor has not determined any specific developmental center to close, shall state the governor's general intent to close one or more developmental centers. When the governor notifies the general assembly as required by this division, the legislative service commission promptly shall conduct an independent study of the developmental centers of the department of developmental disabilities and of the department's operation of the centers, and the study shall address relevant criteria and factors, including, but not limited to, all of the following:

(1) The manner in which the closure of developmental centers in general would affect the safety, health, well-being, and lifestyle of the centers' residents and their family members and would affect public safety and, if the governor's notice identifies by name one or more developmental centers that the governor intends to close, the manner in which the closure of each center so identified would affect the safety, health, well-being, and lifestyle of the center's residents and their family members and would affect public safety;

(2) The availability of alternate facilities;

(3) The cost effectiveness of the facilities identified for closure;

(4) A comparison of the cost of residing at a facility identified for closure and the cost of new living arrangements;

(5) The geographic factors associated with each facility and its proximity to other similar facilities;

(6) The impact of collective bargaining on facility operations;

(7) The utilization and maximization of resources;

(8) Continuity of the staff and ability to serve the facility population;

- (9) Continuing costs following closure of a facility;
- (10) The impact of the closure on the local economy;
- (11) Alternatives and opportunities for consolidation with other facilities;
- (12) How the closing of a facility identified for closure relates to the department's plans for the future of developmental centers in this state;

(13) The effect of the closure of developmental centers in general upon the state's fiscal resources and fiscal status and, if the governor's notice identifies by name one or more developmental centers that the governor intends to close, the effect of the closure of each center so identified upon the state's fiscal resources and fiscal status.

(D) The legislative service commission shall complete the study required by division (C) of this section, and prepare a report that contains its findings, not later than sixty days after the governor makes the official, public announcement that the governor intends to close one or more developmental centers as described in division (C) of this section. The commission shall provide a copy of the report to each member of the general assembly who requests a copy of the report.

~~Not later than the date on which the legislative service commission is required to complete the report under this division, the developmental disabilities developmental center closure commission is hereby created as described in division (E) of this section. The officials with the duties to appoint members of the closure commission, as described in division (E) of this section, shall appoint the specified members of the closure commission, and, as soon as possible after the appointments, the closure commission shall meet for the purposes described in that division. Upon completion of the report and the creation of the closure commission under this division, the legislative service commission promptly shall provide a copy of the report to the closure commission and shall present the report as described in division (E) of this section.~~

~~(E)(1) A developmental disabilities developmental center closure commission shall be created at the time and in the manner specified in division (D) of this section. The closure commission consists of six members. One member shall be the director of developmental disabilities. One member shall be the director of health. One member shall be a private executive with expertise in facility utilization, in economics, or in both facility utilization and economics, jointly appointed by the speaker of the house of representatives and the president of the senate. The member appointed for expertise in facility utilization, economics, or both may not be a member of the general assembly and may not have a developmental center identified for closure by the governor in the county in which the member resides. One member shall be a member of the board of the Ohio civil service employees' association, jointly appointed by the speaker of the house of representatives and the president of the senate. One member shall be either a family member of a resident of a developmental center or a representative of a mental retardation and developmental disabilities advocacy~~

group, jointly appointed by the speaker of the house of representatives and the president of the senate. The member appointed who is a family member of a developmental center resident or a representative of an advocacy group may not be a member of the general assembly. One member shall be a member of the law enforcement community, appointed by the governor. The officials with the duties to appoint members of the closure commission shall make the appointments, and the closure commission shall meet, within the time periods specified in division (D) of this section. The members of the closure commission shall serve without compensation. At the closure commission's first meeting, the members shall organize and appoint a chairperson and vice-chairperson.

The closure commission shall meet as often as is necessary for the purpose of making the recommendations to the governor that are described in this division. The closure commission's meetings shall be open to the public, and the closure commission shall accept public testimony. The legislative service commission shall appear before the closure commission and present the report the legislative service commission prepared under division (D) of this section. The closure commission shall meet for the purpose of making recommendations to the governor, which recommendations may include all of the following:

- (a) Whether any developmental center should be closed;
- (b) If the recommendation described in division (E)(1)(a) of this section is that one or more developmental centers should be closed, which center or centers should be closed;
- (c) If the governor's notice described in division (C) of this section identifies by name one or more developmental centers that the governor intends to close, whether the center or centers so identified should be closed.

(2) The developmental disabilities developmental center closure commission, not later than sixty days after it receives the report of the legislative service commission under division (D) of this section, shall prepare a report containing its recommendations to the governor. The closure commission shall send a copy of the report to the governor and to each member of the general assembly who requests a copy of the report. Upon receipt of the closure commission's report, the governor shall review and consider the commission's recommendation. The governor shall do one of the following:

- (a) Follow the recommendation of the commission;
- (b) Close no developmental center;
- (c) Take other action that the governor determines is necessary for the purpose of expenditure reductions or budget cuts and state the reasons for the action.

The governor's decision is final. Upon the governor's making of the decision, the closure commission shall cease to exist. Another closure commission shall be created under this section each time the governor subsequently makes an official, public announcement that the governor intends

~~to close one or more developmental centers."~~

In line 4939, after "5104.39," insert "5111.708, 5123.032,"

In line 4940, after "101.37," insert "121.374,"

In line 4943, delete "5111.710," and insert "5111.709, 5111.7010,"

Delete lines 4998 through 4998a

Delete line 5037

Delete lines 5059 through 5059a

Delete lines 5130 through 5130b

In line 5404, after "Sections" insert "209.40,"

In line 12 of the title, after "5104.39," insert "5111.708, 5123.032,"

In line 17 of the title, after "101.37," insert "121.374,"

In line 22 of the title, delete "5111.710," and insert "5111.709,  
5111.7010,"

In line 33 of the title, after "Sections" insert "209.40,"

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 52, nays 46, as follows:

Those who voted in the affirmative were: Representatives

Belcher	Bolon	Book	Boyd
Brown	Carney	Celeste	Chandler
DeGeeter	Dodd	Domenick	Driehaus
Dyer	Fende	Foley	Garland
Garrison	Gerberry	Goyal	Hagan
Harris	Harwood	Heard	Koziura
Letson	Luckie	Lundy	Mallory
Moran	Murray	Newcomb	O'Farrell
Okey	Otterman	Patten	Phillips
Pillich	Pryor	Reece	Schneider
Skindell	Slesnick	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	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 bill pass?"

The yeas and nays were taken and resulted - yeas 98, 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	Brown
Bubp	Burke	Carney	Celeste
Chandler	Coley	Combs	Daniels
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	Mandel	Martin
McClain	McGregor	Mecklenborg	Moran
Morgan	Murray	Newcomb	O'Farrell
Oelslager	Okey	Otterman	Patten
Phillips	Pillich	Pryor	Reece
Ruhl	Schneider	Sears	Skindell
Slesnick	Snitchler	Stautberg	Stebelton
Stewart	Sykes	Szollosi	Uecker
Wachtmann	Wagner	Walter	Weddington
Williams B.	Williams S.	Winburn	Yuko
Zehringer			Budish-98.

The bill passed.

Representative Book moved to amend the title as follows:

Add the names: "Bacon, Bolon, Boose, Carney, Combs, DeGeeter, Derickson, Domenick, Driehaus, Dyer, Evans, Foley, Garland, Garrison, Hackett, Hall, Harris, Harwood, Hottinger, Letson, McClain, McGregor, Moran, Morgan, Newcomb, Oelslager, Patten, Phillips, Pillich, Pryor, Wagner, Weddington, Winburn, Yuko, Zehringer."

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. 338** -Representatives Book, Uecker

Cosponsors: Representatives Evans, Domenick, Harwood, Okey, Bolon, Oelslager, Huffman, Mecklenborg, Coley, Stebelton, Blessing, Bubp, Carney, Chandler, Combs, Daniels, DeBose, DeGeeter, Derickson, Dodd, Garland, Gerberry, Harris, Hite, Koziura, Letson, Luckie, Mallory, Murray, Patten, Sayre, Wachtmann, Weddington, Williams, B., Yuko Senators Buehrer, Fedor, Goodman, Harris, Hughes, Miller, D., Morano, Patton, Sawyer, Schiavoni, Seitz, Smith, Strahorn, Turner, Niehaus

To amend sections 1901.01, 1901.02, 1901.03, 1901.07, 1901.08, 1901.31, 1901.312, 1901.32, 1901.34, 1907.11, 2743.48, 2929.15, 2929.24, 2929.25, 2937.07, 4507.02, 4510.11, 4510.12, 4510.16, 4549.02, and 4549.021 and to enact section 4510.73 of the Revised Code to allow, in certain circumstances, all issues concerning a person's driver's license to be litigated in a single court, 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 and members of a township or joint township police force ex officio deputy bailiffs of municipal courts, to require the Clerk of the Court of Claims to request that the Controlling Board, within 60 days after the date of the entry of a court's determination that a person is a wrongfully imprisoned individual, pay 50 per cent of a certain specified amount of money to that wrongfully imprisoned individual, to permit a trial judge to impose a prison term or jail time, to extend the duration of a community control sanction, to impose a more restrictive sanction when a felony or a misdemeanor violates any condition of a community control sanction, to allow a judge or magistrate to base a finding on the facts contained in a complaint, to authorize judicial release of misdemeanants who are serving jail sentences, to modify the conditions for increased penalties for the offenses of failure to stop after an accident and failure to stop after a nonpublic road accident, to modify the penalty for repeat offenders under "operating a motor vehicle without a valid license" who never have held a valid driver's or commercial driver's license or permit, and to clarify the manner of sentencing for that offense and three other traffic offenses when they are unclassified misdemeanors.

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. 338**-Representatives Book, Uecker, et al., be taken up for immediate consideration.

The motion was agreed to without objection.

The Senate amendments to **Sub. H. B. No. 338**-Representatives Book, Uecker, et al., were taken up for consideration.

