

OHIO

House

of

Representatives

JOURNAL

THURSDAY, MARCH 10, 2011

TWENTY-FIFTH DAY
Hall of the House of Representatives, Columbus, Ohio
Thursday, March 10, 2011, 11:00 o'clock a.m.

The House met pursuant to adjournment.

Prayer was offered by Representative Todd McKenney-43rd district, followed by the Pledge of Allegiance to the Flag.

The journal of yesterday was read and approved.

INTRODUCTION OF BILLS

The following bills were introduced:

H. B. No. 148-Representatives Letson, Anielski.

Cosponsors: Representatives Antonio, Blessing, Carey, Combs, Derickson, Fedor, Fende, Garland, Gerberry, Grossman, Mallory, Milkovich, Murray, Ramos, Ruhl, Slaby, Slesnick, Stebelton, Yuko.

To enact section 5.2267 of the Revised Code to designate March as "Macular Degeneration Awareness Month."

H. B. No. 149-Representative Letson.

Cosponsors: Representatives Yuko, Hagan, R., Antonio.

To amend sections 3702.30 and 3702.31 and to enact sections 3702.40, 3727.60, and 3727.601 of the Revised Code regarding the assignment of circulating nurses in hospitals and ambulatory surgical facilities.

H. B. No. 150-Representatives Gardner, Sears.

To enact sections 306.322 and 306.55 of the Revised Code to create an additional procedure for subdivisions to join a regional transit authority that levies a property tax and that includes a county having a population of at least 400,000 and to allow a subdivision that is a member of such a regional transit authority to withdraw from the authority.

H. B. No. 151-Representatives McGregor, Carney.

To amend sections 3517.13, 3517.151, and 3517.992 and to enact sections 5501.70 to 5501.83 of the Revised Code to authorize the Department of Transportation to enter into public-private partnership agreements.

Said bills were considered the first time.

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

Representative Mallory submitted the following report:

The standing committee on Transportation, Public Safety and Homeland Security to which was referred **H. B. No. 65**-Representative Combs, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: MEMORIAL HIGHWAY

Representative Combs moved to amend the title as follows:

Add the name: "Ruhl."

COURTNEY COMBS
DALE MALLORY
ROBERT F. HAGAN
ROSS MCGREGOR
BILL PATMON
MARGARET RUHL

REX DAMSCHRODER
TIMOTHY J. DEGEETER
JEFFREY MCCLAIN
SEAN O'BRIEN
CLIFF ROSENBERGER

The report was agreed to.

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

Representative Phillips submitted the following report:

The standing committee on Rules and Reference to which was re-referred **Sub. S. B. No. 4**-Senator Schaffer, et al., having had the same under consideration, recommends its re-referral to the committee on Finance and Appropriations.

RE: PERFORMANCE AUDITING OF STATE AGENCIES

LOUIS W. BLESSING
ANDREW BRENNER
ANNE GONZALES
DEBBIE PHILLIPS
ARMOND BUDISH

JOHN ADAMS
CHERYL GROSSMAN
MATT SZOLLOSI
TRACY HEARD

The report was agreed to.

The bill was ordered to be engrossed and rereferred to the committee on Finance and Appropriations.

Representative Pillich submitted the following report:

The standing committee on Veterans Affairs to which was referred **S. C. R. No. 2**-Senator Widener, et al., having had the same under consideration, reports it back and recommends its adoption.

RE: TO SELECT WRIGHT PATTERSON AFB FOR SHUTTLE
DISPLAY

Representative Martin moved to amend the title as follows:

Add the names: "Representatives Martin, Pillich, Rosenberger, Landis, Butler, Hagan, C., Bulp, Young, Milkovich, Johnson."

JARROD MARTIN
 CONNIE PILLICH
 JIM BUTLER
 AL LANDIS
 CLIFF ROSENBERGER
 KENNY YUKO

TERRY JOHNSON
 DANNY R. BULP
 CHRISTINA HAGAN
 ZACK MILKOVICH
 RON YOUNG

The report was agreed to.

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

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

H.B. No. 141 - Representatives Goodwin and Boyd, et al
 TO MODIFY THE AUTHORITY OF CERTAIN ADVANCED PRACTICE NURSES TO PRESCRIBE SCHEDULE II CONTROLLED SUBSTANCES.
 To the committee on Health and Aging

H.B. No. 142 - Representative Lundy, et al
 TO CREATE "LISTENFIRST" PANELS, TO REPEAL SECTIONS 1, 2, AND 3 OF THIS ACT, AND TO DECLARE AN EMERGENCY.
 To the committee on State Government and Elections

H.B. No. 143 - Representatives Stinizziano and O'Brien, et al
 WITH REGARD TO HEAD INJURIES AND CONCUSSIONS IN YOUTH SPORTS.
 To the committee on Health and Aging

H.B. No. 144 - Representatives Dovilla and Baker, et al
 TO CREATE AN ONLINE SMALL BUSINESS RESOURCE CENTER ON THE DEPARTMENT OF DEVELOPMENT'S INTERNET WEB SITE.
 To the committee on Economic and Small Business Development

H.B. No. 145 - Representatives Weddington and Derickson, et al
 TO REVISE THE MEMBERSHIP, STAFFING, AND DUTIES OF THE OHIO COMMISSION ON FATHERHOOD.
 To the committee on State Government and Elections

H.B. No. 146 - Representative Weddington, et al
 TO PROHIBIT THE DIVISION OF LIQUOR CONTROL FROM ISSUING A RETAIL LIQUOR PERMIT OR ENTERING INTO AN AGENCY LIQUOR CONTRACT IF THE PERMIT LOCATION OR LIQUOR AGENCY STORE IS PROPOSED TO BE LOCATED WITHIN ONE

THOUSAND FEET FROM A SCHOOL, CHURCH, LIBRARY, PUBLIC PLAYGROUND, OR TOWNSHIP PARK.

