

OHIO

SENATE

JOURNAL

WEDNESDAY, JUNE 8, 2011

SIXTIETH DAY
Senate Chamber, Columbus, Ohio
Wednesday, June 8, 2011, 1:30 p.m.

The Senate met pursuant to adjournment.

Prayer was offered by Reverend R. J. Leek, Presbyterian Church of Cadiz, Cadiz, 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 Niehaus reports for the Standing Committee on Rules and Reference, recommending that the following bill, standing in order for second consideration, be referred to committee as recommended:

S. B. No. 181-Senator Wagoner, et al.

To amend sections 127.16, 149.54, 317.08, 1506.30, 3714.03, and 5747.113, to enact sections 149.307, 149.308, and 4503.95, and to repeal sections 149.51 and 149.55 of the Revised Code to implement recommendations of the Ohio Legislative Commission on the Education and Preservation of State History.

To the Committee on Finance.

YES - 11: THOMAS E. NIEHAUS, KEITH L. FABER, JIMMY STEWART, SHANNON JONES, CHRIS WIDENER, MARK D. WAGONER, SCOTT OELSLAGER, JASON H. WILSON, EDNA BROWN, CAPRI S. CAFARO, SHIRLEY A. SMITH.

NO - 0.

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

The report of the committee was accepted.

Said bill was considered a second time and referred to committee as recommended.

REPORTS OF STANDING AND SELECT COMMITTEES

Senator Patton submitted the following report:

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

Co-Sponsors: Coley, Jordan, Wilson, Turner, Patton.

YES - 8: TOM PATTON, BILL COLEY, KRIS JORDAN, PEGGY B. LEHNER, JASON H. WILSON, JOSEPH SCHIAVONI, NINA TURNER, KAREN GILLMOR.

NO - 0.

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

The report of the committee was accepted.

Senator Patton submitted the following report:

The standing committee on Highways and Transportation, to which was referred **Sub. H. B. No. 128**-Representatives Carey, Peterson, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: Patton, Coley, Schiavoni, Turner, Wilson.

YES - 8: TOM PATTON, BILL COLEY, KAREN GILLMOR, KRIS JORDAN, PEGGY B. LEHNER, JOSEPH SCHIAVONI, NINA TURNER, JASON H. WILSON.

NO - 0.

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

The report of the committee was accepted.

Senator Widener submitted the following report:

The standing committee on Finance, to which was referred **Am. Sub. H. B. No. 153**-Representative Amstutz, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

YES - 9: CHRIS WIDENER, SCOTT OELSLAGER, DAVID T.

DANIELS, SHANNON JONES, KEITH L. FABER, TOM PATTON, KEVIN BACON, PEGGY B. LEHNER, JIMMY STEWART.

NO - 4: THOMAS SAWYER, SHIRLEY A. SMITH, ERIC H. KEARNEY, MICHAEL J. SKINDELL.

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

The report of the committee was accepted.

BILLS FOR THIRD CONSIDERATION

Sub. H. B. No. 65-Representative Combs.

Cosponsors: Representatives O'Brien, Boose, Blessing, Maag, Bubp, Grossman, Carey, Derickson, Pillich, Dovilla, Beck, Fende, Yuko, Coley, Ruhl, Adams, J., Adams, R., Amstutz, Anielski, Antonio, Ashford, Baker, Balderson, Barnes, Blair, Brenner, Buchy, Budish, Butler, Carney, Celeste, DeGeeter, Driehaus, Fedor, Foley, Gardner, Garland, Gerberry, Gonzales, Goodwin, Goyal, Hackett, Hagan, C., Hagan, R., Hall, Hayes, Heard, Henne, Hottinger, Huffman, Johnson, Landis, Letson, Luckie, Lundy, Mallory, Martin, McClain, McGregor, McKenney, Milkovich, Newbold, Okey, Patmon, Peterson, Phillips, Reece, Roegner, Rosenberger, Sears, Slaby, Slesnick, Stautberg, Stinziano, Sykes, Szollosi, Thompson, Uecker, Wachtmann, Weddington, Winburn, Young, Speaker Batchelder. Senators Coley, Jordan, Wilson, Turner, Patton.

To amend sections 4501.21 and 5533.372 and to enact sections 4503.713, 5533.102, 5533.103, 5533.252, 5533.253, 5533.341, 5533.353, 5533.355, 5533.373, 5533.374, 5533.375, 5533.376, 5533.541, 5533.591, 5533.602, 5533.603, 5533.636, 5533.637, 5533.638, 5533.639, 5533.687, 5533.732, 5533.763, 5533.764, 5533.765, 5533.766, 5533.791, 5533.932, 5533.941, and 5533.97 of the Revised Code to designate various memorial highways and bridges and to create "Honor Our Fallen" license plates, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 65**, pass?"

On the motion of Senator Faber, **Sub. H. B. No. 65** was informally passed and retained its place on the calendar.

Sub. H. B. No. 128-Representatives Carey, Peterson.

Cosponsors: Representatives Balderson, Combs, Kozlowski, Slaby, Hollington, Maag, Antonio, Boose, Grossman, Derickson, Amstutz, DeGeeter, Ruhl, Anielski, Baker, Barnes, Beck, Blair, Blessing, Bubp, Butler, Carney, Clyde, Fedor, Fende, Gardner, Garland, Gentile, Gerberry, Gonzales, Goyal, Hackett, Hagan, C., Hall, Hottinger, Johnson, Letson, Luckie, Lundy, Mallory,

McClain, Mecklenborg, Milkovich, Newbold, O'Brien, Patmon, Phillips, Roegner, Rosenberger, Sears, Sprague, Stebelton, Stinziano, Thompson, Uecker, Wachtmann, Weddington, Williams, Winburn, Young, Speaker Batchelder. Senators Patton, Coley, Schiavoni, Turner, Wilson.

To amend sections 505.44, 505.84, 3743.75, 4765.07, 4765.43, and 4766.03, to enact sections 505.441 and 4765.011, and to repeal section 4765.431 of the Revised Code to revise the requirements for staffing ambulances and the priorities for distributing grants for emergency medical services, and to specify additional titles to be used by emergency medical service personnel; and extends until December 15, 2015, a moratorium on issuing fireworks manufacturer and wholesaler licenses, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 128**, pass?"

The yeas and nays were taken and resulted - yeas 33, nays 0, as follows:

Those who voted in the affirmative were: Senators

Bacon	Beagle	Brown	Cafaro
Coley	Daniels	Faber	Gillmor
Grendell	Hite	Hughes	Jones
Jordan	Kearney	LaRose	Lehner
Manning	Obhof	Oelslager	Patton
Sawyer	Schaffer	Schiavoni	Seitz
Skindell	Smith	Stewart	Tavares
Turner	Wagoner	Widener	Wilson
			Niehaus-33.

So the bill passed.

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

Senator Patton moved to amend the title as follows:

Add the names: "Bacon, Daniels, Hite, Hughes, LaRose, Manning, Obhof, Sawyer, Schaffer, Stewart, Tavares."

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

The motion was agreed to and the title so amended.

On the motion of Senator Faber, **Sub. H. B. No. 65**, having been informally passed, was brought up for consideration.

The question being, "Shall the bill, **Sub. H. B. No. 65**, pass?"

Senator Oelslager moved to amend as follows:

In line 16, after "5533.766," insert "5533.767,"

Between lines 521 and 522, insert:

" **Sec. 5533.767.** That portion of the road known as United States route number thirty, commencing at the boundary between Canton and Osnaburg townships and proceeding in an easterly direction to the boundary between Osnaburg township and the municipal corporation of East Canton within Stark county only, shall be known as the "Staff Sgt. Kevin J. Kessler Memorial Highway."

The director of transportation may erect suitable markers along the highway indicating its name. "

In line 7 of the title, after "5533.766," insert "5533.767,"

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

The motion was agreed to.

The question recurred, "Shall the bill, **Sub. H. B. No. 65**, pass?"

The yeas and nays were taken and resulted - yeas 33, nays 0, as follows:

Those who voted in the affirmative were: Senators

Bacon	Beagle	Brown	Cafaro
Coley	Daniels	Faber	Gillmor
Grendell	Hite	Hughes	Jones
Jordan	Kearney	LaRose	Lehner
Manning	Obhof	Oelslager	Patton
Sawyer	Schaffer	Schiavoni	Seitz
Skindell	Smith	Stewart	Tavares
Turner	Wagoner	Widener	Wilson
			Niehaus-33.

So the bill passed.

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

Senator Patton moved to amend the title as follows:

Add the names: "Bacon, Beagle, Brown, Cafaro, Daniels, Faber, Gillmor, Grendell, Hite, Hughes, Jones, Kearney, LaRose, Lehner, Manning, Niehaus, Obhof, Oelslager, Sawyer, Schaffer, Schiavoni, Seitz, Skindell, Smith, Stewart, Tavares, Wagoner, Widener."

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

The motion was agreed to and the title so amended.

Sub. H. B. No. 153-Representative Amstutz.

Cosponsors: Representatives Adams, J., Beck, Blair, Blessing, Boose, Buchy,

Burke, Combs, Dovilla, Duffey, Grossman, Hackett, Hall, Hollington, Maag, McClain, Newbold, Rosenberger, Ruhl, Slaby, Sprague, Stebelton, Uecker, Speaker Batchelder.

To amend sections 7.10, 7.11, 7.12, 9.03, 9.06, 9.231, 9.24, 9.33, 9.331, 9.332, 9.333, 9.82, 9.823, 9.833, 9.90, 9.901, 101.532, 101.82, 102.02, 105.41, 107.09, 109.36, 109.43, 109.57, 109.572, 109.64, 109.71, 109.801, 111.12, 111.16, 111.18, 117.101, 117.13, 118.023, 118.04, 118.05, 118.06, 118.12, 118.17, 118.99, 119.032, 120.40, 121.03, 121.04, 121.22, 121.37, 121.40, 121.401, 121.402, 121.403, 121.404, 122.121, 122.171, 122.76, 123.01, 123.011, 123.10, 124.09, 124.11, 124.14, 124.141, 124.15, 124.23, 124.231, 124.24, 124.25, 124.26, 124.27, 124.31, 124.34, 124.393, 124.85, 125.021, 125.15, 125.18, 125.28, 125.89, 126.021, 126.12, 126.21, 126.24, 126.45, 126.46, 126.50, 126.503, 127.14, 127.16, 127.162, 131.02, 131.23, 131.44, 131.51, 133.01, 133.06, 133.18, 133.20, 133.55, 135.05, 135.61, 135.65, 135.66, 135.80, 145.27, 145.56, 149.01, 149.091, 149.11, 149.311, 149.351, 149.38, 149.39, 149.41, 149.411, 149.412, 149.42, 149.43, 153.01, 153.012, 153.02, 153.03, 153.07, 153.08, 153.50, 153.51, 153.52, 153.54, 153.56, 153.581, 153.65, 153.66, 153.67, 153.69, 153.70, 153.71, 153.80, 154.02, 154.07, 154.11, 166.02, 173.14, 173.21, 173.26, 173.35, 173.351, 173.36, 173.391, 173.40, 173.401, 173.403, 173.404, 173.42, 173.45, 173.46, 173.47, 173.48, 173.501, 183.30, 183.51, 185.01, 185.03, 185.06, 185.10, 187.01, 187.02, 187.03, 187.09, 301.02, 301.15, 301.28, 305.171, 306.35, 306.43, 306.70, 307.022, 307.041, 307.10, 307.12, 307.676, 307.70, 307.79, 307.791, 307.80, 307.801, 307.802, 307.803, 307.806, 307.81, 307.82, 307.83, 307.84, 307.842, 307.843, 307.846, 307.86, 308.13, 309.09, 311.29, 311.31, 317.20, 319.11, 319.301, 319.54, 321.18, 321.261, 322.02, 322.021, 323.08, 323.73, 323.75, 324.02, 324.021, 325.20, 340.02, 340.03, 340.033, 340.05, 340.091, 340.11, 341.192, 343.08, 345.03, 349.03, 501.07, 503.05, 503.162, 503.41, 504.02, 504.03, 504.12, 504.16, 504.21, 505.101, 505.105, 505.106, 505.107, 505.108, 505.109, 505.17, 505.172, 505.24, 505.264, 505.267, 505.28, 505.373, 505.43, 505.48, 505.481, 505.49, 505.491, 505.492, 505.493, 505.494, 505.495, 505.50, 505.51, 505.511, 505.52, 505.53, 505.54, 505.541, 505.55, 505.60, 505.601, 505.603, 505.61, 505.67, 505.73, 507.09, 509.15, 511.01, 511.12, 511.23, 511.235, 511.236, 511.25, 511.28, 511.34, 513.14, 515.01, 515.04, 515.07, 517.06, 517.12, 517.22, 521.03, 521.05, 705.16, 709.43, 709.44, 711.35, 715.011, 715.47, 718.01, 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, 731.14, 731.141, 731.20, 731.21, 731.211, 731.22, 731.23, 731.24, 731.25, 735.05, 735.20, 737.04, 737.041, 737.32, 737.40, 742.41, 745.07, 747.05, 747.11, 747.12, 755.16, 755.29, 755.41, 755.42, 755.43, 759.47, 901.09, 924.52, 927.69, 951.11, 955.011, 955.012, 1309.528, 1327.46, 1327.50, 1327.51, 1327.511, 1327.54, 1327.57, 1327.62, 1327.99, 1329.04, 1329.42, 1332.24, 1345.73, 1347.08, 1501.022, 1501.40, 1503.05, 1503.141, 1505.01, 1505.04, 1505.06, 1505.09, 1505.11, 1505.99, 1506.21, 1509.01, 1509.02, 1509.021, 1509.03, 1509.04, 1509.041, 1509.05, 1509.06, 1509.061, 1509.062, 1509.07, 1509.071, 1509.072, 1509.073, 1509.08,