**Sub. H. B. No. 338**-Representatives Book, Uecker.

Cosponsors: Representatives Evans, Domenick, Harwood, Okey, Bolon, Oelslager, Huffman, Mecklenborg, Coley, Stebelton, Blessing, Bulp, Carney, Chandler, Combs, Daniels, DeBose, DeGeeter, Derickson, Dodd, Garland, Gerberry, Harris, Hite, Koziura, Letson, Luckie, Mallory, Murray, Patten, Sayre, Wachtmann, Weddington, Williams, B., Yuko. Senators Buehrer, Fedor, Goodman, Harris, Hughes, Miller, D., Morano, Patton, Sawyer, Schiavoni, Seitz, Smith, Strahorn, Turner, Niehaus.

To amend sections 1901.01, 1901.02, 1901.03, 1901.07, 1901.08, 1901.31, 1901.312, 1901.32, 1901.34, 1907.11, 2743.48, 2929.15, 2929.24, 2929.25, 2937.07, 4507.02, 4510.11, 4510.12, 4510.16, 4549.02, and 4549.021 and to enact section 4510.73 of the Revised Code to allow, in certain circumstances, all issues concerning a person's driver's license to be litigated in a single court, 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 and members of a township or joint township police force ex officio deputy bailiffs of municipal courts, to require the Clerk of the Court of Claims to request that the Controlling Board, within 60 days after the date of the entry of a court's determination that a person is a wrongfully imprisoned individual, pay 50 per cent of a certain specified amount of money to that wrongfully imprisoned individual, to permit a trial judge to impose a prison term or jail time, to extend the duration of a community control sanction, to impose a more restrictive sanction when a felony or a misdemeanor violates any condition of a community control sanction, to allow a judge or magistrate to base a finding on the facts contained in a complaint, to authorize judicial release of misdemeanants who are serving jail sentences, to modify the conditions for increased penalties for the offenses of failure to stop after an accident and failure to stop after a nonpublic road accident, to modify the penalty for repeat offenders under "operating a motor vehicle without a valid

license" who never have held a valid driver's or commercial driver's license or permit, and to clarify the manner of sentencing for that offense and three other traffic offenses when they are unclassified misdemeanors.

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

The yeas and nays were taken and resulted - yeas 94, nays 4, 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	Brown
Bubp	Burke	Celeste	Chandler
Coley	Combs	Daniels	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	Mandel	Martin	McClain
McGregor	Mecklenborg	Morgan	Newcomb
O'Farrell	Oelslager	Okey	Otterman
Patten	Phillips	Pryor	Reece
Ruhl	Schneider	Sears	Skindell
Slesnick	Snitchler	Stautberg	Stebelton
Stewart	Sykes	Szollosi	Uecker
Wachtmann	Wagner	Walter	Weddington
Williams B.	Williams S.	Winburn	Yuko
Zehringer			Budish-94.

Representatives Carney, Moran, Murray, and Pillich voted in the negative-4.

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. 393** -Representatives Gerberry, Blessing

Cosponsors: Representatives Chandler, Weddington, Blair, Boose, Derickson, Domenick, Luckie, Ruhl, Slesnick, Yuko, Balderson, Batchelder, Beck, Bolon, Bubp, Combs, Daniels, Evans, Garland, Goodwin, Grossman, Hackett, Harris, Harwood, Koziura, Lehner, Letson, Lundy, Mallory, McClain, McGregor, Mecklenborg, Moran, Morgan, Newcomb, Patten, Phillips, Pillich,

Pryor, Sayre, Snitchler, Stautberg, Uecker, Williams, B., Winburn Senators  
Fedor, Grendell, Turner, Cafaro, Faber, Gillmor, Morano, Niehaus, Sawyer,  
Schiavoni, Schuring, Seitz, Smith, Wilson, Harris, Strahorn

To amend sections 311.06, 313.07, 317.321, 505.87, and 1711.15 and to enact sections 5.033 and 5.034 of the Revised Code, to amend Section 701.05 of Am. Sub. H.B. 1 of the 128th General Assembly, and to amend Section 701.20 of Am. Sub. H.B. 562 of the 127th General Assembly, as subsequently amended, to revise the notice required to be provided by a board of township trustees to a landowner and any lienholder for a subsequent nuisance determination made within 12 months after a nuisance determination was made regarding the same property, to authorize maintenance of a sheriff's or coroner's office outside the county seat of justice, to increase the maximum portion of recording fees that may be earmarked for county recorders' equipment funds, to authorize a board of county commissioners that provides financial assistance to a county agricultural society to provide such assistance from the county's permanent improvement fund, to authorize a single-county solid waste management district to make a loan to a port authority in the same county for use by the authority to assist facilities that provide general health services in that county, to adopt the spotted salamander as the state amphibian and the bullfrog as the state frog, to change the report deadline of the Ohio Legislative Commission on the Education and Preservation of State History from July 1, 2010, to September 1, 2010, 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. 393**-Representatives Gerberry, Blessing, et al., be taken up for immediate consideration.

The motion was agreed to without objection.

The Senate amendments to **Sub. H. B. No. 393**-Representatives Gerberry, Blessing, et al., were taken up for consideration.

**Sub. H. B. No. 393**-Representatives Gerberry, Blessing.

Cosponsors: Representatives Chandler, Weddington, Blair, Boose, Derickson, Domenick, Luckie, Ruhl, Slesnick, Yuko, Balderson, Batchelder, Beck, Bolon, Bubp, Combs, Daniels, Evans, Garland, Goodwin, Grossman, Hackett, Harris, Harwood, Koziura, Lehner, Letson, Lundy, Mallory, McClain, McGregor, Mecklenborg, Moran, Morgan, Newcomb, Patten, Phillips, Pillich, Pryor, Sayre, Snitchler, Stautberg, Uecker, Williams, B., Winburn. Senators Fedor, Grendell, Turner, Cafaro, Faber, Gillmor, Morano, Niehaus, Sawyer, Schiavoni, Schuring, Seitz, Smith, Wilson, Harris, Strahorn.

To amend sections 311.06, 313.07, 317.321, 505.87, and 1711.15 and to enact sections 5.033 and 5.034 of the Revised Code, to amend Section 701.05 of Am. Sub. H.B. 1 of the 128th General Assembly, and to amend Section 701.20 of Am. Sub. H.B. 562 of the 127th General Assembly, as subsequently amended, to revise the notice required to be provided by a board of township trustees to a landowner and any lienholder for a subsequent nuisance determination made within 12 months after a nuisance determination was made regarding the same property, to authorize maintenance of a sheriff's or coroner's office outside the county seat of justice, to increase the maximum portion of recording fees that may be earmarked for county recorders' equipment funds, to authorize a board of county commissioners that provides financial assistance to a county agricultural society to provide such assistance from the county's permanent improvement fund, to authorize a single-county solid waste management district to make a loan to a port authority in the same county for use by the authority to assist facilities that provide general health services in that county, to adopt the spotted salamander as the state amphibian and the bullfrog as the state frog, to change the report deadline of the Ohio Legislative Commission on the Education and Preservation of State History from July 1, 2010, to September 1, 2010, 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 80, nays 18, as follows:

Those who voted in the affirmative were: Representatives

Adams R.	Baker	Balderson	Belcher
Blair	Blessing	Bolon	Book
Boose	Boyd	Brown	Bubp
Carney	Celeste	Chandler	Coley
Combs	DeGeeter	Derickson	Dodd
Domenick	Driehaus	Dyer	Evans
Fende	Foley	Garland	Garrison
Gerberry	Goyal	Grossman	Hackett
Hagan	Hall	Harris	Harwood
Heard	Hite	Huffman	Koziura
Lehner	Letson	Luckie	Lundy
Mallory	Mandel	McClain	McGregor
Mecklenborg	Moran	Morgan	Murray
Newcomb	O'Farrell	Oelslager	Okey
Otterman	Patten	Phillips	Pillich
Pryor	Reece	Ruhl	Schneider
Sears	Skindell	Slesnick	Snitchler
Stebelton	Stewart	Sykes	Szollosi
Walter	Weddington	Williams B.	Williams S.
Winburn	Yuko	Zehringer	Budish-80.

Those who voted in the negative were: Representatives

Adams J.	Amstutz	Bacon	Batchelder
Beck	Burke	Daniels	Gardner

Goodwin	Hollington	Hottinger	Jordan
Maag	Martin	Stautberg	Uecker
Wachtmann			Wagner-18.

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 91, nays 7, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Bacon	Baker
Balderson	Batchelder	Beck	Belcher
Blair	Blessing	Bolon	Book
Boose	Boyd	Brown	Bubp
Burke	Carney	Celeste	Chandler
Coley	Combs	Daniels	DeGeeter
Derickson	Dodd	Domenick	Dyer
Evans	Fende	Foley	Garland
Garrison	Gerberry	Goodwin	Goyal
Grossman	Hackett	Hagan	Hall
Harris	Harwood	Heard	Hite
Hottinger	Huffman	Jordan	Koziura
Lehner	Letson	Luckie	Lundy
Mallory	Mandel	McClain	McGregor
Mecklenborg	Moran	Morgan	Murray
Newcomb	O'Farrell	Oelslager	Okey
Otterman	Patten	Phillips	Pillich
Pryor	Reece	Ruhl	Schneider
Sears	Skindell	Slesnick	Snitchler
Stebelton	Stewart	Sykes	Szollosi
Uecker	Wachtmann	Wagner	Walter
Weddington	Williams B.	Williams S.	Winburn
Yuko	Zehringer		Budish-91.

Representatives Amstutz, Driehaus, Gardner, Hollington, Maag, Martin, and Stautberg voted in the negative-7.

