

OHIO

SENATE

JOURNAL

CORRECTED VERSION
THURSDAY, JUNE 3, 2010

ONE HUNDRED NINETY-FOURTH DAY
Senate Chamber, Columbus, Ohio
Thursday, June 3, 2010, 10:00 o'clock a.m.

The Senate met pursuant to adjournment.

Prayer was offered by Pastor Lee Davis, North Pointe Baptist Church, Lewis Center, Ohio, followed by the Pledge of Allegiance to the Flag.

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

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

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

Sub. H. B. No. 220-Representative Chandler, et al.

To amend sections 7.10, 7.11, 7.12, 118.17, 131.23, 133.18, 133.55, 135.05, 301.02, 301.15, 301.28, 306.35, 306.43, 306.70, 307.022, 307.041, 307.10, 307.12, 307.676, 307.70, 307.79, 307.791, 307.81, 307.82, 307.83, 308.13, 317.20, 319.11, 319.54, 321.18, 322.02, 322.021, 323.08, 323.73, 324.02, 324.021, 343.08, 345.03, 349.03, 501.07, 503.05, 503.162, 503.41, 504.02, 504.03, 504.12, 504.21, 505.108, 505.17, 505.264, 505.28, 505.373, 505.55, 505.73, 511.23, 511.25, 511.28, 511.34, 513.14, 515.04, 517.12, 517.22, 521.03, 705.16, 711.35, 715.011, 715.47, 718.09, 718.10, 719.012, 719.05, 721.03, 721.15, 721.20, 723.07, 727.011, 727.012, 727.08, 727.14, 727.46, 729.08, 729.11, 731.141, 731.20, 731.21, 731.211, 731.22, 731.23, 731.24, 731.25, 735.05, 735.20, 737.32, 745.07, 747.05, 747.11, 747.12, 755.41, 755.42, 755.43, 759.47, 951.11, 1515.08, 1515.24, 1545.09, 1545.12, 1547.302, 1711.05, 1711.07, 1711.18, 1711.30, 1728.06, 2105.09, 2329.26, 3311.21, 3311.213, 3311.214, 3311.50, 3311.53, 3311.73, 3313.41, 3313.533, 3313.911, 3349.29, 3354.12, 3355.09, 3375.41, 3381.11, 3501.03, 3505.13, 3709.21, 3735.36, 3735.66, 4301.80, 4301.81, 4503.06, 4504.02, 4504.021, 4504.15, 4504.16, 4504.18, 4513.62, 4582.31, 4585.10, 4928.20, 4929.26, 4929.27, 4931.51, 4931.52, 4931.53, 5126.42, 5310.35, 5540.031, 5540.05, 5543.10, 5552.06, 5553.05, 5553.19, 5553.23, 5553.42, 5555.07, 5555.27, 5555.42, 5559.06, 5559.10, 5559.12, 5561.04, 5561.08, 5571.011, 5573.02, 5573.10, 5575.01, 5575.02, 5591.15, 5593.08, 5705.16, 5705.191, 5705.194, 5705.196, 5705.21, 5705.211, 5705.218, 5705.25, 5705.251, 5705.261, 5705.314, 5705.71, 5713.01, 5715.17, 5715.23, 5719.04, 5721.01, 5721.03, 5721.04, 5721.18, 5721.31, 5722.13, 5723.05, 5727.57, 5733.23, 5739.021, 5739.022, 5739.026, 5739.101, 5747.451, 5748.02, 5748.021, 5748.04, 5748.08, 6101.16, 6103.05, 6103.06, 6103.081, 6103.31, 6105.131, 6115.01, 6115.20, 6117.06, 6117.07, 6117.251, 6117.49, 6119.10, 6119.18, 6119.22, 6119.25, and 6119.58, to enact section 7.16, and to repeal sections 7.14 and

701.04 of the Revised Code to implement the recommendations of the Local Government Public Notice Task Force by generally authorizing legal publication to be made by local governments in a newspaper of general circulation, eliminating certain publication and postal privilege requirements, reducing the number of times publication must be made, requiring newspapers to establish a government rate for publication, allowing publication of a summary of an ordinance rather than publishing it in its entirety, and allowing a flat fee to be charged delinquent tax payers for the costs of publishing delinquent real property tax lists.

To the Committee on State and Local Government and Veterans' Affairs.

S. B. No. 274-Senator Miller, R., et al.

To amend sections 124.391 and 4117.10 and to enact section 325.192 of the Revised Code to authorize a county employee to donate paid leave to another employee of the same county.

To the Committee on State and Local Government and Veterans' Affairs.

S. B. No. 275-Senator Miller, R., et al.

To amend section 3719.41 of the Revised Code to add synthetic cannabinoids commonly known as K2 or Spice to the list of Schedule I controlled substances.

To the Committee on Judiciary - Criminal Justice.

S. B. No. 276-Senator Miller, R., et al.

To amend section 3517.21 of the Revised Code to prohibit the use of a sample ballot as campaign materials if the ballot would mislead voters into believing a candidate has received a party endorsement.

To the Committee on State and Local Government and Veterans' Affairs.

S. B. No. 277-Senator Jones, et al.

To enact new sections 5111.07 and 5111.071 and sections 5111.072 and 5111.085, to repeal sections 5111.07 and 5111.071 of the Revised Code, and to repeal Section 309.30.76 of Am. Sub. H.B. 1 of the 128th General

Assembly regarding the Medicaid reimbursement rate for estimated acquisition cost pharmaceuticals, the Medicaid dispensing fee, and the number of brand name drugs available at one time under the Medicaid program without prior authorization.

To the Committee on Health, Human Services and Aging.

S. C. R. No. 29-Senator Schaffer, et al.

To recognize Utica, the home of Velvet Ice Cream, as the Ice Cream Capital of Ohio.

To the Committee on State and Local Government and Veterans' Affairs.

YES - 6: DAVID GOODMAN, TOM NIEHAUS, KEITH L. FABER, BILL HARRIS, SHIRLEY A. SMITH, CAPRI S. CAFARO.