1509.09, 1509.10, 1509.11, 1509.12, 1509.13, 1509.14, 1509.15, 1509.17,
1509.181, 1509.19, 1509.21, 1509.22, 1509.221, 1509.222, 1509.223,
1509.224, 1509.225, 1509.226, 1509.23, 1509.24, 1509.25, 1509.26, 1509.27,
1509.28, 1509.29, 1509.31, 1509.32, 1509.33, 1509.34, 1509.36, 1509.38,
1509.40, 1509.50, 1510.01, 1510.08, 1515.08, 1515.14, 1515.24, 1517.02,
1517.03, 1531.04, 1533.10, 1533.11, 1533.111, 1533.32, 1533.731, 1533.83,
1541.05, 1545.071, 1545.09, 1545.12, 1545.131, 1545.132, 1547.30,
1547.301, 1547.302, 1547.303, 1547.304, 1551.311, 1551.32, 1551.33,
1551.35, 1555.02, 1555.03, 1555.04, 1555.05, 1555.06, 1555.08, 1555.17,
1561.06, 1561.12, 1561.13, 1561.35, 1561.49, 1563.06, 1563.24, 1563.28,
1571.01, 1571.02, 1571.03, 1571.04, 1571.05, 1571.06, 1571.08, 1571.09,
1571.10, 1571.11, 1571.14, 1571.16, 1571.18, 1571.99, 1701.07, 1702.59,
1703.031, 1703.07, 1707.11, 1707.17, 1711.05, 1711.07, 1711.18, 1711.30,
1728.06, 1728.07, 1751.01, 1751.04, 1751.11, 1751.111, 1751.12, 1751.13,
1751.15, 1751.17, 1751.20, 1751.31, 1751.34, 1751.60, 1761.04, 1776.83,
1785.06, 1901.02, 1901.06, 1901.18, 1901.261, 1901.262, 1901.41, 1905.01,
1907.13, 1907.261, 1907.262, 1907.53, 1909.11, 1923.01, 1923.02, 1923.061,
1923.15, 2105.09, 2151.011, 2151.3515, 2151.412, 2151.421, 2151.424,
2151.541, 2152.72, 2301.01, 2301.031, 2303.201, 2305.01, 2305.232,
2317.02, 2317.422, 2329.26, 2335.05, 2335.06, 2501.02, 2503.01, 2744.05,
2901.01, 2903.33, 2907.15, 2915.01, 2917.40, 2919.271, 2921.41, 2925.03,
2929.71, 2935.01, 2935.03, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401,
2945.402, 2949.14, 2953.08, 2981.11, 2981.13, 3109.16, 3111.04, 3113.06,
3119.54, 3121.48, 3123.44, 3123.45, 3123.55, 3123.56, 3123.58, 3123.59,
3123.63, 3301.07, 3301.071, 3301.079, 3301.0710, 3301.0711, 3301.0712,
3301.0714, 3301.16, 3301.162, 3301.70, 3302.02, 3302.031, 3302.05,
3302.07, 3304.181, 3304.182, 3305.08, 3306.12, 3307.20, 3307.31, 3307.41,
3307.64, 3309.22, 3309.41, 3309.48, 3309.51, 3309.66, 3310.02, 3310.03,
3310.05, 3310.08, 3310.41, 3311.05, 3311.054, 3311.056, 3311.06, 3311.19,
3311.21, 3311.213, 3311.214, 3311.29, 3311.50, 3311.52, 3311.53, 3311.73,
3311.76, 3313.29, 3313.372, 3313.41, 3313.46, 3313.482, 3313.533, 3313.55,
3313.603, 3313.61, 3313.611, 3313.612, 3313.614, 3313.64, 3313.642,
3313.6410, 3313.65, 3313.75, 3313.816, 3313.842, 3313.843, 3313.845,
3313.911, 3313.97, 3313.975, 3313.976, 3313.978, 3313.979, 3313.981,
3314.012, 3314.015, 3314.02, 3314.021, 3314.023, 3314.03, 3314.05,
3314.051, 3314.07, 3314.08, 3314.087, 3314.088, 3314.091, 3314.10,
3314.13, 3314.19, 3314.22, 3314.35, 3314.36, 3315.01, 3316.041, 3316.06,
3316.08, 3316.20, 3317.01, 3317.013, 3317.014, 3317.018, 3317.02,
3317.021, 3317.022, 3317.023, 3317.024, 3317.025, 3317.0210, 3317.0211,
3317.03, 3317.031, 3317.05, 3317.051, 3317.053, 3317.06, 3317.061,
3317.07, 3317.08, 3317.081, 3317.082, 3317.09, 3317.11, 3317.12, 3317.16,
3317.18, 3317.19, 3317.20, 3317.201, 3318.011, 3318.032, 3318.034,
3318.05, 3318.051, 3318.08, 3318.12, 3318.31, 3318.36, 3318.37, 3318.38,
3318.41, 3318.44, 3319.081, 3319.17, 3319.19, 3319.227, 3319.26, 3319.31,
3319.311, 3319.39, 3319.57, 3319.71, 3323.09, 3323.091, 3323.14, 3323.142,
3323.31, 3324.05, 3325.08, 3326.11, 3326.33, 3326.39, 3327.02, 3327.04,

3327.05, 3329.08, 3331.01, 3333.03, 3333.043, 3333.31, 3333.38, 3333.66, 3333.81, 3333.82, 3333.83, 3333.84, 3333.85, 3333.87, 3333.90, 3334.19, 3345.061, 3345.14, 3345.32, 3349.29, 3353.04, 3354.12, 3354.16, 3355.09, 3357.16, 3365.01, 3365.08, 3375.41, 3381.11, 3501.03, 3501.17, 3505.13, 3506.05, 3701.021, 3701.023, 3701.07, 3701.61, 3701.74, 3701.83, 3702.59, 3704.06, 3704.14, 3705.24, 3709.085, 3709.09, 3709.092, 3709.21, 3717.01, 3717.53, 3719.141, 3719.41, 3721.01, 3721.011, 3721.02, 3721.031, 3721.04, 3721.50, 3721.51, 3721.561, 3721.58, 3721.99, 3722.01, 3722.011, 3722.02, 3722.021, 3722.022, 3722.04, 3722.041, 3722.05, 3722.06, 3722.07, 3722.08, 3722.09, 3722.10, 3722.11, 3722.12, 3722.13, 3722.14, 3722.15, 3722.151, 3722.16, 3722.17, 3722.18, 3729.01, 3733.02, 3733.021, 3733.022, 3733.024, 3733.025, 3733.03, 3733.04, 3733.05, 3733.06, 3733.08, 3733.09, 3733.091, 3733.10, 3733.101, 3733.11, 3733.12, 3733.121, 3733.122, 3733.123, 3733.13, 3733.14, 3733.15, 3733.17, 3733.18, 3733.19, 3733.20, 3733.21, 3733.41, 3734.02, 3734.05, 3734.06, 3734.18, 3734.19, 3734.20, 3734.21, 3734.22, 3734.23, 3734.24, 3734.25, 3734.26, 3734.27, 3734.28, 3734.282, 3734.57, 3734.85, 3734.901, 3735.36, 3735.66, 3737.73, 3737.83, 3737.841, 3737.87, 3737.88, 3743.06, 3743.19, 3743.52, 3743.53, 3743.54, 3745.015, 3745.11, 3746.02, 3750.081, 3767.32, 3769.08, 3769.20, 3769.26, 3770.05, 3772.032, 3772.062, 3781.06, 3781.183, 3791.043, 3793.04, 3793.06, 3793.21, 3901.3814, 3903.01, 3923.28, 3923.281, 3923.30, 3924.10, 3937.41, 3963.01, 3963.11, 4113.11, 4113.61, 4115.03, 4115.033, 4115.034, 4115.04, 4115.05, 4115.10, 4115.101, 4115.13, 4115.16, 4116.01, 4117.01, 4117.03, 4121.03, 4121.12, 4121.121, 4121.125, 4121.128, 4121.44, 4123.27, 4123.341, 4123.342, 4123.35, 4131.03, 4131.031, 4141.08, 4141.11, 4141.33, 4301.01, 4301.12, 4301.17, 4301.43, 4301.62, 4301.80, 4301.81, 4303.02, 4503.03, 4503.06, 4503.061, 4503.062, 4503.235, 4503.70, 4503.93, 4504.02, 4504.021, 4504.15, 4504.16, 4504.18, 4505.181, 4506.071, 4507.111, 4507.164, 4507.1612, 4507.45, 4509.101, 4509.81, 4510.10, 4510.22, 4510.72, 4511.191, 4511.193, 4513.39, 4513.60, 4513.61, 4513.62, 4513.63, 4513.64, 4513.66, 4517.01, 4517.02, 4517.04, 4517.09, 4517.10, 4517.12, 4517.13, 4517.14, 4517.23, 4517.24, 4517.44, 4549.17, 4561.21, 4582.12, 4582.31, 4585.10, 4705.021, 4725.34, 4725.48, 4725.50, 4725.52, 4725.57, 4729.52, 4731.65, 4731.71, 4733.15, 4733.151, 4735.01, 4735.02, 4735.03, 4735.05, 4735.052, 4735.06, 4735.07, 4735.09, 4735.10, 4735.13, 4735.14, 4735.141, 4735.142, 4735.15, 4735.16, 4735.17, 4735.18, 4735.181, 4735.182, 4735.19, 4735.20, 4735.21, 4735.211, 4735.32, 4735.55, 4735.58, 4735.59, 4735.62, 4735.68, 4735.71, 4735.74, 4736.12, 4740.14, 4743.05, 4757.31, 4776.01, 4781.01, 4781.02, 4781.04, 4781.07, 4781.09, 4781.14, 4781.15, 4781.99, 4905.90, 4906.01, 4911.02, 4927.17, 4928.01, 4928.20, 4929.26, 4929.27, 4931.40, 4931.51, 4931.52, 4931.53, 5101.16, 5101.181, 5101.182, 5101.183, 5101.244, 5101.26, 5101.27, 5101.271, 5101.272, 5101.28, 5101.30, 5101.342, 5101.35, 5101.37, 5101.46, 5101.47, 5101.50, 5101.571, 5101.573, 5101.58, 5101.60, 5101.61, 5101.98, 5104.01, 5104.011, 5104.012, 5104.013, 5104.03, 5104.04, 5104.05, 5104.13, 5104.30, 5104.32, 5104.34, 5104.341, 5104.35, 5104.37, 5104.38, 5104.39, 5104.42, 5104.43,

