

**OHIO**

**House**

**of**

**Representatives**

**JOURNAL**

WEDNESDAY, DECEMBER 16, 2009

ONE HUNDRED NINETEENTH DAY  
Hall of the House of Representatives, Columbus, Ohio  
**Wednesday, December 16, 2009, 1:30 p.m.**

The House met pursuant to adjournment.

Prayer was offered by Bishop E. Lynn Brown of the Second Epistle District for the Christian Methodist Episcopal Church in Dayton, Ohio, followed by the Pledge of Allegiance to the Flag.

The journal of yesterday was read and approved.

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

Kevin Hartman, a guest of Representative Harris-19th district.

Reverend Gregory Ivory, Reverend Nelson Hewitt, Gladys Brown, Nancy Nerny, John Smith, Colin Henderson, and Michael Myers, guests of Representative Luckie-39th district.

Mary Lisa Boose, Brynna Boose, Gerado Flores, relatives of Representative Boose-58th district.

Ashley Thomson, a guest of Representative Letson-64th district.

**INTRODUCTION OF BILLS**

The following bill was introduced:

**H. B. No. 398**-Representatives Newcomb, Lehner.

Cosponsors: Representatives Harwood, Derickson, Domenick, Grossman, Garland, Hagan, Evans, Snitchler, Phillips, Williams, B., Dyer, Fende, Wachtmann, Ruhl, Hackett, Letson, Stebelton, Harris, Bubp, Hottinger, Stautberg, Pillich, Murray, Driehaus, Brown, McClain, Weddington, Mallory, Goyal, Baker, Blessing, Dolan, Yuko, Okey, Foley.

To amend sections 173.401, 3702.51, 3702.59, 5111.65, 5111.651, 5111.68, 5111.681, 5111.685, 5111.686, 5111.688, and 5111.894; to amend, for the purpose of adopting a new section number as indicated in parentheses, section 5111.688 (5111.689); and to enact new section 5111.688 of the Revised Code; and to amend Section 209.20 of Am. Sub. H.B. 1 of the 128th General Assembly to revise the waiting list provisions of the PASSPORT and Assisted Living programs, to revise the law governing the collection of long-term care facilities' Medicaid debts, and to revise the law governing the reasons for denying a Certificate of Need application.

Said bill was considered the first time.

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

Representative Bubp submitted the following report:

The standing committee on Veterans Affairs to which was referred **H. B. No. 46**-Representative Ujvagi, et al., having had the same under consideration, reports it back and recommends its passage.

RE: UNEMPLOYMENT COMPENSATION FOR MILITARY SPOUSES

Representative Pryor moved to amend the title as follows:

Add the names: "Combs, Goyal."

RAYMOND PRYOR	DANNY R. BUBP
TERRY BOOSE	COURTNEY COMBS
DAN DODD	JAY P. GOYAL
CONNIE PILLICH	SANDRA WILLIAMS
KENNY YUKO	

The following member voted "NO"

JOHN ADAMS

The report was agreed to.

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

Representative Bubp submitted the following report:

The standing committee on Veterans Affairs to which was referred **H. B. No. 62**-Representative Pryor, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: STATE LICENSORS CONSIDER MILITARY EXPERIENCE

Representative Pryor moved to amend the title as follows:

Add the names: "Combs, Goyal."

RAYMOND PRYOR	DANNY R. BUBP
JOHN ADAMS	TERRY BOOSE
COURTNEY COMBS	JAY P. GOYAL
DAN DODD	CONNIE PILLICH
SANDRA WILLIAMS	KENNY YUKO

The report was agreed to.

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

Representative Stebelton submitted the following report:

The standing committee on Education to which was referred **H. B. No. 370**-Representative Garrison, et al., having had the same under consideration, reports it back with the following amendments and recommends its passage when so amended.

RE: CYBER BASED COMMUNITY SCHOOLS

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

Add the names: "Driehaus, Lundy, Weddington."

Representative Luckie moved to amend as follows:

Delete lines 669 through 675

In line 8 of the title, after the comma insert "and"

In line 11 of the title, delete "and to declare an emergency"

The motion was agreed to and the bill so amended.

Representative Luckie moved to amend as follows:

In line 12, delete "sections" and insert "section"; delete "and 3314.013"

In line 13, delete ", 3314.23,"

Delete lines 542 through 657

In line 667, delete "sections" and insert "section"; delete "and 3314.013 and"

In line 668, delete "section 3314.033"; delete "are" and insert "is"

In line 1 of the title, delete "sections" and insert "section"; delete "3314.013,"

In line 2 of the title, delete ", 3314.23,"; delete ", and to"

In line 3 of the title, delete "repeal section 3314.033"; delete "to"

Delete lines 4 through 7 of the title

In line 8 of the title, delete "educational courses,"

The motion was agreed to and the bill so amended.

BRIAN G. WILLIAMS  
MICHAEL DEBOSE  
NANCY GARLAND  
MARIAN HARRIS  
MIKE MORAN  
RAYMOND PRYOR  
GERALD L. STEBELTON  
NAN BAKER  
PEGGY LEHNER

CLAYTON LUCKIE  
DENISE DRIEHAUS  
RON GERBERRY  
MATT LUNDY  
DEBBIE PHILLIPS  
W. CARLTON WEDDINGTON  
RICHARD ADAMS  
CLIFF HITE  
W. SCOTT OELSLAGER

The following members voted "NO"

CLYDE EVANS  
JARROD MARTIN  
JEFF WAGNER

MATT HUFFMAN  
SETH MORGAN

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. 152**-Representative Pryor, et al., having had the same under consideration, reports it back with the following amendment and recommends its passage when so amended.

RE: CREATE COMBAT MEDIC LICENSE PLATES

Representative Hagan moved to amend the title as follows:

Add the names: "Hagan, Mallory, Bolon, Carney, Domenick, Foley, Balderson, McClain, Ruhl, Uecker."

Representative Hagan moved to amend as follows:

In line 4, delete "sections 4503.548 and" and insert "section"

Delete lines 6 through 47

In line 49, delete " during the Vietnam Conflict"

In line 60, delete " service"

In line 61, delete " during the Vietnam Conflict and"

In line 69, delete " above the word "Vietnam."" and insert an underlined period

In line 80, after " who" delete the balance of the line

In line 81, delete " or"

In line 82, delete " had such service or"

In line 1 of the title, delete "sections 4503.548 and" and insert "section"

In line 2 of the title, delete "Vietnam Combat Infantry"

In line 3 of the title, delete "and"; delete "plates" and insert "plate"

The motion was agreed to and the bill so amended.

ROBERT F. HAGAN  
LINDA S. BOLON  
JOHN DOMENICK  
KENNY YUKO  
TROY BALDERSON

DALE MALLORY  
JOHN PATRICK CARNEY  
MIKE FOLEY  
COURTNEY COMBS  
JEFFREY MCCLAIN

MARGARET RUHL  
JAMES ZEHRINGER

JOSEPH W. UECKER

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. 166**-Representatives Carney, McGregor, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: TRANSPORTATION INNOVATION AUTHORITIES

Representative Hagan moved to amend the title as follows:

Add the names: "Mallory, Bolon, Foley, Yuko, Combs, Balderson, McClain, Ruhl."

ROBERT F. HAGAN  
LINDA S. BOLON  
JOHN DOMENICK  
KENNY YUKO  
TROY BALDERSON  
MARGARET RUHL  
JAMES ZEHRINGER

DALE MALLORY  
JOHN PATRICK CARNEY  
MIKE FOLEY  
COURTNEY COMBS  
JEFFREY MCCLAIN  
JOSEPH W. UECKER

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. 330**-Representative Patten, et al., having had the same under consideration, reports it back and recommends its passage.

RE: AUTHORIZE DIRECTOR OF TRANSPORTATION TO  
INCLUDE SCHOOL DISTRICTS IN PURCHASE CONTRACTS

Representative Hagan moved to amend the title as follows:

Add the names: "Hagan, Mallory, Bolon, Combs, Balderson, McClain, Ruhl."

ROBERT F. HAGAN  
LINDA S. BOLON  
JOHN DOMENICK  
KENNY YUKO  
TROY BALDERSON  
MARGARET RUHL

DALE MALLORY  
JOHN PATRICK CARNEY  
MIKE FOLEY  
COURTNEY COMBS  
JEFFREY MCCLAIN  
JOSEPH W. UECKER

JAMES ZEHRINGER

The report was agreed to.

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

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

**H.B. No. 384 - Representative Bolon, et al**

TO USE THE COMPENDIA ADOPTED BY THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES TO DETERMINE WHETHER AN INSURER MAY EXCLUDE COVERAGE FOR OFF-LABEL DRUG USAGE.

To the committee on Insurance

**H.B. No. 385 - Representatives Stewart and Foley, et al**

TO CREATE THE ELEVATOR SECTION OF THE OHIO CONSTRUCTION INDUSTRY LICENSING BOARD, TO REQUIRE LICENSURE OF ELEVATOR CONTRACTORS AND ELEVATOR MECHANICS, AND TO MAKE CHANGES TO THE LAWS GOVERNING ELEVATOR SERVICING AND INSPECTIONS.