To the committee on State Government and Elections

H.B. No. 147 - Representative Weddington, Derickson

TO REQUIRE THE REGISTRAR OF MOTOR VEHICLES TO DISQUALIFY THE HOLDER OF A COMMERCIAL DRIVER'S LICENSE FROM OPERATING A COMMERCIAL MOTOR VEHICLE UPON A MUNICIPAL OVI CONVICTION AND TO ELIMINATE THE WAIVER PROVISION FOR RESTRICTED COMMERCIAL DRIVER'S LICENSES FOR FARM-RELATED SERVICE INDUSTRIES.

To the committee on Transportation, Public Safety, and Homeland security

LOUIS W. BLESSING
ANDREW BRENNER
CHERYL GROSSMAN
TRACY HEARD
MATT SZOLLOSI

JOHN ADAMS
ANNE GONZALES
ARMOND BUDISH
DEBBIE PHILLIPS

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

The motion was agreed to without objection.

The report was agreed to.

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

MOTIONS AND RESOLUTIONS

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

H.R. No. 45 – Representative Ruhl

Honoring Ann's Raspberry Farm and Specialty Crops on receiving two 2011 Good Food Awards.

/s/ LOUIS BLESSING
Louis Blessing, Chair

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

The motion was agreed to.

Representative Adams, J. moved that majority party members asking leave to be absent or absent the week of Tuesday, March 8, 2011, be excused, so long as a written request is on file in the majority leadership offices.

The motion was agreed to.

Representative Heard moved that minority party members asking leave to be absent or absent the week of Tuesday, March 8, 2011, be excused, so long as a written request is on file in the minority leadership offices.

The motion was agreed to.

BILLS FOR THIRD CONSIDERATION

Sub. H. B. No. 114-Representative McGregor.
Cosponsors: Representatives Amstutz, Carey.

To amend sections 122.075, 125.11, 127.12, 164.04, 164.08, 4163.07, 4301.62, 4501.02, 4501.06, 4501.21, 4501.81, 4503.03, 4503.031, 4503.04, 4503.521, 4503.62, 4503.94, 4505.06, 4505.09, 4506.08, 4507.05, 4507.23, 4510.43, 4511.108, 4511.53, 4511.69, 4513.24, 4517.01, 4517.02, 4517.33, 4582.12, 4582.31, 4905.802, 5501.51, 5501.55, 5502.011, 5525.15, 5577.042, and 5751.01, to amend, for the purpose of adopting a new section number as shown in parentheses, section 4905.802 (4905.801), to enact sections 4503.037, 4517.16, 4517.17, 4517.171, 4517.18, and 4749.031, to repeal sections 4501.14 and 4905.801 of the Revised Code, and to amend Section 512.90 of Am. Sub. H.B. 1 of the 128th General Assembly, to make appropriations for programs related to transportation and public safety for the biennium beginning July 1, 2011 and ending June 30, 2013, and to provide authorization and conditions for the operation of those programs, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Lundy moved to amend as follows:

In line 22, after "4163.07," insert "4301.20,"

Between lines 658 and 659, insert:

"Sec. 4301.20. This chapter and Chapter 4303. of the Revised Code do not prevent the following:

(A) The storage of intoxicating liquor in bonded warehouses, established in accordance with the acts of congress and under the regulation of the United States, located in this state, or the transportation of intoxicating liquor to or from bonded warehouses of the United States wherever located;

(B) A bona fide resident of this state who is the owner of a warehouse receipt from obtaining or transporting to the resident's residence for the resident's own consumption and not for resale spirituous liquor stored in a government

bonded warehouse in this state or in another state prior to December 1933, subject to such terms as are prescribed by the division of liquor control;

(C) The manufacture of cider from fruit for the purpose of making vinegar, and nonintoxicating cider and fruit juices for use and sale;

(D) A licensed physician or dentist from administering or dispensing intoxicating liquor or alcohol to a patient in good faith in the actual course of the practice of the physician's or dentist's profession;

(E) The sale of alcohol to physicians, dentists, druggists, veterinary surgeons, manufacturers, hospitals, infirmaries, or medical or educational institutions using the alcohol for medicinal, mechanical, chemical, or scientific purposes;

(F) The sale, gift, or keeping for sale by druggists and others of any of the medicinal preparations manufactured in accordance with the formulas prescribed by the United States Pharmacopoeia and National Formulary, patent or proprietary preparations, and other bona fide medicinal and technical preparations, which contain no more alcohol than is necessary to hold the medicinal agents in solution and to preserve the same, which are manufactured and sold as medicine and not as beverages, are unfit for use for beverage purposes, and the sale of which does not require the payment of a United States liquor dealer's tax;

(G) The manufacture and sale of tinctures or of toilet, medicinal, and antiseptic preparations and solutions not intended for internal human use nor to be sold as beverages, and which are unfit for beverage purposes, if upon the outside of each bottle, box, or package of which there is printed in the English language, conspicuously and legibly, the quantity by volume of alcohol in the preparation or solution;

(H) The manufacture and keeping for sale of the food products known as flavoring extracts when manufactured and sold for cooking, culinary, or flavoring purposes, and which are unfit for use for beverage purposes;

(I) The lawful sale of wood alcohol or of ethyl alcohol for external use when combined with other substances as to make it unfit for internal use;

(J) The manufacture, sale, and transport of ethanol or ethyl alcohol for use as fuel. As used in this division, "ethanol" has the same meaning as in section 5733.46 of the Revised Code.