NO - 0.

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

The report of the committee was accepted.

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

REPORTS OF STANDING AND SELECT COMMITTEES

Senator Carey submitted the following report:

The standing committee on Finance and Financial Institutions, to which was referred **S. B. No. 249**-Senators Seitz, Grendell, et al., having had the same under consideration, reports it back and recommends its passage.

YES - 9: TOM NIEHAUS, JIM HUGHES, KEITH L. FABER, TOM PATTON, CHRIS WIDENER, JOHN A. CAREY, GARY W. CATES, SHIRLEY A. SMITH, ERIC H. KEARNEY.

NO - 3: JIMMY STEWART, DALE MILLER, THOMAS SAWYER.

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

The report of the committee was accepted.

HOUSE AMENDMENTS TO SENATE BILLS AND RESOLUTIONS

The amendments of the House of Representatives to:

Sub. S. B. No. 210-Senators Coughlin, Kearney.

Cosponsors: Senators Cafaro, Goodman, Harris, Husted, Miller, D., Miller, R., Morano, Sawyer, Schiavoni, Smith, Strahorn, Turner, Wagoner, Fedor. Representatives Bacon, Belcher, Boyd, Carney, Celeste, Chandler, Driehaus, Evans, Garrison, Goyal, Hackett, Hagan, Harris, Heard, Koziura, Letson, Luckie, Murray, Pillich, Reece, Skindell, Sykes, Weddington, Williams, B., Winburn.

To amend sections 3313.603, 3313.813, 3313.814, 3314.03, 3314.18, 3326.11, and 3326.13 and to enact sections 3301.92, 3301.921, 3301.922, 3301.923, 3302.032, 3313.6016, 3313.674, 3313.816, 3313.817, and 3319.076 of the Revised Code to establish nutritional standards for certain foods and beverages sold in schools; to require students to have periodic body mass index measurements; to establish a pilot program requiring daily physical activity for students and to make other changes regarding physical education; and to establish the Healthy Choices for Healthy Children Council, were taken up.

The question being, "Shall the Senate concur in the House amendments to **Sub. S. B. No. 210**?"

The yeas and nays were taken and resulted - yeas 24, nays 8, as follows:

Those who voted in the affirmative were: Senators

Cafaro	Carey	Fedor	Goodman
Hughes	Husted	Jones	Kearney
Miller D	Miller R	Morano	Niehaus
Sawyer	Schaffer	Schiavoni	Schuring
Seitz	Smith	Strahorn	Turner
Wagoner	Widener	Wilson	Harris-24.

Senators Buehrer, Cates, Faber, Gibbs, Gillmor, Grendell, Patton, and Stewart voted in the negative-8.

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

RESOLUTIONS REPORTED BY COMMITTEE

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

Cosponsors: Senators Grendell, Seitz, Buehrer, Cates.

To urge the Congress of the United States to adopt legislation invalidating

regulations of the United States Environmental Protection Agency related to greenhouse gases.

WHEREAS, The Administrator of the United States Environmental Protection Agency has formally issued an endangerment finding in the Federal Register under the federal Clean Air Act regarding six greenhouse gases, including carbon dioxide; and

WHEREAS, The Environmental Protection Agency's efforts to regulate carbon dioxide and other greenhouse gases under the Clean Air Act without Congressional input represents a clear contravention of the principle of separation of powers; and

WHEREAS, The regulation of carbon dioxide and other greenhouse gases has serious implications with respect to the economy of the United States and would likely result in slower or negative economic growth, a loss of competitiveness in the global market, and a reduction of the standard of living of the citizens of the United States; and

WHEREAS, At a time when the economy is in a fragile period of recovery from the most severe recession since the Great Depression, the unemployment rate exceeds ten per cent, and job growth has been negligible, it would be unwise to embark upon a new regulatory scheme that would create serious economic uncertainty; and

WHEREAS, There are multiple joint resolutions pending in the Congress, Senate Joint Resolution 26 and House Joint Resolutions 76 and 77, that have been introduced by members of both political parties. Those resolutions have been introduced pursuant to provisions of the Congressional Review Act, which authorizes Congress to review every new federal regulation issued by federal agencies and, by passage of a joint resolution, overrule a regulation. The resolutions generally provide that the Congress of the United States disapproves of the rule submitted by the United States Environmental Protection Agency related to the endangerment finding for greenhouse gases under the Clean Air Act; now therefore be it

RESOLVED, That we, the members of the 128th General Assembly of the State of Ohio, in adopting this resolution, strongly urge the Congress to adopt legislation that disapproves of the rule of the United States Environmental Protection Agency related to the endangerment finding for greenhouse gases under the Clean Air Act; and be it further

RESOLVED, That the Clerk of the Senate transmit duly authenticated copies of this resolution to the Speaker and Clerk of the United States House of Representatives, the President Pro Tempore and Secretary of the United States Senate, the members of the Ohio Congressional delegation, and the news media of Ohio.

The question being, "Shall the concurrent resolution, **S. C. R. No. 27**, be

adopted?"

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

Those who voted in the affirmative were: Senators

Buehrer	Carey	Cates	Faber
Gibbs	Gillmor	Goodman	Grendell
Hughes	Husted	Jones	Niehaus
Patton	Schaffer	Schuring	Seitz
Stewart	Wagoner	Widener	Wilson
			Harris-21.

Those who voted in the negative were: Senators

Cafaro	Fedor	Kearney	Miller D
Miller R	Morano	Sawyer	Schiavoni
Smith	Strahorn		Turner-11.

So the concurrent resolution was adopted.

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

Senator Gibbs moved to amend the title as follows:

Add the names: "Carey, Faber, Gillmor, Harris, Niehaus, Schaffer, Schiavoni, Hughes, Widener, Patton."

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

The motion was agreed to and the title so amended.