To the committee on Commerce and Labor

**H.B. No. 386 - Representative Yates**

TO INCREASE FROM \$500 TO \$1,000 THE THRESHOLD AMOUNT FOR DETERMINING INCREASED PENALTIES FOR THEFT-RELATED OFFENSES AND FOR CERTAIN ELEMENTS OF "VANDALISM" AND "ENGAGING IN A PATTERN OF CORRUPT ACTIVITY"; TO INCREASE BY 50% THE OTHER THRESHOLD AMOUNTS FOR DETERMINING INCREASED PENALTIES FOR THOSE OFFENSES; TO PROVIDE THAT IF "NONSUPPORT OF DEPENDENTS" IS BASED ON AN ABANDONMENT OF OR FAILURE TO SUPPORT A CHILD OR A PERSON TO WHOM A COURT ORDER REQUIRES SUPPORT AND IS A FELONY THE SENTENCING COURT GENERALLY MUST FIRST CONSIDER PLACING THE OFFENDER ON ONE OR MORE COMMUNITY CONTROL SANCTIONS; TO ELIMINATE THE DIFFERENCE IN CRIMINAL PENALTIES FOR CRACK COCAINE AND POWDER COCAINE; TO REVISE SOME OF THE PENALTIES FOR TRAFFICKING IN MARIHUANA OR HASHISH AND FOR POSSESSION OF MARIHUANA, COCAINE, OR HASHISH; TO REVISE PROCEDURES FOR NOTIFICATION OF VICTIMS WHEN VIOLENT OFFENDERS ESCAPE FROM THE DEPARTMENT OF REHABILITATION AND CORRECTION; TO REMOVE THE AUTHORITY OF THE VICTIM-RELATED MEMBER OF THE PAROLE BOARD TO APPROVE THE HIRING OF EMPLOYEES OF THE OFFICE OF VICTIMS'

SERVICES; TO MODIFY THE NUMBER OF PAROLE BOARD MEMBERS REQUIRED TO CONDUCT A FULL BOARD HEARING; TO LIMIT A MEMBER OF THE PAROLE BOARD WHO IS NOT THE CHAIRPERSON OR A VICTIM REPRESENTATIVE TO TWO SIX-YEAR TERMS; TO REVISE THE ELIGIBILITY CRITERIA FOR, AND PROCEDURES GOVERNING, INTERVENTION IN LIEU OF CONVICTION; TO REVISE THE ELIGIBILITY CRITERIA FOR JUDICIAL RELEASE; TO REMOVE FROM THE OFFENSE OF "ESCAPE" CERTAIN CONDUCT BY A PERSON UNDER SUPERVISED RELEASE BY THE DEPARTMENT AND SPECIFY THE METHOD OF SANCTIONING A PERSON UNDER DEPARTMENT SUPERVISION WHO ENGAGES IN THAT TYPE OF CONDUCT; TO REVISE THE PROCEDURE FOR PRISONERS IN STATE CORRECTIONAL INSTITUTIONS TO EARN DAYS OF CREDIT FOR PRODUCTIVE PARTICIPATION IN SPECIFIED PRISON PROGRAMS AND THE NUMBER OF DAYS OF CREDIT THAT MAY BE EARNED; TO REQUIRE GPS MONITORING OF A PRISONER PLACED ON POST-RELEASE CONTROL WHO WAS RELEASED EARLY FROM PRISON DUE TO EARNING 60 OR MORE DAYS OF CREDIT; TO ENACT A NEW MECHANISM FOR THE POSSIBLE RELEASE WITH SENTENCING COURT APPROVAL OF DEPARTMENT INMATES WHO HAVE SERVED AT LEAST 85% OF THEIR PRISON TERM; TO EXPAND THE MEMBERSHIP OF A COUNTY'S LOCAL CORRECTIONS PLANNING BOARD; TO MAKE CHANGES REGARDING HALFWAY HOUSES AND COMMUNITY RESIDENTIAL CENTERS AND AUTHORIZE REENTRY CENTERS; TO PROVIDE FOR THE PLACEMENT IN A SKILLED NURSING FACILITY OF AN INMATE WHO IS IN IMMINENT DANGER OF DEATH, MEDICALLY INCAPACITATED, OR TERMINALLY ILL FOR CARE; TO PROVIDE FOR THE ESTABLISHMENT AND OPERATION OF COMMUNITY ALTERNATIVE SENTENCING CENTERS FOR MISDEMEANANTS SENTENCED DIRECTLY TO THE CENTERS UNDER A COMMUNITY RESIDENTIAL SANCTION OR AN OVI TERM OF CONFINEMENT NOT EXCEEDING 30 DAYS; TO CHANGE THE MEMBERSHIP OF THE EX-OFFENDER REENTRY COALITION BY REDUCING THE NUMBER AND FUNCTIONS OF MEMBERS FROM THE GOVERNOR'S OFFICE AND ADDING THE DIRECTOR OF VETERANS SERVICES; TO REMOVE JUDGES FROM THE MEMBERSHIP OF A CORRECTIONS COMMISSION AND INSTEAD HAVE THEM FORM AN ADVISORY BOARD; TO REQUIRE THE DEPARTMENT TO DEVELOP A REENTRY PLAN FOR EACH INMATE COMMITTED TO THE DEPARTMENT WHO WAS NOT SENTENCED TO A TERM OF LIFE WITHOUT PAROLE OR A SENTENCE OF DEATH AND WHO IS EXPECTED TO BE IMPRISONED FOR MORE THAN 30 DAYS; TO REVISE THE PROCEDURES GOVERNING THE DEPARTMENT'S ISSUANCE OF AN INMATE IDENTIFICATION CARD UPON AN INMATE'S RELEASE AND THE USE OF SUCH A CARD TO OBTAIN A STATE



IDENTIFICATION CARD; TO AUTHORIZE, INSTEAD OF REQUIRE, THE DEPARTMENT TO DISCONTINUE SUBSIDY PAYMENT TO A POLITICAL SUBDIVISION THAT REDUCES LOCAL FUNDING FOR CORRECTIONS BY THE AMOUNT OF A COMMUNITY-BASED CORRECTIONS SUBSIDY OR THAT USES A SUBSIDY FOR CAPITAL IMPROVEMENTS; AND TO REQUIRE THE DEPARTMENT, TOGETHER WITH THE DEPARTMENT OF ALCOHOL AND DRUG ADDICTION SERVICES, TO DEVELOP AN IMPLEMENTATION PLAN RELATED TO FUNDING THROUGH THE FEDERAL SECOND CHANCE ACT RELATED TO COMMUNITY REENTRY OF OFFENDERS.

To the committee on Judiciary

**H.B. No. 387 - Representative Lehner, et al**

TO REVISE THE PERFORMANCE RATINGS FOR SCHOOL DISTRICTS AND BUILDINGS.

To the committee on Education

**H.B. No. 388 - Representatives McClain and Gardner, et al**

TO REQUIRE CONFERENCE COMMITTEE REPORTS OF APPROPRIATIONS AND REVENUE BILLS TO BE MADE PUBLICLY AVAILABLE FORTY-EIGHT HOURS PRIOR TO CONSIDERATION BY EITHER HOUSE.

To the committee on Rules and Reference

**H.B. No. 389 - Representative Huffman, et al**

TO AUTHORIZE COUNTIES TO ADOPT A DIRECT DEPOSIT PAYROLL POLICY, AND TO AUTHORIZE COUNTIES TO INCREASE THE AMOUNT CREDITED TO "RAINY DAY" RESERVE BALANCE ACCOUNTS TO ONE-SIXTH OF THE EXPENDITURES MADE IN THE PRECEDING FISCAL YEAR FROM THE FUND IN WHICH THE RESERVE BALANCE ACCOUNT IS ESTABLISHED.

To the committee on Local Government/Public Administration

**H.B. No. 390 - Representative Huffman, et al**

TO ELIMINATE THE MAXIMUM RATE OF \$450 THAT APPLIES WHEN A CHARITABLE ORGANIZATION RENTS PREMISES TO CONDUCT A BINGO SESSION FROM A PERSON OTHER THAN A CHARITABLE ORGANIZATION AND INSTEAD TO REQUIRE THAT THE RENTAL RATE FOR THIS PURPOSE BE CUSTOMARY, COMPETITIVE, AND REASONABLE FOR PREMISES IN THE SAME GEOGRAPHIC AREA.

To the committee on State Government

**H.B. No. 391 - Representative Chandler, et al**

TO ESTABLISH AN ADDRESS CONFIDENTIALITY PROGRAM FOR INDIVIDUALS WHO REASONABLY BELIEVE THAT THEY ARE IN DANGER OF BEING THREATENED OR PHYSICALLY HARMED BY ANOTHER PERSON.

To the committee on Civil and Commercial Law

**H.B. No. 392 - Representative Yates**

TO PROHIBIT LATE CHARGES ON BILLS FOR TELEPHONE SERVICE, WIRELESS SERVICE, AND VOICE OVER INTERNET PROTOCOL SERVICE.

To the committee on Public Utilities

**H.B. No. 393 - Representatives Gerberry and Blessing**

TO REVISE THE NOTICE REQUIRED TO BE PROVIDED BY A BOARD OF TOWNSHIP TRUSTEES TO A LANDOWNER FOR THE ABATEMENT, CONTROL, OR REMOVAL OF VEGETATION, GARBAGE, REFUSE, OR OTHER DEBRIS FROM THE OWNER'S LAND.

To the committee on Local Government/Public Administration

**H.B. No. 394 - Representative Garrison**

TO REQUIRE THAT A MEMBER OF THE GENERAL ASSEMBLY IN FACT TRAVEL TO OR FROM THE MEMBER'S RESIDENCE AND TO OR FROM THE SEAT OF GOVERNMENT TO RECEIVE A TRAVEL REIMBURSEMENT.

To the committee on State Government

**Am. S.B. No. 167 - Senator Cates, et al**

TO REVISE THE PERFORMANCE RATINGS FOR SCHOOL DISTRICTS AND BUILDINGS.

To the committee on Education

**Am. Sub. S.B. No. 8 - Senator Seitz, et al**

TO REVISE THE ELECTION LAW.

To the committee on Elections and Ethics

T. TODD BOOK  
BARBARA BOYD  
MATT LUNDY  
KRIS JORDAN

JOSEPH KOZIURA  
TIMOTHY J. DEGEETER  
JOHN ADAMS

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

The motion was agreed to without objection.

The report was agreed to.

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

### MOTIONS AND RESOLUTIONS

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

**H.R. No. 187 - Representative Celeste**

Honoring the Upper Arlington High School boys water polo team on winning the 2009 State Championship.

**H.R. No. 188 - Representative Celeste**

Honoring Niki Flower as the 2009 Division I State Singles Tennis Champion.

**H.R. No. 189 - Representative Zehringer**

Honoring the Marion Local high School volleyball team as the 2009 Division IV State Champion.

**H.R. No. 190 - Representative Zehringer**

Honoring Tammy Berger on winning the 2009 Division III State Championship in girls cross country.

**H.R. No. 191 - Representatives Hagan, Gerberry**

Honoring the Cardinal Mooney High School football team on winning the 2009 Division III State Championship.

**H.R. No. 192 - Representatives Hagan, Gerberry**

Honoring the Ursuline High School football team on winning the 2009 Division V State Championship.

**H.R. No. 193 - Representative Pillich**

Honoring the Ursuline Academy volleyball team as the 2009 Division I State Champion.

**H.R. No. 194 - Representative Murray**

Honoring the Huron High School volleyball team as the 2009 Division II State Champion.

**H.R. No. 195 - Representative Szollosi**

Honoring Jimmie Barron as a 2009 Ohio Middle School State Cross Country Champion.

**H.R. No. 196 - Representative Bacon**

Honoring the Worthington Christian High School boys soccer team on winning the 2009 Division III State Championship.

/s/ TODD BOOK  
Todd Book, Chair

Representative Szollosi 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.