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. 449** -Representative Ujvagi

Cosponsors: Representatives Yuko, Goyal, Belcher, Boose, Boyd, Brown, Carney, Celeste, Chandler, DeBose, Domenick, Dyer, Evans, Fende, Foley, Garland, Hackett, Harris, Harwood, Heard, Letson, Luckie, Lundy, Mallory, Murray, Oelslager, Otterman, Patten, Pillich, Pryor, Reece, Schneider,

Skindell, Stewart, Sykes, Szollosi, Weddington, Williams, B., Winburn  
Senators Carey, Fedor, Turner, Cafaro, Gibbs, Grendell, Harris, Miller, D.,  
Morano, Patton, Sawyer, Schaffer, Schiavoni, Schuring, Strahorn, Wagoner,  
Widener, Wilson, Kearney

To amend sections 123.024, 141.02, 2108.72, 2108.73, 3313.616, 3721.50, 4503.46, 5111.21, 5533.785, 5902.02, 5907.01, 5907.02, 5907.021, 5907.04, 5907.08, 5907.10, 5907.11, 5907.12, 5907.13, 5911.10, 5913.01, 5913.011, 5913.02, 5913.021, 5919.06, 5919.26, 5919.28, 5919.29, 5919.34, 5923.05, and 5924.136, and to repeal sections 5907.023, 5907.05, and 5913.04 of the Revised Code and to amend Section 409.10 of Am. Sub. H.B. 1 of the 128th General Assembly, as subsequently amended, to make changes to the law regarding the Ohio Veterans' Home Agency and the Department of Veterans Services, to allow a DD Form 93, Record of Emergency Data, to satisfy the written declaration requirements for designating a person authorized to direct disposition of human remains, to modify the membership of the Veterans Advisory Committee, to provide publicly employed firefighters and emergency medical technicians with a minimum paid military leave of seventeen 24-hour days, to make changes to the salaries of, and other laws regarding, the Adjutant General and assistant adjutants, and to make an appropriation.

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. 449**-Representative Ujvagi, et al., be taken up for immediate consideration.

The motion was agreed to without objection.

The Senate amendments to **Sub. H. B. No. 449**-Representative Ujvagi, et al., were taken up for consideration.

**Sub. H. B. No. 449**-Representative Ujvagi.

Cosponsors: Representatives Yuko, Goyal, Belcher, Boose, Boyd, Brown, Carney, Celeste, Chandler, DeBose, Domenick, Dyer, Evans, Fende, Foley, Garland, Hackett, Harris, Harwood, Heard, Letson, Luckie, Lundy, Mallory, Murray, Oelslager, Otterman, Patten, Pillich, Pryor, Reece, Schneider, Skindell, Stewart, Sykes, Szollosi, Weddington, Williams, B., Winburn.  
Senators Carey, Fedor, Turner, Cafaro, Gibbs, Grendell, Harris, Miller, D., Morano, Patton, Sawyer, Schaffer, Schiavoni, Schuring, Strahorn, Wagoner, Widener, Wilson, Kearney.

To amend sections 123.024, 141.02, 2108.72, 2108.73, 3313.616, 3721.50, 4503.46, 5111.21, 5533.785, 5902.02, 5907.01, 5907.02, 5907.021, 5907.04, 5907.08, 5907.10, 5907.11, 5907.12, 5907.13, 5911.10, 5913.01, 5913.011, 5913.02, 5913.021, 5919.06, 5919.26, 5919.28, 5919.29, 5919.34, 5923.05, and 5924.136, and to repeal sections 5907.023, 5907.05, and 5913.04 of the Revised Code and to amend Section 409.10 of Am. Sub. H.B. 1 of the 128th General Assembly, as subsequently amended, to make changes to the law regarding the Ohio Veterans' Home Agency and the Department of Veterans Services, to allow a DD Form 93, Record of Emergency Data, to satisfy the written declaration requirements for designating a person authorized to direct disposition of human remains, to modify the membership of the Veterans Advisory Committee, to provide publicly employed firefighters and emergency medical technicians with a minimum paid military leave of seventeen 24-hour days, to make changes to the salaries of, and other laws regarding, the Adjutant General and assistant adjutants, and to make an appropriation.

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

The yeas and nays were taken and resulted - yeas 98, 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	Brown
Bubp	Burke	Carney	Celeste
Chandler	Coley	Combs	Daniels
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	Mandel	Martin
McClain	McGregor	Mecklenborg	Moran
Morgan	Murray	Newcomb	O'Farrell
Oelslager	Okey	Otterman	Patten
Phillips	Pillich	Pryor	Reece
Ruhl	Schneider	Sears	Skindell
Slesnick	Snitchler	Stautberg	Stebelton
Stewart	Sykes	Szollosi	Uecker
Wachtmann	Wagner	Walter	Weddington
Williams B.	Williams S.	Winburn	Yuko
Zehringer			Budish-98.

The Senate amendments were concurred in.

On motion of Representative Szollosi, the House recessed.

The House met pursuant to recess.

Representative Szollosi moved that the House revert to the fourth order of business, being reports of conference committees.

The motion was agreed to.

### **REPORTS OF CONFERENCE COMMITTEES**

Representative Szollosi moved that Joint Rule No. 20, pertaining to reports of conference committees, be suspended and that the report of the committee of Conference on **Am. Sub. S. B. No. 110**-Senator Niehaus, et al. be taken up for immediate consideration.

The motion was agreed to without objection.

Representative Dodd submitted the following report:

The Committee of Conference, to which the matters of difference between the two houses were referred on Am. Sub. S.B. 110, Senator Niehaus – et al., having had the same under consideration, recommends to the respective houses as follows:

The bill as passed by the House of Representatives with the following amendments:

In line 13, after "3718.06," insert "and"; delete ", and 6117.51"

In line 558, after " (16)" delete the balance of the line

Delete lines 559 through 595

In line 596, delete " (17)"

In line 599, delete " (18)" and insert " (17)"

In line 605, delete " (19)" and insert " (18)"

In line 619, delete " (19)" and insert " (18)"

In line 620, delete " (20)" and insert " (19)"

In line 622, delete " (21)" and insert " (20)"

In line 624, delete " (22)" and insert " (21)"

In line 1101, delete " (19)" and insert " (18)"

Delete lines 1154 through 1262

In line 1264, after "3718.06," insert "and"; delete ", and 6117.51"

In line 2 of the title, after "3718.06," insert "and"; delete ", and"

In line 3 of the title, delete "6117.51"

Managers on the Part of the  
Senate

/S/ TOM NIEHAUS  
TOM NIEHAUS

/S/ TIMOTHY GRENDELL  
TIMOTHY GRENDELL

/S/ CAPRI S. CAFARO  
CAPRI S. CAFARO

Managers on the Part of the  
House of Representatives

/S/ DAN DODD  
DAN DODD

/S/ DEBORAH NEWCOMB  
DEBORAH NEWCOMB

/S/ LYNN R. WACHTMANN  
LYNN R. WACHTMANN

The question being, "Shall the report of the committee of Conference be agreed to?"

The yeas and nays were taken and resulted - yeas 98, 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	Brown
Bubp	Burke	Carney	Celeste
Chandler	Coley	Combs	Daniels
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	Mandel	Martin
McClain	McGregor	Mecklenborg	Moran
Morgan	Murray	Newcomb	O'Farrell
Oelslager	Okey	Otterman	Patten
Phillips	Pillich	Pryor	Reece
Ruhl	Schneider	Sears	Skindell
Slesnick	Snitchler	Stautberg	Stebelton
Stewart	Sykes	Szollosi	Uecker
Wachtmann	Wagner	Walter	Weddington
Williams B.	Williams S.	Winburn	Yuko
Zehringer			Budish-98.

The report of the committee of Conference was agreed to.

Representative Szollosi moved that Joint Rule No. 20, pertaining to reports of conference committees, be suspended and that the report of the committee of Conference on **Sub. H. B. No. 5**-Representatives Okey, Dodd, et al. be taken up for immediate consideration.

The motion was agreed to without objection.

Representative Okey submitted the following report:

The Committee of Conference, to which the matters of difference between the two houses were referred on Sub. H.B. 5, Okey and Dodd - et al., having had the same under consideration, recommends to the respective houses as follows:

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

In line 17, delete "3517.13,"

Delete lines 1954 through 2378

Delete lines 2828 through 2834

In line 2931, delete "3517.13,"

After line 2932, insert:

**"Section 3.** (A) Notwithstanding any provision of the Revised Code to the contrary, a board of elections that conducts a special election on or before August 4, 2010, for the purpose of nominating candidates for the office of congressional representative may conduct that election using a limited number of polling places. A board of elections that decides to conduct the election using a limited number of polling places shall do all of the following:

(1) Send a notification, by mail, to each address at which an elector of that county who is eligible to vote in the special election resides to inform the elector of the special election and of the elector's designated polling place for that special election and include with that notification an absent voter's ballot application;

(2) Establish not more than four polling places at which electors in the county may cast a ballot in the special election; and

(3) Permit individuals who are eligible to cast a provisional ballot to cast those ballots at the office of the board of elections;

(4) The notification sent under division (A)(1) of this section shall include the following statement, which shall appear clearly and conspicuously on the face of the notification "If you are a member of the <political party conducting the primary election> or support the principles of the <political party conducting the primary election> and wish to vote in that party's congressional primary election, your voting location for that primary election will be <insert polling location>."

(B) A board of elections that conducts a special election pursuant to division (A) of this section shall not be required to send a notice, prior to the next regular state election, to any elector that resides at an address to which a notice is sent under division (A) of this section to inform the elector of the elector's proper precinct polling location for that regular state election.

(C) This section expires, effective August 14, 2010.

**Section 4.** Section 3 of this act is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety. The reason for such necessity is that the costs of conducting a special election in each precinct polling place in a congressional district will be prohibitive, considering the budgetary situation of both state and local governments. Therefore, Section 3 of this act shall go into immediate effect."