(K) The purchase and importation into this state or the purchase at wholesale from A or B permit holders in this state of beer and intoxicating liquor for use in manufacturing processes of nonbeverage food products under terms prescribed by the division, provided that the terms prescribed by the division shall not increase the cost of the beer or intoxicating liquor to any person, firm, or corporation purchasing and importing it into this state or purchasing it from an A or B permit holder for that use;

(L) Any resident of this state or any member of the armed forces of the United States, who has attained the age of twenty-one years, from bringing into this state, for personal use and not for resale, not more than one liter of spirituous liquor in any thirty-day period, and the same is free of any tax consent fee when the resident or member of the armed forces physically possesses and accompanies the spirituous liquor on returning from a foreign country, another state, or an insular possession of the United States;

(M) Persons, at least twenty-one years of age, who collect ceramic commemorative bottles containing spirituous liquor that have unbroken federal tax stamps on them from selling or trading the bottles to other collectors. The bottles shall originally have been purchased at retail from the division, legally imported under division (L) of this section, or legally imported pursuant to a supplier registration issued by the division. The sales shall be for the purpose of exchanging a ceramic commemorative bottle between private collectors and shall not be for the purpose of selling the spirituous liquor for personal consumption. The sale or exchange authorized by this division shall not occur on the premises of any permit holder, shall not be made in connection with the business of any permit holder, and shall not be made in connection with any mercantile business.

(N) The sale of beer or intoxicating liquor without a liquor permit at a private residence, not more than five times per calendar year at a residence address, at an event that has the following characteristics:

(1) The event is for a charitable, benevolent, or political purpose, but shall not include any event the proceeds of which are for the profit or gain of any individual;

(2) The event has in attendance not more than fifty people;

(3) The event shall be for a period not to exceed twelve hours;

(4) The sale of beer and intoxicating liquor at the event shall not take place between two-thirty a.m. and five-thirty a.m.;

(5) No person under twenty-one years of age shall purchase or consume beer or intoxicating liquor at the event and no beer or intoxicating liquor shall be sold to any person under twenty-one years of age at the event; and

(6) No person at the event shall sell or furnish beer or intoxicating liquor to an intoxicated person."

In line 4996, after "4163.07," insert "4301.20,"

In line 2 of the title, after "4163.07," insert "4301.20,"

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

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

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

The yeas and nays were taken and resulted - yeas 59, nays 36, as follows:

Those who voted in the affirmative were: Representatives

| | | | |
|-------------|-------------|-------------|----------------|
| Adams J. | Adams R. | Amstutz | Anielski |
| Baker | Balderson | Beck | Blair |
| Blessing | Boose | Brenner | Bubp |
| Buchy | Burke | Butler | Carey |
| Coley | Combs | Damschroder | Derickson |
| Dovilla | Duffey | Gardner | Gonzales |
| Goodwin | Hackett | Hagan, C. | Hall |
| Hayes | Henne | Hollington | Hottinger |
| Huffman | Johnson | Kozlowski | Landis |
| Martin | McClain | McGregor | McKenney |
| Mecklenborg | Newbold | Patmon | Peterson |
| Roegner | Rosenberger | Ruhl | Schuring |
| Sears | Slaby | Sprague | Stautberg |
| Stebelton | Thompson | Uecker | Wachtmann |
| Winburn | Young | | Batchelder-59. |

Those who voted in the negative were: Representatives

| | | | |
|-----------|------------|-----------|----------|
| Antonio | Ashford | Barnes | Budish |
| Carney | Celeste | Clyde | DeGeeter |
| Driehaus | Fedor | Fende | Foley |
| Garland | Gentile | Gerberry | Goyal |
| Hagan, R. | Heard | Letson | Luckie |
| Lundy | Mallory | Milkovich | Murray |
| O'Brien | Okey | Phillips | Pillich |
| Ramos | Reece | Stinziano | Sykes |
| Szollosi | Weddington | Williams | Yuko-36. |

The motion to amend was laid on the table.

The question recurring, "Shall the bill pass?"

Representative Foley moved to amend as follows:

In line 27, delete "5751.01" and insert "5751.20"

Delete lines 4404 through 4994 and insert:

"**Sec. 5751.20.** (A) As used in sections 5751.20 to 5751.22 of the Revised Code:

(1) "School district," "joint vocational school district," "local taxing unit," "recognized valuation," "fixed-rate levy," and "fixed-sum levy" have the same meanings as used in section 5727.84 of the Revised Code.

(2) "State education aid" for a school district means the following:

(a) For fiscal years prior to fiscal year 2010, the sum of state aid amounts computed for the district under division (A) of section 3317.022 of the Revised Code, including the amounts calculated under sections 3317.029 and 3317.0217 of the Revised Code; divisions (C)(1), (C)(4), (D), (E), and (F) of section 3317.022; divisions (B), (C), and (D) of section 3317.023; divisions (L) and (N) of section 3317.024; section 3317.0216; and any unit payments for gifted student

services paid under sections 3317.05, 3317.052, and 3317.053 of the Revised Code; except that, for fiscal years 2008 and 2009, the amount computed for the district under Section 269.20.80 of H.B. 119 of the 127th general assembly and as that section subsequently may be amended shall be substituted for the amount computed under division (D) of section 3317.022 of the Revised Code, and the amount computed under Section 269.30.80 of H.B. 119 of the 127th general assembly and as that section subsequently may be amended shall be included.