**BILLS FOR THIRD CONSIDERATION**

**Sub. S. B. No. 89**-Senator Morano.

Cosponsors: Senators Fedor, Cafaro, Schiavoni, Miller, R., Miller, D., Kearney, Turner, Sawyer, Wilson, Wagoner, Gillmor, Schuring, Carey, Gibbs, Harris, Hughes, Niehaus, Patton, Schaffer, Strahorn, Smith.

To amend sections 3333.28, 4723.01, 4723.06, 4723.48, 4723.482, and 4723.50; to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 4723.484 (4723.485) and 4723.485 (4723.486); and to enact new section 4723.484 and section 3333.29 of the Revised Code regarding prescriptive authority of out-of-state advanced practice nurses, cooperation among hospitals and state institutions of higher education with nursing education programs, and allocations from the Nurse Education Assistance Fund, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Szollosi moved that **Sub. S. B. No. 89**-Senator Morano, et al., be informally passed and retain its place on the calendar.

The motion was agreed to.

On motion of Representative Szollosi, the House recessed.

The House met pursuant to recess.

**Sub. S. B. No. 124**-Senators Faber, Schiavoni.

Cosponsors: Senators Seitz, Fedor, Schuler, Kearney, Miller, D., Carey, Harris, Hughes, Patton, Strahorn, Wagoner, Gibbs, Stewart, Miller, R., Sawyer, Turner, Wilson. Representatives Harwood, Mecklenborg, Stebelton.

To amend sections 317.114, 321.24, 1321.51, 1321.522, 1321.53, 1321.531, 1321.532, 1321.533, 1321.535, 1321.54, 1321.55, 1321.59, 1322.01, 1322.02, 1322.022, 1322.023, 1322.03, 1322.031, 1322.04, 1322.041, 1322.062, 1322.07, 1322.074, 1322.10, 1322.99, 1343.011, 1345.01, 1345.05, 1345.09, 1349.31, 1349.43, 1733.252, 5302.01, 5302.02, 5302.22, 5302.221, 5302.23, 5717.01, 5717.011, 5717.02, 5717.04, and 5815.36, to enact sections 5302.222, 5302.24, 5703.021, and 5703.81 of the Revised Code, and to amend Section 745.60 of Am. Sub. H.B. 1 of the 128th General Assembly to change the transfer on death (TOD) designation instrument from a deed to an affidavit, to allow real property owners holding title in survivorship tenancy to execute such an affidavit, to clarify the status of a trustee of a trust as a TOD beneficiary and the dower rights of the spouse of the property owner, to make other changes pertaining to the transfer on death of real property, to modify the mortgage lending laws, to establish a Small Claims Division of the Board of Tax Appeals and criteria for appeals to qualify to be heard in the Division, to create the Tax Appeals Administration Fund in the State Treasury by

earmarking for the Board of Tax Appeals a portion of the state reimbursement to local taxing units for the 10% real property tax rollback, to temporarily authorize a treasurer or prosecuting attorney of a county with a population of more than 800,000 but less than 900,000 to designate that part of any surplus balance in the county's Delinquent Tax and Assessment Collection Fund be used to pay operating expenses of the respective office in lieu of county general fund money, to allow a county recorder to accept for filing certain nonconforming documents without charging the fees otherwise required to be collected for nonconforming documents, and to declare an emergency, was taken up for consideration the third time.

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

Representative Stebelton moved to amend as follows:

In line 41, delete "321.24,"

In line 46, delete "5717.01, 5717.011,"

In line 47, delete "5717.02, 5717.04, "; delete the last comma and insert "and"

In line 48, delete ", 5703.021, and 5703.81"

Delete lines 114 through 245

Delete lines 3797 through 4142

In line 4393, delete "321.24,"

In line 4399, delete "5717.01, 5717.011, 5717.02, 5717.04,"

In line 4477, after "7." delete the balance of the line

Delete lines 4478 through 4487

In line 4488, delete "**Section 8.** (A)"

In line 4490, delete "reasons" and insert "reason"; delete "are the" and insert "is that"

Delete lines 4491 through 4495

In line 4496, delete "(2) This" and insert "this"

In line 4501, delete "(B)"

Delete lines 4502 through 4559

In line 1 of the title, delete "321.24,"

In line 8 of the title, delete "5717.01, 5717.011,"

In line 9 of the title, delete "5717.02, 5717.04,"

In line 10 of the title, delete the first comma and insert "and"; delete ",

5703.021, and 5703.81"

Delete lines 22 through 28 of the title

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
DeBose	DeGeeter	Derickson	Dodd
Dolan	Domenick	Driehaus	Dyer
Evans	Fende	Foley	Gardner
Garland	Garrison	Gerberry	Goodwin
Goyal	Grossman	Hackett	Hagan
Hall	Harris	Harwood	Heard
Hite	Hottinger	Huffman	Jordan
Koziura	Lehner	Letson	Luckie
Lundy	Maag	Mallory	Mandel
Martin	McClain	McGregor	Mecklenborg
Moran	Morgan	Murray	Newcomb
Oelslager	Okey	Patten	Phillips
Pillich	Pryor	Ruhl	Sayre
Schneider	Sears	Skindell	Slesnick
Snitchler	Stautberg	Stebelton	Stewart
Sykes	Szollosi	Uecker	Ujvagi
Wachtmann	Wagner	Weddington	Williams B.
Williams S.	Winburn	Yates	Yuko
Zehringer			Budish-98.

The motion was agreed to and the bill so amended.

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

Representative Sayre moved to amend as follows:

In line 45, after "1349.43," insert "1541.083,"

Between lines 3320 and 3321, insert:

**"Sec. 1541.083.** The chief of the division of parks and recreation, with the approval of the director of natural resources, the attorney general, and the governor, may make leases to parties making application ~~therefor~~ for leases granting permission to take and remove halite from beneath the surface of Headlands state park in Lake county, and coal by underground mining methods from beneath the surface of Jefferson state park in Jefferson county and from beneath the surface of Burr Oak state park in Athens and Morgan counties

pursuant to lease agreements and real estate transactions that have been entered into not later than January 1, 2011, if ~~he~~ the chief finds that such taking and removal will in no way affect the surface of the land or the use thereof of the land as a public park. As the chief deems in the best interest of the state, ~~such~~ those leases may be made either upon a royalty or rental basis, and may be either for a term of years or until the economic extraction of the mineral covered thereby by the lease has been completed. Upon request from the lessee of any such lease, the chief may consent to its cancellation, but any equipment or improvement thereon owned by the lessee may be held as security by the chief for payment of all rentals, royalties, and damages due the state at the time of cancellation."

In line 4398, after "1349.43," insert "1541.083,"

In line 7 of the title, after "1349.43," insert "1541.083,"

In line 39 of the title, after the comma insert "relative to coal mining leases at Burr Oak State Park,"

The question being, "Shall the motion to amend 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 J.	Adams R.	Amstutz	Bacon
Baker	Balderson	Batchelder	Beck
Belcher	Blair	Blessing	Bolon
Book	Boose	Boyd	Brown
Bubp	Burke	Carney	Celeste
Coley	Combs	Daniels	DeBose
DeGeeter	Derickson	Dodd	Dolan
Domenick	Driehaus	Dyer	Evans
Fende	Gardner	Garland	Garrison
Gerberry	Goodwin	Goyal	Hackett
Hall	Harwood	Heard	Hite
Hottinger	Huffman	Jordan	Lehner
Letson	Luckie	Lundy	Maag
Mallory	Mandel	Martin	McClain
McGregor	Mecklenborg	Moran	Morgan
Murray	Newcomb	Oelslager	Okey
Patten	Phillips	Pillich	Pryor
Ruhl	Sayre	Schneider	Sears
Slesnick	Snitchler	Stautberg	Stebelton
Sykes	Szollosi	Uecker	Wachtmann
Wagner	Williams B.	Winburn	Yuko
Zehringer			Budish-86.

Those who voted in the negative were: Representatives

Chandler	Foley	Grossman	Hagan
Harris	Koziura	Skindell	Stewart
Ujvagi	Weddington	Williams S.	Yates-12.

The motion was agreed to and the bill so amended.

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

Representative Blessing moved to amend as follows:

In line 4551, after "12." insert "The Governor is hereby authorized to execute a release of reversionary interest in the name of the state releasing the state's reversionary interest retained in the Governor's Deed dated August 2, 1978, and authorized by Sub. H.B. 489 of the 108th General Assembly. That deed was recorded on June 29, 1979, at Deed Volume 248, Page 193 in the records of the Auglaize County Recorder and was a corrective deed to a Governor's Deed dated November 20, 1969, which was recorded on January 20, 1970, at Deed Volume 207, Page 157 in the records of the Auglaize County Recorder. The reversionary interest retained by the state in these deeds provided for the real estate to revert to the state if the real estate ceased to be used for youth recreation center purposes or related civic purposes.

The Auditor of State, with the assistance of the Attorney General, shall prepare a release of reversionary interest to the real estate described in this section. The release shall be executed by the Governor in the name of the state, countersigned by the Secretary of State, sealed with the Great Seal of the State, presented in the office of the Auditor of State for recording, and delivered to the Wapakoneta Family Young Men's Christian Association, Inc. The Wapakoneta Family Young Men's Christian Association, Inc., shall present the release for recording in the office of the Auglaize County Recorder.

**Section 13."**

In line 39 of the title, after the comma insert "to authorize the Governor to execute a release of reversionary interest in certain real estate located in Auglaize County,"

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
DeBose	DeGeeter	Derickson	Dodd
Dolan	Domenick	Driehaus	Dyer
Evans	Fende	Foley	Gardner
Garland	Garrison	Gerberry	Goodwin
Goyal	Grossman	Hackett	Hagan
Hall	Harris	Harwood	Heard
Hite	Hottinger	Huffman	Jordan
Koziura	Lehner	Letson	Luckie
Lundy	Maag	Mallory	Mandel
Martin	McClain	McGregor	Mecklenborg



Moran	Morgan	Murray	Newcomb
Oelslager	Okey	Patten	Phillips
Pillich	Pryor	Ruhl	Sayre
Schneider	Sears	Skindell	Slesnick
Snitchler	Stautberg	Stebelton	Stewart
Sykes	Szollosi	Uecker	Ujvagi
Wachtmann	Wagner	Weddington	Williams B.
Williams S.	Winburn	Yates	Yuko
Zehringer			Budish-98.

The motion was agreed to and the bill so amended.