In line 2 of the title, delete "3517.13,"

In line 8 of the title, delete ", to prohibit a candidate"

Delete lines 9 through 14 of the title

In line 15 of the title, delete all before the period and insert ", to permit a board of elections that conducts a special election on or before August 4, 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"

Managers on the Part of the House of Representatives	Managers on the Part of the Senate
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/S/ MARK D. OKEY  
MARK D. OKEY

/S/ KEITH FABER  
KEITH FABER

/S/ DAN DODD  
DAN DODD

/S/ CHRIS WIDENER  
CHRIS WIDENER

/S/ ROBERT P. MECKLENBORG  
ROBERT P. MECKLENBORG

/S/ SHIRLEY A. SMITH  
SHIRLEY A. SMITH

The question being, "Shall the emergency clause stand as part of the report of the committee of Conference?"

The yeas and nays were taken and resulted - yeas 98, 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	Brown
Bubp	Burke	Carney	Celeste
Chandler	Coley	Combs	Daniels
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	Mandel	Martin
McClain	McGregor	Mecklenborg	Moran
Morgan	Murray	Newcomb	O'Farrell
Oelslager	Okey	Otterman	Patten
Phillips	Pillich	Pryor	Reece

Ruhl	Schneider	Sears	Skindell
Slesnick	Snitchler	Stautberg	Stebelton
Stewart	Sykes	Szollosi	Uecker
Wachtmann	Wagner	Walter	Weddington
Williams B.	Williams S.	Winburn	Yuko
Zehringer			Budish-98.

Having received the required Constitutional majority, the emergency clause stood as part of the report of the committee of Conference.

The question being, "Shall the report of the committee of Conference be agreed to?"

The yeas and nays were taken and resulted - yeas 98, 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	Brown
Bubp	Burke	Carney	Celeste
Chandler	Coley	Combs	Daniels
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	Mandel	Martin
McClain	McGregor	Mecklenborg	Moran
Morgan	Murray	Newcomb	O'Farrell
Oelslager	Okey	Otterman	Patten
Phillips	Pillich	Pryor	Reece
Ruhl	Schneider	Sears	Skindell
Slesnick	Snitchler	Stautberg	Stebelton
Stewart	Sykes	Szollosi	Uecker
Wachtmann	Wagner	Walter	Weddington
Williams B.	Williams S.	Winburn	Yuko
Zehringer			Budish-98.

The report of the committee of Conference was agreed to.

Representative Szollosi moved that Joint Rule No. 20, pertaining to reports of conference committees, be suspended and that the report of the committee of Conference on **Sub. S. B. No. 181**-Senator Stewart, et al. be taken up for immediate consideration.

The motion was agreed to without objection.

Representative Goyal submitted the following report:

The Committee of Conference, to which the matters of difference between the two houses were referred on Sub. S.B. 181, Sen. Stewart - et al., having had the same under consideration, recommends to the respective houses as follows:

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

In line 335, after the underlined comma, insert "regional transit authority."

In line 343, after the underlined semicolon, insert "in the case of a regional transit authority, the authority's board of trustees;"

Delete lines 630 through 864 and insert:

"**Sec. 3302.03.** (A) Annually the department of education shall report for each school district and each school building in a district all of the following:

(1) The extent to which the school district or building meets each of the applicable performance indicators created by the state board of education under section 3302.02 of the Revised Code and the number of applicable performance indicators that have been achieved;

(2) The performance index score of the school district or building;

(3) Whether the school district or building has made adequate yearly progress;

(4) Whether the school district or building is excellent, effective, needs continuous improvement, is under an academic watch, or is in a state of academic emergency.

(B) Except as otherwise provided in ~~divisions~~ division (B)(6) ~~and (7)~~ of this section:

(1) A school district or building shall be declared excellent if it ~~fulfills one of the following requirements:~~

~~(a) It makes adequate yearly progress and either meets at least ninety-four per cent of the applicable state performance indicators or has a performance index score established by the department.~~

~~(b) It has failed to make adequate yearly progress for not more than two consecutive years and either meets at least ninety-four per cent of the applicable state performance indicators or has a performance index score established by the department, except that if it does not make adequate yearly progress for two or more of the same subgroups for three or more consecutive years, it shall be declared effective.~~

(2) A school district or building shall be declared effective if it ~~fulfills one of the following requirements:~~

~~(a) It makes adequate yearly progress and either meets at least seventy-five per cent but less than ninety-four per cent of the applicable state performance indicators or has a performance index score established by the department :~~

~~(b) It does not make adequate yearly progress and either meets at least seventy-five per cent of the applicable state performance indicators or has a performance index score established by the department, except that if it does not make adequate yearly progress for two or more of the same subgroups for three or more consecutive years, it shall be declared in need of continuous improvement.~~

(3) A school district or building shall be declared to be in need of continuous improvement if it fulfills one of the following requirements:

(a) It makes adequate yearly progress, meets less than seventy-five per cent of the applicable state performance indicators, and has a performance index score established by the department.

(b) It does not make adequate yearly progress and either meets at least fifty per cent but less than seventy-five per cent of the applicable state performance indicators or has a performance index score established by the department.

(4) A school district or building shall be declared to be under an academic watch if it does not make adequate yearly progress and either meets at least thirty-one per cent but less than fifty per cent of the applicable state performance indicators or has a performance index score established by the department.

(5) A school district or building shall be declared to be in a state of academic emergency if it does not make adequate yearly progress, does not meet at least thirty-one per cent of the applicable state performance indicators, and has a performance index score established by the department.

~~(6) When designating performance ratings for school districts and buildings under divisions (B)(1) to (5) of this section, the department shall not assign a school district or building a lower designation from its previous year's designation based solely on one subgroup not making adequate yearly progress.~~

~~(7)~~ Division (B) ~~(7)~~ (6) of this section does not apply to any community school established under Chapter 3314. of the Revised Code in which a majority of the students are enrolled in a dropout prevention and recovery program.

A school district or building shall not be assigned a higher performance rating than in need of continuous improvement if at least ten per cent but not more than fifteen per cent of the enrolled students do not take all achievement assessments prescribed for their grade level under division (A)(1) or (B)(1) of section 3301.0710 of the Revised Code from which they are not excused pursuant to division (C)(1) or (3) of section 3301.0711 of the Revised Code. A school district or building shall not be assigned a higher performance rating than

under an academic watch if more than fifteen per cent but not more than twenty per cent of the enrolled students do not take all achievement assessments prescribed for their grade level under division (A)(1) or (B)(1) of section 3301.0710 of the Revised Code from which they are not excused pursuant to division (C)(1) or (3) of section 3301.0711 of the Revised Code. A school district or building shall not be assigned a higher performance rating than in a state of academic emergency if more than twenty per cent of the enrolled students do not take all achievement assessments prescribed for their grade level under division (A)(1) or (B)(1) of section 3301.0710 of the Revised Code from which they are not excused pursuant to division (C)(1) or (3) of section 3301.0711 of the Revised Code.

(C)(1) The department shall issue annual report cards for each school district, each building within each district, and for the state as a whole reflecting performance on the indicators created by the state board under section 3302.02 of the Revised Code, the performance index score, and adequate yearly progress.

(2) The department shall include on the report card for each district information pertaining to any change from the previous year made by the school district or school buildings within the district on any performance indicator.

(3) When reporting data on student performance, the department shall disaggregate that data according to the following categories:

- (a) Performance of students by age group;
- (b) Performance of students by race and ethnic group;
- (c) Performance of students by gender;

(d) Performance of students grouped by those who have been enrolled in a district or school for three or more years;

(e) Performance of students grouped by those who have been enrolled in a district or school for more than one year and less than three years;

(f) Performance of students grouped by those who have been enrolled in a district or school for one year or less;

(g) Performance of students grouped by those who are economically disadvantaged;

(h) Performance of students grouped by those who are enrolled in a conversion community school established under Chapter 3314. of the Revised Code;

(i) Performance of students grouped by those who are classified as limited English proficient;

(j) Performance of students grouped by those who have disabilities;

(k) Performance of students grouped by those who are classified as migrants;

(1) Performance of students grouped by those who are identified as gifted pursuant to Chapter 3324. of the Revised Code.

The department may disaggregate data on student performance according to other categories that the department determines are appropriate. To the extent possible, the department shall disaggregate data on student performance according to any combinations of two or more of the categories listed in divisions (C)(3)(a) to (l) of this section that it deems relevant.

In reporting data pursuant to division (C)(3) of this section, the department shall not include in the report cards any data statistical in nature that is statistically unreliable or that could result in the identification of individual students. For this purpose, the department shall not report student performance data for any group identified in division (C)(3) of this section that contains less than ten students.

(4) The department may include with the report cards any additional education and fiscal performance data it deems valuable.

(5) The department shall include on each report card a list of additional information collected by the department that is available regarding the district or building for which the report card is issued. When available, such additional information shall include student mobility data disaggregated by race and socioeconomic status, college enrollment data, and the reports prepared under section 3302.031 of the Revised Code.

The department shall maintain a site on the world wide web. The report card shall include the address of the site and shall specify that such additional information is available to the public at that site. The department shall also provide a copy of each item on the list to the superintendent of each school district. The district superintendent shall provide a copy of any item on the list to anyone who requests it.

(6)(a) This division does not apply to conversion community schools that primarily enroll students between sixteen and twenty-two years of age who dropped out of high school or are at risk of dropping out of high school due to poor attendance, disciplinary problems, or suspensions.

For any district that sponsors a conversion community school under Chapter 3314. of the Revised Code, the department shall combine data regarding the academic performance of students enrolled in the community school with comparable data from the schools of the district for the purpose of calculating the performance of the district as a whole on the report card issued for the district.

(b) Any district that leases a building to a community school located in the district or that enters into an agreement with a community school located in the district whereby the district and the school endorse each other's programs may elect to have data regarding the academic performance of students enrolled in the community school combined with comparable data from the schools of the

district for the purpose of calculating the performance of the district as a whole on the district report card. Any district that so elects shall annually file a copy of the lease or agreement with the department.