5104.99, 5111.012, 5111.013, 5111.0112, 5111.021, 5111.023, 5111.025, 5111.031, 5111.06, 5111.113, 5111.13, 5111.151, 5111.16, 5111.17, 5111.172, 5111.20, 5111.21, 5111.211, 5111.22, 5111.221, 5111.222, 5111.23, 5111.231, 5111.232, 5111.235, 5111.24, 5111.241, 5111.244, 5111.25, 5111.251, 5111.254, 5111.255, 5111.258, 5111.262, 5111.27, 5111.28, 5111.29, 5111.291, 5111.33, 5111.35, 5111.52, 5111.65, 5111.66, 5111.67, 5111.671, 5111.672, 5111.68, 5111.681, 5111.687, 5111.689, 5111.85, 5111.871, 5111.872, 5111.873, 5111.874, 5111.877, 5111.88, 5111.89, 5111.891, 5111.894, 5111.911, 5111.912, 5111.913, 5111.94, 5111.941, 5111.97, 5112.30, 5112.31, 5112.37, 5112.371, 5112.39, 5112.40, 5112.41, 5112.46, 5112.99, 5119.01, 5119.02, 5119.06, 5119.16, 5119.18, 5119.22, 5119.61, 5119.611, 5119.613, 5119.62, 5119.621, 5119.99, 5120.105, 5120.135, 5120.17, 5120.22, 5120.28, 5120.29, 5122.01, 5122.15, 5122.21, 5122.31, 5123.01, 5123.0412, 5123.0413, 5123.0417, 5123.051, 5123.171, 5123.18, 5123.19, 5123.191, 5123.194, 5123.352, 5123.45, 5123.60, 5126.01, 5126.029, 5126.04, 5126.042, 5126.05, 5126.054, 5126.0510, 5126.0511, 5126.0512, 5126.08, 5126.11, 5126.12, 5126.24, 5126.41, 5126.42, 5139.11, 5139.43, 5310.35, 5321.01, 5501.44, 5501.73, 5502.52, 5502.522, 5502.61, 5502.68, 5505.04, 5505.22, 5525.04, 5540.03, 5540.031, 5540.05, 5543.10, 5549.21, 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, 5577.042, 5577.043, 5591.15, 5593.08, 5701.13, 5703.05, 5703.37, 5703.58, 5705.01, 5705.14, 5705.16, 5705.19, 5705.191, 5705.194, 5705.196, 5705.21, 5705.211, 5705.214, 5705.218, 5705.25, 5705.251, 5705.261, 5705.29, 5705.314, 5705.392, 5705.412, 5705.71, 5707.031, 5709.07, 5709.40, 5709.41, 5709.42, 5709.62, 5709.63, 5709.632, 5709.73, 5709.78, 5713.01, 5715.17, 5715.23, 5715.26, 5719.04, 5721.01, 5721.03, 5721.04, 5721.18, 5721.19, 5721.30, 5721.31, 5721.32, 5721.37, 5721.38, 5721.42, 5722.13, 5723.05, 5723.18, 5725.151, 5725.24, 5725.98, 5727.57, 5727.75, 5727.84, 5727.85, 5727.86, 5729.98, 5731.02, 5731.19, 5731.21, 5731.39, 5733.0610, 5733.23, 5733.351, 5739.01, 5739.02, 5739.021, 5739.022, 5739.026, 5739.07, 5739.101, 5739.19, 5739.30, 5747.01, 5747.058, 5747.113, 5747.451, 5747.46, 5747.51, 5747.53, 5748.01, 5748.02, 5748.021, 5748.04, 5748.05, 5748.08, 5748.081, 5751.01, 5751.011, 5751.20, 5751.21, 5751.22, 5751.23, 5751.50, 5753.01, 5901.02, 6101.16, 6103.04, 6103.05, 6103.06, 6103.081, 6103.31, 6105.131, 6109.21, 6111.038, 6111.044, 6111.46, 6115.01, 6115.20, 6117.05, 6117.06, 6117.07, 6117.251, 6117.49, 6119.10, 6119.18, 6119.22, 6119.25, and 6119.58; to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 124.85 (9.04), 173.35 (5119.69), 173.351 (5119.691), 173.36 (5119.692), 505.481 (505.482), 505.482 (505.481), 3306.12 (3317.0212), 3314.20 (3313.473), 3721.561 (3721.56), 3722.01 (5119.70), 3722.011 (5119.701), 3722.02 (5119.71), 3722.021 (5119.711), 3722.022 (5119.712), 3722.03 (5119.72), 3722.04 (5119.73), 3722.041 (5119.731), 3722.05 (5119.74), 3722.06 (5119.75), 3722.07 (5119.76), 3722.08 (5119.77), 3722.09 (5119.78), 3722.10 (5119.79), 3722.11 (5119.80),

3722.12 (5119.81), 3722.13 (5119.82), 3722.14 (5119.83), 3722.15 (5119.84), 3722.151 (5119.85), 3722.16 (5119.86), 3722.17 (5119.87), 3722.18 (5119.88), 3733.02 (4781.26), 3733.021 (4781.31), 3733.022 (4781.32), 3733.024 (4781.33), 3733.025 (4781.34), 3733.03 (4781.27), 3733.04 (4781.28), 3733.05 (4781.29), 3733.06 (4781.30), 3733.08 (4781.35), 3733.09 (4781.36), 3733.091 (4781.37), 3733.10 (4781.38), 3733.101 (4781.39), 3733.11 (4781.40), 3733.12 (4781.41), 3733.121 (4781.42), 3733.122 (4781.43), 3733.123 (4781.44), 3733.13 (4781.45), 3733.14 (4781.46), 3733.15 (4781.47), 3733.16 (4781.48), 3733.17 (4781.49), 3733.18 (4781.50), 3733.19 (4781.51), 3733.20 (4781.52), 3733.49 (3733.43), 5101.271 (5101.272), 5101.272 (5101.273), 5101.5110 (5101.5111), 5111.14 (5111.141), 5111.261 (5111.263), 5111.892 (5111.893), 5119.612 (5119.613), and 5119.613 (5119.614); to enact new sections 3314.016, 3314.20, 3733.42, 5101.271, 5101.5110, 5111.14, 5111.261, 5111.861, 5111.892, 5119.612, 5126.18, and 5747.52, and sections 7.16, 9.334, 9.335, 9.482, 101.36, 101.711, 111.181, 111.28, 111.29, 113.42, 113.43, 113.44, 113.45, 113.47, 118.025, 118.31, 122.175, 123.101, 124.394, 125.024, 125.182, 125.213, 126.10, 126.141, 126.60, 126.601, 126.602, 126.603, 126.604, 126.605, 127.19, 131.024, 149.308, 149.381, 153.501, 153.502, 153.503, 153.504, 153.505, 153.53, 153.55, 153.692, 153.693, 153.694, 153.72, 153.73, 154.24, 154.25, 167.081, 173.41, 187.13, 305.23, 306.322, 306.55, 306.551, 307.093, 307.847, 317.06, 353.01, 353.02, 353.03, 353.04, 353.05, 353.06, 353.07, 353.08, 353.09, 353.10, 353.11, 353.12, 353.13, 353.14, 353.15, 353.16, 353.17, 505.483, 505.484, 505.551, 523.01, 523.02, 523.03, 523.04, 523.05, 523.06, 523.09, 709.451, 709.452, 1327.501, 1505.05, 1509.022, 1571.012, 1571.013, 1571.014, 2151.429, 2335.061, 3123.591, 3301.81, 3302.042, 3302.06, 3302.061, 3302.062, 3302.063, 3302.064, 3302.065, 3302.066, 3302.067, 3302.068, 3302.12, 3302.20, 3302.21, 3302.22, 3302.25, 3302.30, 3310.51, 3310.52, 3310.521, 3310.53, 3310.54, 3310.55, 3310.56, 3310.57, 3310.58, 3310.59, 3310.60, 3310.61, 3310.62, 3310.63, 3310.64, 3311.0510, 3313.411, 3313.538, 3313.539, 3313.846, 3313.88, 3314.0210, 3314.23, 3314.46, 3316.21, 3318.054, 3318.111, 3318.371, 3318.48, 3318.49, 3318.60, 3319.0810, 3319.228, 3319.229, 3319.58, 3323.052, 3328.01 to 3328.04, 3328.11 to 3328.15, 3328.17 to 3328.19, 3328.191, 3328.192, 3328.193, 3328.20 to 3328.26, 3328.31 to 3328.36, 3328.41, 3328.45, 3328.50, 3328.99, 3333.0411, 3333.43, 3333.93, 3333.94, 3345.023, 3345.54, 3345.55, 3345.81, 3353.15, 3701.0211, 3701.032, 3709.341, 3717.54, 3734.577, 3745.016, 3793.061, 3901.56, 3903.301, 4303.209, 4313.01, 4313.02, 4781.121, 4781.54, 4911.021, 5101.504, 5101.5210, 5101.57, 5111.0122, 5111.0123, 5111.0124, 5111.0125, 5111.0212, 5111.0213, 5111.0214, 5111.0215, 5111.035, 5111.051, 5111.052, 5111.053, 5111.054, 5111.063, 5111.086, 5111.161, 5111.1711, 5111.224, 5111.225, 5111.226, 5111.259, 5111.331, 5111.862, 5111.863, 5111.864, 5111.865, 5111.944, 5111.945, 5111.981, 5112.991, 5119.012, 5119.013, 5119.622, 5119.623, 5119.693, 5120.092, 5122.341, 5123.0418, 5123.0419, 5703.059, 5705.55, 5725.34, 5729.17, 5748.09, 5751.41, 6115.231, and 6119.061; and to repeal sections 7.14,

122.0818, 122.452, 126.04, 126.501, 126.502, 126.507, 165.031, 181.21 to 181.26, 340.08, 701.04, 1501.031, 1551.13, 3123.52, 3123.61, 3123.612, 3123.613, 3123.614, 3301.82, 3306.01, 3306.011, 3306.012, 3306.02, 3306.03, 3306.04, 3306.05, 3306.051, 3306.052, 3306.06, 3306.07, 3306.08, 3306.09, 3306.091, 3306.10, 3306.11, 3306.13, 3306.19, 3306.191, 3306.192, 3306.21, 3306.22, 3306.29, 3306.291, 3306.292, 3306.51, 3306.52, 3306.53, 3306.54, 3306.55, 3306.56, 3306.57, 3306.58, 3306.59, 3311.059, 3314.013, 3314.014, 3314.016, 3314.017, 3314.082, 3314.085, 3314.11, 3314.111, 3317.011, 3317.016, 3317.017, 3317.0216, 3317.04, 3317.17, 3319.62, 3329.16, 3335.45, 3349.242, 3706.042, 3721.56, 3722.99, 3733.01, 3733.031, 3733.07, 3733.22, 3733.23, 3733.24, 3733.25, 3733.26, 3733.27, 3733.28, 3733.29, 3733.30, 3733.42, 3733.43, 3733.431, 3733.44, 3733.45, 3733.46, 3733.47, 3733.471, 3733.48, 3733.99, 3923.90, 3923.91, 4115.032, 4121.75, 4121.76, 4121.77, 4121.78, 4121.79, 4582.37, 4981.23, 5101.5211, 5101.5212, 5101.5213, 5101.5214, 5101.5215, 5101.5216, 5111.243, 5111.34, 5111.861, 5111.893, 5111.971, 5122.36, 5123.172, 5123.181, 5123.193, 5123.211, 5126.18, 5126.19, and 5747.52 of the Revised Code; to amend Section 5 of Am. Sub. H.B. 1 of the 129th General Assembly, Section 205.10 of Am. Sub. H.B. 114 of the 129th General Assembly, Section 211 of Sub. H.B. 123 of the 129th General Assembly, Section 5 of Am. Sub. S.B. 2 of the 129th General Assembly, Sections 125.10 and 753.60 of Am. Sub. H.B. 1 of the 128th General Assembly, Section 105.20 of Sub. H.B. 462 of the 128th General Assembly, Section 105.40.70 of Sub. H.B. 462 of the 128th General Assembly, as subsequently amended, Section 6 of Am. Sub. S.B. 124 of the 128th General Assembly, Section 5 of Sub. S.B. 162 of the 128th General Assembly, Section 5 of Sub. H.B. 125 of the 127th General Assembly, as subsequently amended, and Section 153 of Am. Sub. H.B. 117 of the 121st General Assembly, as subsequently amended; to repeal Section 6 of Sub. S.B. 162 of the 128th General Assembly and Section 5 of Sub. H.B. 2 of the 127th General Assembly; to amend the versions of sections 5122.01, 5122.31, 5123.19, 5123.191, and 5123.60 of the Revised Code that result from Section 101.01 of this act and to amend sections 3721.16, 5111.709, 5119.221, 5122.02, 5122.27, 5122.271, 5122.29, 5122.32, 5123.092, 5123.35, 5123.61, 5123.63, 5123.64, 5123.69, 5123.701, 5123.86, 5123.99, and 5126.33, to amend section 5123.60 (5123.601) for the purpose of adopting a new section number as indicated in parentheses, to enact new sections 5123.60 and 5123.602, and to repeal sections 5123.601, 5123.602, 5123.603, 5123.604, and 5123.605 of the Revised Code on October 1, 2012; and to terminate certain provisions of this act on June 30, 2013, by repealing sections 126.60, 126.601, 126.602, 126.603, 126.604, and 126.605 of the Revised Code on that date; to make operating appropriations for the biennium beginning July 1, 2011, and ending June 30, 2013; and to provide authorization and conditions for the operation of programs, including reforms for the efficient and effective operation of state and local government, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 153**, pass?"