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

The yeas and nays were taken and resulted - yeas 93, nays 5, 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	Boyd	Brown	Bubp
Burke	Carney	Celeste	Chandler
Coley	Combs	Daniels	DeBose
DeGeeter	Derickson	Dodd	Dolan
Domenick	Driehaus	Dyer	Evans
Fende	Foley	Gardner	Garland
Garrison	Gerberry	Goyal	Grossman
Hackett	Hall	Harris	Harwood
Heard	Hite	Hottinger	Huffman
Jordan	Koziura	Lehner	Letson
Luckie	Lundy	Maag	Mallory
Mandel	McClain	McGregor	Mecklenborg
Moran	Morgan	Murray	Newcomb
Oelslager	Okey	Patten	Phillips
Pillich	Pryor	Ruhl	Sayre
Schneider	Sears	Slesnick	Snitchler
Stautberg	Stebelton	Stewart	Sykes
Szollosi	Uecker	Ujvagi	Wachtmann
Wagner	Weddington	Williams B.	Williams S.
Winburn	Yates	Yuko	Zehringer
			Budish-93.

Representatives Boose, Goodwin, Hagan, Martin, and Skindell voted in the negative-5.

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	Balderson	Batchelder	Beck
Belcher	Blair	Blessing	Bolon
Book	Boyd	Brown	Bubp
Burke	Carney	Celeste	Coley
Combs	Daniels	DeBose	DeGeeter
Derickson	Dodd	Dolan	Domenick
Driehaus	Dyer	Evans	Fende
Foley	Gardner	Garland	Garrison
Gerberry	Goodwin	Goyal	Grossman
Hackett	Hall	Harris	Harwood
Heard	Hite	Hottinger	Huffman
Jordan	Koziura	Lehner	Letson
Luckie	Lundy	Maag	Mallory
Mandel	Martin	McClain	McGregor
Mecklenborg	Moran	Morgan	Murray
Newcomb	Oelslager	Okey	Patten
Phillips	Pillich	Pryor	Ruhl
Sayre	Sears	Slesnick	Snitchler
Stautberg	Stebelton	Stewart	Sykes
Szollosi	Uecker	Wachtmann	Wagner
Williams B.	Williams S.	Winburn	Yates
Yuko	Zehringer		Budish-91.

Representatives Boose, Chandler, Hagan, Schneider, Skindell, Ujvagi, and Weddington voted in the negative-7.

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

Representative Okey moved to amend the title as follows:

Add the names: "Adams, J., Bolon, Carney, Combs, Daniels, Dodd, Domenick, Gerberry, Hackett, Huffman, Letson, Luckie, Murray, Okey, Patten, Sayre, Slesnick, Stautberg."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**Sub. H. B. No. 7**-Representatives Harris, Pillich.

Cosponsors: Representatives Garrison, Stewart, Williams, B., Phillips, Hagan, Fende, Murray, Ujvagi, Koziura, Newcomb, Szollosi, Bolon, Letson, Yuko, Luckie, Williams, S., Heard.

To enact section 153.013 of the Revised Code to require a building or structure constructed using state capital budget moneys to adhere to certain energy efficiency and building standards and to encourage the use of Ohio-produced products, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Heard moved to amend as follows:

In line 49, after " (D)" insert " The state agency, entity, or person overseeing the erection or construction of a building or structure using state capital moneys, including moneys from the education facilities trust fund, that total ten per cent or less of the total construction project costs may request a waiver from the requirements established in divisions (A) and (B) of this section.

(E)"; after " agency" insert " , entity, or person"

In line 54, delete " (E)" and insert " (F)"

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
DeBose	DeGeeter	Derickson	Dodd
Dolan	Domenick	Driehaus	Dyer
Evans	Fende	Foley	Gardner
Garland	Garrison	Gerberry	Goodwin
Goyal	Grossman	Hackett	Hagan
Hall	Harris	Harwood	Heard
Hite	Hottinger	Huffman	Jordan
Koziura	Lehner	Letson	Luckie
Lundy	Maag	Mallory	Mandel
Martin	McClain	McGregor	Mecklenborg
Moran	Morgan	Murray	Newcomb
Oelslager	Okey	Patten	Phillips
Pillich	Pryor	Ruhl	Sayre
Schneider	Sears	Skindell	Slesnick
Snitchler	Stautberg	Stebelton	Stewart
Sykes	Szollosi	Uecker	Ujvagi
Wachtmann	Wagner	Weddington	Williams B.
Williams S.	Winburn	Yates	Yuko
Zehringer			Budish-98.

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 55, nays 43, as follows:

Those who voted in the affirmative were: Representatives

Belcher	Bolon	Book	Boyd
Brown	Carney	Celeste	Chandler
DeBose	DeGeeter	Dodd	Domenick

Driehaus	Dyer	Fende	Foley
Garland	Garrison	Gerberry	Goyal
Hagan	Harris	Harwood	Heard
Hottinger	Koziura	Letson	Luckie
Lundy	Mallory	McGregor	Moran
Murray	Newcomb	Okey	Patten
Phillips	Pillich	Pryor	Sayre
Schneider	Skindell	Slesnick	Stewart
Sykes	Szollosi	Uecker	Ujvagi
Weddington	Williams B.	Williams S.	Winburn
Yates	Yuko		Budish-55.

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	Dolan	Evans	Gardner
Goodwin	Grossman	Hackett	Hall
Hite	Huffman	Jordan	Lehner
Maag	Mandel	Martin	McClain
Mecklenborg	Morgan	Oelslager	Ruhl
Sears	Snitchler	Stautberg	Stebelton
Wachtmann	Wagner		Zehringer-43.

The bill passed.

Representative Harris moved to amend the title as follows:

Add the names: "Belcher, Boyd, Brown, Celeste, Chandler, DeBose, Domenick, Driehaus, Dyer, Foley, Garland, Moran, Patten, Pryor, Skindell, Weddington, Winburn, Yates."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**H. B. No. 46**-Representative Ujvagi.

Cosponsors: Representatives Pryor, Book, Yuko, Combs, Goyal.

To amend section 4141.29 of the Revised Code to permit persons who quit work to accompany the person's spouse on a military transfer to be eligible for unemployment compensation benefits, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 93, nays 5, 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
Carney	Celeste	Chandler	Coley
Combs	Daniels	DeBose	DeGeeter
Derickson	Dodd	Dolan	Domenick
Driehaus	Dyer	Evans	Fende
Foley	Gardner	Garland	Garrison
Gerberry	Goodwin	Goyal	Grossman
Hackett	Hagan	Hall	Harris
Harwood	Heard	Hite	Hottinger
Jordan	Koziura	Lehner	Letson
Luckie	Lundy	Maag	Mallory
Mandel	Martin	McClain	McGregor
Mecklenborg	Moran	Morgan	Murray
Newcomb	Oelslager	Okey	Patten
Phillips	Pillich	Pryor	Ruhl
Sayre	Schneider	Skindell	Slesnick
Snitchler	Stautberg	Stewart	Sykes
Szollosi	Uecker	Ujvagi	Wachtmann
Wagner	Weddington	Williams B.	Williams S.
Winburn	Yates	Yuko	Zehringer Budish-93.

Representatives Adams J., Burke, Huffman, Sears, and Stebelton voted in the negative-5.

The bill passed.

Representative Ujvagi moved to amend the title as follows:

Add the names: "Boose, Boyd, Brown, Celeste, Chandler, DeBose, Domenick, Dyer, Evans, Fende, Foley, Garland, Garrison, Gerberry, Hackett, Hagan, Harris, Harwood, Heard, Hite, Hottinger, Koziura, Letson, Lundy, Mallory, Martin, Oelslager, Okey, Patten, Pillich, Schneider, Skindell, Stewart, Szollosi, Uecker, Weddington, Williams, B., Winburn, Yates."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**Sub. H. B. No. 60**-Representative Pillich.

Cosponsors: Representatives Harris, Foley, Hagan, Weddington, Chandler, Yates, Phillips, Patten, Yuko, Luckie.

To amend sections 3302.07, 3313.814, 3314.03, and 3326.11 and to enact section 3313.816 of the Revised Code to establish nutritional standards for food and beverages sold in vending machines or school stores in public schools, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

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. 60**-Representative Pillich, et al., because it might be construed that I have an interest in the legislation.

Sincerely yours,

/s/ JOHN DOMENICK  
 JOHN DOMENICK  
 State Representative  
 95th House District

The request was granted.

The yeas and nays were taken and resulted - yeas 60, nays 37, as follows:

Those who voted in the affirmative were: Representatives

Baker	Belcher	Blessing	Bolon
Book	Boyd	Brown	Carney
Celeste	Chandler	Combs	DeBose
DeGeeter	Dodd	Driehaus	Dyer
Evans	Fende	Foley	Gardner
Garland	Garrison	Gerberry	Goyal
Hagan	Harris	Harwood	Heard
Koziura	Lehner	Letson	Luckie
Lundy	Maag	Mallory	Mecklenborg
Moran	Murray	Newcomb	Oelslager
Okey	Patten	Phillips	Pillich
Pryor	Sayre	Schneider	Skindell
Slesnick	Stewart	Sykes	Szollosi
Ujvagi	Weddington	Williams B.	Williams S.
Winburn	Yates	Yuko	Budish-60.

Those who voted in the negative were: Representatives

Adams J.	Adams R.	Amstutz	Bacon
Balderson	Batchelder	Beck	Blair
Boose	Bubp	Burke	Coley
Daniels	Derickson	Dolan	Goodwin
Grossman	Hackett	Hall	Hite
Hottinger	Huffman	Jordan	Mandel
Martin	McClain	McGregor	Morgan
Ruhl	Sears	Snitchler	Stautberg
Stebelton	Uecker	Wachtmann	Wagner

Zehringer-37.

The bill passed.

Representative Pillich moved to amend the title as follows:

Add the names: "Belcher, Brown, Celeste, DeBose, Driehaus, Dyer, Garrison, Goyal, Heard, Koziura, Letson, Mallory, Stewart, Williams, B., Winburn."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**Sub. H. B. No. 62**-Representative Pryor.

Cosponsors: Representatives Book, Dodd, Domenick, Fende, Garrison, Letson, Luckie, Murray, Newcomb, Pillich, Slesnick, Ujvagi, Winburn, Yuko, Combs, Goyal.

To amend sections 3107.014 and 4757.41 and to enact section 5903.101 of the Revised Code to require relevant military experience to be considered by state licensing boards and agencies and by private state contractors, to permit state licensing entities to consider relevant military training if certain criteria are met, to provide a waiver of a licensure or certification fee if a veteran is within six months of separation from active military duty, and to eliminate certain exemptions to the licensure and certification requirements for counselors, social workers, and marriage and family therapists, 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
DeBose	DeGeeter	Derickson	Dodd
Dolan	Domenick	Driehaus	Dyer
Evans	Fende	Foley	Gardner
Garland	Garrison	Gerberry	Goodwin
Goyal	Grossman	Hackett	Hagan
Hall	Harris	Harwood	Heard
Hite	Hottinger	Huffman	Jordan
Koziura	Lehner	Letson	Luckie
Lundy	Maag	Mallory	Mandel
Martin	McClain	McGregor	Mecklenborg
Moran	Morgan	Murray	Newcomb
Oelslager	Okey	Patten	Phillips

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

The bill passed.