(b) For fiscal year 2010 and for each fiscal year thereafter, the sum of the amounts computed under sections 3306.052, 3306.12, 3306.13, 3306.19, 3306.191, and 3306.192 of the Revised Code.

(3) "State education aid" for a joint vocational school district means the following:

(a) For fiscal years prior to fiscal year 2010, the sum of the state aid computed for the district under division (N) of section 3317.024 and section 3317.16 of the Revised Code, except that, for fiscal years 2008 and 2009, the amount computed under Section 269.30.80 of H.B. 119 of the 127th general assembly and as that section subsequently may be amended shall be included.

(b) For fiscal years 2010 and 2011, the amount paid in accordance with the section of this act entitled "FUNDING FOR JOINT VOCATIONAL SCHOOL DISTRICTS."

(4) "State education aid offset" means the amount determined for each school district or joint vocational school district under division (A)(1) of section 5751.21 of the Revised Code.

(5) "Machinery and equipment property tax value loss" means the amount determined under division (C)(1) of this section.

(6) "Inventory property tax value loss" means the amount determined under division (C)(2) of this section.

(7) "Furniture and fixtures property tax value loss" means the amount determined under division (C)(3) of this section.

(8) "Machinery and equipment fixed-rate levy loss" means the amount determined under division (D)(1) of this section.

(9) "Inventory fixed-rate levy loss" means the amount determined under division (D)(2) of this section.

(10) "Furniture and fixtures fixed-rate levy loss" means the amount determined under division (D)(3) of this section.

(11) "Total fixed-rate levy loss" means the sum of the machinery and equipment fixed-rate levy loss, the inventory fixed-rate levy loss, the furniture and fixtures fixed-rate levy loss, and the telephone company fixed-rate levy loss.

(12) "Fixed-sum levy loss" means the amount determined under division (E) of this section.

(13) "Machinery and equipment" means personal property subject to the assessment rate specified in division (F) of section 5711.22 of the Revised Code.

(14) "Inventory" means personal property subject to the assessment rate specified in division (E) of section 5711.22 of the Revised Code.

(15) "Furniture and fixtures" means personal property subject to the assessment rate specified in division (G) of section 5711.22 of the Revised Code.

(16) "Qualifying levies" are levies in effect for tax year 2004 or applicable to tax year 2005 or approved at an election conducted before September 1, 2005. For the purpose of determining the rate of a qualifying levy authorized by section 5705.212 or 5705.213 of the Revised Code, the rate shall be the rate that would be in effect for tax year 2010.

(17) "Telephone property" means tangible personal property of a telephone, telegraph, or interexchange telecommunications company subject to an assessment rate specified in section 5727.111 of the Revised Code in tax year 2004.

(18) "Telephone property tax value loss" means the amount determined under division (C)(4) of this section.

(19) "Telephone property fixed-rate levy loss" means the amount determined under division (D)(4) of this section.

(B) The commercial activities tax receipts fund is hereby created in the state treasury and shall consist of money arising from the tax imposed under this chapter. Eighty-five one-hundredths of one per cent of the money credited to that fund shall be credited to the tax reform system implementation fund, which is hereby created in the state treasury, and shall be used to defray the costs incurred by the department of taxation in administering the tax imposed by this chapter and in implementing tax reform measures. An amount equal to the estimate made by the tax commissioner under division (J) of this section shall be credited from the commercial activities tax receipts fund to the highway operating fund created under section 5735.291 of the Revised Code. All money credited to the highway operating fund under this section shall be used for the purpose of funding, promoting, and developing public transportation. The remainder in the commercial activities tax receipts fund shall be credited for each fiscal year in the following percentages to the general revenue fund, to the school district tangible property tax replacement fund, which is hereby created in the state treasury for the purpose of making the payments described in section 5751.21 of the Revised Code, and to the local government tangible property tax replacement fund, which is hereby created in the state treasury for the purpose of making the payments described in section 5751.22 of the Revised Code, in the following percentages:

| Fiscal year | General Revenue Fund | School District Tangible Property Tax Replacement Fund | Local Government Tangible Property Tax Replacement Fund |
|-------------|----------------------|--|---|
| 2006 | 67.7% | 22.6% | 9.7% |
| 2007 | 0% | 70.0% | 30.0% |

| | | | |
|---------------------|-------|-------|-------|
| 2008 | 0% | 70.0% | 30.0% |
| 2009 | 0% | 70.0% | 30.0% |
| 2010 | 0% | 70.0% | 30.0% |
| 2011 | 0% | 70.0% | 30.0% |
| 2012 | 5.3% | 70.0% | 24.7% |
| 2013 | 10.6% | 70.0% | 19.4% |
| 2014 | 14.1% | 70.0% | 15.9% |
| 2015 | 17.6% | 70.0% | 12.4% |
| 2016 | 21.1% | 70.0% | 8.9% |
| 2017 | 24.6% | 70.0% | 5.4% |
| 2018 | 28.1% | 70.0% | 1.9% |
| 2019 and thereafter | 30% | 70% | 0% |

(C) Not later than September 15, 2005, the tax commissioner shall determine for each school district, joint vocational school district, and local taxing unit its machinery and equipment, inventory property, furniture and fixtures property, and telephone property tax value losses, which are the applicable amounts described in divisions (C)(1), (2), (3), and (4) of this section, except as provided in division (C)(5) of this section:

(1) Machinery and equipment property tax value loss is the taxable value of machinery and equipment property as reported by taxpayers for tax year 2004 multiplied by:

- (a) For tax year 2006, thirty-three and eight-tenths per cent;
- (b) For tax year 2007, sixty-one and three-tenths per cent;
- (c) For tax year 2008, eighty-three per cent;
- (d) For tax year 2009 and thereafter, one hundred per cent.