BILLS FOR THIRD CONSIDERATION

Sub. S. B. No. 117-Senators Miller, D., Coughlin. Cosponsors: Senators Turner, Strahorn, Miller, R., Smith, Schuler, Schiavoni, Morano.

To enact section 5.2239 of the Revised Code to designate the month of May as "Multiple Chemical Sensitivity Awareness Month, having been informally passed, was considered the third time.

Senator Niehaus moved that **Sub. S. B. No. 117**, be informally passed and that it retain its place on the calendar.

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

The motion was agreed to.

Sub. H. B. No. 338-Representatives Book, Uecker.
Cosponsors: Representatives Evans, Domenick, Harwood, Okey, Bolon, Oelslager, Huffman, Mecklenborg, Coley, Stebelton, Blessing, Bulp, Carney, Chandler, Combs, Daniels, DeBose, DeGeeter, Derickson, Dodd, Garland, Gerberry, Harris, Hite, Koziura, Letson, Luckie, Mallory, Murray, Patten, Sayre, Wachtmann, Weddington, Williams, B., Yuko.

To amend sections 1901.01, 1901.02, 1901.03, 1901.07, 1901.08, 1901.31, 1901.312, 1901.32, 1901.34, 1907.11, 2743.48, 2929.15, 2929.24, 2929.25, 2937.07, 4507.02, 4510.11, 4510.12, 4510.16, 4549.02, and 4549.021 and to enact section 4510.73 of the Revised Code to allow, in certain circumstances, all issues concerning a person's driver's license to be litigated in a single court, to create the Putnam County Municipal Court in Ottawa on January 1, 2011, to establish one full-time judgeship in that court, to provide for the nomination of the judge by petition only, to abolish the Putnam County County Court on that date, to designate the Putnam County Clerk of Courts as the clerk of the Putnam County Municipal Court, to provide for the election for the Putnam County Municipal Court of one full-time judge in 2011, to make deputy sheriffs and members of a township or joint township police force ex officio deputy bailiffs of municipal courts, to require the Clerk of the Court of Claims to request that the Controlling Board, within 60 days after the date of the entry of a court's determination that a person is a wrongfully imprisoned individual, pay 50 per cent of a certain specified amount of money to that wrongfully imprisoned individual, to permit a trial judge to impose a prison term or jail time, to extend the duration of a community control sanction, to impose a more restrictive sanction when a felony or a misdemeanor violates any condition of a community control sanction, to allow a judge or magistrate to base a finding on the facts contained in a complaint, to authorize judicial release of misdemeanants who are serving jail sentences, to modify the conditions for increased penalties for the offenses of failure to stop after an accident and failure to stop after a nonpublic road accident, to modify the penalty for repeat offenders under "operating a motor vehicle without a valid license" who never have held a valid driver's or commercial driver's license or permit, and to clarify the manner of sentencing for that offense and three other traffic offenses when they are unclassified misdemeanors, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 338**, pass?"

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

Those who voted in the affirmative were: Senators

Buehrer	Cafaro	Carey	Cates
Faber	Fedor	Gibbs	Gillmor
Goodman	Grendell	Hughes	Husted
Jones	Kearney	Miller D	Miller R
Morano	Niehaus	Patton	Sawyer
Schaffer	Schiavoni	Schuring	Seitz
Smith	Stewart	Strahorn	Turner
Wagoner	Widener	Wilson	Harris-32.

So the bill passed.

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

Senator Seitz moved to amend the title as follows:

Add the names: "Buehrer, Fedor, Goodman, Harris, Hughes, Miller, D., Morano, Patton, Sawyer, Schiavoni, Seitz, Smith, Strahorn, Turner, Niehaus."

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

The motion was agreed to and the title so amended.

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

Cosponsors: Representatives Chandler, Weddington, Blair, Boose, Derickson, Domenick, Luckie, Ruhl, Slesnick, Yuko, Balderson, Batchelder, Beck, Bolon, Bulp, Combs, Daniels, Evans, Garland, Goodwin, Grossman, Hackett, Harris, Harwood, Koziura, Lehner, Letson, Lundy, Mallory, McClain, McGregor, Mecklenborg, Moran, Morgan, Newcomb, Patten, Phillips, Pillich, Pryor, Sayre, Snitchler, Stautberg, Uecker, Williams, B., Winburn. Senators Fedor, Grendell, Turner.

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

The question being, "Shall the section, Section 8, setting forth the emergency features of the bill, stand as a part of the bill?"

Senator Niehaus moved to amend as follows:

In line 32, after "1711.15" insert "of the Revised Code"; delete everything after "amended"

In line 33, delete "Code be enacted"

Delete lines 34 through 38

In line 2 of the title, delete everything after "1711.15"

In line 24 of the title, delete "to"

Delete line 25 of the title

In line 26 of the title, delete "amphibian and the bullfrog as the state frog,"

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

The yeas and nays were taken and resulted - yeas 16, nays 16, as follows:

Those who voted in the affirmative were: Senators

Buehrer	Carey	Cates	Faber
Gibbs	Goodman	Husted	Jones
Niehaus	Patton	Schaffer	Schuring
Seitz	Wagoner	Widener	Harris-16.

Those who voted in the negative were: Senators

Cafaro	Fedor	Gillmor	Grendell
Hughes	Kearney	Miller D	Miller R
Morano	Sawyer	Schiavoni	Smith
Stewart	Strahorn	Turner	Wilson-16.

The motion was not agreed to.

The question recurred, "Shall the section, Section 8, setting forth the emergency features of the bill, stand as a part of the bill?"

The yeas and nays were taken and resulted - yeas 28, nays 4, as follows:

Those who voted in the affirmative were: Senators

Cafaro	Carey	Faber	Fedor
Gibbs	Gillmor	Goodman	Grendell
Hughes	Husted	Jones	Kearney
Miller D	Morano	Niehaus	Patton
Sawyer	Schaffer	Schiavoni	Schuring
Seitz	Stewart	Strahorn	Turner
Wagoner	Widener	Wilson	Harris-28.