Representative Pryor moved to amend the title as follows:

Add the names: "Adams, R., Bacon, Beck, Belcher, Blair, Bolon, Boose, Brown, Carney, Celeste, Chandler, Coley, Daniels, DeBose, DeGeeter, Dolan, Driehaus, Dyer, Evans, Foley, Gardner, Garland, Gerberry, Hackett, Hagan, Harris, Harwood, Hite, Hottinger, Huffman, Lundy, Mallory, Martin, Morgan, Okey, Patten, Phillips, Ruhl, Sayre, Schneider, Sears, Skindell, Snitchler, Stebelton, Stewart, Szollosi, Wachtmann, Weddington, Williams, B.."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

On motion of Representative Szollosi, the House recessed.

The House met pursuant to recess.

**Sub. H. B. No. 313**-Representatives Ujvagi, Winburn.

Cosponsors: Representatives Domenick, Patten, Murray, Hagan, Driehaus, Williams, B., Foley, Skindell, Williams, S., Letson, Stewart, Lehner, Yuko.

To amend sections 1.62, 135.35, 323.78, 1724.02, 1724.03, 1724.04, 1724.05, and 5722.22 and to enact section 321.343 of the Revised Code to authorize a county with a population greater than 100,000, or a population between 78,000 and 81,000, to organize a county land reutilization corporation, to authorize a county treasurer of a county with such a corporation to utilize the alternative redemption period in actions to foreclose abandoned lands, to immunize a county land reutilization corporation from liability for breach of a common law duty in connection with a parcel of land, and to make other changes regarding county land reutilization corporations, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Baker moved to amend as follows:

In line 15, after "135.35," insert "321.341,"



Between lines 389 and 390, insert:

"**Sec. 321.341.** (A) Within one hundred twenty days after the last day on which the first installment of current taxes may be paid without penalty, the county treasurer of a county in which a county land reutilization corporation is organized under Chapter 1724. of the Revised Code, in the treasurer's sole discretion unless division (D) of this section applies, may advance the payment of current year unpaid taxes that are due and payable to any of the taxing districts, upon presentation of the warrant by the county auditor. The treasurer may make advance payment of the current year unpaid taxes from one or more of the following:

- (1) Collections of taxes and assessments during the one-hundred-twenty-day period;
- (2) A line of credit established under section 307.781 or sections 135.341 and 321.36 of the Revised Code, or both;
- (3) Proceeds from the issuance of notes under section 133.082 of the Revised Code;
- (4) Any other source of funds lawfully available for that purpose.

(B) Within one hundred twenty days after the last day on which the second installment of current taxes may be paid without penalty, the county treasurer, in the treasurer's sole discretion unless division (D) of this section applies, may advance the payment of current year delinquent taxes to any of the taxing districts, upon presentation of the warrant by the county auditor. The treasurer may make advance payment of the current year delinquent taxes from one or more of the following:

- (1) Collections of taxes and assessments during the one-hundred-twenty-day period;
- (2) A line of credit established under section 307.781 or sections 135.341 and 321.36 of the Revised Code, or both;
- (3) Proceeds from the issuance of notes under section 133.082 of the Revised Code;
- (4) Any other source of funds lawfully available for that purpose.

(C) All advance payments made under this section shall be made in the same manner provided for advance payments under section 321.34 of the Revised Code. The county treasurer shall give notice by electronic or other means to a taxing district any time an advance payment is made to the district under this section. Upon the collection of the current year unpaid taxes and current year delinquent taxes upon which advances were made under this section from sources other than their collection, the treasurer shall deposit those current year unpaid taxes and current year delinquent taxes into a special account and shall apply them to the repayment of any moneys borrowed for the purpose of making those advance payments, including, but not limited to, delinquent tax

anticipation notes issued under section 133.082 of the Revised Code, including the interest thereon; or the reimbursement of draws under a line of credit and the payment of the interest due thereon, that funded the advance payment in either or both cases. The treasurer shall be entitled to retain, upon collection, any penalty and interest that was or will be charged on the current year unpaid taxes and the current year delinquent taxes advanced under this section. The treasurer shall deposit all such penalties and interest collected in the county land reutilization corporation fund established under section 321.263 of the Revised Code. No taxing district receiving advance payment under division (A) or (B) of this section shall be entitled to receive payment of penalties or interest when penalties or interest are collected by the treasurer on those current year unpaid taxes and current year delinquent taxes so advanced.

(D) At any time after the effective date of this amendment, if the treasurer decides to make an advance payment of the current year unpaid taxes under this section to a municipal corporation that has entered into an agreement under section 715.261 of the Revised Code, the municipal corporation has a one-time opportunity to negotiate the amount, if any, of unpaid taxes that may be advanced by the treasurer if the treasurer decides to make an advancement under this section. The terms negotiated under this division shall remain in effect for the duration of the agreement entered into under section 715.261 of the Revised Code. The treasurer shall maintain records specifying any negotiated terms.

(E) As used in the section:

(1) "Current taxes" has the same meaning as in section 323.01 of the Revised Code.

(2) "Current year unpaid taxes" means the aggregate amount of the first installment of current taxes that remain unpaid after the last day on which the first installment of such taxes may be paid without penalty.

(3) "Current year delinquent taxes" means the aggregate amount of current taxes that remain unpaid after the last day on which the second installment of such taxes may be paid without penalty."

In line 731, after "135.35," insert "321.341,"

In line 1 of the title, after "135.35," insert "321.341,"

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 |
| DeBose   | DeGeeter | Dodd    | Domenick |
| Driehaus | Dyer     | Fende   | Foley    |

Garland	Garrison	Gerberry	Goyal
Hagan	Harris	Harwood	Heard
Koziura	Lehner	Letson	Luckie
Lundy	Mallory	Moran	Murray
Newcomb	Okey	Patten	Phillips
Pillich	Pryor	Sayre	Schneider
Skindell	Slesnick	Stewart	Sykes
Szollosi	Ujvagi	Weddington	Williams B.
Williams S.	Winburn	Yates	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	Dolan	Evans	Gardner
Goodwin	Grossman	Hackett	Hall
Hite	Hottinger	Huffman	Jordan
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?"

The yeas and nays were taken and resulted - yeas 84, nays 14, as follows:

Those who voted in the affirmative were: Representatives

Adams R.	Bacon	Balderson	Beck
Belcher	Blair	Balderson	Bolon
Book	Boose	Boyd	Brown
Burke	Carney	Celeste	Chandler
Coley	Combs	Daniels	DeBose
DeGeeter	Derickson	Dodd	Dolan
Domenick	Driehaus	Dyer	Evans
Fende	Foley	Gardner	Garland
Garrison	Gerberry	Goyal	Grossman
Hackett	Hagan	Harris	Harwood
Heard	Hite	Hottinger	Koziura
Lehner	Letson	Luckie	Lundy
Mallory	Mandel	McClain	McGregor
Mecklenborg	Moran	Morgan	Murray
Newcomb	Oelslager	Okey	Patten
Phillips	Pillich	Pryor	Ruhl
Sayre	Schneider	Sears	Skindell
Slesnick	Snitchler	Stautberg	Stewart
Sykes	Szollosi	Ujvagi	Wagner
Weddington	Williams B.	Williams S.	Winburn
Yates	Yuko	Zehringer	Budish-84.

Those who voted in the negative were: Representatives

Adams J.	Amstutz	Baker	Batchelder
Bubp	Goodwin	Hall	Huffman
Jordan	Maag	Martin	Stebelton
Uecker			Wachtmann-14.

The bill passed.

Representative Ujvagi moved to amend the title as follows:

Add the names: "Bacon, Belcher, Blair, Bolon, Boose, Boyd, Brown, Carney, Celeste, Chandler, Combs, DeBose, DeGeeter, Dyer, Fende, Garland, Garrison, Gerberry, Goyal, Grossman, Hackett, Harris, Heard, Koziura, Luckie, Mallory, Mecklenborg, Moran, Newcomb, Pillich, Szollosi, Weddington, Yates."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**Am. H. B. No. 370**-Representative Garrison.

Cosponsors: Representatives Dyer, Williams, B., Book, Phillips, Murray, Harris, Pryor, Domenick, DeBose, Gerberry, Luckie, Garland, Driehaus, Lundy, Weddington.

To amend section 3301.0714 and to enact sections 3301.94 and 3333.0410 of the Revised Code to permit the Department of Education and the Chancellor of the Board of Regents to establish a longitudinal student data system, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Szollosi moved that **Am. H. B. No. 370**-Representative Garrison, et al., be rereferred to the committee on Rules and Reference.

The motion was agreed to without objection.

**Sub. S. B. No. 89**-Senator Morano.

Cosponsors: Senators Fedor, Cafaro, Schiavoni, Miller, R., Miller, D., Kearney, Turner, Sawyer, Wilson, Wagoner, Gillmor, Schuring, Carey, Gibbs, Harris, Hughes, Niehaus, Patton, Schaffer, Strahorn, Smith.

To amend sections 3333.28, 4723.01, 4723.06, 4723.48, 4723.482, and 4723.50; to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 4723.484 (4723.485) and 4723.485 (4723.486); and to enact new section 4723.484 and section 3333.29 of the Revised Code regarding prescriptive authority of out-of-state advanced practice nurses, cooperation among hospitals and state institutions of higher education with nursing education programs, and allocations from the Nurse Education Assistance Fund, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Heard moved to amend as follows:

In line 13, delete "3333.28,"

Delete lines 19 through 109

In line 669, delete "3333.28,"

After line 683, insert:

**"Section 4.** (A) As used in this section, "Drug Repository Program" means the program established by the State Board of Pharmacy under sections 3715.87 to 3715.873 of the Revised Code.

(B) The Drug Repository Program's handling fee is \$7.40 during the period beginning on the effective date of this section and ending on the later of December 31, 2010, or the date that the State Board of Pharmacy completes action with regard to the fee under division (C) of this section.

(C) On or after January 1, 2011, the Board may do either of the following:

(1) Set the Program's handling fee in accordance with the formula established in rule 4729-35-09 of the Administrative Code as that rule exists on the effective date of this section;

(2) In consultation with the Director of Health, revise the formula used in determining the amount of the Program's handling fee by amending rule 4729-35-09 of the Administrative Code accordingly."