(2) Inventory property tax value loss is the taxable value of inventory property as reported by taxpayers for tax year 2004 multiplied by:

- (a) For tax year 2006, a fraction, the numerator of which is five and three-fourths and the denominator of which is twenty-three;
- (b) For tax year 2007, a fraction, the numerator of which is nine and one-half and the denominator of which is twenty-three;
- (c) For tax year 2008, a fraction, the numerator of which is thirteen and one-fourth and the denominator of which is twenty-three;
- (d) For tax year 2009 and thereafter a fraction, the numerator of which is seventeen and the denominator of which is twenty-three.

(3) Furniture and fixtures property tax value loss is the taxable value of furniture and fixture property as reported by taxpayers for tax year 2004 multiplied by:

- (a) For tax year 2006, twenty-five per cent;
- (b) For tax year 2007, fifty per cent;
- (c) For tax year 2008, seventy-five per cent;
- (d) For tax year 2009 and thereafter, one hundred per cent.

The taxable value of property reported by taxpayers used in divisions (C)(1), (2), and (3) of this section shall be such values as determined to be final by the tax commissioner as of August 31, 2005. Such determinations shall be final except for any correction of a clerical error that was made prior to August 31, 2005, by the tax commissioner.

(4) Telephone property tax value loss is the taxable value of telephone property as taxpayers would have reported that property for tax year 2004 if the assessment rate for all telephone property for that year were twenty-five per cent, multiplied by:

- (a) For tax year 2006, zero per cent;
- (b) For tax year 2007, zero per cent;
- (c) For tax year 2008, zero per cent;
- (d) For tax year 2009, sixty per cent;
- (e) For tax year 2010, eighty per cent;
- (f) For tax year 2011 and thereafter, one hundred per cent.

(5) Division (C)(5) of this section applies to any school district, joint vocational school district, or local taxing unit in a county in which is located a facility currently or formerly devoted to the enrichment or commercialization of uranium or uranium products, and for which the total taxable value of property listed on the general tax list of personal property for any tax year from tax year 2001 to tax year 2004 was fifty per cent or less of the taxable value of such property listed on the general tax list of personal property for the next preceding tax year.

In computing the fixed-rate levy losses under divisions (D)(1), (2), and (3) of this section for any school district, joint vocational school district, or local taxing unit to which division (C)(5) of this section applies, the taxable value of such property as listed on the general tax list of personal property for tax year 2000 shall be substituted for the taxable value of such property as reported by taxpayers for tax year 2004, in the taxing district containing the uranium facility, if the taxable value listed for tax year 2000 is greater than the taxable value reported by taxpayers for tax year 2004. For the purpose of making the computations under divisions (D)(1), (2), and (3) of this section, the tax year 2000 valuation is to be allocated to machinery and equipment, inventory, and furniture and fixtures property in the same proportions as the tax year 2004 values. For the purpose of the calculations in division (A) of section 5751.21 of the Revised Code, the tax year 2004 taxable values shall be used.

To facilitate the calculations required under division (C) of this section, the county auditor, upon request from the tax commissioner, shall provide by August 1, 2005, the values of machinery and equipment, inventory, and furniture and fixtures for all single-county personal property taxpayers for tax year 2004.

(D) Not later than September 15, 2005, the tax commissioner shall

determine for each tax year from 2006 through 2009 for each school district, joint vocational school district, and local taxing unit its machinery and equipment, inventory, and furniture and fixtures fixed-rate levy losses, and for each tax year from 2006 through 2011 its telephone property fixed-rate levy loss. Except as provided in division (F) of this section, such losses are the applicable amounts described in divisions (D)(1), (2), (3), and (4) of this section:

(1) The machinery and equipment fixed-rate levy loss is the machinery and equipment property tax value loss multiplied by the sum of the tax rates of fixed-rate qualifying levies.

(2) The inventory fixed-rate loss is the inventory property tax value loss multiplied by the sum of the tax rates of fixed-rate qualifying levies.

(3) The furniture and fixtures fixed-rate levy loss is the furniture and fixture property tax value loss multiplied by the sum of the tax rates of fixed-rate qualifying levies.

(4) The telephone property fixed-rate levy loss is the telephone property tax value loss multiplied by the sum of the tax rates of fixed-rate qualifying levies.

(E) Not later than September 15, 2005, the tax commissioner shall determine for each school district, joint vocational school district, and local taxing unit its fixed-sum levy loss. The fixed-sum levy loss is the amount obtained by subtracting the amount described in division (E)(2) of this section from the amount described in division (E)(1) of this section:

(1) The sum of the machinery and equipment property tax value loss, the inventory property tax value loss, and the furniture and fixtures property tax value loss, and, for 2008 through 2017, the telephone property tax value loss of the district or unit multiplied by the sum of the fixed-sum tax rates of qualifying levies. For 2006 through 2010, this computation shall include all qualifying levies remaining in effect for the current tax year and any school district levies imposed under section 5705.194 or 5705.213 of the Revised Code that are qualifying levies not remaining in effect for the current year. For 2011 through 2017 in the case of school district levies imposed under section 5705.194 or 5705.213 of the Revised Code and for all years after 2010 in the case of other fixed-sum levies, this computation shall include only qualifying levies remaining in effect for the current year. For purposes of this computation, a qualifying school district levy imposed under section 5705.194 or 5705.213 of the Revised Code remains in effect in a year after 2010 only if, for that year, the board of education levies a school district levy imposed under section 5705.194, 5705.199, 5705.213, or 5705.219 of the Revised Code for an annual sum at least equal to the annual sum levied by the board in tax year 2004 less the amount of the payment certified under this division for 2006.