Senator Sawyer moved to amend as follows:

In line 141834, after the quotation mark insert "STUDENT SUCCESS"; delete "SCHOOL DISTRICT"

In line 141835, delete "FUNDING" and insert "INDEX PAYMENT"

Delete lines 141836 through 141839

In line 141958, after "**267.30.53.**" insert "STUDENT SUCCESS"; delete "SCHOOL DISTRICT FUNDING" and insert "INDEX PAYMENT"

Delete lines 141963 through 141993 and insert:

"The district's current year formula ADM X the district's student success index X \$21.75

Where:

(1) The district's "current year formula ADM" means the district's formula ADM for the current fiscal year as defined in section 3317.02 of the Revised Code.

(2) The district's "student success index" means the amount computed for the district under division (B)(5) of this section.

(B) To make the computation required under division (A) of this section the Department of Education shall determine all of the following:

(1) Each district's report card designation factor, which shall be based on the district's rating on the report card issued for the district under section 3302.03 of the Revised Code for the prior school year. The district's report card designation factor shall be equal to one if the district is rated as in "academic emergency," two if the district is rated as in "academic watch," three if the district is rated as in "continuous improvement," four if the district is rated as "effective," and five if the district is rated as "excellent" or "excellent with distinction."

(2) Each district's report card designation index, which shall be equal to the district's report card designation factor divided by five.

(3) Each district's performance index score index, which shall be equal to the district's performance index score as reported on the report card issued for the district under section 3302.03 of the Revised Code for the prior school year, divided by the highest performance index score of all districts that were issued a report card in that year.

(4) Each district's educational challenge factor index, which shall be equal to the district's educational challenge factor for fiscal year 2011 as listed under former section 3306.051 of the Revised Code as it existed prior to fiscal year 2012, divided by 1.64817.

(5) Each district's student success index, which shall be equal to the average of the amounts computed for the district under divisions (B)(2) through (4) of this section times 1.5 plus 0.5."

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

Senator Jones moved that the amendment be laid on the table.

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

A roll call was requested which was properly supported.

The yeas and nays were taken and resulted - yeas 23, nays 10, as follows:

Those who voted in the affirmative were: Senators

Bacon	Beagle	Coley	Daniels
Faber	Gillmor	Grendell	Hite
Hughes	Jones	Jordan	LaRose
Lehner	Manning	Obhof	Oelslager
Patton	Schaffer	Seitz	Stewart
Wagoner	Widener		Niehaus-23.

Those who voted in the negative were: Senators

Brown	Cafaro	Kearney	Sawyer
Schiavoni	Skindell	Smith	Tavares
Turner			Wilson-10.

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. H. B. No. 153**, pass?"

Senator Sawyer moved to amend as follows:

In line 494, after "3309.66," insert "3310.01,"

In line 495, after "3310.05," insert "3310.06,"

In line 501, after "3313.97," insert "3313.974,"; after "3313.981," insert "3313.982,"

In line 504, after "3315.01," insert "3315.17,"

In line 514, after "3323.142," insert "3323.143,"; after "3326.39," insert "3326.51,"

In line 654, after "3313.88," insert "3313.984,"

Between lines 52628 and 52629, insert:

"**Sec. 3310.01.** As used in sections 3310.01 to 3310.17 of the Revised Code:

(A) "Chartered nonpublic school" means a nonpublic school that holds a

valid charter issued by the state board of education under section 3301.16 of the Revised Code and meets the standards established for such schools in rules adopted by the state board.

(B) An "eligible student" is a student who satisfies the conditions specified in section 3310.03 of the Revised Code.

(C) "Parent" ~~has the same meaning as in section 3313.98 of the Revised Code~~ means either of the natural or adoptive parents of a student, except under the following conditions:

(a) When the marriage of the natural or adoptive parents of the student has been terminated by a divorce, dissolution of marriage, or annulment or the natural or adoptive parents of the student are living separate and apart under a legal separation decree and the court has issued an order allocating the parental rights and responsibilities with respect to the student, "parent" means the residential parent as designated by the court except that "parent" means either parent when the court issues a shared parenting decree.

(b) When a court has granted temporary or permanent custody of the student to an individual or agency other than either of the natural or adoptive parents of the student, "parent" means the legal custodian of the child.

(c) When a court has appointed a guardian for the student, "parent" means the guardian of the student.

(D) "Resident district" means the school district in which a student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.

(E) "School year" has the same meaning as in section 3313.62 of the Revised Code."

Between lines 52811 and 52812, insert:

"**Sec. 3310.06.** It is the policy adopted by the general assembly that the educational choice scholarship pilot program shall be construed as one of several educational options available for students enrolled in academic emergency or academic watch school buildings. Students may be enrolled in the schools of the student's resident district, in a community school established under Chapter 3314. of the Revised Code, ~~in the schools of another school district pursuant to an open enrollment policy adopted under section 3313.98 of the Revised Code,~~ in a chartered nonpublic school with or without a scholarship under the educational choice scholarship pilot program, or in other schools as the law may provide."

In line 56626, after "(4)" insert " (a)"

In line 56630, strike through "unless" and insert " ."

(b) If"; after "such" insert " an"

In line 56631, strike through everything after the comma

Strike through lines 56632 through 56636

In line 56637, strike through everything before the period and insert "the district in which the pupil is attending school shall provide transportation for the pupil within the boundaries of that district upon the request of a parent, provided the district offers transportation to pupils of the same grade level and distance from school under section 3327.01 of the Revised Code, and provided that the district shall be required to pick up and drop off a nondisabled student only at a regular school bus stop designated in accordance with the district's transportation policy. Pursuant to rules of the state board of education, the district may reimburse the parent from funds received under section 3306.12 of the Revised Code for the reasonable cost of transportation from the pupil's home to the designated school bus stop if the pupil's family has an income below the federal poverty line"

In line 57266, strike through "3313.64" and insert "3310.01"

Between lines 57337 and 57338, insert:

"**Sec. 3313.974.** As used in this section and in sections 3313.975 to 3313.979 of the Revised Code:

(A) "Individualized education program" and "child with a disability" have the same meanings as in section 3323.01 of the Revised Code.

(B) "Mainstreamed student with a disability" means a child with a disability who has an individualized education program providing for the student to spend more than half of each school day in a regular school setting with nondisabled students.

(C) "Separately educated student with a disability" means a child with a disability who has an individualized education program providing for the student to spend at least half of each school day in a class or setting separated from nondisabled students.

(D) "Low-income family" means a family whose income is below the level which the superintendent of public instruction shall establish.

(E) "Parent" has the same meaning as in section ~~3313.98~~ 3310.01 of the Revised Code.

(F) "Registered private school" means a school registered with the superintendent of public instruction pursuant to section 3313.976 of the Revised Code.

(G) "Alternative school" means a registered private school located in a school district or a public school located in an adjacent school district.

(H) "Tutorial assistance" means instructional services provided to a student outside of regular school hours approved by the commission on school choice pursuant to section 3313.976 of the Revised Code."

Between lines 57921 and 57922, insert:

"Sec. 3313.982. Notwithstanding division (C)(1) of section 3313.97 ~~and division (C)(1) of section 3313.98~~ of the Revised Code:

(A) Any school district board operating any schools on October 1, 1989, admission to which was restricted to students possessing certain academic, athletic, artistic, or other skills, may continue to restrict admission to such schools.

(B) Any district board that did not operate any schools described by division (A) of this section on October 1, 1989, and that desires to begin restricting admission to any school on the basis of student academic, athletic, artistic, or other skills, may submit a plan proposing such restricted admission to the state board of education. If the board finds that the plan will generally promote increased educational opportunities for students in the district and will not unduly restrict opportunities for some students, it may approve the plan and the district board may implement it during the next ensuing school year.

Sec. 3313.984. The department of education shall conduct a study on the implementation and effectiveness of the interdistrict open enrollment policies under sections 3313.98, 3313.981, and 3313.983 of the Revised Code. The study shall focus on the effects of open enrollment in providing educational benefit to students and the fiscal impact on school districts. In addition, the study shall closely assess the impact of open enrollment on low-wealth school districts.

Through the course of the study, the department shall:

(A) Investigate the ramifications of requiring each school district to maintain an adjacent district or statewide open enrollment policy;

(B) Compare the fiscal and administrative effects of counting open enrollment students where those students are educated versus counting students where they reside;

(C) Consider other funding model alternatives;

(D) Examine whether an amount representing only the state share of funding should be transferred to a school district that enrolls open enrollment students, if students continue to be counted where they reside."

In line 58878, strike through "or 3313.98"

Between lines 60324 and 60325, insert:

"Sec. 3315.17. (A) The board of education of each city, exempted village, local, and joint vocational school district shall establish a textbook and instructional materials fund. Each board annually shall deposit into that fund an amount derived from revenues received by the district for operating expenses that is equal to three per cent of the formula amount for the preceding fiscal year, as defined in section 3317.02 of the Revised Code, or another percentage if established by the auditor of state under division (C) of this section, multiplied by the district's student population for the preceding fiscal year. Money in the fund shall be used solely for textbooks, instructional software, and instructional

materials, supplies, and equipment. Any money in the fund that is not used in any fiscal year shall carry forward to the next fiscal year.

(B)(1) Notwithstanding division (A) of this section, if in a fiscal year a district board deposits in the textbook and instructional materials fund an amount of money greater than the amount required to be deposited by this section or the rules adopted under division (C) of this section, the board may deduct the excess amount of money from the amount of money required to be deposited in succeeding fiscal years.

(2) Notwithstanding division (A) of this section, in any year a district is in fiscal emergency status as declared pursuant to section 3316.03 of the Revised Code, the district may deposit an amount less than required by division (A) of this section, or make no deposit, into the district textbook and instructional materials fund for that year.

(3) Notwithstanding division (A) of this section, in any fiscal year that a school district is either in fiscal watch status, as declared pursuant to section 3316.03 of the Revised Code, or in fiscal caution status, as declared pursuant to section 3316.031 of the Revised Code, the district may apply to the superintendent of public instruction for a waiver from the requirements of division (A) of this section, under which the district may be permitted to deposit an amount less than required by that division or permitted to make no deposit into the district textbook and instructional materials fund for that year. The superintendent may grant a waiver under division (B)(3) of this section if the district demonstrates to the satisfaction of the superintendent that compliance with division (A) of this section that year will create an undue financial hardship on the district.