Senators Buehrer, Cates, Miller R, and Smith voted in the negative-4.

So the section, Section 8, setting forth the emergency features of the bill stood as a part of the bill.

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

Senator Faber moved that **Sub. H. B. No. 393**, be informally passed and

that it retain its place on the calendar.

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

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

Those who voted in the affirmative were: Senators

Buehrer	Carey	Cates	Faber
Gibbs	Gillmor	Goodman	Grendell
Hughes	Husted	Jones	Niehaus
Patton	Sawyer	Schaffer	Schuring
Seitz	Stewart	Wagoner	Widener
			Harris-21.

Those who voted in the negative were: Senators

Cafaro	Fedor	Kearney	Miller D
Miller R	Morano	Schiavoni	Smith
Strahorn	Turner		Wilson-11.

The motion was agreed to.

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

Cosponsors: Representatives Yuko, Goyal, Belcher, Boose, Boyd, Brown, Carney, Celeste, Chandler, DeBose, Domenick, Dyer, Evans, Fende, Foley, Garland, Hackett, Harris, Harwood, Heard, Letson, Luckie, Lundy, Mallory, Murray, Oelslager, Otterman, Patten, Pillich, Pryor, Reece, Schneider, Skindell, Stewart, Sykes, Szollosi, Weddington, Williams, B., Winburn. Senators Carey, Fedor, Turner.

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

The question being, "Shall the bill, **Sub. H. B. No. 449**, pass?"

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

Those who voted in the affirmative were: Senators

Buehrer	Cafaro	Carey	Cates
Faber	Fedor	Gibbs	Gillmor
Goodman	Grendell	Hughes	Husted
Jones	Kearney	Miller D	Miller R
Morano	Niehaus	Patton	Sawyer
Schaffer	Schiavoni	Schuring	Seitz
Smith	Stewart	Strahorn	Turner
Wagoner	Widener	Wilson	Harris-32.

So the bill passed.

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

Senator Hughes moved to amend the title as follows:

Add the names: "Cafaro, Gibbs, Grendell, Harris, Miller, D., Morano, Sawyer, Schaffer, Schiavoni, Schuring, Strahorn, Wagoner, Widener, Wilson, Kearney."

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

The motion was agreed to and the title so amended.

Message from the House of Representatives

Mr. President:

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

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

Attest:

Tom Sherman,
Clerk.

Senator Niehaus moved that the Senate insist on the Senate amendments to **Sub. H. B. No. 519**, and ask for a Committee of Conference.

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

The motion was agreed to.

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

Cosponsors: Senators Niehaus, Buehrer, Wagoner, Faber.

To enact section 3345.55 of the Revised Code to permit the board of

trustees of a state institution of higher education to enter into an agreement to convey property used for student housing or parking to a conduit entity which will enter into a lease-leaseback arrangement with an independent funding source, was considered the third time.

The question being, "Shall the bill, **S. B. No. 249**, pass?"

The yeas and nays were taken and resulted - yeas 20, nays 12, as follows:

Those who voted in the affirmative were: Senators

Buehrer	Carey	Cates	Faber
Gibbs	Gillmor	Goodman	Grendell
Hughes	Husted	Jones	Kearney
Niehaus	Patton	Schaffer	Schuring
Seitz	Wagoner	Widener	Harris-20.

Those who voted in the negative were: Senators

Cafaro	Fedor	Miller D	Miller R
Morano	Sawyer	Schiavoni	Smith
Stewart	Strahorn	Turner	Wilson-12.

So the bill passed.

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

Senator Seitz moved to amend the title as follows:

Add the names: "Gibbs, Goodman, Harris, Husted, Jones, Schuring."

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

The motion was agreed to and the title so amended.

Senator Niehaus moved that **Sub. H. B. No. 393**, having been informally passed, be taken up for immediate consideration.

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

The motion was agreed to.

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

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

Those who voted in the affirmative were: Senators

Buehrer	Cafaro	Carey	Cates
Faber	Fedor	Gibbs	Gillmor
Goodman	Grendell	Hughes	Husted
Jones	Kearney	Miller D	Miller R
Morano	Niehaus	Patton	Sawyer
Schaffer	Schiavoni	Schuring	Seitz
Smith	Stewart	Strahorn	Turner
Wagoner	Widener	Wilson	Harris-32.

So the bill having received the required constitutional majority passed as an emergency measure.

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

Senator Hughes moved to amend the title as follows:

Add the names: "Cafaro, Faber, Gillmor, Morano, Niehaus, Sawyer, Schiavoni, Schuring, Seitz, Smith, Wilson, Harris, Strahorn."

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

The motion was agreed to and the title so amended.

MOTIONS

Senator Buehrer moved that Senators absent the week of Sunday, May 30, 2010, be excused, so long as a written explanation is on file with the Clerk pursuant to Senate Rule No. 17.

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

The motion was agreed to.

OFFERING OF RESOLUTIONS

Pursuant to Senate Rule No. 54, the following resolutions were offered:

S. R. No. 250-Senator Morano.

Honoring Rebecca M. Patton for outstanding service as president of the American Nurses Association.

S. R. No. 251-Senator Kearney.

Honoring Amanda Tempel as Miss Ohio USA 2010.

The question being, "Shall the resolutions listed under the President's prerogative be adopted?"

So the resolutions were adopted.

Message from the House of Representatives

Mr. President:

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

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

Representatives Dodd, Newcomb, & Wachtmann

Attest:

Tom Sherman,
Clerk.

Message from the House of Representatives

Mr. President:

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

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

Representatives Sykes, Goyal, & Amstutz

Attest:

Tom Sherman,
Clerk.

On the motion of Senator Niehaus, the Senate recessed until the call of the Chair. The Senate met pursuant to the recess.

Message from the House of Representatives

Mr. President:

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

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

The Speaker of the House has appointed as managers on the part of the House on such matters of difference:

Representatives Yuko, Book, & Blessing

Attest:

Tom Sherman,
Clerk.