(7) The department shall include on each report card the percentage of teachers in the district or building who are highly qualified, as defined by the "No Child Left Behind Act of 2001," and a comparison of that percentage with the percentages of such teachers in similar districts and buildings.

(8) The department shall include on the report card the number of lead teachers employed by each district and each building once the data is available from the education management information system established under section 3301.0714 of the Revised Code.

(D)(1) In calculating English language arts, mathematics, social studies, or science assessment passage rates used to determine school district or building performance under this section, the department shall include all students taking an assessment with accommodation or to whom an alternate assessment is administered pursuant to division (C)(1) or (3) of section 3301.0711 of the Revised Code.

(2) In calculating performance index scores, rates of achievement on the performance indicators established by the state board under section 3302.02 of the Revised Code, and adequate yearly progress for school districts and buildings under this section, the department shall do all of the following:

(a) Include for each district or building only those students who are included in the ADM certified for the first full school week of October and are continuously enrolled in the district or building through the time of the spring administration of any assessment prescribed by division (A)(1) or (B)(1) of section 3301.0710 of the Revised Code that is administered to the student's grade level;

(b) Include cumulative totals from both the fall and spring administrations of the third grade English language arts achievement assessment;

(c) Except as required by the "No Child Left Behind Act of 2001" for the calculation of adequate yearly progress, exclude for each district or building any limited English proficient student who has been enrolled in United States schools for less than one full school year."

In line 3290, delete "(A)"

Delete lines 3304 through 3312

In line 3418, after "requirements" insert "for fiscal year 2010"

In line 3421, delete "or"

In line 3422, delete "fiscal year 2011"

In line 3424, delete "and on or before June 1, 2011, or as soon as"

In line 3425, delete "possible thereafter,"

In line 3431, delete ", fiscal year 2011,"

In line 3435, delete ", and if necessary fiscal year 2011,"

In line 3554, delete "\$7,000,000" and insert "\$10,500,000"

In line 3558, delete "\$3,000,000" and insert "\$4,500,000"

In line 3598, delete "\$35,000,000" and insert "\$40,000,000"

In line 3721, delete the second "\$25,000,000" and insert "\$0"

In line 3727, reinsert "55,846,635"

In line 3727a, delete "80,846,635"

In line 3729, delete "\$740,000,000" and insert "\$745,000,000"

In line 3731, delete "\$740,000,000" and insert "\$745,000,000"

In line 3737, reinsert "12,047,434,276"

In line 3737a, delete "\$12,124,962,135" and insert "\$12,129,962,135"; delete "12,072,434,276"

Between lines 3743 and 3744, insert:

"**Section 17.** Except as otherwise provided in this act, all appropriation items in this act are appropriated out of moneys in the state treasury to the credit of the designated fund that are not otherwise appropriated. For all appropriations in the following sections of this act, the amounts in the first column are for fiscal year 2010 and the amounts in the second column are for fiscal year 2011.

#### **Section 18. CAC CASINO CONTROL COMMISSION**

##### State Special Revenue

5HS0 955321	Casino Control – Operating	\$	0	\$	5,500,000
TOTAL SSR	State Special Revenue Fund Group	\$	0	\$	5,500,000

#### **Section 19. IGO OFFICE OF THE INSPECTOR GENERAL**

##### State Special Revenue

5HS0 965609	Casino Investigations	\$	0	\$	250,000
TOTAL SSR	State Special Revenue Fund Group	\$	0	\$	250,000

The foregoing appropriation shall be used only for the performance of casino-related duties.

#### **Section 20. ETH ETHICS COMMISSION**

##### State Special Revenue

5HS0 146602	Casino Investigations	\$	0	\$	250,000
TOTAL SSR	Special Revenue Fund Group	\$	0	\$	250,000

The foregoing appropriation shall be used only for the performance of casino-related duties.

**Section 21. BOR BOARD OF REGENTS**

## State Special Revenue

5JC0 235628	Co-Op/Internship Program	\$	0	\$	100,000,000
TOTAL SSR State Special Revenue Fund Group		\$	0	\$	100,000,000
TOTAL ALL BUDGET FUND GROUPS		\$	0	\$	106,000,000

Of the foregoing appropriation item, 235628, Co-Op/Internship Program, \$50,000,000 shall be used by the Chancellor of the Board of Regents to operate the Co-Op/Internship Program under sections 3333.71 to 3333.80 of the Revised Code. Funding for eligible institutions shall be disbursed in accordance with the terms of the agreements entered into under section 3333.75 of the Revised Code. The Chancellor of the Board of Regents shall develop a work force development pilot program, for areas of the state with high unemployment, with funding of \$50,000,000. Of this funding, \$25,000,000 shall be for urban areas and \$25,000,000 shall be for rural areas. Of the funding for rural areas, \$12,500,000 shall be for areas in Appalachia and \$12,500,000 shall be for areas elsewhere in the state. All public institutions of higher education, career technical schools, and joint vocational schools shall be eligible to participate in this program. The Chancellor of the Board of Regents shall propose the pilot program to the Controlling Board. Approval of the pilot program by the Controlling Board shall require at least five votes in favor of the program, including those of at least two Senators and at least two Representatives."

line 3744, delete "17" and insert "22"

In line 51 of the title, after "districts" insert "and regional transit authorities"

In line 74 of the title, after the semicolon insert "to require the Chancellor of the Board of Regents to develop a work force development pilot program for areas of the state with high unemployment;"

Managers on the Part of the Senate	Managers on the Part of the House of Representatives
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/s/ TOM NIEHAUS  
TOM NIEHAUS

/s/ VERNON SYKES  
VERNON SYKES

/s/ GARY CATES  
GARY CATES

/s/ JAY GOYAL  
JAY GOYAL

/s/ DALE MILLER  
DALE MILLER

/s/ RON AMSTUTZ  
RON AMSTUTZ

The question being, "Shall the report of the committee of Conference be agreed to?"

The yeas and nays were taken and resulted - yeas 98, 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	Brown
Bubp	Burke	Carney	Celeste
Chandler	Coley	Combs	Daniels
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	Mandel	Martin
McClain	McGregor	Mecklenborg	Moran
Morgan	Murray	Newcomb	O'Farrell
Oelslager	Okey	Otterman	Patten
Phillips	Pillich	Pryor	Reece
Ruhl	Schneider	Sears	Skindell
Slesnick	Snitchler	Stautberg	Stebelton
Stewart	Sykes	Szollosi	Uecker
Wachtmann	Wagner	Walter	Weddington
Williams B.	Williams S.	Winburn	Yuko
Zehringer			Budish-98.

The report of the committee of Conference was agreed to.

Representative Szollosi moved that Joint Rule No. 20, pertaining to reports of conference committees, be suspended and that the report of the committee of Conference on **Sub. H. B. No. 519**-Representatives Yuko, Book, et al. be taken up for immediate consideration.

The motion was agreed to without objection.

Representative Yuko submitted the following report:

The Committee of Conference to which the matters of difference between the two houses were referred on Sub. H.B. 519, Representatives Yuko and Book, et al., having had the same under consideration, recommends to the respective houses as follows:

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

In line 23, after "2915.02," insert "2915.081, 2915.082, 2915.09,"

Delete lines 2599 through 2602

Between lines 2851 and 2852, insert:

**"Sec. 2915.081.** (A) No distributor shall sell, offer to sell, or otherwise provide or offer to provide bingo supplies to another person, or modify, convert, add to, or remove parts from bingo supplies to further their promotion or sale, for use in this state without having obtained a license from the attorney general under this section.

(B) The attorney general may issue a distributor license to any person that meets the requirements of this section. The application for the license shall be on a form prescribed by the attorney general and be accompanied by the annual fee prescribed by this section. The license is valid for a period of one year, and the annual fee for the license is five thousand dollars.

(C) The attorney general may refuse to issue a distributor license to any person to which any of the following applies, or to any person that has an officer, partner, or other person who has an ownership interest of ten per cent or more and to whom any of the following applies:

(1) The person, officer, or partner has been convicted of a felony under the laws of this state, another state, or the United States.

(2) The person, officer, or partner has been convicted of any gambling offense.

(3) The person, officer, or partner has made an incorrect or false statement that is material to the granting of a license in an application submitted to the attorney general under this section or in a similar application submitted to a gambling licensing authority in another jurisdiction if the statement resulted in license revocation through administrative action in the other jurisdiction.

(4) The person, officer, or partner has submitted any incorrect or false information relating to the application to the attorney general under this section, if the information is material to the granting of the license.

(5) The person, officer, or partner has failed to correct any incorrect or false information that is material to the granting of the license in the records required to be maintained under division (E) of section 2915.10 of the Revised Code.

(6) The person, officer, or partner has had a license related to gambling revoked or suspended under the laws of this state, another state, or the United States.

(D) The attorney general shall not issue a distributor license to any person that is involved in the conduct of bingo on behalf of a charitable organization or that is a lessor of premises used for the conduct of bingo. This division does not prohibit a distributor from advising charitable organizations on the use and benefit of specific bingo supplies or prohibit a distributor from advising a customer on operational methods to improve bingo profitability.

(E)(1) No distributor shall sell, offer to sell, or otherwise provide or offer to provide bingo supplies to any person, or modify, convert, add to, or remove parts from bingo supplies to further their promotion or sale, for use in this state except to or for the use of a charitable organization that has been issued a license under section 2915.08 of the Revised Code or to another distributor that has been issued a license under this section. No distributor shall accept payment for the sale or other provision of bingo supplies other than by check or electronic fund transfer.

(2) No distributor may donate, give, loan, lease, or otherwise provide any bingo supplies or equipment, or modify, convert, add to, or remove parts from bingo supplies to further their promotion or sale, to or for the use of a charitable organization for use in a bingo session conditioned on or in consideration for an exclusive right to provide bingo supplies to the charitable organization. A distributor may provide a licensed charitable organization with free samples of the distributor's products to be used as prizes or to be used for the purpose of sampling.