(4) Notwithstanding division (A) of this section, not more often than one fiscal year in every three consecutive fiscal years, any school district that does not satisfy the conditions for the exemption described in division (B)(2) of this section or the conditions to apply for the waiver described in division (B)(3) of this section may apply to the superintendent of public instruction for a waiver from the requirements of division (A) of this section, under which the district may be permitted to deposit an amount less than required by that division or permitted to make no deposit into the district textbook and instructional materials fund for that year. The superintendent may grant a waiver under division (B)(4) of this section if the district demonstrates to the satisfaction of the superintendent that compliance with division (A) of this section that year will necessitate the reduction or elimination of a program currently offered by the district that is critical to the academic success of students of the district and that no reasonable alternatives exist for spending reductions in other areas of operation within the district that negate the necessity of the reduction or elimination of that program.

(C) The state superintendent of public instruction and the auditor of state jointly shall adopt rules in accordance with Chapter 119. of the Revised Code defining what constitutes textbooks, instructional software, and instructional

materials, supplies, and equipment for which money in a school district's textbook and instructional materials fund may be used. The auditor of state also may designate a percentage, other than three per cent, of the formula amount multiplied by the district's student population that must be deposited into the fund.

(D) Notwithstanding division (A) of this section, a district board of education in any fiscal year may appropriate money in the district textbook and instructional materials fund for purposes other than those permitted by that division if both of the following occur during that fiscal year:

(1) All of the following certify to the district board in writing that the district has sufficient textbooks, instructional software, and instructional materials, supplies, and equipment to ensure a thorough and efficient education within the district:

(a) The district superintendent;

(b) In districts required to have a business advisory council, a person designated by vote of the business advisory council;

(c) If the district teachers are represented by an exclusive bargaining representative for purposes of Chapter 4117. of the Revised Code, the president of that organization or the president's designee.

(2) The district board adopts, by unanimous vote of all members of the board, a resolution stating that the district has sufficient textbooks, instructional software, and instructional materials, supplies, and equipment to ensure a thorough and efficient education within the district.

(E) Notwithstanding any provision to the contrary in Chapter 4117. of the Revised Code, the requirements of this section prevail over any conflicting provisions of agreements between employee organizations and public employers entered into on or after November 21, 1997.

(F) As used in this section and in section 3315.18 of the Revised Code, "student population" means the average, daily, full-time-equivalent number of students in kindergarten through twelfth grade receiving any educational services from the school district during the first full school week in October, excluding students enrolled in adult education classes, but including all of the following:

~~(1) Adjacent or other district students enrolled in the district under an open enrollment policy pursuant to section 3313.98 of the Revised Code;~~

~~(2) Students receiving services in the district pursuant to a compact, cooperative education agreement, or a contract, but who are entitled to attend school in another district pursuant to section 3313.64 or 3313.65 of the Revised Code;~~

~~(3) (2) Students for whom tuition is payable pursuant to sections 3317.081 and 3323.141 of the Revised Code.~~

The department of education shall determine a district's student population using data reported to it under section 3317.03 of the Revised Code for the applicable fiscal year."

In line 62430, strike through the semicolon and insert " . Division (A)(1)(b) of this section does not apply after June 30, 2015."

In line 62459, strike through the semicolon and insert " . Division (A)(2)(d) of this section does not apply after June 30, 2015."

In line 62522, strike through the semicolon and insert " . Division (B)(3)(c) of this section does not apply after June 30, 2015."

In line 62747, strike through the semicolon and insert " . Division (D)(1)(b) of this section does not apply after June 30, 2015."

In line 64346, after "in" insert " former"

In line 64354, after "under" insert " former"

In line 64356, after the period insert " For fiscal years after fiscal year 2015, every district's open enrollment net gain is 2010."

In line 64358, after "under" insert " former"

Between lines 67192 and 67193, insert:

"**Sec. 3323.143.** If a child with a disability's custodial parent has made a unilateral placement of the child, the parent shall be responsible for payment of tuition to the program or facility the child is attending as a result of that placement as long as the district of residence has offered a free appropriate public education to that child. As used in this section, "unilateral placement" means withdrawing a child with a disability from a program or facility operated by the district of residence or from a program or facility with which the district of residence has arranged for education of the child and instead enrolling that child in another program or facility that is not a home, as defined in section 3313.64 of the Revised Code, ~~or that is not a facility or program available to the child pursuant to an open enrollment policy under section 3313.98 or 3313.983 of the Revised Code.~~"

Between lines 67409 and 67410, insert:

"**Sec. 3326.51.** (A) As used in this section:

(1) "Resident district" has the same meaning as in section 3326.31 of the Revised Code.

(2) "STEM school sponsoring district" means a municipal, city, local, exempted village, or joint vocational school district that governs and controls a STEM school pursuant to this section.

(B) Notwithstanding any other provision of this chapter to the contrary:

(1) If a proposal for a STEM school submitted under section 3326.03 of

the Revised Code proposes that the governing body of the school be the board of education of a municipal, city, local, exempted village, or joint vocational school district that is one of the partners submitting the proposal, and the STEM committee approves that proposal, that school district board shall govern and control the STEM school as one of the schools of its district.

(2) The STEM school sponsoring district shall maintain a separate accounting for the STEM school as a separate and distinct operational unit within the district's finances. The auditor of state, in the course of an annual or biennial audit of the school district serving as the STEM school sponsoring district, shall audit that school district for compliance with the financing requirements of this section.

(3) With respect to students enrolled in a STEM school whose resident district is the STEM school sponsoring district:

(a) The department of education shall make no deductions under section 3326.33 of the Revised Code from the STEM school sponsoring district's state payments.

(b) The STEM school sponsoring district shall ensure that it allocates to the STEM school funds equal to or exceeding the amount that would be calculated pursuant to division (B) of section 3313.981 of the Revised Code for the students attending the school whose resident district is the STEM school sponsoring district.

(c) The STEM school sponsoring district is responsible for providing children with disabilities with a free appropriate public education under Chapter 3323. of the Revised Code.

(d) The STEM school sponsoring district shall provide student transportation in accordance with laws and policies generally applicable to the district.

(4) With respect to students enrolled in the STEM school whose resident district is another school district, the department shall make ~~no~~ payments ~~or~~ and deductions under sections 3326.31 to 3326.49 of the Revised Code. ~~Instead, the students shall be considered as open enrollment students and the department shall make payments and deductions in accordance with section 3313.981 of the Revised Code.~~ The STEM school sponsoring district shall allocate the payments to the STEM school. The STEM school sponsoring district may enter into financial agreements with the students' resident districts, which agreements may provide financial support in addition to the funds received ~~from the open enrollment calculation~~ under sections 3326.31 to 3326.49 of the Revised Code. The STEM school sponsoring district shall allocate all such additional funds to the STEM school.

(5) Where the department is required to make, deny, reduce, or adjust payments to a STEM school sponsoring district pursuant to this section, it shall do so in such a manner that the STEM school sponsoring district may allocate

that action to the STEM school.

(6) A STEM school sponsoring district and its board may assign its district employees to the STEM school, in which case section 3326.18 of the Revised Code shall not apply. The district and board may apply any other resources of the district to the STEM school in the same manner that it applies district resources to other district schools.

(7) Provisions of this chapter requiring a STEM school and its governing body to comply with specified laws as if it were a school district and in the same manner as a board of education shall instead require such compliance by the STEM school sponsoring district and its board of education, respectively, with respect to the STEM school. Where a STEM school or its governing body is required to perform a specific duty or permitted to take a specific action under this chapter, that duty is required to be performed or that action is permitted to be taken by the STEM school sponsoring district or its board of education, respectively, with respect to the STEM school.

(8) No provision of this chapter limits the authority, as provided otherwise by law, of a school district and its board of education to levy taxes and issue bonds secured by tax revenues.

(9) The treasurer of the STEM school sponsoring district or, if the STEM school sponsoring district is a municipal school district, the chief financial officer of the district, shall have all of the respective rights, authority, exemptions, and duties otherwise conferred upon the treasurer or chief financial officer by the Revised Code."

In line 67548, strike through everything after "unless"

In line 67549, strike through everything before the second "the"

In line 70160, strike through "3313.98,"

In line 135758, after "3309.66," insert "3310.01,"

In line 135759, after "3310.05," insert "3310.06,"

In line 135765, after "3313.97," insert "3313.974,"; after "3313.981," insert "3313.982,"

In line 135768, after "3315.01," insert "3315.17,"

In line 135778, after "3323.142," insert "3323.143,"

In line 135779, after "3326.39," insert "3326.51,"

Between lines 138562 and 138563, insert:

"Section 125. Sections 3313.98, 3313.981, and 3313.983 of the Revised Code and section 3313.984 of the Revised Code, as enacted by this act, are hereby repealed, effective July 1, 2015."

Between lines 151044 and 151045, insert:

"Section 733. __. It is the intent of the General Assembly to determine renewal of interdistrict open enrollment laws following its examination of the Department of Education's findings under section 3313.984 of the Revised Code, as enacted by this act."

Between lines 152920 and 152921, insert:

"The amendment of sections 3310.01, 3310.06, 3313.974, 3313.982, 3315.17, 3323.143, and 3326.51 of the Revised Code takes effect July 1, 2015."

In line 152947, delete "3313.64,"

In line 152954, delete "3317.03,"

In line 152956, delete "3318.011,"

In line 152959, delete "3327.05,"

In line 152960, delete "3365.01,"

Between lines 153022b and 153023, insert:

"3313.64	The amendments to division (I)(4) take effect July 1, 2015	All amendments except as described in the middle column"
----------	------------------------------------------------------------	----------------------------------------------------------

Between lines 153025h and 153026, insert:

"3317.03	The amendments to divisions (A)(1)(b), (A)(2)(d), (B)(3)(c), and (D)(1)(b)	All amendments except as described in the middle column"
----------	----------------------------------------------------------------------------	----------------------------------------------------------

Between lines 153026b and 153027, insert:

"3318.011	The amendments to divisions (A)(5), (6), and (7) take effect July 1, 2015	All amendments except as described in the middle column"
-----------	---------------------------------------------------------------------------	----------------------------------------------------------

Between lines 153030a and 153031, insert:

"3327.05	The amendment to the first sentence of division (A) takes effect July 1, 2015	All amendments except as described in the middle column
3365.01	The amendment in division (B) striking "3313.98," takes effect July 1, 2015	All amendments except as described in the middle column"

In line 153041, after "sections" insert "3313.97, 3314.07,"

Between lines 153050 and 153051, insert:

"In section 3313.97 of the Revised Code, the amendment to division (A)(1) striking through "3313.64" and inserting " 3310.01" takes effect July 1, 2015.

In section 3314.07 of the Revised Code, the amendment to division (C) striking "or 3313.98" takes effect July 1, 2015."

In line 109 of the title, after "3309.66," insert "3310.01,"; after "3310.05," insert "3310.06,"

In line 117 of the title, after "3313.97," insert "3313.974,"

In line 118 of the title, after "3313.981," insert "3313.982,"

In line 122 of the title, after "3315.01," insert "3315.17,"

In line 135 of the title, after "3323.142," insert "3323.143,"

In line 136 of the title, after "3326.39," insert "3326.51,"

In line 325 of the title, after "3313.88," insert "3313.984,"

In line 358 of the title, after "3311.059," insert "3313.98, 3313.981, 3313.983,"

In line 408 of the title, after "date" insert "and certain other provisions of this act on July 1, 2015, by repealing section 3313.984 of the Revised Code on that date"

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

Senator Jones moved that the amendment be laid on the table.

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

A roll call was requested which was properly supported.

The yeas and nays were taken and resulted - yeas 23, nays 10, as follows:

Those who voted in the affirmative were: Senators

Bacon	Beagle	Coley	Daniels
Faber	Gillmor	Grendell	Hite
Hughes	Jones	Jordan	LaRose
Lehner	Manning	Obhof	Oelslager
Patton	Schaffer	Seitz	Stewart
Wagoner	Widener		Niehaus-23.