MESSAGE FROM THE PRESIDENT

Pursuant to Senate Rule 30, the President of the Senate appoints the following members to serve on the Conference Committee on Am. Sub. H.B. No. 519 of the 128th General Assembly:

Senator Faber
Senator Niehaus
Senator Smith

On the motion of Senator Fedor, the Senate recessed until the call of the Chair. The Senate met pursuant to the recess.

Message from the House of Representatives

Mr. President:

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

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

To amend sections 324.01, 324.03, 1332.24, 2317.02, 2917.21, 2929.01, 4901.01, 4901.02, 4901.11, 4901.15, 4901.22, 4903.01, 4903.20, 4903.22, 4903.23, 4905.01, 4905.02, 4905.03, 4905.04, 4905.09, 4905.12, 4905.14, 4905.16, 4905.18, 4905.20, 4905.21, 4905.26, 4905.30, 4905.34, 4905.40, 4905.402, 4905.41, 4905.42, 4905.45, 4905.46, 4905.47, 4905.51, 4905.52, 4905.58, 4905.59, 4905.61, 4905.63, 4905.71, 4905.73, 4905.84, 4905.90, 4905.99, 4907.01, 4907.14, 4907.30, 4909.01, 4909.02, 4909.03, 4909.17, 4911.01, 4921.01, 4923.01, 4927.01, 4927.02, 4929.02, 4931.02, 4931.03, 4931.04, 4931.11, 4931.99, 4933.14, 4933.18, 4933.19, 4939.01, 5515.01, 5733.57, 6101.17, and 6115.21, to amend sections 4931.11 (4931.05) and 4931.35 (4931.06) for the purpose of adopting new section numbers as shown in parentheses, to enact new sections 4927.03 and 4927.04 and sections 4927.05, 4927.06, 4927.07, 4927.08, 4927.09, 4927.11, 4927.12, 4927.13, 4927.14, 4927.15, 4927.16, 4927.17, 4927.18, 4927.19, 4927.20, 4927.21, and 4931.01, and to repeal sections 4905.041, 4905.23, 4905.231, 4905.24,

4905.241, 4905.242, 4905.243, 4905.244, 4905.25, 4905.381, 4905.49, 4905.491, 4905.50, 4927.03, 4927.04, 4931.06, 4931.07, 4931.12, 4931.13, 4931.14, 4931.15, 4931.16, 4931.17, 4931.18, 4931.19, 4931.21, 4931.22, 4931.25, 4931.26, 4931.27, 4931.28, 4931.29, 4931.30, and 4931.31 of the Revised Code to revise state regulation of telephone companies, remove telegraph companies from utility regulation, and to create the Select Committee on Telecommunications Regulatory Reform.

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

Attest:

Tom Sherman,
Clerk.

Senator Niehaus moved that Senate Rule No. 44 be suspended and that **Sub. S. B. No. 162** be brought up for consideration.

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

The motion was agreed to.

The question being, "Shall the Senate concur in the House amendments to **Sub. S. B. No. 162**?"

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

Those who voted in the affirmative were: Senators

Buehrer	Cafaro	Carey	Cates
Faber	Fedor	Gibbs	Gillmor
Goodman	Grendell	Hughes	Husted
Jones	Kearney	Miller D	Miller R
Morano	Niehaus	Patton	Sawyer
Schaffer	Schiavoni	Seitz	Smith
Stewart	Strahorn	Turner	Wagoner
Widener	Wilson		Harris-31.

Senator Schuring voted in the negative-1.

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

Message from the House of Representatives

Mr. President:

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

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

Cosponsors: Senators Sawyer, Cates, Gillmor, Grendell, Kearney, Miller, R., Patton, Harris, Hughes Representatives Murray, Coley, Boyd, Brown, Carney, Combs, Domenick, Garland, Harris, Letson, Luckie, Pillich, Williams, B., Winburn, Yuko

To enact sections 5312.01 to 5312.15 of the Revised Code to establish the Ohio Planned Community Law.

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

Delete lines 483 through 486

Attest:

Tom Sherman,
Clerk.

Senator Niehaus moved that Senate Rule No. 44 be suspended and that **Am. Sub. S. B. No. 187** be brought up for consideration.

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

The motion was agreed to.

The question being, "Shall the Senate concur in the House amendments to **Am. Sub. S. B. No. 187**?"

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

Those who voted in the affirmative were: Senators

Buehrer	Cafaro	Carey	Cates
Faber	Fedor	Gibbs	Gillmor
Goodman	Grendell	Hughes	Husted
Jones	Kearney	Miller D	Miller R
Morano	Niehaus	Patton	Sawyer
Schaffer	Schiavoni	Schuring	Seitz
Smith	Stewart	Strahorn	Turner
Wagoner	Wilson		Harris-31.

Senator Widener voted in the negative-1.

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

Message from the House of Representatives

Mr. President:

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

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

Cosponsors: Senators Carey, Gibbs, Grendell, Husted, Jones, Morano, Niehaus, Patton, Schaffer, Widener, Schuring, Kearney, Buehrer, Harris, Hughes, Miller, D., Sawyer, Seitz, Turner, Wilson Representatives Okey, Murray, Book, Coley, Dyer, Stebelton, Adams, R., Bacon, Balderson, Beck, Belcher, Blair, Blessing, Bolon, Boose, Boyd, Brown, Bulp, Carney, Celeste, Chandler, Combs, Daniels, DeGeeter, Dodd, Domenick, Evans, Fende, Garland, Garrison, Gerberry, Goyal, Grossman, Hackett, Hagan, Hall, Harris, Harwood, Heard, Hottinger, Koziura, Lehner, Letson, Luckie, Lundy, Maag, Mallory, McClain, Mecklenborg, Moran, Newcomb, Oelslager, Phillips, Pillich, Pryor, Ruhl, Schneider, Sears, Skindell, Slesnick, Snitchler, Stewart, Szollosi, Uecker, Wachtmann, Walter, Weddington, Williams, B., Winburn, Yuko, Zehringer

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

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

Attest:

Tom Sherman,
Clerk.