(3) No distributor shall purchase bingo supplies for use in this state from any person except from a manufacturer issued a license under section 2915.082 of the Revised Code or from another distributor issued a license under this section. Subject to division (D) of section 2915.082 of the Revised Code, no distributor shall pay for purchased bingo supplies other than by check or electronic fund transfer.

(4) No distributor shall participate in the conduct of bingo on behalf of a charitable organization or have any direct or indirect ownership interest in a premises used for the conduct of bingo.

(5) No distributor shall knowingly solicit, offer, pay, or receive any kickback, bribe, or undocumented rebate, directly or indirectly, overtly or covertly, in cash or in kind, in return for providing bingo supplies to any person in this state.

(F) The attorney general may suspend or revoke a distributor license for any of the reasons for which the attorney general may refuse to issue a distributor license specified in division (C) of this section or if the distributor holding the license violates any provision of this chapter or any rule adopted by the attorney general under this chapter.

(G) Whoever violates division (A) or (E) of this section is guilty of illegally operating as a distributor. Except as otherwise provided in this division, illegally operating as a distributor is a misdemeanor of the first degree. If the offender previously has been convicted of a violation of division (A) or (E) of this section, illegally operating as a distributor is a felony of the fifth degree.

**Sec. 2915.082.** (A) No manufacturer shall sell, offer to sell, or otherwise provide or offer to provide bingo supplies for use in this state without having obtained a license from the attorney general under this section.

(B) The attorney general may issue a manufacturer license to any person that meets the requirements of this section. The application for the license shall be on a form prescribed by the attorney general and be accompanied by the annual fee prescribed by this section. The license is valid for a period of one year, and the annual fee for the license is five thousand dollars.

(C) The attorney general may refuse to issue a manufacturer license to any person to which any of the following applies, or to any person that has an officer, partner, or other person who has an ownership interest of ten per cent or

more and to whom any of the following applies:

(1) The person, officer, or partner has been convicted of a felony under the laws of this state, another state, or the United States.

(2) The person, officer, or partner has been convicted of any gambling offense.

(3) The person, officer, or partner has made an incorrect or false statement that is material to the granting of a license in an application submitted to the attorney general under this section or in a similar application submitted to a gambling licensing authority in another jurisdiction if the statement resulted in license revocation through administrative action in the other jurisdiction.

(4) The person, officer, or partner has submitted any incorrect or false information relating to the application to the attorney general under this section, if the information is material to the granting of the license.

(5) The person, officer, or partner has failed to correct any incorrect or false information that is material to the granting of the license in the records required to be maintained under division (F) of section 2915.10 of the Revised Code.

(6) The person, officer, or partner has had a license related to gambling revoked or suspended under the laws of this state, another state, or the United States.

(D)(1) No manufacturer shall sell, offer to sell, or otherwise provide or offer to provide bingo supplies to any person for use in this state except to a distributor that has been issued a license under section 2915.081 of the Revised Code. No manufacturer shall accept payment for the sale of bingo supplies other than by check or electronic fund transfer.

(2) No manufacturer shall knowingly solicit, offer, pay, or receive any kickback, bribe, or undocumented rebate, directly or indirectly, overtly or covertly, in cash or in kind, in return for providing bingo supplies to any person in this state.

(E)(1) The attorney general may suspend or revoke a manufacturer license for any of the reasons for which the attorney general may refuse to issue a manufacturer license specified in division (C) of this section or if the manufacturer holding the license violates any provision of this chapter or any rule adopted by the attorney general under this chapter.

(2) The attorney general may perform an onsite inspection of a manufacturer of bingo supplies that is selling, offering to sell, or otherwise providing or offering to provide bingo supplies or that is applying for a license to sell, offer to sell, or otherwise provide or offer to provide bingo supplies in this state.

(F) Whoever violates division (A) or (D) of this section is guilty of illegally operating as a manufacturer. Except as otherwise provided in this

division, illegally operating as a manufacturer is a misdemeanor of the first degree. If the offender previously has been convicted of a violation of division (A) or (D) of this section, illegally operating as a manufacturer is a felony of the fifth degree.

**Sec. 2915.09.** (A) No charitable organization that conducts bingo shall fail to do any of the following:

(1) Own all of the equipment used to conduct bingo or lease that equipment from a charitable organization that is licensed to conduct bingo , or from the landlord of a premises where bingo is conducted, for a rental rate that is not more than is customary and reasonable for that equipment;

(2) Except as otherwise provided in division (A)(3) of this section, use all of the gross receipts from bingo for paying prizes, for reimbursement of expenses for or for renting premises in which to conduct a bingo session, for reimbursement of expenses for or for purchasing or leasing bingo supplies used in conducting bingo, for reimbursement of expenses for or for hiring security personnel, for reimbursement of expenses for or for advertising bingo, or for reimbursement of other expenses or for other expenses listed in division (LL) of section 2915.01 of the Revised Code, provided that the amount of the receipts so spent is not more than is customary and reasonable for a similar purchase, lease, hiring, advertising, or expense. If the building in which bingo is conducted is owned by the charitable organization conducting bingo and the bingo conducted includes a form of bingo described in division (S)(1) of section 2915.01 of the Revised Code, the charitable organization may deduct from the total amount of the gross receipts from each session a sum equal to the lesser of six hundred dollars or forty-five per cent of the gross receipts from the bingo described in that division as consideration for the use of the premises.

(3) Use, or give, donate, or otherwise transfer, all of the net profit derived from bingo, other than instant bingo, for a charitable purpose listed in its license application and described in division (Z) of section 2915.01 of the Revised Code, or distribute all of the net profit from the proceeds of the sale of instant bingo as stated in its license application and in accordance with section 2915.101 of the Revised Code.

(B) No charitable organization that conducts a bingo game described in division (S)(1) of section 2915.01 of the Revised Code shall fail to do any of the following:

(1) Conduct the bingo game on premises that are owned by the charitable organization, on premises that are owned by another charitable organization and leased from that charitable organization for a rental rate not in excess of the lesser of six hundred dollars per bingo session or forty-five per cent of the gross receipts of the bingo session, on premises that are leased from a person other than a charitable organization for a rental rate that is not more than is customary and reasonable for premises that are similar in location, size, and quality but not in excess of four hundred fifty dollars per bingo session, or on premises that are

owned by a person other than a charitable organization, that are leased from that person by another charitable organization, and that are subleased from that other charitable organization by the charitable organization for a rental rate not in excess of four hundred fifty dollars per bingo session. If the charitable organization leases from a person other than a charitable organization the premises on which it conducts bingo sessions, the lessor of the premises shall provide ~~only~~ the premises to the organization and shall not provide the organization with bingo game operators, security personnel, concessions or concession operators, bingo supplies, or any other type of service ~~or equipment~~. A charitable organization shall not lease or sublease premises that it owns or leases to more than one other charitable organization per calendar week for the purpose of conducting bingo sessions on the premises. A person that is not a charitable organization shall not lease premises that it owns, leases, or otherwise is empowered to lease to more than ~~one~~ three charitable ~~organization~~ organizations per calendar week for conducting bingo sessions on the premises. In no case shall more than ~~two~~ nine bingo sessions be conducted on any premises in any calendar week.

(2) Display its license conspicuously at the premises where the bingo session is conducted;

(3) Conduct the bingo session in accordance with the definition of bingo set forth in division (S)(1) of section 2915.01 of the Revised Code.

(C) No charitable organization that conducts a bingo game described in division (S)(1) of section 2915.01 of the Revised Code shall do any of the following:

(1) Pay any compensation to a bingo game operator for operating a bingo session that is conducted by the charitable organization or for preparing, selling, or serving food or beverages at the site of the bingo session, permit any auxiliary unit or society of the charitable organization to pay compensation to any bingo game operator who prepares, sells, or serves food or beverages at a bingo session conducted by the charitable organization, or permit any auxiliary unit or society of the charitable organization to prepare, sell, or serve food or beverages at a bingo session conducted by the charitable organization, if the auxiliary unit or society pays any compensation to the bingo game operators who prepare, sell, or serve the food or beverages;

(2) Pay consulting fees to any person for any services performed in relation to the bingo session;

(3) Pay concession fees to any person who provides refreshments to the participants in the bingo session;

(4) Except as otherwise provided in division (C)(4) of this section, conduct more than ~~two~~ three bingo sessions in any seven-day period. A volunteer firefighter's organization or a volunteer rescue service organization that conducts not more than five bingo sessions in a calendar year may conduct more than ~~two~~ three bingo sessions in a seven-day period after notifying the

attorney general when it will conduct the sessions.

(5) Pay out more than ~~three six~~ thousand ~~five hundred~~ dollars in prizes for bingo games described in division (S)(1) of section 2915.01 of the Revised Code during any bingo session that is conducted by the charitable organization. "Prizes" does not include awards from the conduct of instant bingo.

(6) Conduct a bingo session at any time during the ten-hour period between midnight and ten a.m., at any time during, or within ten hours of, a bingo game conducted for amusement only pursuant to section 2915.12 of the Revised Code, at any premises not specified on its license, or on any day of the week or during any time period not specified on its license. Division (A)(6) of this section does not prohibit the sale of instant bingo tickets beginning at nine a.m. for a bingo session that begins at ten a.m. If circumstances make it impractical for the charitable organization to conduct a bingo session at the premises, or on the day of the week or at the time, specified on its license or if a charitable organization wants to conduct bingo sessions on a day of the week or at a time other than the day or time specified on its license, the charitable organization may apply in writing to the attorney general for an amended license pursuant to division (F) of section 2915.08 of the Revised Code. A charitable organization may apply twice in each calendar year for an amended license to conduct bingo sessions on a day of the week or at a time other than the day or time specified on its license. If the amended license is granted, the organization may conduct bingo sessions at the premises, on the day of the week, and at the time specified on its amended license.