In line 1 of the title, delete "3333.28,"

Delete line 11 of the title

In line 12 of the title, delete "Fund" and insert "the amount of the Drug Repository Program's handling fee"

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

The yeas and nays were taken and resulted - yeas 64, nays 34, as follows:

Those who voted in the affirmative were: Representatives

Balderson	Belcher	Blair	Bolon
Book	Boose	Boyd	Brown
Carney	Celeste	Chandler	Coley
DeBose	DeGeeter	Dodd	Dolan
Domenick	Driehaus	Dyer	Fende
Foley	Gardner	Garland	Garrison
Gerberry	Goyal	Hagan	Harris
Harwood	Heard	Hite	Hottinger
Koziura	Lehner	Letson	Luckie
Lundy	Mallory	McGregor	Moran
Murray	Newcomb	Oelslager	Okey
Patten	Phillips	Pillich	Pryor
Sayre	Schneider	Skindell	Slesnick

Stewart	Sykes	Szollosi	Ujvagi
Wagner	Weddington	Williams B.	Williams S.
Winburn	Yates	Yuko	Budish-64.

Those who voted in the negative were: Representatives

Adams J.	Adams R.	Amstutz	Bacon
Baker	Batchelder	Beck	Blessing
Bubp	Burke	Combs	Daniels
Derickson	Evans	Goodwin	Grossman
Hackett	Hall	Huffman	Jordan
Maag	Mandel	Martin	McClain
Mecklenborg	Morgan	Ruhl	Sears
Snitchler	Stautberg	Stebelton	Uecker
Wachtmann			Zehringer-34.

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 75, nays 23, as follows:

Those who voted in the affirmative were: Representatives

Adams R.	Balderson	Beck	Belcher
Blair	Blessing	Bolon	Book
Boose	Boyd	Brown	Carney
Celeste	Chandler	Coley	DeBose
DeGeeter	Dodd	Dolan	Domenick
Driehaus	Dyer	Fende	Foley
Gardner	Garland	Garrison	Gerberry
Goyal	Hackett	Hagan	Harris
Harwood	Heard	Hite	Hottinger
Huffman	Koziura	Lehner	Letson
Luckie	Lundy	Mallory	Mandel
McGregor	Mecklenborg	Moran	Morgan
Murray	Newcomb	Oelslager	Okey
Patten	Phillips	Pillich	Pryor
Sayre	Schneider	Skindell	Slesnick
Snitchler	Stautberg	Stewart	Sykes
Szollosi	Ujvagi	Wagner	Weddington
Williams B.	Williams S.	Winburn	Yates
Yuko	Zehringer		Budish-75.

Those who voted in the negative were: Representatives

Adams J.	Amstutz	Bacon	Baker
Batchelder	Bubp	Burke	Combs
Daniels	Derickson	Evans	Goodwin
Grossman	Hall	Jordan	Maag
Martin	McClain	Ruhl	Sears
Stebelton	Uecker		Wachtmann-23.

The bill passed.

Representative Boyd moved to amend the title as follows:

Add the names: "Representatives Bolon, Boose, Boyd, Brown, Carney, Celeste, Chandler, DeBose, DeGeeter, Dyer, Fende, Foley, Garland, Garrison, Goyal, Hackett, Hagan, Harris, Harwood, Koziura, Lehner, Letson, Luckie, Lundy, Mallory, Moran, Murray, Oelslager, Okey, Patten, Skindell, Slesnick, Stewart, Ujvagi, Weddington, Williams, B., Williams, S., 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 has concurred in the passage of the following bill:

**Sub. H. B. No. 19** -Representative Harwood

Cosponsors: Representatives Brown, Fende, Okey, Williams, B., Garrison, Bolon, Chandler, Phillips, Boyd, Newcomb, Williams, S., Domenick, Pillich, Harris, Murray, Luckie, DeBose, Driehaus, Garland, Lundy, Pryor, Weddington, Celeste, Dodd, Dyer, Foley, Gerberry, Goyal, Hagan, Heard, Hite, Koziura, Mallory, Otterman, Patten, Skindell, Slesnick, Stewart, Szollosi, Ujvagi, Winburn, Yuko Senators Cates, Carey, Gibbs, Sawyer, Fedor, Morano, Cafaro, Gillmor, Hughes, Kearney, Miller, D., Miller, R., Turner, Schiavoni, Patton, Wilson, Goodman, Jones

To amend sections 3313.60, 3313.666, 3314.35, 3319.073, and 3327.10 of the Revised Code to enact the "Tina Croucher Act" to require public schools to incorporate dating violence into their policies prohibiting harassment, intimidation, or bullying; to require school districts to include dating violence prevention education in the health curriculum; to clarify the conditions under which a community school must close for poor academic performance; and to revise the criminal offenses that disqualify school bus drivers for employment.

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

Attest:

Vincent L. Keeran,  
Clerk.

The Senate amendments were laid over under the Rule.

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. 290** -Representatives Bubp, Pryor

Cosponsors: Representatives Adams, J., Adams, R., Balderson, Blair, Burke, Daniels, Derickson, Domenick, Fende, Gardner, Grossman, Hackett, Huffman, Jordan, Lehner, Letson, Luckie, Maag, Martin, McGregor, Mecklenborg, Morgan, Murray, Okey, Pillich, Ruhl, Sears, Snitchler, Stebelton, Uecker, Wagner, Williams, B., Yuko, Driehaus, Garland, Gerberry, Harris, Lundy, Moran, Phillips, Weddington, Evans, Hite, Bacon, Boose, Brown, Carney, Combs, DeBose, Dyer, Goyal, Harwood, Mandel, McClain, Patten, Skindell, Slesnick, Winburn, Zehringer Senators Cates, Schuring, Fedor, Buehrer, Cafaro, Carey, Coughlin, Gibbs, Gillmor, Grendell, Harris, Hughes, Morano, Niehaus, Patton, Sawyer, Schaffer, Schiavoni, Seitz, Stewart, Strahorn, Turner, Wagoner, Widener, Wilson, Husted, Jones, Miller, R., Faber, Kearney, Goodman, Smith

To amend sections 3301.0714, 3306.51, 3306.53, 3306.54, 3306.55, 3306.58, 3313.603, 3314.028, and 3314.35 and to enact sections 3301.94, 3306.59, and 3333.0410 of the Revised Code to include Junior ROTC as a permitted elective within the Ohio Core curriculum, to permit schools to excuse Junior ROTC students from high school physical education, to clarify the conditions under which a community school must close for poor academic performance, to specify conditions under which certain community schools may obtain new sponsors, to permit the Department of Education and the Chancellor of the Board of Regents to establish a longitudinal student data system, to extend the deadline for certain school districts to secure voter approval of bonds and tax levies for the districts' shares of state-assisted classroom facilities projects, to make performance of the Harmon Commission's duties contingent on the availability of funding, and to declare an emergency.

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

In line 18, after "sections" insert "3301.0714,"

In line 19, delete "section" and insert "sections 3301.94,"

In line 20, after "3306.59" insert ", and 3333.0410"

Between lines 20 and 21, insert:



**"Sec. 3301.0714.** (A) The state board of education shall adopt rules for a statewide education management information system. The rules shall require the state board to establish guidelines for the establishment and maintenance of the system in accordance with this section and the rules adopted under this section. The guidelines shall include:

- (1) Standards identifying and defining the types of data in the system in accordance with divisions (B) and (C) of this section;
- (2) Procedures for annually collecting and reporting the data to the state board in accordance with division (D) of this section;
- (3) Procedures for annually compiling the data in accordance with division (G) of this section;
- (4) Procedures for annually reporting the data to the public in accordance with division (H) of this section.

(B) The guidelines adopted under this section shall require the data maintained in the education management information system to include at least the following:

(1) Student participation and performance data, for each grade in each school district as a whole and for each grade in each school building in each school district, that includes:

(a) The numbers of students receiving each category of instructional service offered by the school district, such as regular education instruction, vocational education instruction, specialized instruction programs or enrichment instruction that is part of the educational curriculum, instruction for gifted students, instruction for students with disabilities, and remedial instruction. The guidelines shall require instructional services under this division to be divided into discrete categories if an instructional service is limited to a specific subject, a specific type of student, or both, such as regular instructional services in mathematics, remedial reading instructional services, instructional services specifically for students gifted in mathematics or some other subject area, or instructional services for students with a specific type of disability. The categories of instructional services required by the guidelines under this division shall be the same as the categories of instructional services used in determining cost units pursuant to division (C)(3) of this section.

(b) The numbers of students receiving support or extracurricular services for each of the support services or extracurricular programs offered by the school district, such as counseling services, health services, and extracurricular sports and fine arts programs. The categories of services required by the guidelines under this division shall be the same as the categories of services used in determining cost units pursuant to division (C)(4)(a) of this section.

(c) Average student grades in each subject in grades nine through twelve;

(d) Academic achievement levels as assessed under sections 3301.0710,

3301.0711, and 3301.0712 of the Revised Code;

(e) The number of students designated as having a disabling condition pursuant to division (C)(1) of section 3301.0711 of the Revised Code;

(f) The numbers of students reported to the state board pursuant to division (C)(2) of section 3301.0711 of the Revised Code;

(g) Attendance rates and the average daily attendance for the year. For purposes of this division, a student shall be counted as present for any field trip that is approved by the school administration.

(h) Expulsion rates;

(i) Suspension rates;

(j) Dropout rates;

(k) Rates of retention in grade;

(l) For pupils in grades nine through twelve, the average number of carnegie units, as calculated in accordance with state board of education rules;

(m) Graduation rates, to be calculated in a manner specified by the department of education that reflects the rate at which students who were in the ninth grade three years prior to the current year complete school and that is consistent with nationally accepted reporting requirements;

(n) Results of diagnostic assessments administered to kindergarten students as required under section 3301.0715 of the Revised Code to permit a comparison of the academic readiness of kindergarten students. However, no district shall be required to report to the department the results of any diagnostic assessment administered to a kindergarten student if the parent of that student requests the district not to report those results.

(2) Personnel and classroom enrollment data for each school district, including:

(a) The total numbers of licensed employees and nonlicensed employees and the numbers of full-time equivalent licensed employees and nonlicensed employees providing each category of instructional service, instructional support service, and administrative support service used pursuant to division (C)(3) of this section. The guidelines adopted under this section shall require these categories of data to be maintained for the school district as a whole and, wherever applicable, for each grade in the school district as a whole, for each school building as a whole, and for each grade in each school building.