(2) The total taxable value in tax year 2004 less the sum of the machinery and equipment, inventory, furniture and fixtures, and telephone property tax value losses in each school district, joint vocational school district, and local

taxing unit multiplied by one-half of one mill per dollar.

(3) For the calculations in divisions (E)(1) and (2) of this section, the tax value losses are those that would be calculated for tax year 2009 under divisions (C)(1), (2), and (3) of this section and for tax year 2011 under division (C)(4) of this section.

(4) To facilitate the calculation under divisions (D) and (E) of this section, not later than September 1, 2005, any school district, joint vocational school district, or local taxing unit that has a qualifying levy that was approved at an election conducted during 2005 before September 1, 2005, shall certify to the tax commissioner a copy of the county auditor's certificate of estimated property tax millage for such levy as required under division (B) of section 5705.03 of the Revised Code, which is the rate that shall be used in the calculations under such divisions.

If the amount determined under division (E) of this section for any school district, joint vocational school district, or local taxing unit is greater than zero, that amount shall equal the reimbursement to be paid pursuant to division (E) of section 5751.21 or division (A)(3) of section 5751.22 of the Revised Code, and the one-half of one mill that is subtracted under division (E)(2) of this section shall be apportioned among all contributing fixed-sum levies in the proportion that each levy bears to the sum of all fixed-sum levies within each school district, joint vocational school district, or local taxing unit.

(F) If a school district levies a tax under section 5705.219 of the Revised Code, the fixed-rate levy loss for qualifying levies, to the extent repealed under that section, shall equal the sum of the following amounts in lieu of the amounts computed for such levies under division (D) of this section:

(1) The sum of the rates of qualifying levies to the extent so repealed multiplied by the sum of the machinery and equipment, inventory, and furniture and fixtures tax value losses for 2009 as determined under that division;

(2) The sum of the rates of qualifying levies to the extent so repealed multiplied by the telephone property tax value loss for 2011 as determined under that division.

The fixed-rate levy losses for qualifying levies to the extent not repealed under section 5705.219 of the Revised Code shall be as determined under division (D) of this section. The revised fixed-rate levy losses determined under this division and division (D) of this section first apply in the year following the first year the district levies the tax under section 5705.219 of the Revised Code.

(G) Not later than October 1, 2005, the tax commissioner shall certify to the department of education for every school district and joint vocational school district the machinery and equipment, inventory, furniture and fixtures, and telephone property tax value losses determined under division (C) of this section, the machinery and equipment, inventory, furniture and fixtures, and telephone fixed-rate levy losses determined under division (D) of this section, and the

fixed-sum levy losses calculated under division (E) of this section. The calculations under divisions (D) and (E) of this section shall separately display the levy loss for each levy eligible for reimbursement.

(H) Not later than October 1, 2005, the tax commissioner shall certify the amount of the fixed-sum levy losses to the county auditor of each county in which a school district, joint vocational school district, or local taxing unit with a fixed-sum levy loss reimbursement has territory.

(I) Not later than the twenty-eighth day of February each year beginning in 2011 and ending in 2014, the tax commissioner shall certify to the department of education for each school district first levying a tax under section 5705.219 of the Revised Code in the preceding year the revised fixed-rate levy losses determined under divisions (D) and (F) of this section.

(J) Each fiscal year, the tax commissioner shall estimate the amount of revenue from the tax levied under this chapter in the preceding fiscal year that is attributable to taxable gross receipts realized by licensed motor fuel dealers or licensed permissive motor fuel dealers from the exchange of petroleum products, including motor fuel, between such dealers, where delivery of the petroleum products occurs at a refinery, terminal, pipeline, or marine vessel and the exchanging dealers have agreed that neither dealer shall require monetary compensation from the other for the value of the exchanged petroleum products other than such compensation for differences in product location or grade. The estimate shall exclude any such taxable gross receipts realized as a result of differences in location or grade of exchanged petroleum products or from handling, lubricity, dye, or other additive injections fees, pipeline security fees, or similar fees.

As used in this division, "motor fuel," "licensed motor fuel dealer," "licensed permissive motor fuel dealer," and "terminal" have the same meanings as in section 5735.01 of the Revised Code.

In line 5001, delete "5751.01" and insert "5751.20"

Between lines 5031a and 5032, insert: "7002 775659 Public Transportation \$7,500,000 \$7,500,000"

In line 5037, delete "\$2,615,077,108 \$2,651,918,393" and insert "\$2,622,577,108 \$2,659,418,393"

In line 5052, delete "\$2,700,572,908 \$2,845,014,193" and insert "\$2,708,072,908 \$2,852,514,193"

Between lines 5074 and 5075, insert:

"Section _____ . PUBLIC TRANSPORTATION

The foregoing appropriation item 775659, Public Transportation, shall be used to expend the proceeds of commercial activities tax receipts credited to the Highway Operating Fund (Fund 7002) for the purpose of funding, promoting, and developing public transportation in accordance with section 5751.20 of the

Revised Code."