(7) Permit any person whom the charitable organization knows, or should have known, is under the age of eighteen to work as a bingo game operator;

(8) Permit any person whom the charitable organization knows, or should have known, has been convicted of a felony or gambling offense in any jurisdiction to be a bingo game operator;

(9) Permit the lessor of the premises on which the bingo session is conducted, if the lessor is not a charitable organization, to provide the charitable organization with bingo game operators, security personnel, concessions, bingo supplies, or any other type of service ~~or equipment~~;

(10) Purchase or lease bingo supplies from any person except a distributor issued a license under section 2915.081 of the Revised Code;

(11)(a) Use or permit the use of electronic bingo aids except under the following circumstances:

(i) For any single participant, not more than ninety bingo faces can be played using an electronic bingo aid or aids.

(ii) The charitable organization shall provide a participant using an electronic bingo aid with corresponding paper bingo cards or sheets.

(iii) The total price of bingo faces played with an electronic bingo aid shall be equal to the total price of the same number of bingo faces played with a

paper bingo card or sheet sold at the same bingo session but without an electronic bingo aid.

(iv) An electronic bingo aid cannot be part of an electronic network other than a network that includes only bingo aids and devices that are located on the premises at which the bingo is being conducted or be interactive with any device not located on the premises at which the bingo is being conducted.

(v) An electronic bingo aid cannot be used to participate in bingo that is conducted at a location other than the location at which the bingo session is conducted and at which the electronic bingo aid is used.

(vi) An electronic bingo aid cannot be used to provide for the input of numbers and letters announced by a bingo caller other than the bingo caller who physically calls the numbers and letters at the location at which the bingo session is conducted and at which the electronic bingo aid is used.

(b) The attorney general may adopt rules in accordance with Chapter 119. of the Revised Code that govern the use of electronic bingo aids. The rules may include a requirement that an electronic bingo aid be capable of being audited by the attorney general to verify the number of bingo cards or sheets played during each bingo session.

(12) Permit any person the charitable organization knows, or should have known, to be under eighteen years of age to play bingo described in division (S)(1) of section 2915.01 of the Revised Code.

(D)(1) Except as otherwise provided in division (D)(3) of this section, no charitable organization shall provide to a bingo game operator, and no bingo game operator shall receive or accept, any commission, wage, salary, reward, tip, donation, gratuity, or other form of compensation, directly or indirectly, regardless of the source, for conducting bingo or providing other work or labor at the site of bingo during a bingo session.

(2) Except as otherwise provided in division (D)(3) of this section, no charitable organization shall provide to a bingo game operator any commission, wage, salary, reward, tip, donation, gratuity, or other form of compensation, directly or indirectly, regardless of the source, for conducting instant bingo other than at a bingo session at the site of instant bingo other than at a bingo session.

(3) Nothing in division (D) of this section prohibits an employee of a fraternal organization, veteran's organization, or sporting organization from selling instant bingo tickets or cards to the organization's members or invited guests, as long as no portion of the employee's compensation is paid from any receipts of bingo.

(E) Notwithstanding division (B)(1) of this section, a charitable organization that, prior to December 6, 1977, has entered into written agreements for the lease of premises it owns to another charitable organization or other charitable organizations for the conducting of bingo sessions so that more than two bingo sessions are conducted per calendar week on the premises,

and a person that is not a charitable organization and that, prior to December 6, 1977, has entered into written agreements for the lease of premises it owns to charitable organizations for the conducting of more than two bingo sessions per calendar week on the premises, may continue to lease the premises to those charitable organizations, provided that no more than four sessions are conducted per calendar week, that the lessor organization or person has notified the attorney general in writing of the organizations that will conduct the sessions and the days of the week and the times of the day on which the sessions will be conducted, that the initial lease entered into with each organization that will conduct the sessions was filed with the attorney general prior to December 6, 1977, and that each organization that will conduct the sessions was issued a license to conduct bingo games by the attorney general prior to December 6, 1977.

(F) This section does not prohibit a bingo licensed charitable organization or a game operator from giving any person an instant bingo ticket as a prize.

(G) Whoever violates division (A)(2) of this section is guilty of illegally conducting a bingo game, a felony of the fourth degree. Except as otherwise provided in this division, whoever violates division (A)(1) or (3), (B)(1), (2), or (3), (C)(1) to (12), or (D) of this section is guilty of a minor misdemeanor. If the offender previously has been convicted of a violation of division (A)(1) or (3), (B)(1), (2), or (3), (C)(1) to (11), or (D) of this section, a violation of division (A)(1) or (3), (B)(1), (2), or (3), (C), or (D) of this section is a misdemeanor of the first degree. Whoever violates division (C)(12) of this section is guilty of a misdemeanor of the first degree, if the offender previously has been convicted of a violation of division (C)(12) of this section, a felony of the fourth degree."

In line 3092, delete " working"

In line 3093, delete " capital."

Between lines 3490 and 3491, insert:

" (K) Notwithstanding any law to the contrary, beginning on July 1, 2011, the commission shall assume jurisdiction over and oversee the regulation of skill-based amusement machines as is provided in the law of this state."

In line 3608, delete " Approve" and insert " Review"

In line 3739, after the first underlined comma insert " under their established duties and authority."

In line 4113, delete " one" and insert " five"

In line 4116, delete " one" and insert " three"

Between lines 4686 and 4687, insert:

" If a casino operator has made an initial investment of at least one hundred twenty-five million dollars at the time a license is issued, the casino operator shall spend the remainder of the minimum two-hundred-fifty-million-dollar total required initial investment within

thirty-six months after the issuance of that license. If a casino operator who has opened an initial location is making substantial progress, as determined by the commission, on a substitute casino facility on constitutionally approved parcels within the same city, the commission shall include amounts spent by the casino operator to develop such parcels, and shall grant an additional thirty-six-month extension to the casino operator who is developing on such parcels. The commission, upon the request of the casino operator, may also approve up to twenty-four months of transitional operations by the casino operator on multiple noncontiguous constitutionally approved parcels while transitioning from the initial location to the new facility, provided such facilities are connected by property and structures, owned, leased, or under the exclusive control of the casino operator."

In line 4854, after " of" delete the balance of the line

In line 4855, delete " chapter" and insert " sections 3772.091, 3772.17, and 3772.33 of the Revised Code"; after " unity" insert " and are interdependent and interrelated"

In line 4856, delete " law contained in this chapter" and insert " those sections"

In line 4857, delete " law contained in this chapter" and insert " those sections"

In line 4858, delete " other"

In line 4859, after " applications" insert " in their entirety"

In line 4877, delete " approved" and insert " reviewed"

In line 7849 after "2915.02," insert "2915.081, 2915.082, 2915.09,"

In line 7857, after "4." insert "The amendment to section 5747.01 of the Revised Code, allowing a deduction, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income for the taxable year, of any loss from wagering transactions that is allowed as an itemized deduction under section 165 of the Internal Revenue Code and that the taxpayer deducted in computing federal taxable income, first applies in tax year 2013.

**Section 5.** (A) The joint committee on bingo and skill-based gaming is established. The committee consists of ten members. The speaker of the house of representatives shall appoint to the committee five members of the house of representatives and the president of the senate shall appoint to the committee five members of the senate. Not more than three members appointed from each chamber may be members of the same political party. The speaker of the house of representatives and the president of the senate shall each select one member to serve as a co-chairperson.

(B) The committee shall:

(1) Review and evaluate all existing statutes and rules governing the operation and conduct of bingo, instant bingo, and skill-based amusement

machines and recommend to the general assembly any benefits that would relate to the commission overseeing the operation and conduct of bingo, instant bingo, and skill-based amusement machines.

(2) Make and submit a report of its findings and recommendations to the General Assembly by December 31, 2010.

(C) The members shall receive no additional compensation.

**Section 6."**

In line 3 of the title, after "2915.02," insert "2915.081, 2915.082, 2915.09,"

Managers on the Part of the  
House of Representatives

Managers on the Part of the  
Senate

/s/ KENNY YUKO  
KENNY YUKO

/s/ KEITH FABER  
KEITH FABER

/s/ TODD BOOK  
TODD BOOK

/s/ TOM NIEHAUS  
TOM NIEHAUS

/s/ LOUIS W. BLESSING, JR.  
LOUIS W. BLESSING, JR.

SHIRLEY A. SMITH

The question being, "Shall the report of the committee of Conference be agreed to?"

The yeas and nays were taken and resulted - yeas 86, nays 12, as follows:

Those who voted in the affirmative were: Representatives

Adams R.	Bacon	Baker	Balderson
Batchelder	Beck	Belcher	Blair
Blessing	Bolon	Book	Boose
Boyd	Brown	Carney	Celeste
Chandler	Combs	Daniels	DeGeeter
Derickson	Dodd	Domenick	Driehaus
Dyer	Evans	Fende	Foley
Gardner	Garland	Garrison	Gerberry
Goodwin	Goyal	Grossman	Hackett
Hagan	Hall	Harris	Harwood
Heard	Hite	Hollington	Koziura
Lehner	Letson	Luckie	Lundy
Maag	Mallory	Mandel	Martin
McGregor	Mecklenborg	Moran	Murray
Newcomb	O'Farrell	Oelslager	Okey
Otterman	Patten	Phillips	Pillich
Pryor	Reece	Ruhl	Schneider
Sears	Skindell	Slesnick	Snitchler
Stautberg	Stebelton	Stewart	Sykes
Szollosi	Uecker	Walter	Weddington
Williams B.	Williams S.	Winburn	Yuko
Zehringer			Budish-86.

Those who voted in the negative were: Representatives

Adams J.	Amstutz	Bubp	Burke
Coley	Hottinger	Huffman	Jordan
McClain	Morgan	Wachtmann	Wagner-12.

The report of the committee of Conference was agreed to.