(b) The total number of employees and the number of full-time equivalent employees providing each category of service used pursuant to divisions (C)(4)(a) and (b) of this section, and the total numbers of licensed employees and nonlicensed employees and the numbers of full-time equivalent licensed employees and nonlicensed employees providing each category used pursuant to division (C)(4)(c) of this section. The guidelines adopted under this

section shall require these categories of data to be maintained for the school district as a whole and, wherever applicable, for each grade in the school district as a whole, for each school building as a whole, and for each grade in each school building.

(c) The total number of regular classroom teachers teaching classes of regular education and the average number of pupils enrolled in each such class, in each of grades kindergarten through five in the district as a whole and in each school building in the school district.

(d) The number of lead teachers employed by each school district and each school building.

(3)(a) Student demographic data for each school district, including information regarding the gender ratio of the school district's pupils, the racial make-up of the school district's pupils, the number of limited English proficient students in the district, and an appropriate measure of the number of the school district's pupils who reside in economically disadvantaged households. The demographic data shall be collected in a manner to allow correlation with data collected under division (B)(1) of this section. Categories for data collected pursuant to division (B)(3) of this section shall conform, where appropriate, to standard practices of agencies of the federal government.

(b) With respect to each student entering kindergarten, whether the student previously participated in a public preschool program, a private preschool program, or a head start program, and the number of years the student participated in each of these programs.

(4) Any data required to be collected pursuant to federal law.

(C) The education management information system shall include cost accounting data for each district as a whole and for each school building in each school district. The guidelines adopted under this section shall require the cost data for each school district to be maintained in a system of mutually exclusive cost units and shall require all of the costs of each school district to be divided among the cost units. The guidelines shall require the system of mutually exclusive cost units to include at least the following:

(1) Administrative costs for the school district as a whole. The guidelines shall require the cost units under this division (C)(1) to be designed so that each of them may be compiled and reported in terms of average expenditure per pupil in formula ADM in the school district, as determined pursuant to section 3317.03 of the Revised Code.

(2) Administrative costs for each school building in the school district. The guidelines shall require the cost units under this division (C)(2) to be designed so that each of them may be compiled and reported in terms of average expenditure per full-time equivalent pupil receiving instructional or support services in each building.

(3) Instructional services costs for each category of instructional service

provided directly to students and required by guidelines adopted pursuant to division (B)(1)(a) of this section. The guidelines shall require the cost units under division (C)(3) of this section to be designed so that each of them may be compiled and reported in terms of average expenditure per pupil receiving the service in the school district as a whole and average expenditure per pupil receiving the service in each building in the school district and in terms of a total cost for each category of service and, as a breakdown of the total cost, a cost for each of the following components:

(a) The cost of each instructional services category required by guidelines adopted under division (B)(1)(a) of this section that is provided directly to students by a classroom teacher;

(b) The cost of the instructional support services, such as services provided by a speech-language pathologist, classroom aide, multimedia aide, or librarian, provided directly to students in conjunction with each instructional services category;

(c) The cost of the administrative support services related to each instructional services category, such as the cost of personnel that develop the curriculum for the instructional services category and the cost of personnel supervising or coordinating the delivery of the instructional services category.

(4) Support or extracurricular services costs for each category of service directly provided to students and required by guidelines adopted pursuant to division (B)(1)(b) of this section. The guidelines shall require the cost units under division (C)(4) of this section to be designed so that each of them may be compiled and reported in terms of average expenditure per pupil receiving the service in the school district as a whole and average expenditure per pupil receiving the service in each building in the school district and in terms of a total cost for each category of service and, as a breakdown of the total cost, a cost for each of the following components:

(a) The cost of each support or extracurricular services category required by guidelines adopted under division (B)(1)(b) of this section that is provided directly to students by a licensed employee, such as services provided by a guidance counselor or any services provided by a licensed employee under a supplemental contract;

(b) The cost of each such services category provided directly to students by a nonlicensed employee, such as janitorial services, cafeteria services, or services of a sports trainer;

(c) The cost of the administrative services related to each services category in division (C)(4)(a) or (b) of this section, such as the cost of any licensed or nonlicensed employees that develop, supervise, coordinate, or otherwise are involved in administering or aiding the delivery of each services category.

(D)(1) The guidelines adopted under this section shall require school

districts to collect information about individual students, staff members, or both in connection with any data required by division (B) or (C) of this section or other reporting requirements established in the Revised Code. The guidelines may also require school districts to report information about individual staff members in connection with any data required by division (B) or (C) of this section or other reporting requirements established in the Revised Code. The guidelines shall not authorize school districts to request social security numbers of individual students. The guidelines shall prohibit the reporting under this section of a student's name, address, and social security number to the state board of education or the department of education. The guidelines shall also prohibit the reporting under this section of any personally identifiable information about any student, except for the purpose of assigning the data verification code required by division (D)(2) of this section, to any other person unless such person is employed by the school district or the information technology center operated under section 3301.075 of the Revised Code and is authorized by the district or technology center to have access to such information or is employed by an entity with which the department contracts for the scoring of assessments administered under section 3301.0711 of the Revised Code. The guidelines may require school districts to provide the social security numbers of individual staff members.

(2) The guidelines shall provide for each school district or community school to assign a data verification code that is unique on a statewide basis over time to each student whose initial Ohio enrollment is in that district or school and to report all required individual student data for that student utilizing such code. The guidelines shall also provide for assigning data verification codes to all students enrolled in districts or community schools on the effective date of the guidelines established under this section.

Individual student data shall be reported to the department through the information technology centers utilizing the code but, except as provided in sections 3310.11, 3310.42, 3313.978, and 3317.20 of the Revised Code, at no time shall the state board or the department have access to information that would enable any data verification code to be matched to personally identifiable student data.

Each school district shall ensure that the data verification code is included in the student's records reported to any subsequent school district ~~or~~ , community school , or state institution of higher education, as defined in section 3345.011 of the Revised Code, in which the student enrolls. Any such subsequent district or school shall utilize the same identifier in its reporting of data under this section.

The director of health shall request and receive, pursuant to sections 3301.0723 and 3701.62 of the Revised Code, a data verification code for a child who is receiving services under division (A)(2) of section 3701.61 of the Revised Code.

(E) The guidelines adopted under this section may require school districts

to collect and report data, information, or reports other than that described in divisions (A), (B), and (C) of this section for the purpose of complying with other reporting requirements established in the Revised Code. The other data, information, or reports may be maintained in the education management information system but are not required to be compiled as part of the profile formats required under division (G) of this section or the annual statewide report required under division (H) of this section.

(F) Beginning with the school year that begins July 1, 1991, the board of education of each school district shall annually collect and report to the state board, in accordance with the guidelines established by the board, the data required pursuant to this section. A school district may collect and report these data notwithstanding section 2151.357 or 3319.321 of the Revised Code.

(G) The state board shall, in accordance with the procedures it adopts, annually compile the data reported by each school district pursuant to division (D) of this section. The state board shall design formats for profiling each school district as a whole and each school building within each district and shall compile the data in accordance with these formats. These profile formats shall:

(1) Include all of the data gathered under this section in a manner that facilitates comparison among school districts and among school buildings within each school district;

(2) Present the data on academic achievement levels as assessed by the testing of student achievement maintained pursuant to division (B)(1)(d) of this section.

(H)(1) The state board shall, in accordance with the procedures it adopts, annually prepare a statewide report for all school districts and the general public that includes the profile of each of the school districts developed pursuant to division (G) of this section. Copies of the report shall be sent to each school district.

(2) The state board shall, in accordance with the procedures it adopts, annually prepare an individual report for each school district and the general public that includes the profiles of each of the school buildings in that school district developed pursuant to division (G) of this section. Copies of the report shall be sent to the superintendent of the district and to each member of the district board of education.

(3) Copies of the reports received from the state board under divisions (H)(1) and (2) of this section shall be made available to the general public at each school district's offices. Each district board of education shall make copies of each report available to any person upon request and payment of a reasonable fee for the cost of reproducing the report. The board shall annually publish in a newspaper of general circulation in the school district, at least twice during the two weeks prior to the week in which the reports will first be available, a notice containing the address where the reports are available and the date on which the reports will be available.

(I) Any data that is collected or maintained pursuant to this section and that identifies an individual pupil is not a public record for the purposes of section 149.43 of the Revised Code.

(J) As used in this section:

(1) "School district" means any city, local, exempted village, or joint vocational school district and, in accordance with section 3314.17 of the Revised Code, any community school. As used in division (L) of this section, "school district" also includes any educational service center or other educational entity required to submit data using the system established under this section.

(2) "Cost" means any expenditure for operating expenses made by a school district excluding any expenditures for debt retirement except for payments made to any commercial lending institution for any loan approved pursuant to section 3313.483 of the Revised Code.

(K) Any person who removes data from the information system established under this section for the purpose of releasing it to any person not entitled under law to have access to such information is subject to section 2913.42 of the Revised Code prohibiting tampering with data.

(L)(1) In accordance with division (L)(2) of this section and the rules adopted under division (L)(10) of this section, the department of education may sanction any school district that reports incomplete or inaccurate data, reports data that does not conform to data requirements and descriptions published by the department, fails to report data in a timely manner, or otherwise does not make a good faith effort to report data as required by this section.

(2) If the department decides to sanction a school district under this division, the department shall take the following sequential actions:

(a) Notify the district in writing that the department has determined that data has not been reported as required under this section and require the district to review its data submission and submit corrected data by a deadline established by the department. The department also may require the district to develop a corrective action plan, which shall include provisions for the district to provide mandatory staff training on data reporting procedures.

(b) Withhold up to ten per cent of the total amount of state funds due to the district for the current fiscal year and, if not previously required under division (L)(2)(a) of this section, require the district to develop a corrective action plan in accordance with that division;

(c) Withhold an additional amount of up to twenty per cent of the total amount of state funds due to the district for the current fiscal year;

(d) Direct department staff or an outside entity to investigate the district's data reporting practices and make recommendations for subsequent actions. The recommendations may include one or more of the following actions:

(i) Arrange for an audit of the district's data reporting practices by

department staff or an outside entity;

- (ii) Conduct a site visit and evaluation of the district;
- (iii) Withhold an additional amount of up to thirty per cent of the total amount of state funds due to the district for the current fiscal year;
- (iv) Continue monitoring the district's data reporting;
- (v) Assign department staff to supervise the district's data management system;
- (vi) Conduct an investigation to determine whether to suspend or revoke the license of any district employee in accordance with division (N) of this section;
- (vii) If the district is issued a report card under section 3302.03 of the Revised Code, indicate on the report card that the district has been sanctioned for failing to report data as required by this section;
- (viii) If the district is issued a report card under section 3302.03 of the Revised Code and incomplete or inaccurate data submitted by the district likely caused the district to receive a higher performance rating than it deserved under that section, issue a revised report card for the district;
- (ix) Any other action designed to correct the district's data reporting problems.