Those who voted in the negative were: Senators

Brown	Cafaro	Kearney	Sawyer
Schiavoni	Skindell	Smith	Tavares
Turner			Wilson-10.

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. H. B. No. 153**, pass?"

Senator Sawyer moved to amend as follows:

In line 653, after "3311.0510," insert "3312.14,"

Between lines 54666 and 54667, insert:

" **Sec. 3312.14.** The office of regional services and accountability is hereby created within the department of education. The office shall do the following:

(A) Conduct a thorough review of the structure and performance of the educational regional service system;

(B) Outline a clear mission for the educational regional service system and establish operational and performance standards for the system;

(C) Identify core services to be provided through the educational regional service system, which may include high-quality educational opportunities, special education, professional development, and assistance in the acquisition of materials, technology, and transportation;

(D) Clearly define the roles and responsibilities of each of the regional service providers that comprise the educational regional service system and monitor those providers to ensure they perform the duties associated with their designated roles and responsibilities;

(E) Encourage flexibility and entrepreneurship by regional service providers within their designated roles and responsibilities;

(F) Establish a process for continuous review of the educational regional service system to ensure the system's alignment with the educational priorities and policies of the state board of education and to make necessary revisions to the system;

(G) Collaborate with the chancellor of the Ohio board of regents and other state agencies whose missions impact primary and secondary public education to coordinate regional outreach efforts and to eliminate redundancies;

(H) Encourage school districts and public and chartered nonpublic schools to achieve cost savings by managing their resources effectively and, to the extent permitted by collective bargaining agreements entered into under Chapter 4117. of the Revised Code, collaborating for the joint provision of services;

(I) Make legislative recommendations to improve the operation of the educational regional service system, to ensure the system's provision of the core services identified under division (C) of this section, to align the system's funding with the actual cost of various services, and to provide incentives for school districts, public and chartered nonpublic schools, and regional service providers to collaborate on the provision of services."

In line 324 of the title, after "3311.0510," insert "3312.14,"

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

Senator Jones moved that the amendment be laid on the table.

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

A roll call was requested which was properly supported.

The yeas and nays were taken and resulted - yeas 23, nays 10, as follows:

Those who voted in the affirmative were: Senators

Bacon	Beagle	Coley	Daniels
Faber	Gillmor	Grendell	Hite
Hughes	Jones	Jordan	LaRose
Lehner	Manning	Obhof	Oelslager
Patton	Schaffer	Seitz	Stewart
Wagoner	Widener		Niehaus-23.

Those who voted in the negative were: Senators

Brown	Cafaro	Kearney	Sawyer
Schiavoni	Skindell	Smith	Tavares
Turner			Wilson-10.

The amendment was laid on the table.

The question being, "Shall the bill, **Sub. H. B. No. 153**, pass?"

Senator Sawyer moved to amend as follows:

In line 504, delete "3314.36,"

In line 50557, strike through "and section 3314.36"

In line 60212, strike through all after "to"

Strike through lines 60213 through 60216

In line 60217, strike through "(b) Any" and insert " any"

Delete lines 60256 through 60298

In line 135768, delete "3314.36,"

In line 135886, after "3314.111," insert "3314.36,"

In line 152950, after "3314.35," insert "3314.36,"

Between lines 153021b and 153022, insert:

"3301.0712All amendments exceptThe amendment to
as described in thedivision (D)(6)"
right-hand column

In line 122 of the title, delete "3314.36,"

In line 359 of the title, after "3314.111," insert "3314.36,"

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

Senator Jones moved that the amendment be laid on the table.

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

A roll call was requested which was properly supported.

The yeas and nays were taken and resulted - yeas 22, nays 11, as follows:

Those who voted in the affirmative were: Senators

Bacon	Beagle	Coley	Daniels
Faber	Gillmor	Grendell	Hite
Hughes	Jones	Jordan	LaRose
Lehner	Manning	Obhof	Patton
Schaffer	Seitz	Stewart	Wagoner
Widener			Niehaus-22.

Those who voted in the negative were: Senators

Brown	Cafaro	Kearney	Oelslager
Sawyer	Schiavoni	Skindell	Smith
Tavares	Turner		Wilson-11.

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. H. B. No. 153**, pass?"

Senator Sawyer moved to amend as follows:

Between lines 151006 and 151007, insert:

"Section 733. __. Prior to the date on which the Department of Education begins accepting applications for Educational Choice Scholarships for the 2012-2013 school year, the Department shall complete a performance review of each chartered nonpublic school that has enrolled scholarship recipients under the scholarship program.

The performance review shall consist of an analysis of the following:

(A) The assessment scores attained by scholarship students and compiled by the Department pursuant to section 3310.15 of the Revised Code, including a comparison of the performance of scholarship students enrolled at the chartered nonpublic school with the performance of students enrolled in the buildings operated by those scholarship students' resident districts.

(B) Any of the performance indicators created by the State Board of Education under section 3302.02 of the Revised Code that the Department considers appropriate to apply to the chartered nonpublic school.

(C) Any other performance measures the Department considers appropriate."

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

Senator Jones moved that the amendment be laid on the table.

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

A roll call was requested which was properly supported.

The yeas and nays were taken and resulted - yeas 23, nays 10, as follows:

Those who voted in the affirmative were: Senators

Bacon	Beagle	Coley	Daniels
Faber	Gillmor	Grendell	Hite
Hughes	Jones	Jordan	LaRose
Lehner	Manning	Obhof	Oelslager
Patton	Schaffer	Seitz	Stewart
Wagoner	Widener		Niehaus-23.

Those who voted in the negative were: Senators

Brown	Cafaro	Kearney	Sawyer
Schiavoni	Skindell	Smith	Tavares
Turner			Wilson-10.

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. H. B. No. 153**, pass?"

Senator Sawyer moved to amend as follows:

In line 50432, delete " prior"

In line 50433, delete " to the 2011-2012 school year"

Delete lines 50446 and 50447

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

Senator Jones moved that the amendment be laid on the table.

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

A roll call was requested which was properly supported.

The yeas and nays were taken and resulted - yeas 23, nays 10, as follows:

Those who voted in the affirmative were: Senators

Bacon	Beagle	Coley	Daniels
Faber	Gillmor	Grendell	Hite
Hughes	Jones	Jordan	LaRose
Lehner	Manning	Obhof	Oelslager
Patton	Schaffer	Seitz	Stewart
Wagoner	Widener		Niehaus-23.

Those who voted in the negative were: Senators

Brown	Cafaro	Kearney	Sawyer
Schiavoni	Skindell	Smith	Tavares
Turner			Wilson-10.

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. H. B. No. 153**, pass?"

Senator Skindell moved to amend as follows:

Between lines 148854 and 148856, insert:

"Section 501. ____. The items in this section are hereby appropriated for fiscal year 2012 out of any moneys in the state treasury to the credit of the Clean Ohio Conservation Fund (Fund 7056) that are not otherwise appropriated.

		Appropriations
PWC PUBLIC WORKS COMMISSION		
C15060	Clean Ohio Conservation	\$ 75,000,000
TOTAL Public Works Commission		\$ 75,000,000
TOTAL Clean Ohio Conservation Fund		\$ 75,000,000

The foregoing appropriation item C15060, Clean Ohio Conservation, shall be used in accordance with sections 164.20 to 164.27 of the Revised Code. If the Public Works Commission receives refunds due to project overpayments that are discovered during the post-project audit, the Director of the Public Works Commission may certify to the Director of Budget and Management that refunds have been received. If the Director of Budget and Management determines that the project refunds are available to support additional appropriations, such amounts are hereby appropriated.

Section ____. The items in this section are hereby appropriated for fiscal year 2012 out of any moneys in the state treasury to the credit of the Clean Ohio Agricultural Easement Fund (Fund 7057) that are not otherwise appropriated.

		Appropriations
AGR DEPARTMENT OF AGRICULTURE		
C70009	Clean Ohio Agricultural Easements	\$ 12,500,000
TOTAL Department of Agriculture		\$ 12,500,000
TOTAL Clean Ohio Agricultural Easement Fund		\$ 12,500,000

Section ____. The items in this section are hereby appropriated for fiscal year 2012 out of any moneys in the state treasury to the credit of the Clean Ohio Trail Fund (Fund 7061) that are not otherwise appropriated.

		Appropriations
DNR DEPARTMENT OF NATURAL RESOURCES		
C72514	Clean Ohio Trail - Grants	\$ 12,500,000
TOTAL Department of Natural Resources		\$ 12,500,000
TOTAL Clean Ohio Trail Fund		\$ 12,500,000

Section ____. The Ohio Public Facilities Commission is hereby authorized to issue and sell, in accordance with Section 2q of Article VIII, Ohio Constitution, and pursuant to sections 151.01 and 151.09 of the Revised Code, original obligations of the state, in an aggregate principal amount not to exceed \$100,000,000, in addition to the original obligations heretofore authorized by prior acts of the General Assembly. These authorized obligations shall be issued and sold from time to time, subject to applicable constitutional and statutory

limitations, as needed to ensure sufficient moneys to the credit of the Clean Ohio Conservation Fund (Fund 7056), the Clean Ohio Agricultural Easement Fund (Fund 7057), and the Clean Ohio Trail Fund (Fund 7061) to pay the costs of conservation projects.

Section ____. CAPITAL RELEASES BY THE DIRECTOR OF BUDGET AND MANAGEMENT

Notwithstanding section 126.14 of the Revised Code, the appropriations from the Clean Ohio Conservation Fund (Fund 7056) to the Public Works Commission shall be released upon presentation of a request to release the funds by the Director of the Public Works Commission to the Director of Budget and Management.

Section ____. OBLIGATIONS ISSUED UNDER CHAPTER 151. OF THE REVISED CODE

The capital improvements for which appropriations are made in this act from the Clean Ohio Conservation Fund (Fund 7056), the Clean Ohio Agricultural Easement Fund (Fund 7057), and the Clean Ohio Trail Fund (Fund 7061) are determined to be capital improvements and capital facilities for conservation purposes under the Clean Ohio Program and are designated as capital facilities to which proceeds of obligations issued under Chapter 151. of the Revised Code are to be applied."

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

Senator Jones moved that the amendment be laid on the table.

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

A roll call was requested which was properly supported.

The yeas and nays were taken and resulted - yeas 23, nays 10, as follows:

Those who voted in the affirmative were: Senators

Bacon	Beagle	Coley	Daniels
Faber	Gillmor	Grendell	Hite
Hughes	Jones	Jordan	LaRose
Lehner	Manning	Obhof	Oelslager
Patton	Schaffer	Seitz	Stewart
Wagoner	Widener		Niehaus-23.

Those who voted in the negative were: Senators

Brown	Cafaro	Kearney	Sawyer
Schiavoni	Skindell	Smith	Tavares
Turner			Wilson-10.

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. H. B. No. 153**, pass?"

Senator Skindell moved to amend as follows:

Delete lines 148847 through 148854

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

Senator Faber moved that the amendment be laid on the table.

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

A roll call was requested which was properly supported.

The yeas and nays were taken and resulted - yeas 20, nays 13, as follows:

Those who voted in the affirmative were: Senators

Bacon	Beagle	Coley	Daniels
Faber	Gillmor	Hite	Hughes
Jones	Lehner	Manning	Obhof
Oelslager	Patton	Schaffer	Seitz
Stewart	Wagoner	Widener	Niehaus-20.

Those who voted in the negative were: Senators

Brown	Cafaro	Grendell	Jordan
Kearney	LaRose	Sawyer	Schiavoni
Skindell	Smith	Tavares	Turner
			Wilson-13.

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. H. B. No. 153**, pass?"

Senator Skindell moved to amend as follows:

In line 427, delete "149.351,"

Delete lines 14058 through 14112

In line 135692, delete "149.351,"

In line 19 of the title, delete "149.351,"

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

Senator Faber moved that the amendment be laid on the table.

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

A roll call was requested which was properly supported.