Senator Niehaus moved that Senate Rule No. 44 be suspended and that **Sub. S. B. No. 204** be brought up for consideration.

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

The motion was agreed to.

The question being, "Shall the Senate concur in the House amendments to **Sub. S. B. No. 204**?"

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

Those who voted in the affirmative were: Senators

Buehrer	Cafaro	Carey	Cates
Faber	Fedor	Gibbs	Gillmor
Goodman	Grendell	Hughes	Husted
Jones	Kearney	Miller D	Miller R
Morano	Niehaus	Patton	Sawyer
Schaffer	Schiavoni	Schuring	Seitz
Smith	Stewart	Strahorn	Turner
Wagoner	Widener	Wilson	Harris-32.

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

Message from the House of Representatives

Mr. President:

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

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

Cosponsors: Senators Miller, R., Goodman, Harris, Schiavoni, Strahorn, Turner, Cates Representatives Bacon, Carney, Chandler, Combs, Domenick, Gardner, Garland, Grossman, Harris, Hite, Letson, Luckie, Stewart, Weddington, Yuko

To amend section 755.14 and to enact section 755.141 of the Revised Code to authorize a joint recreation district operating on the site of the United States Christopher Columbus Quincentenary Jubilee to issue revenue bonds, maintain lines of credit, and enter into lease purchase agreements for property; to expand the district's powers with respect to its own property; and to make certain appointments to the district's board permissive rather than mandatory; and to establish a dam construction permit pilot program that, with respect to an eligible dam project, establishes permit fee and bonding requirements that are different from the permit fee and bonding requirements otherwise required under applicable law.

With the following additional amendments, in which the concurrence of the Senate is requested.

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

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

municipal corporation. All members of the board shall serve for terms of five years, except that the members first appointed shall be appointed for such terms that the term of one member shall expire annually thereafter. Members of the board shall serve without pay. Vacancies in the board, occurring otherwise than by expiration of term, shall be for the unexpired term and shall be filled in the same manner as original appointments.

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

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

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

Sec. 755.141. If a park or recreational facility owned, operated, or maintained by a joint recreation district created under division (C) of section

755.14 of the Revised Code is the site where an exhibition sanctioned by the United States Christopher Columbus quincenary jubilee commission is being or has been held and the exhibition is or was sponsored by the organization that is also sponsoring or has sponsored an exhibition sanctioned by the international association of horticulture producers, the following provisions shall apply, in addition to the provisions of sections 755.12 to 755.18 of the Revised Code:

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

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

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

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

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

authorizing bonds then outstanding. The board of trustees, by resolution, may designate additional property of the district, the revenues of which shall be pledged and be subject to a lien for the payment of the debt charges on revenue bonds theretofore authorized by resolution of the board of trustees, to the same extent as the revenues above described.

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

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

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

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

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

of notes. The final maturity of any refunding bonds shall not be later than the later of thirty years from the date of issue of the original issue of bonds or the date by which it is expected, at the time of issuance of the refunding bonds, that the useful life of all of the property, other than interests in land, refinanced with proceeds of the bonds will have expired. The refunding bonds shall be sold and the proceeds applied to the purchase, redemption, or payment of the bonds to be refunded and the costs of issuance of the refunding bonds. The bonds and notes issued under this section, their transfer, and the income therefrom, shall at all times be free from taxation within the state.

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

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

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

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

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

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

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

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

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

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

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

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

(2) The board of trustees may enter into a contract for a secured line of credit with a bank, savings and loan association, or savings bank if the contract meets all of the following requirements:

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

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

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

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

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

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

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

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

The lease-purchase agreement shall provide that, at the end of the final

term in the agreement, if all obligations of the joint recreation district have been satisfied, the title to the leased property shall vest in the joint recreation district if that title has not vested in the joint recreation district before or during the lease terms; except that the lease-purchase agreement may require the joint recreation district to pay an additional lump sum payment as a condition of obtaining that title.

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

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

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

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

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

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

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

Section 3."

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

Attest:

Tom Sherman,
Clerk.

Senator Niehaus moved that Senate Rule No. 44 be suspended and that **Am. S. B. No. 270** be brought up for consideration.

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

The motion was agreed to.

The question being, "Shall the Senate concur in the House amendments to **Am. S. B. No. 270**?"

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

Those who voted in the affirmative were: Senators

Buehrer	Cafaro	Carey	Cates
Faber	Fedor	Gibbs	Gillmor
Goodman	Grendell	Hughes	Husted
Jones	Kearney	Miller D	Miller R
Morano	Niehaus	Patton	Sawyer
Schaffer	Schiavoni	Schuring	Seitz
Smith	Stewart	Strahorn	Turner
Wagoner	Widener	Wilson	Harris-32.

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

On the motion of Senator Niehaus the Senate reverted to the Fourth Order of Business, Reports of Conference Committees.

REPORTS OF CONFERENCE COMMITTEES

Senator Niehaus submitted the following report:

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

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

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

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

Delete lines 559 through 595

In line 596, delete " (17)"

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

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

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

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

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

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

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

Delete lines 1154 through 1262

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

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

In line 3 of the title, delete "6117.51"

Managers on the Part of the
Senate

Managers on the Part of the
House of Representatives

/S/ TOM NIEHAUS
TOM NIEHAUS

/S/ DAN DODD
DAN DODD

/S/ TIMOTHY GRENDALL
TIMOTHY GRENDALL

/S/ DEBORAH NEWCOMB
DEBORAH NEWCOMB

/S/ CAPRI S. CAFARO
CAPRI S. CAFARO

/S/ LYNN R. WACHTMANN
LYNN R. WACHTMANN

Senator Niehaus moved that Senate Rule No. 44 be suspended and that the Report of the Committee of Conference on **Am. Sub. S. B. No. 110** be brought up for consideration.

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

The motion was agreed to.