Delete lines 5937 through 5941

In line 8 of the title, delete "5751.01" and insert "5751.20"

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

The yeas and nays were taken and resulted - yeas 38, nays 57, as follows:

Those who voted in the affirmative were: Representatives

| | | | |
|-----------|----------|------------|-----------|
| Antonio | Ashford | Barnes | Budish |
| Carney | Celeste | Clyde | DeGeeter |
| Driehaus | Fedor | Fende | Foley |
| Garland | Gentile | Gerberry | Goyal |
| Hagan, R. | Heard | Letson | Luckie |
| Lundy | Mallory | Milkovich | Murray |
| O'Brien | Okey | Patmon | Phillips |
| Pillich | Ramos | Reece | Stinziano |
| Sykes | Szollosi | Weddington | Williams |
| Winburn | | | Yuko-38. |

Those who voted in the negative were: Representatives

| | | | |
|-------------|-----------|-------------|----------------|
| Adams J. | Adams R. | Amstutz | Anielski |
| Baker | Balderson | Beck | Blair |
| Blessing | Boose | Brenner | Bubp |
| Buchy | Burke | Butler | Carey |
| Coley | Combs | Damschroder | Derickson |
| Dovilla | Duffey | Gardner | Gonzales |
| Goodwin | Hackett | Hagan, C. | Hall |
| Hayes | Henne | Hollington | Hottinger |
| Huffman | Johnson | Kozlowski | Landis |
| Martin | McClain | McGregor | McKenney |
| Mecklenborg | Newbold | Peterson | Roegner |
| Rosenberger | Ruhl | Schuring | Sears |
| Slaby | Sprague | Stautberg | Stebelton |
| Thompson | Uecker | Wachtmann | Young |
| | | | Batchelder-57. |

The motion to amend was not agreed to.

The question recurring, "Shall the bill pass?"

Representative Hagan, R. moved to amend as follows:

In line 26, delete "5501.55,"

Delete lines 4118 through 4188

In line 5000, delete "5501.55,"

In line 8 of the title, delete "5501.55,"

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

The yeas and nays were taken and resulted - yeas 37, nays 58, as follows:

Those who voted in the affirmative were: Representatives

| | | | |
|----------|------------|-----------|-----------|
| Antonio | Ashford | Barnes | Budish |
| Carney | Celeste | Clyde | DeGeeter |
| Driehaus | Fedor | Fende | Foley |
| Gentile | Gerberry | Goyal | Hagan, R. |
| Heard | Letson | Luckie | Lundy |
| Mallory | Milkovich | Murray | O'Brien |
| Okey | Patmon | Phillips | Pillich |
| Ramos | Reece | Stinziano | Sykes |
| Szollosi | Weddington | Williams | Winburn |
| | | | Yuko-37. |

Those who voted in the negative were: Representatives

| | | | |
|-----------|-------------|-------------|----------------|
| Adams J. | Adams R. | Amstutz | Anielski |
| Baker | Balderson | Beck | Blair |
| Blessing | Boose | Brenner | Bubp |
| Buchy | Burke | Butler | Carey |
| Coley | Combs | Damschroder | Derickson |
| Dovilla | Duffey | Gardner | Garland |
| Gonzales | Goodwin | Hackett | Hagan, C. |
| Hall | Hayes | Henne | Hollington |
| Hottinger | Huffman | Johnson | Kozlowski |
| Landis | Martin | McClain | McGregor |
| McKenney | Mecklenborg | Newbold | Peterson |
| Roegner | Rosenberger | Ruhl | Schuring |
| Sears | Slaby | Sprague | Stautberg |
| Stebelton | Thompson | Uecker | Wachtmann |
| Young | | | Batchelder-58. |

The motion to amend was not agreed to.

The question recurring, "Shall the bill pass?"

Representative Phillips moved to amend as follows:

In line 26, delete "5577.042,"

Delete lines 4309 through 4403

In line 5001, delete "5577.042,"

In line 8 of the title, delete "5577.042,"

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

The yeas and nays were taken and resulted - yeas 37, nays 58, as follows:

Those who voted in the affirmative were: Representatives

| | | | |
|----------|----------|--------|-----------|
| Antonio | Ashford | Barnes | Budish |
| Carney | Celeste | Clyde | DeGeeter |
| Driehaus | Fedor | Fende | Foley |
| Gentile | Gerberry | Goyal | Hagan, R. |
| Heard | Letson | Luckie | Lundy |

| | | | |
|----------|------------|-----------|----------|
| Mallory | Milkovich | Murray | O'Brien |
| Okey | Patmon | Phillips | Pillich |
| Ramos | Reece | Stinziano | Sykes |
| Szollosi | Weddington | Williams | Winburn |
| | | | Yuko-37. |

Those who voted in the negative were: Representatives

| | | | |
|-----------|-------------|-------------|----------------|
| Adams J. | Adams R. | Amstutz | Anielski |
| Baker | Balderson | Beck | Blair |
| Blessing | Boose | Brenner | Bubp |
| Buchy | Burke | Butler | Carey |
| Coley | Combs | Damschroder | Derickson |
| Dovilla | Duffey | Gardner | Garland |
| Gonzales | Goodwin | Hackett | Hagan, C. |
| Hall | Hayes | Henne | Hollington |
| Hottinger | Huffman | Johnson | Kozlowski |
| Landis | Martin | McClain | McGregor |
| McKenney | Mecklenborg | Newbold | Peterson |
| Roegner | Rosenberger | Ruhl | Schuring |
| Sears | Slaby | Sprague | Stautberg |
| Stebelton | Thompson | Uecker | Wachtmann |
| Young | | | Batchelder-58. |

The motion to amend was not agreed to.