Message from the Senate

Mr. Speaker:

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

**S. B. No. 249** -Senators Seitz, Grendell

Cosponsors: Senators Niehaus, Buehrer, Wagoner, Faber, Gibbs, Goodman, Harris, Husted, Jones, Schuring

To enact section 3345.55 of the Revised Code to permit the board of trustees of a state institution of higher education to enter into an agreement to convey property used for student housing or parking to a conduit entity which will enter into a lease-leaseback arrangement with an independent funding source.

Attest:

Vincent L. Keeran,  
Clerk.

Said bill was considered the first time.

Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has adopted the following concurrent resolution in which the concurrence of the House is requested:

**S. C. R. No. 27** -Senator Gibbs

Cosponsors: Senators Grendell, Seitz, Buehrer, Cates, Carey, Faber, Harris, Niehaus, Schaffer, Schuring, Hughes, Widener, Patton, Gillmor

To urge the Congress of the United States to adopt legislation invalidating regulations of the United States Environmental Protection Agency related to greenhouse gases.

Attest:

Vincent L. Keeran,  
Clerk.

Said concurrent resolution was referred to the committee on Rules and Reference under the Rule.

## Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has agreed to the report of the Committee of Conference on matters of difference between the two houses on:

**Sub. H. B. No. 5** -Representatives Okey, Dodd - et al.

Attest:

Vincent L. Keeran,  
Clerk.

## Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has agreed to the report of the Committee of Conference on matters of difference between the two houses on:

**Am. Sub. S. B. No. 110** -Senator Niehaus - et al.

Attest:

Vincent L. Keeran,  
Clerk.

## Message from the Senate

Mr. Speaker:

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

**Sub. S. B. No. 162** -Senator Buehrer - et al.

**Am. Sub. S. B. No. 187** -Senator Seitz - et al.

**Sub. S. B. No. 204** -Senator Wagoner - et al.

**Am. S. B. No. 270** -Senator Hughes - et al.

Attest:

Vincent L Keeran,  
Clerk.

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. 330** -Representative Patten

Cosponsors: Representatives Chandler, DeGeeter, Domenick, Evans, Fende, Foley, Garland, Harris, Letson, Okey, Phillips, Pryor, Skindell, Weddington, Williams, B., Yuko, Hagan, Mallory, Bolon, Combs, Balderson, McClain, Ruhl, Adams, R., Bacon, Baker, Batchelder, Belcher, Boose, Brown, Bulp, Burke, Carney, Celeste, Coley, Daniels, DeBose, Derickson, Dodd, Driehaus, Dyer, Gardner, Garrison, Gerberry, Goodwin, Goyal, Grossman, Hackett, Hall, Harwood, Hite, Hottinger, Huffman, Jordan, Koziura, Luckie, Lundy, Maag, Mandel, Martin, McGregor, Mecklenborg, Moran, Morgan, Murray, Newcomb, Pillich, Sayre, Slesnick, Snitchler, Stewart, Szollosi, Uecker, Ujvagi, Wagner, Winburn, Zehringer Senators Gillmor, Schuring, Wagoner, Harris, Gibbs, Strahorn, Fedor, Jones

To amend sections 4511.21, 4513.61, and 5513.01 and to enact section 5577.043 of the Revised Code, and to amend Section 509.10 of Am. Sub. H.B. 1 of the 128th General Assembly to authorize the director of transportation to include school districts in purchase contracts for machinery, materials, supplies, and other articles; to establish prima-facie speed limits of 35 and 40 miles per hour on certain streets within the municipal corporation of Marblehead; to prohibit a sheriff or police chief from charging to file an affidavit related to disposing of a vehicle the sheriff or chief ordered into storage; to allow, in counties with a specified population, the operation on local roads of vehicles weighing up to 120,000 pounds under certain circumstances; to prescribe a minimum number of meetings for the Budget Planning and Management Commission; and to declare an emergency.

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

After line 752, insert:

**"Section 3.** That Section 509.10 of Am. Sub. H.B. 1 of the 128th General Assembly be amended to read as follows:

**Sec. 509.10.** (A) There is hereby created the Budget Planning and Management Commission, consisting of six members. The Speaker of the House of Representatives shall appoint three members of the House of Representatives, not more than two of whom shall be members of the same political party, and the President of the Senate shall appoint three members of the Senate, not more than two of whom shall be members of the same political party. The initial appointments shall be made not later than ninety days after the effective date of this section. Vacancies shall be filled in the manner provided for original appointments.

(B) The commission shall complete a study and make recommendations that are designed to provide relief to the state during the current difficult fiscal and economic period. In developing the recommendations, the commission shall develop a strategy for balancing the state budget for fiscal years 2012 and 2013.

(C) The commission shall appoint two of its members to serve as co-chairpersons for the commission. One co-chairperson shall be a member of the majority party of the House of Representatives, and one co-chairperson shall be a member of the majority party of the Senate. Commission meetings shall take place at the call of the co-chairpersons of the commission. The commission shall conduct meetings during the period of July 1, 2009, through November 30, 2010, and shall meet at least six times during the period of July 1, 2010, through November 30, 2010.

(D) Not later than November 30, 2010, the commission shall submit a written report of its recommendations to the Speaker of the House of Representatives, the President of the Senate, and the Governor. The commission ceases to exist upon submission of its report.

(E) The Legislative Service Commission shall provide technical, professional, and clerical support necessary for the Budget Planning and Management Commission to perform its duties.

**Section 4.** That existing Section 509.10 of Am. Sub. H.B. 1 of the 128th General Assembly is hereby repealed.

**Section 5.** This act is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety. The reason for such necessity is to establish recommendations for providing relief to the state during a difficult fiscal and economic period and to develop a strategy for fulfilling the constitutional mandate of balancing the state budget. Therefore, this act shall go into immediate effect."

In line 2 of the title, after "Code" insert ", and to amend Section 509.10 of Am. Sub. H.B. 1 of the 128th General Assembly"

In line 12 of the title, delete "and"

In line 15 of the title, after "circumstances" insert "; to prescribe a minimum number of meetings for the Budget Planning and Management Commission; and to declare an emergency"

Attest:

Vincent L. Keeran,  
Clerk.

Pursuant to Joint Rule 16, Representative Szollosi moved that the Senate amendments to **Am. Sub. H. B. No. 330**-Representative Patten, et al., be taken up for immediate consideration.

The motion was agreed to without objection.

The Senate amendments to **Am. Sub. H. B. No. 330**-Representative Patten, et al., were taken up for consideration.

**Am. Sub. H. B. No. 330**-Representative Patten.

Cosponsors: Representatives Chandler, DeGeeter, Domenick, Evans, Fende, Foley, Garland, Harris, Letson, Okey, Phillips, Pryor, Skindell, Weddington, Williams, B., Yuko, Hagan, Mallory, Bolon, Combs, Balderson, McClain, Ruhl, Adams, R., Bacon, Baker, Batchelder, Belcher, Boose, Brown, Bulp, Burke, Carney, Celeste, Coley, Daniels, DeBose, Derickson, Dodd, Driehaus, Dyer, Gardner, Garrison, Gerberry, Goodwin, Goyal, Grossman, Hackett, Hall, Harwood, Hite, Hottinger, Huffman, Jordan, Koziura, Luckie, Lundy, Maag, Mandel, Martin, McGregor, Mecklenborg, Moran, Morgan, Murray, Newcomb, Pillich, Sayre, Slesnick, Snitchler, Stewart, Szollosi, Uecker, Ujvagi, Wagner, Winburn, Zehringer. Senators Gillmor, Schuring, Wagoner, Harris, Gibbs, Strahorn, Fedor, Jones.

To amend sections 4511.21, 4513.61, and 5513.01 and to enact section 5577.043 of the Revised Code, and to amend Section 509.10 of Am. Sub. H.B. 1 of the 128th General Assembly to authorize the director of transportation to include school districts in purchase contracts for machinery, materials, supplies, and other articles; to establish prima-facie speed limits of 35 and 40 miles per hour on certain streets within the municipal corporation of Marblehead; to prohibit a sheriff or police chief from charging to file an affidavit related to disposing of a vehicle the sheriff or chief ordered into storage; to allow, in counties with a specified population, the operation on local roads of vehicles weighing up to 120,000 pounds under certain circumstances; to prescribe a minimum number of meetings for the Budget Planning and Management Commission; 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 27, nays 71, as follows:

Those who voted in the affirmative were: Representatives

Amstutz	Bacon	Blessing	Boose
Boyd	Coley	Combs	Daniels
Derickson	Evans	Gardner	Goodwin
Grossman	Hackett	Hall	Hite
Hottinger	Lehner	McClain	McGregor
Mecklenborg	Morgan	Murray	Sears
Uecker	Wachtmann		Wagner-27.

Those who voted in the negative were: Representatives

Adams J.	Adams R.	Baker	Balderson
Batchelder	Beck	Belcher	Blair
Bolon	Book	Brown	Bubp
Burke	Carney	Celeste	Chandler
DeGeeter	Dodd	Domenick	Driehaus
Dyer	Fende	Foley	Garland
Garrison	Gerberry	Goyal	Hagan
Harris	Harwood	Heard	Hollington
Huffman	Jordan	Koziura	Letson
Luckie	Lundy	Maag	Mallory
Mandel	Martin	Moran	Newcomb
O'Farrell	Oelslager	Okey	Otterman
Patten	Phillips	Pillich	Pryor
Reece	Ruhl	Schneider	Skindell
Slesnick	Snitchler	Stautberg	Stebelton
Stewart	Sykes	Szollosi	Walter
Weddington	Williams B.	Williams S.	Winburn
Yuko	Zehringer		Budish-71.

Not having received a constitutional majority, the emergency clause failed of passage.

The Senate amendments were not concurred in.

On motion of Representative Szollosi, the House adjourned until Wednesday, June 9, 2010 at 9:00 o'clock a.m.

Attest:

THOMAS L. SHERMAN,  
Clerk.