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

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

Those who voted in the affirmative were: Senators

Buehrer	Cafaro	Carey	Cates
Faber	Fedor	Gibbs	Gillmor
Goodman	Grendell	Hughes	Husted
Jones	Kearney	Miller D	Miller R
Morano	Niehaus	Patton	Sawyer
Schaffer	Schiavoni	Schuring	Seitz
Smith	Stewart	Strahorn	Turner
Wagoner	Widener	Wilson	Harris-32.

So the report of Committee of Conference was agreed to.

Senator Faber submitted the following report:

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

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

In line 17, delete "3517.13,"

Delete lines 1954 through 2378

Delete lines 2828 through 2834

In line 2931, delete "3517.13,"

After line 2932, insert:

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

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

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

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

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

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

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

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

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

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

Delete lines 9 through 14 of the title

In line 15 of the title, delete all before the period and insert ", to permit a board of elections that conducts a special election on or before August 4, 2010, for the purpose of nominating candidates for congressional office to conduct that election with a limited number of polling places, and to declare an emergency"

Managers on the Part of the	Managers on the Part of the
House of Representatives	Senate

/s/ MARK D. OKEY
MARK D. OKEY

/s/ KEITH FABER
KEITH FABER

/s/ DAN DODD
DAN DODD

/s/ CHRIS WIDENER
CHRIS WIDENER

/s/ ROBERT P. MECKLENBORG
ROBERT P. MECKLENBORG

/s/ SHIRLEY A. SMITH
SHIRLEY A. SMITH

Senator Niehaus moved that Senate Rule No. 44 be suspended and that the Report of the Committee of Conference on **Sub. H. B. No. 5** be brought up for consideration.

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

The motion was agreed to.

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

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

Those who voted in the affirmative were: Senators

Buehrer	Cafaro	Carey	Cates
Faber	Fedor	Gibbs	Gillmor
Goodman	Grendell	Hughes	Husted
Jones	Miller D	Miller R	Morano
Niehaus	Patton	Sawyer	Schaffer
Schiavoni	Schuring	Smith	Stewart
Strahorn	Turner	Wagoner	Widener
Wilson			Harris-30.

Senators Kearney and Seitz voted in the negative-2.

So the emergency clause of the bill stood as part of the report.

The question being, "Shall the report of the Committee of Conference be agreed to as an emergency measure?"

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

Those who voted in the affirmative were: Senators

Buehrer	Cafaro	Carey	Cates
Faber	Fedor	Gibbs	Gillmor
Goodman	Grendell	Hughes	Husted
Jones	Kearney	Miller D	Miller R
Morano	Niehaus	Patton	Sawyer
Schaffer	Schiavoni	Schuring	Smith
Stewart	Strahorn	Turner	Wagoner
Widener	Wilson		Harris-31.

Senator Seitz voted in the negative-1.

So the report of the Committee of Conference was agreed to as an emergency measure.

On the motion of Senator Niehaus, the Senate recessed until the call of the Chair. The Senate met pursuant to the recess.

Senator Faber submitted the following report:

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

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

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

Delete lines 2599 through 2602

Between lines 2851 and 2852, insert:

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

(B) The attorney general may issue a distributor license to any person that meets the requirements of this section. The application for the license shall be on a form prescribed by the attorney general and be accompanied by the

annual fee prescribed by this section. The license is valid for a period of one year, and the annual fee for the license is five thousand dollars.

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

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

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

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

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

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

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

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

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

(2) No distributor may donate, give, loan, lease, or otherwise provide any bingo supplies or equipment, or modify, convert, add to, or remove parts from

bingo supplies to further their promotion or sale, to or for the use of a charitable organization for use in a bingo session conditioned on or in consideration for an exclusive right to provide bingo supplies to the charitable organization. A distributor may provide a licensed charitable organization with free samples of the distributor's products to be used as prizes or to be used for the purpose of sampling.

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

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

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

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

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

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

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

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

(1) The person, officer, or partner has been convicted of a felony under

the laws of this state, another state, or the United States.

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

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

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

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

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

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

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

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

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

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

(A) or (D) of this section, illegally operating as a manufacturer is a felony of the fifth degree.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(iii) The total price of bingo faces played with an electronic bingo aid shall be equal to the total price of the same number of bingo faces played with a paper bingo card or sheet sold at the same bingo session but without an

electronic bingo aid.

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

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

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

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

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

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

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

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

(E) Notwithstanding division (B)(1) of this section, a charitable organization that, prior to December 6, 1977, has entered into written agreements for the lease of premises it owns to another charitable organization or other charitable organizations for the conducting of bingo sessions so that more than two bingo sessions are conducted per calendar week on the premises, and a person that is not a charitable organization and that, prior to December 6,

1977, has entered into written agreements for the lease of premises it owns to charitable organizations for the conducting of more than two bingo sessions per calendar week on the premises, may continue to lease the premises to those charitable organizations, provided that no more than four sessions are conducted per calendar week, that the lessor organization or person has notified the attorney general in writing of the organizations that will conduct the sessions and the days of the week and the times of the day on which the sessions will be conducted, that the initial lease entered into with each organization that will conduct the sessions was filed with the attorney general prior to December 6, 1977, and that each organization that will conduct the sessions was issued a license to conduct bingo games by the attorney general prior to December 6, 1977.

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

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

In line 3092, delete " working"

In line 3093, delete " capital."

Between lines 3490 and 3491, insert:

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

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

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

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

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

Between lines 4686 and 4687, insert:

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

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

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

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

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

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

In line 4858, delete " other"

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

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

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

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

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

(B) The committee shall:

(1) Review and evaluate all existing statutes and rules governing the operation and conduct of bingo, instant bingo, and skill-based amusement machines and recommend to the general assembly any benefits that would relate

to the commission overseeing the operation and conduct of bingo, instant bingo, and skill-based amusement machines.

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

(C) The members shall receive no additional compensation.

Section 6."