The question recurring, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 95, nays 0, as follows:

Those who voted in the affirmative were: Representatives

| | | | |
|------------|-------------|-------------|----------------|
| Adams J. | Adams R. | Amstutz | Anielski |
| Antonio | Ashford | Baker | Balderson |
| Barnes | Beck | Blair | Blessing |
| Boose | Brenner | Bubp | Buchy |
| Budish | Burke | Butler | Carey |
| Carney | Celeste | Clyde | Coley |
| Combs | Damschroder | DeGeeter | Derickson |
| Dovilla | Driehaus | Duffey | Fedor |
| Fende | Foley | Gardner | Garland |
| Gentile | Gerberry | Gonzales | Goodwin |
| Goyal | Hackett | Hagan, C. | Hagan, R. |
| Hall | Hayes | Heard | Henne |
| Hollington | Hottinger | Huffman | Johnson |
| Kozlowski | Landis | Letson | Luckie |
| Lundy | Mallory | Martin | McClain |
| McGregor | McKenney | Mecklenborg | Milkovich |
| Murray | Newbold | O'Brien | Okey |
| Patmon | Peterson | Phillips | Pillich |
| Ramos | Reece | Roegner | Rosenberger |
| Ruhl | Schuring | Sears | Slaby |
| Sprague | Stautberg | Stebelton | Stinziano |
| Sykes | Szollosi | Thompson | Uecker |
| Wachtmann | Weddington | Williams | Winburn |
| Young | Yuko | | Batchelder-95. |

The bill passed.

Representative McGregor moved to amend the title as follows:

Add the names: "Adams, R., Anielski, Antonio, Ashford, Baker, Barnes, Beck, Blair, Blessing, Boose, Brenner, Bubb, Buchy, Carney, Celeste, Clyde, Combs, Derickson, Dovilla, Driehaus, Duffey, Fedor, Fende, Garland, Gentile, Gerberry, Gonzales, Goodwin, Goyal, Hackett, Hagan, C., Hall, Hayes, Heard, Henne, Hollington, Huffman, Johnson, Landis, Letson, Luckie, McClain, McKenney, Mecklenborg, Milkovich, Murray, Newbold, O'Brien, Patmon, Peterson, Phillips, Reece, Roegner, Rosenberger, Ruhl, Schuring, Sears, Slaby, Sprague, Stebelton, Stinziano, Sykes, Szollosi, Thompson, Uecker, Weddington, Williams, Winburn, Young, Yuko."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Message from the Senate

Mr. Speaker:

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

H. B. No. 29 -Representative Mecklenborg

Cosponsors: Representatives Combs, Blessing, Gardner, Huffman, Dovilla, Grossman, Young, Buchy, Hite, Adams, J., Stinziano, Gerberry, Patmon, Amstutz, Beck, Bubb, Carey, Derickson, Driehaus, Maag, Mallory, Milkovich, Slaby, Stautberg, Thompson, Uecker Senators Seitz, Wagoner, Kearney, Jones, Hughes, Patton, Bacon, Hite, Widener, Obhof, Oelslager, Daniels, Lehner, Niehaus

To amend section 1901.07 of the Revised Code to increase the number of signatures required on, and to revise the process for filing, a nominating petition for election as a judge of the Hamilton County Municipal Court and to declare an emergency.

Attest:

Vincent L. Keeran,
Clerk.

Message from the Senate

Mr. Speaker:

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

S. B. No. 73 -Senator Manning

Cosponsors: Senators Turner, Skindell, Tavares, Bacon, Beagle, Daniels, Gillmor, Hughes, Jones, Lehner, Niehaus, Oelslager, Wagoner, Wilson, Faber, LaRose, Patton, Widener, Hite, Obhof, Seitz, Cates

To amend section 4301.20 of the Revised Code to allow manufacturers of nonbeverage food products to purchase at wholesale beer and intoxicating liquor from A and B liquor permit holders.

S. B. No. 22 -Senator Schaffer

Cosponsors: Senators Sawyer, Seitz, Patton, Beagle, Gillmor, Stewart, Hite, Wilson, Brown, Schiavoni, Daniels, Faber, Jones, LaRose, Jordan, Manning, Wagoner, Obhof, Turner, Tavares, Oelslager, Widener, Smith, Lehner

To enact section 6111.60 of the Revised Code to require the Director of Environmental Protection to consider, to the extent allowable under the Federal Water Pollution Control Act, specified factors before issuing NPDES permits for sewerage systems, requiring and approving long-term control plans for wet weather discharges from sewerage systems, and enforcing provisions of that Act as applied to sewerage systems.

S. B. No. 9 -Senator Manning

Cosponsors: Senators Bacon, Beagle, Cates, Grendell, Jones, Jordan, Patton, Schaffer, Seitz, Wagoner, Lehner, Widener, Hite, Daniels

To amend sections 3306.01, 3321.01, and 3321.05 of the Revised Code and to repeal Section 265.70.70 of Am. Sub. H.B. 1 of the 128th General Assembly and Section 9 of Sub. H.B. 318 of the 128th General Assembly to eliminate the requirement that school districts offer all-day kindergarten and to allow public schools to continue charging tuition for all-day kindergarten.

Attest:

Vincent L. Keeran,
Clerk.

Said bills were considered the first time.

On motion of Representative Blessing, the House adjourned until Tuesday, March 15, 2011 at 11:00 o'clock a.m.

Attest:

LAURA P. CLEMENS,
Clerk.