The yeas and nays were taken and resulted - yeas 24, nays 9, as follows:

Those who voted in the affirmative were: Senators

Bacon	Beagle	Coley	Daniels
Faber	Gillmor	Grendell	Hite
Hughes	Jones	Jordan	LaRose
Lehner	Manning	Obhof	Oelslager
Patton	Schaffer	Seitz	Stewart
Wagoner	Widener	Wilson	Niehaus-24.

Those who voted in the negative were: Senators

Brown	Cafaro	Kearney	Sawyer
Schiavoni	Skindell	Smith	Tavares
			Turner-9.

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. H. B. No. 153**, pass?"

Senator Skindell moved to amend as follows:

In line 512, delete "3319.081,"

In line 655, delete "3319.0810,"

Delete lines 65857 through 66011

In line 135776, delete "3319.081,"

In line 132 of the title, delete "3319.081,"

In line 327 of the title, delete "3319.0810,"

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

Senator Faber moved that the amendment be laid on the table.

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

A roll call was requested which was properly supported.

The yeas and nays were taken and resulted - yeas 23, nays 10, as follows:

Those who voted in the affirmative were: Senators

Bacon	Beagle	Cafaro	Coley
Daniels	Faber	Gillmor	Grendell
Hite	Hughes	Jones	Jordan
LaRose	Lehner	Manning	Obhof
Patton	Schaffer	Seitz	Stewart
Wagoner	Widener		Niehaus-23.

Those who voted in the negative were: Senators

Brown	Kearney	Oelslager	Sawyer
Schiavoni	Skindell	Smith	Tavares
Turner			Wilson-10.

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. H. B. No. 153**, pass?"

Senator Skindell moved to amend as follows:

In line 3417, after "(D)" insert "(1)"

In line 3418, strike through "(1)" and insert "(a)"

In line 3420, reinsert the semicolon; delete ". All employees of the board are in the"

Delete lines 3421 through 3431

In line 3432, strike through "(2)" and insert "(b)"

In line 3434, strike through "(3)" and insert "(c)"

In line 3436, strike through "(4)" and insert "(d)"

In line 3447, strike through "(5)" and insert "(e)"

Between lines 3449 and 3450, insert:

" (2) Notwithstanding division (A) of this section and section 4117.01 of the Revised Code, any employee employed by the board pursuant to division (D)(1)(a) of this section shall be a public employee for purposes of Chapter 4117. of the Revised Code."

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

Senator Faber moved that the amendment be laid on the table.

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

A roll call was requested which was properly supported.

The yeas and nays were taken and resulted - yeas 22, nays 11, as follows:

Those who voted in the affirmative were: Senators

Bacon	Beagle	Coley	Daniels
Faber	Gillmor	Grendell	Hite
Hughes	Jones	Jordan	LaRose
Lehner	Manning	Obhof	Patton
Schaffer	Seitz	Stewart	Wagoner
Widener			Niehaus-22.

Those who voted in the negative were: Senators

Brown	Cafaro	Kearney	Oelslager
Sawyer	Schiavoni	Skindell	Smith
Tavares	Turner		Wilson-11.

The amendment was laid on the table.

The question being, "Shall the bill, **Sub. H. B. No. 153**, pass?"

Senator Skindell moved to amend as follows:

In line 664, delete "4313.01, 4313.02,"

Delete lines 86338 through 86538

In line 139262, delete "\$11,225,590 \$7,020,974" and insert "\$9,225,590 \$3,020,974"

In line 139265, delete "\$36,053,362 \$7,889,633" and insert "\$34,053,362 \$3,889,633"

In line 139277, delete "\$16,000,000 \$14,000,000" and insert "\$18,000,000 \$18,000,000"

In line 139281, delete "\$19,075,000 \$17,075,000" and insert "\$21,075,000 \$21,075,000"

In line 139718, delete "\$0" and insert "\$478,976,946"

In line 139719, delete "\$10,110,479" and insert "\$13,398,274"

In line 139720, delete "\$0" and insert "\$51,973,200"

In line 139721, delete "\$0" and insert "\$21,129,800"

In line 139723, delete "\$10,110,479" and insert "\$565,478,220"

In line 139724, delete "\$178,338,920" and insert "\$733,706,661"

Delete lines 139837 through 139853

Delete line 143087

In line 143090, delete "\$80,612,432 \$85,896,654" and insert "\$80,062,432 \$84,796,654"

In line 143124, delete "\$551,018 \$0" and insert "\$1,101,018 \$1,100,000"

In line 143134, delete "\$63,856,649 \$63,318,867" and insert "\$64,406,649 \$64,418,867"

In line 143261, delete everything after "Management" and insert ", pursuant to a plan submitted by the Department of Health, or as otherwise determined by the Director of Budget and Management, shall set a schedule to transfer cash from the Liquor Control Fund (Fund 7043) to the Alcohol Testing and Permit Fund (Fund 5C00) to meet the operating needs of the Alcohol Testing and Permit Program.

The Director of Budget and Management may transfer to the Alcohol Testing and Permit Fund (Fund 5C00) from the Liquor Control Fund (Fund 7043) created in section 4301.12 of the Revised Code such amounts at such

times as determined by the transfer schedule."

Delete lines 143262 through 143270

Delete lines 152875 through 152880

In line 335 of the title, delete "4313.01, 4313.02,"

In line 414, delete "9.06,"

In line 671, delete "5120.092,"

Delete lines 967 through 1416

Delete lines 111478 through 111512

In line 135679, delete "9.06,"

Delete lines 151260 through 151665

Delete lines 152159 through 152381

In line 152929, delete "9.06,"

In line 152965, delete "5120.092,"

In line 152995, delete "753.10,"

Delete lines 153059 through 153061

In line 1 of the title, delete "9.06,"

In line 344 of the title, delete "5120.092,"

In line 638, delete "126.60,"

In line 639, delete "126.601, 126.602, 126.603, 126.604, 126.605,"

Delete lines 11417 through 11599

Delete lines 28008 and 28009

In line 28010, delete "Code or derived"

Delete lines 128610 through 128613

In line 128614, delete all before "between"

In line 129737, delete all after "income"

Delete line 129738

In line 129739, delete all before "derived"

In line 132450, after "Any" delete the balance of the line

Delete line 132451

In line 132452, delete "Code, or any"

Delete lines 135898 through 135900

In line 304 of the title, delete "126.60,"

Delete line 305 of the title

Delete lines 405 through 407 of the title

In line 408 of the title, delete everything before "to"

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

Senator Faber moved that the amendment be laid on the table.

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

A roll call was requested which was properly supported.

The yeas and nays were taken and resulted - yeas 21, nays 12, as follows:

Those who voted in the affirmative were: Senators

Bacon	Beagle	Coley	Daniels
Faber	Gillmor	Grendell	Hite
Jones	Jordan	LaRose	Lehner
Manning	Obhof	Patton	Schaffer
Seitz	Stewart	Wagoner	Widener
			Niehaus-21.

Those who voted in the negative were: Senators

Brown	Cafaro	Hughes	Kearney
Oelslager	Sawyer	Schiavoni	Skindell
Smith	Tavares	Turner	Wilson-12.

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. H. B. No. 153**, pass?"

Senator Skindell moved to amend as follows:

In line 151140, after "**737.40.**" insert "(A)"

In line 151156, before "By" insert "(B)"

In line 151172, delete "If the General Assembly does not act"

In line 151173, delete "during this period" and insert:

"(C)(1) The Secretary of State shall submit to the electors of the entire state at the general election to be held on November 6, 2012, as a single proposal, the question of whether the lottery shall be converted from a state-run entity to a commercially run enterprise, according to the proposed request for proposals, as approved or rejected by the General Assembly under division (B) of this section. Prior to the final certification of the results of the ballot issue required to be submitted to the electors of the state under this division, the

Director of Budget and Management shall not solicit bids or enter into any competitive selection process regarding the conversion of the state lottery to a commercially run enterprise.

(2) Notwithstanding section 3519.21 of the Revised Code, the title and ballot language for the proposal shall be substantially as follows:

"CONVERSION OF THE STATE LOTTERY TO A COMMERCIAL ENTERPRISE

Shall the State of Ohio solicit bids to convert the Ohio Lottery from a state-run entity to a commercially run enterprise, in accordance with the following terms and conditions? (Description of terms and conditions proposed by the Director of Budget and Management)

Yes

No"

The Ohio Ballot Board shall prescribe the ballot language describing the terms and conditions proposed by the Director of Budget and Management, which language shall properly identify the substance of the proposal, but need not contain the complete language of the proposal.

(3) The Speaker of the House of Representatives and the President of the Senate each shall appoint three individuals in favor of this question to draft and file arguments for the question and shall appoint three individuals against this question to draft and file arguments against the question. Arguments shall be filed with the Secretary of State not later than seventy-five days before the election and shall not exceed three hundred words.

The arguments shall not be printed or included on the ballot but shall be disseminated in the same manner as arguments relating to constitutional amendments under division (F) of section 3505.062 of the Revised Code.

(D) If a majority of the voters voting upon the question approve the measure"

In line 151174, after the period insert "If a majority of the voters voting upon the question fail to approve the measure, the Director shall not move forward with the request for proposals, and the State of Ohio shall be prohibited from converting the state lottery from a state-run entity to a commercially run enterprise.

(E) The General Assembly hereby finds that the conversion of the state lottery from a state-run entity to a commercially run enterprise is a matter that relates to public schools, since, pursuant to Article XV, Section 6 of the Ohio Constitution, proceeds of the state lottery must be used solely for the support of elementary, secondary, vocational, and special education programs. Pursuant to Article II, Section 26 of the Ohio Constitution, the General Assembly may enact legislation related to public schools that takes effect upon a vote of the electors of this state."

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

Senator Faber moved that the amendment be laid on the table.

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

A roll call was requested which was properly supported.

The yeas and nays were taken and resulted - yeas 23, nays 10, as follows:

Those who voted in the affirmative were: Senators

Bacon	Beagle	Coley	Daniels
Faber	Gillmor	Grendell	Hite
Hughes	Jones	Jordan	LaRose
Lehner	Manning	Obhof	Oelslager
Patton	Schaffer	Seitz	Stewart
Wagoner	Widener		Niehaus-23.

Those who voted in the negative were: Senators

Brown	Cafaro	Kearney	Sawyer
Schiavoni	Skindell	Smith	Tavares
Turner			Wilson-10.

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. H. B. No. 153**, pass?"

Senator Skindell moved to amend as follows:

In line 143603, delete "\$275,154,963 \$300,140,824" and insert "\$270,654,963 \$295,640,824"

In line 143612, delete "\$4,000,000 \$4,000,000" and insert "\$8,500,000 \$8,500,000"

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

Senator Faber moved that the amendment be laid on the table.

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

A roll call was requested which was properly supported.

The yeas and nays were taken and resulted - yeas 22, nays 11, as follows:

Those who voted in the affirmative were: Senators

Bacon	Beagle	Coley	Daniels
Faber	Gillmor	Grendell	Hite
Hughes	Jones	Jordan	LaRose
Lehner	Manning	Oelslager	Patton
Schaffer	Seitz	Stewart	Wagoner
Widener			Niehaus-22.

Those who voted in the negative were: Senators

Brown	Cafaro	Kearney	Obhof
Sawyer	Schiavoni	Skindell	Smith
Tavares	Turner		Wilson-11.

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. H. B. No. 153**, pass?"