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

Managers on the Part of the
House of Representatives

Managers on the Part of the
Senate

/S/ KENNY YUKO
KENNY YUKO

/S/ KEITH FABER
KEITH FABER

/S/ TODD BOOK
TODD BOOK

/S/ TOM NIEHAUS
TOM NIEHAUS

/S/ LOUIS W. BLESSING, JR.
LOUIS W. BLESSING, JR.

Senator Niehaus moved that Senate Rule No. 44 be suspended and that the Report of the Committee of Conference on **Sub. H. B. No. 519** be brought up for consideration.

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

The motion was agreed to.

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

The yeas and nays were taken and resulted - yeas 20, nays 12, as follows:

Those who voted in the affirmative were: Senators

Buehrer	Carey	Cates	Faber
Fedor	Gibbs	Gillmor	Goodman
Grendell	Hughes	Jones	Niehaus
Patton	Schaffer	Schuring	Seitz
Stewart	Wagoner	Widener	Harris-20.

Those who voted in the negative were: Senators

Cafaro	Husted	Kearney	Miller D
Miller R	Morano	Sawyer	Schiavoni
Smith	Strahorn	Turner	Wilson-12.

So the report of Committee of Conference was agreed to.

Senator Niehaus submitted the following report:

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

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

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

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

Delete lines 630 through 864 and insert:

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

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

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

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

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

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

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

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

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

(2) A school district or building shall be declared effective if it ~~fulfills~~

~~one of the following requirements:~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

migrants;

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

The department may disaggregate data on student performance according to other categories that the department determines are appropriate. To the extent possible, the department shall disaggregate data on student performance according to any combinations of two or more of the categories listed in divisions (C)(3)(a) to (1) of this section that it deems relevant.

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

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

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

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

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

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

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

in the community school combined with comparable data from the schools of the district for the purpose of calculating the performance of the district as a whole on the district report card. Any district that so elects shall annually file a copy of the lease or agreement with the department.

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

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

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

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

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

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

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

In line 3290, delete "(A)"

Delete lines 3304 through 3312

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

In line 3421, delete "or"

In line 3422, delete "fiscal year 2011"

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

In line 3425, delete "possible thereafter,"

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

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

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

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

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

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

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

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

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

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

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

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

Between lines 3743 and 3744, insert:

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

Section 18. CAC CASINO CONTROL COMMISSION

State Special Revenue

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

Section 19. IGO OFFICE OF THE INSPECTOR GENERAL

State Special Revenue

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

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

Section 20. ETH ETHICS COMMISSION

State Special Revenue

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

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

Section 21. BOR BOARD OF REGENTS

State Special Revenue

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

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

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

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

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

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

/s/ VERNON SYKES
VERNON SYKES

/s/ GARY CATES
GARY CATES

/s/ JAY GOYAL
JAY GOYAL

/s/ DALE MILLER
DALE MILLER

/s/ RON AMSTUTZ
RON AMSTUTZ

Senator Niehaus moved that Senate Rule No. 44 be suspended and that the Report of the Committee of Conference on **Sub. S. B. No. 181** be brought up for consideration.

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

The motion was agreed to.

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

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

Those who voted in the affirmative were: Senators

Buehrer	Cafaro	Carey	Cates
Faber	Fedor	Gibbs	Gillmor
Goodman	Grendell	Hughes	Husted
Jones	Kearney	Miller D	Miller R
Morano	Niehaus	Patton	Sawyer
Schaffer	Schiavoni	Schuring	Seitz
Smith	Stewart	Strahorn	Turner
Wagoner	Widener	Wilson	Harris-32.

So the report of Committee of Conference was agreed to.

Message from the House of Representatives

Mr. President:

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

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

Cosponsors: Senators Goodman, Jones, Wagoner, Fedor, Harris, Miller, D., Miller, R., Morano, Turner, Wilson, Strahorn Representatives Bolon, Book, Bupp, Celeste, Domenick, Driehaus, Evans, Fende, Garland, Garrison, Gerberry, Harris, Harwood, Hite, Koziura, Letson, McClain, Murray, Newcomb, O'Farrell, Otterman, Ruhl, Szollosi, Walter, Williams, B., Yuko

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

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

After line 2935, insert:

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

In line 22 of the title, delete "and"

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

Attest:

Tom Sherman,
Clerk.

Senator Niehaus moved that Senate Rule No. 44 be suspended and that **Am. Sub. S. B. No. 232** be brought up for consideration.

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

The motion was agreed to.

The question being, "Shall the section, Section 3, setting forth the emergency features of the bill, stand as a part of the bill?"

The yeas and nays were taken and resulted - yeas 26, nays 6, as follows:

Those who voted in the affirmative were: Senators

Buehrer	Cafaro	Carey	Faber
Fedor	Gibbs	Goodman	Husted
Jones	Kearney	Miller D	Miller R
Morano	Niehaus	Patton	Sawyer
Schaffer	Schiavoni	Schuring	Stewart
Strahorn	Turner	Wagoner	Widener
Wilson			Harris-26.

Senators Cates, Gillmor, Grendell, Hughes, Seitz, and Smith voted in the negative-6.

So the section, Section 3, setting forth the emergency features of the bill stood as a part of the bill.

The question being, "Shall the Senate concur in the House amendments to **Am. Sub. S. B. No. 232**?"

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

Those who voted in the affirmative were: Senators

Buehrer	Cafaro	Carey	Fedor
Gibbs	Goodman	Husted	Jones
Kearney	Miller D	Miller R	Morano
Niehaus	Patton	Sawyer	Schaffer
Schiavoni	Schuring	Seitz	Smith
Stewart	Strahorn	Turner	Wagoner
Widener	Wilson		Harris-27.

Senators Cates, Faber, Gillmor, Grendell, and Hughes voted in the negative-5.

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

On the motion of Senator Niehaus, the Senate adjourned until Tuesday, June 8, 2010 at 11:00 o'clock a.m.

Attest:

VINCENT L. KEERAN,
Clerk.