(3) Any time the department takes an action against a school district under division (L)(2) of this section, the department shall make a report of the circumstances that prompted the action. The department shall send a copy of the report to the district superintendent or chief administrator and maintain a copy of the report in its files.

(4) If any action taken under division (L)(2) of this section resolves a school district's data reporting problems to the department's satisfaction, the department shall not take any further actions described by that division. If the department withheld funds from the district under that division, the department may release those funds to the district, except that if the department withheld funding under division (L)(2)(c) of this section, the department shall not release the funds withheld under division (L)(2)(b) of this section and, if the department withheld funding under division (L)(2)(d) of this section, the department shall not release the funds withheld under division (L)(2)(b) or (c) of this section.

(5) Notwithstanding anything in this section to the contrary, the department may use its own staff or an outside entity to conduct an audit of a school district's data reporting practices any time the department has reason to believe the district has not made a good faith effort to report data as required by this section. If any audit conducted by an outside entity under division (L)(2)(d)(i) or (5) of this section confirms that a district has not made a good faith effort to report data as required by this section, the district shall reimburse the department for the full cost of the audit. The department may withhold state



funds due to the district for this purpose.

(6) Prior to issuing a revised report card for a school district under division (L)(2)(d)(viii) of this section, the department may hold a hearing to provide the district with an opportunity to demonstrate that it made a good faith effort to report data as required by this section. The hearing shall be conducted by a referee appointed by the department. Based on the information provided in the hearing, the referee shall recommend whether the department should issue a revised report card for the district. If the referee affirms the department's contention that the district did not make a good faith effort to report data as required by this section, the district shall bear the full cost of conducting the hearing and of issuing any revised report card.

(7) If the department determines that any inaccurate data reported under this section caused a school district to receive excess state funds in any fiscal year, the district shall reimburse the department an amount equal to the excess funds, in accordance with a payment schedule determined by the department. The department may withhold state funds due to the district for this purpose.

(8) Any school district that has funds withheld under division (L)(2) of this section may appeal the withholding in accordance with Chapter 119. of the Revised Code.

(9) In all cases of a disagreement between the department and a school district regarding the appropriateness of an action taken under division (L)(2) of this section, the burden of proof shall be on the district to demonstrate that it made a good faith effort to report data as required by this section.

(10) The state board of education shall adopt rules under Chapter 119. of the Revised Code to implement division (L) of this section.

(M) No information technology center or school district shall acquire, change, or update its student administration software package to manage and report data required to be reported to the department unless it converts to a student software package that is certified by the department.

(N) The state board of education, in accordance with sections 3319.31 and 3319.311 of the Revised Code, may suspend or revoke a license as defined under division (A) of section 3319.31 of the Revised Code that has been issued to any school district employee found to have willfully reported erroneous, inaccurate, or incomplete data to the education management information system.

(O) No person shall release or maintain any information about any student in violation of this section. Whoever violates this division is guilty of a misdemeanor of the fourth degree.

(P) The department shall disaggregate the data collected under division (B)(1)(n) of this section according to the race and socioeconomic status of the students assessed. No data collected under that division shall be included on the report cards required by section 3302.03 of the Revised Code.

(Q) If the department cannot compile any of the information required by division (C)(5) of section 3302.03 of the Revised Code based upon the data collected under this section, the department shall develop a plan and a reasonable timeline for the collection of any data necessary to comply with that division.

**Sec. 3301.94.** Upon approval of the state board of education, the superintendent of public instruction and the chancellor of the Ohio board of regents may enter into a memorandum of understanding under which the department of education, on behalf of the chancellor, will receive and maintain copies of data records containing student information reported to the chancellor for the purpose of combining those records with the data reported to the education management information system established under section 3301.0714 of the Revised Code to establish an education data repository that may be used to conduct longitudinal research and evaluation. The memorandum of understanding shall specify the following:

(A) That, prior to establishing the repository, the superintendent and chancellor shall develop a strategic plan for the repository that outlines the goals to be achieved from its implementation and use. A copy of the strategic plan shall be provided to the governor, the president of the senate, and the speaker of the house of representatives.

(B) That the chancellor shall submit all student data to be included in the repository to the independent contractor engaged by the department to create and maintain the student data verification codes required by division (D)(2) of section 3301.0714 of the Revised Code. For each student included in the data submitted by the chancellor, the independent contractor shall determine whether a data verification code has been assigned to that student. In the case of a student to whom a data verification code has been assigned, the independent contractor shall add the code to the student's data record and remove from the data record any information that would enable the data verification code to be matched to personally identifiable student data. In the case of a student to whom a data verification code has not been assigned, the independent contractor shall assign a data verification code to the student, add the data verification code to the student's data record, and remove from the data record any information that would enable the data verification code to be matched to personally identifiable student data. After making the modifications described in this division, the independent contractor shall transmit the data to the department.

(C) That the superintendent and the chancellor jointly shall develop procedures for the maintenance of the data in the repository and shall designate the types of research that may be conducted using that data. Permitted uses of the data shall include, but are not limited to, the following:

(1) Assisting the department, superintendent, or state board in performing audit and evaluation functions concerning preschool, elementary, and secondary education as required or authorized by any provision of law, including division (C) of section 3301.07 and sections 3301.12, 3301.16, 3301.53, 3301.57, 3301.58, and 3302.03 of the Revised Code;

(2) Assisting the chancellor in performing audit and evaluation functions concerning higher education as required or authorized by any provision of law, including sections 3333.04, 3333.041, 3333.047, 3333.122, 3333.123, 3333.16, 3333.161, 3333.374, 3333.72, and 3333.82 of the Revised Code.

(D) That the superintendent and the chancellor, from time to time, jointly may enter into written agreements with entities for the use of data in the repository to conduct research and analysis designed to evaluate the effectiveness of programs or services, to measure progress against specific strategic planning goals, or for any other purpose permitted by law that the superintendent and chancellor consider necessary for the performance of their duties under the Revised Code. The agreements may permit the disclosure of personally identifiable student information to the entity named in the agreement, provided that disclosure complies with the "Family Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, and regulations promulgated under that act prescribing requirements for such agreements. The superintendent shall notify the state board of each agreement entered into under this division.

(E) That the data in the repository submitted by the department shall remain under the direct control of the department and that the data in the repository submitted by the chancellor shall remain under the direct control of the chancellor;

(F) That the data in the repository shall be managed in a manner that complies with the "Family Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended;

(G) That all costs related to the initial establishment and ongoing maintenance of the repository shall be paid from funds received from state incentive grants awarded under division (A), Title XIV, section 14006 of the American Recovery and Reinvestment Act of 2009, other federal grant programs, or existing appropriations of the department or chancellor that are designated for a purpose consistent with this section;

(H) That the department annually shall report to the state board and the chancellor all requests for access to or use of the data in the repository and all costs related to the initial establishment and ongoing maintenance of the repository."

Between lines 565 and 566, insert:

" **Sec. 3333.0410.** The chancellor of the Ohio board of regents shall require each state institution of higher education, as defined in section 3345.011 of the Revised Code, when reporting student data to the chancellor under any provision of law, to use the student's data verification code assigned under division (D)(2) of section 3301.0714 of the Revised Code, if that code was included in the student's records submitted to the institution by the student's high school or by another state institution of higher education."

In line 566, after "sections" insert "3301.0714,"

In line 1 of the title, after "sections" insert "3301.0714,"

In line 3 of the title, delete "section" and insert "sections 3301.94, "; after "3306.59" insert ", and 3333.0410"

In line 11 of the title, after the comma insert "to permit the Department of Education and the Chancellor of the Board of Regents to establish a longitudinal student data system,"

Attest:

Vincent L. Keeran,  
Clerk.

The Senate amendments were laid over under the Rule.

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. 106** -Senators Buehrer, Kearney - 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 passed the following bills in which the concurrence of the House is requested:

**Sub. S. B. No. 165** -Senator Niehaus  
Cosponsors: Senators Gibbs, Stewart, Carey, Harris, Seitz, Hughes, Schaffer, Wilson, Cates, Wagoner, Coughlin

To amend sections 1509.01, 1509.02, 1509.03, 1509.04, 1509.05, 1509.06, 1509.07, 1509.071, 1509.072, 1509.10, 1509.11, 1509.12, 1509.13, 1509.14, 1509.17, 1509.18, 1509.20, 1509.21, 1509.22, 1509.221, 1509.222, 1509.225, 1509.226, 1509.23, 1509.24, 1509.27, 1509.31, 1509.35, 1509.36, 1565.07, 1565.13, 1571.05, and 5749.06 and to enact sections 1509.021, 1509.062, 1509.073, 1509.19, 1509.34, 1509.50, 1509.60, and 1509.61 of the Revised Code to revise the Oil and Gas Law.

**Am. 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, 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, 4905.40, 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, 4927.10, 4927.11, 4927.12, 4927.13, 4927.14, 4927.15, 4927.16, 4927.17, 4927.18, 4927.19, 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 and remove telegraph companies from utility regulation and to create the Select Committee on Telecommunications Regulatory Reform.

**Am. S. B. No. 183** -Senator Schaffer

Cosponsors: Senators Patton, Kearney, Buehrer, Harris, Husted, Wagoner, Wilson, Hughes, Miller, R., Gillmor

To amend section 4703.18 of the Revised Code to eliminate a grandfather exemption from the requirements of the Architects Law granted to certain corporations.

Attest:

Vincent L. Keeran,  
Clerk.

Said bills were considered the first time.

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:

**Sub. S. B. No. 180** -Senator Husted

Cosponsors: Senators Goodman, Wagoner, Harris, Jones, Schaffer, Cates, Gibbs, Gillmor

To amend sections 3301.0714, 3314.013, 3314.014, 3314.016, 3314.02, 3314.021, 3314.03, 3314.05, 3319.22, 3319.223, and 3319.61 and to enact sections 3301.94, 3319.227, and 3333.0410 of the Revised Code to allow new Internet- or computer-based community schools to open under certain conditions, to permit the Department of Education and the Chancellor of the Board of Regents to establish a longitudinal student data system, to require the use of student performance data in evaluating teachers and principals for licensure, and to qualify Teach for America participants for a professional educator license.

Attest:

Vincent L. Keeran,  
Clerk.

Said bill was 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 standing committee on Veterans Affairs:

Remove Representative Yuko; appoint Representative Otterman.

On motion of Representative Patten, the House adjourned until Thursday, December 17, 2009 at 1:30 p.m.

Attest:

LAURA P. CLEMENS,  
Deputy Clerk.