Senator Skindell moved to amend as follows:

In line 139262, delete "\$11,225,590 \$7,020,974" and insert "\$22,225,590 \$18,020,974"

In line 139265, delete "\$36,053,362 \$7,889,633" and insert "\$47,053,362 \$18,889,633"

In line 139282, delete "\$202,638,942 \$103,275,213" and insert "\$213,638,942 \$114,275,213"

In line 143076, delete "\$437,326 \$437,326" and insert "\$500,000 \$500,000"

In line 143090, delete "\$80,612,432 \$85,896,654" and insert "\$80,675,106 \$85,959,328"

In line 143143, delete "\$701,863,677 \$704,342,491" and insert "\$701,926,351 \$704,405,165"

In line 143083, delete "\$33,673,545 \$33,673,987" and insert "\$36,499,998 \$36,499,998"

In line 143090, delete "\$80,612,432 \$85,896,654" and insert "\$83,438,885 \$88,722,665"

In line 143143, delete "\$701,863,677 \$704,342,491" and insert "\$704,690,130 \$707,168,502"

In line 143609, delete "\$366,003 \$366,003" and insert "\$5,500,000 \$5,500,000"

In line 143615, delete "\$5,296,219,839 \$5,697,344,599" and insert "\$5,301,353,836 \$5,702,478,596"

In line 143617, delete "\$12,879,732,866 \$14,177,173,872" and insert "\$12,884,866,863 \$14,182,307,869"

In line 143686, delete "\$22,128,573,204 \$23,310,876,446" and insert "\$22,133,707,201 \$23,316,010,443"

In line 145602, delete "\$8,963,818 \$8,963,818" and insert "\$9,963,818 \$9,963,818"

In line 145606, delete "\$480,915,911 \$302,286,335" and insert "\$481,915,911 \$303,286,335"

In line 145639, delete "\$1,079,203,266 \$550,555,553" and insert "\$1,080,203,266 \$551,555,553"

In line 146005, delete "\$423,588 \$408,990" and insert "\$449,998 \$449,998"

In line 146006, delete "\$1,061,600 \$1,061,600" and insert "\$1,105,833 \$1,105,833"

In line 146007, delete "\$110,047 \$110,047" and insert "\$114,632 \$114,632"

In line 146008, delete "\$1,595,235 \$1,580,637" and insert "\$1,670,463 \$1,670,463"

In line 146017, delete "\$1,760,235 \$1,745,637" and insert "\$1,835,463 \$1,835,463"

In line 145604, delete "\$44,963,776 \$54,087,955" and insert "\$56,413,776 \$65,537,955"

In line 145606, delete "\$480,915,911 \$302,286,335" and insert "\$492,365,911 \$313,736,335"

In line 145639, delete "\$1,079,203,266 \$550,555,553" and insert "\$1,090,653,266 \$562,005,553"

In line 145796, after the period insert "Of the foregoing appropriation item 335505, Local Mental Health Systems of Care, \$2,500,000 in each fiscal year shall be used for the early childhood mental health consultation program."

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

Senator Faber moved that the amendment be laid on the table.

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

A roll call was requested which was properly supported.

The yeas and nays were taken and resulted - yeas 23, nays 10, as follows:

Those who voted in the affirmative were: Senators

Bacon	Beagle	Coley	Daniels
Faber	Gillmor	Grendell	Hite
Hughes	Jones	Jordan	LaRose
Lehner	Manning	Obhof	Oelslager
Patton	Schaffer	Seitz	Stewart
Wagoner	Widener		Niehaus-23.

Those who voted in the negative were: Senators

Brown	Cafaro	Kearney	Sawyer
Schiavoni	Skindell	Smith	Tavares
Turner			Wilson-10.

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. H. B. No. 153**, pass?"

Senator Skindell moved to amend as follows:

In line 664, delete "4911.021,"

Delete lines 96491 through 96494

In line 139862, delete "\$5,641,093 \$4,142,070" and insert "\$8,030,610 \$6,826,019"

In line 139863, delete "\$5,641,093 \$4,142,070" and insert "\$8,030,610 \$6,826,019"

In line 139864, delete "\$5,641,093 \$4,142,070" and insert "\$8,030,610 \$6,826,019"

In line 336 of the title, delete "4911.021,"

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

Senator Faber moved that the amendment be laid on the table.

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

A roll call was requested which was properly supported.

The yeas and nays were taken and resulted - yeas 23, nays 10, as follows:

Those who voted in the affirmative were: Senators

Bacon	Beagle	Coley	Daniels
Faber	Gillmor	Grendell	Hite
Hughes	Jones	Jordan	LaRose
Lehner	Manning	Obhof	Oelslager
Patton	Schaffer	Seitz	Stewart
Wagoner	Widener		Niehaus-23.

Those who voted in the negative were: Senators

Brown	Cafaro	Kearney	Sawyer
Schiavoni	Skindell	Smith	Tavares
Turner			Wilson-10.

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. H. B. No. 153**, pass?"

Senator Tavares moved to amend as follows:

Between lines 146521a and 146522, insert:

"GRF235430 TRIO Programs \$ 2,500,000 \$ 2,500,000"

In line 146556, delete "\$2,226,105,156 \$2,308,878,313" and insert "\$2,228,605,156 \$2,311,378,313"

In line 146591, delete "\$2,305,497,312 \$2,390,579,224" and insert "\$2,307,997,312 \$2,393,079,224"

Between lines 146668 and 146669, insert:

"Section ____. TRIO PROGRAMS

The foregoing appropriation item 235430, TRIO Programs, shall be used to provide additional funding for eight federal TRIO programs in Ohio for fiscal year 2011. The funds shall be disbursed in a manner to be determined by the Board of Regents in order to match federal funds received for the programs by Ohio institutions of higher education.

Of the foregoing appropriation 235430, TRIO Programs, \$312,500 in each fiscal year shall be used for Talent Search programs.

Of the foregoing appropriation 235430, TRIO Programs, \$500,000 in each fiscal year shall be used for Upward Bound programs.

Of the foregoing appropriation 235430, TRIO Programs, \$312,500 in each fiscal year shall be used for Upward Bound Mathematics/Science programs.

Of the foregoing appropriation 235430, TRIO Programs, \$312,500 in each fiscal year shall be used for Veterans Upward Bound programs.

Of the foregoing appropriation 235430, TRIO Programs, \$312,500 in each fiscal year shall be used for TRIO Program student support services.

Of the foregoing appropriation 235430, TRIO Programs, \$312,500 in each fiscal year shall be used for Educational Opportunity Centers.

Of the foregoing appropriation 235430, TRIO Programs, \$312,500 in each fiscal year shall be used for Ronald E. McNair Post-Baccalaureate Achievement programs.

Of the foregoing appropriation 235430, TRIO Programs, \$125,000 in each fiscal year shall be used for training programs for Federal TRIO programs staff."

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

Senator Faber moved that the amendment be laid on the table.

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

A roll call was requested which was properly supported.

The yeas and nays were taken and resulted - yeas 23, nays 10, as follows:

Those who voted in the affirmative were: Senators

Bacon	Beagle	Coley	Daniels
Faber	Gillmor	Grendell	Hite
Hughes	Jones	Jordan	LaRose
Lehner	Manning	Obhof	Oelslager
Patton	Schaffer	Seitz	Stewart
Wagoner	Widener		Niehaus-23.

Those who voted in the negative were: Senators

Brown	Cafaro	Kearney	Sawyer
Schiavoni	Skindell	Smith	Tavares
Turner			Wilson-10.

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. H. B. No. 153**, pass?"

Senator Tavares moved to amend as follows:

In line 143419, delete "\$230,000 \$230,000" and insert "\$253,059 \$245,379"

In line 143420, delete "\$50,000 \$50,000" and insert "\$56,888 \$56,888"

In lines 143422, delete "\$317,005 \$324,922" and insert "\$346,952 \$347,189"

In line 143427, delete "\$321,563 \$329,480" and insert "\$351,510 \$351,747"

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

Senator Faber moved that the amendment be laid on the table.

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

A roll call was requested which was properly supported.

The yeas and nays were taken and resulted - yeas 23, nays 10, as follows:

Those who voted in the affirmative were: Senators

Bacon	Beagle	Coley	Daniels
Faber	Gillmor	Grendell	Hite
Hughes	Jones	Jordan	LaRose
Lehner	Manning	Obhof	Oelslager
Patton	Schaffer	Seitz	Stewart
Wagoner	Widener		Niehaus-23.

Those who voted in the negative were: Senators

Brown	Cafaro	Kearney	Sawyer
-------	--------	---------	--------

Schiavoni
Turner

Skindell

Smith

Tavares
Wilson-10.

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. H. B. No. 153**, pass?"

Senator Tavares moved to amend as follows:

In line 143078, delete "\$5,842,315 \$5,842,315" and insert "\$8,500,000 \$8,500,000"

In line 143090, delete "\$80,612,432 \$85,896,654" and insert "\$83,270,117 \$88,554,339"

In line 143143, delete "\$701,863,677 \$704,342,491" and insert "\$704,521,362 \$707,000,176"

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

Senator Faber moved that the amendment be laid on the table.

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

A roll call was requested which was properly supported.

The yeas and nays were taken and resulted - yeas 23, nays 10, as follows:

Those who voted in the affirmative were: Senators

Bacon	Beagle	Coley	Daniels
Faber	Gillmor	Grendell	Hite
Hughes	Jones	Jordan	LaRose
Lehner	Manning	Obhof	Oelslager
Patton	Schaffer	Seitz	Stewart
Wagoner	Widener		Niehaus-23.

Those who voted in the negative were: Senators

Brown	Cafaro	Kearney	Sawyer
Schiavoni	Skindell	Smith	Tavares
Turner			Wilson-10.

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. H. B. No. 153**, pass?"

Senator Turner moved to amend as follows:

In line 603, delete "5747.53,"

In line 635, after "5119.612," insert "and"; delete ", and 5747.52"

In line 130647, reinsert "(A)"

In line 130654, delete the underlined period

Delete lines 130655 through 130660

In line 130661, delete all before the period

Reinsert lines 130662 through 130666

In line 130667, reinsert "regular session."

In line 130672, reinsert all after the stricken period

Reinsert lines 130673 through 130823

In line 130824, reinsert "(J)"; reinsert "such apportionment"; delete "the budget"

In line 130825, delete "commission's determination"

Reinsert lines 130829 and 130830

Reinsert line 130832

In line 130833, reinsert "5747.53 of the Revised Code"; delete "determination"

In line 130837, reinsert "such allocation"; delete "the"

In line 130838, delete "list"

In line 130840, reinsert "such allocation"; delete "the list"

Delete lines 130865 through 131087

In line 135869, delete "5747.53,"

In line 135895, after "5126.18," insert "and"; delete ", and 5747.52,"

In line 152968, delete "5747.52, 5747.53,"

In line 259 of the title, delete "5747.53,"

In line 299 of the title, after "5119.612," insert "and"

In line 300 of the title, delete "and 5747.52,"

In line 372 of the title, after "5126.18," insert "and"; delete ", and 5747.52,"

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

Senator Faber moved that the amendment be laid on the table.

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

A roll call was requested which was properly supported.

The yeas and nays were taken and resulted - yeas 22, nays 10, as follows:

Those who voted in the affirmative were: Senators

Bacon	Coley	Daniels	Faber
Gillmor	Grendell	Hite	Hughes
Jones	Jordan	LaRose	Lehner
Manning	Obhof	Oelslager	Patton
Schaffer	Seitz	Stewart	Wagoner
Widener			Niehaus-22.

Those who voted in the negative were: Senators

Beagle	Brown	Cafaro	Kearney
Sawyer	Schiavoni	Skindell	Tavares
Turner			Wilson-10.

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. H. B. No. 153**, pass?"

Senator Turner moved to amend as follows:

In line 600, delete "5731.02, 5731.19,"
 In line 601, delete "5731.21,"
 Delete lines 126552 through 126714
 In line 135866, delete "5731.02, 5731.19, 5731.21,"
 In line 254 of the title, delete "5731.02, 5731.19,"
 In line 255 of the title, delete "5731.21"

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

Senator Faber moved that the amendment be laid on the table.

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

A roll call was requested which was properly supported.

The yeas and nays were taken and resulted - yeas 23, nays 10, as follows:

Those who voted in the affirmative were: Senators

Bacon	Beagle	Coley	Daniels
Faber	Gillmor	Grendell	Hite
Hughes	Jones	Jordan	LaRose
Lehner	Manning	Obhof	Oelslager
Patton	Schaffer	Seitz	Stewart
Wagoner	Widener		Niehaus-23.

Those who voted in the negative were: Senators

Brown	Cafaro	Kearney	Sawyer
-------	--------	---------	--------

Schiavoni
Turner

Skindell

Smith

Tavares
Wilson-10.

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. H. B. No. 153**, pass?"

Senator Turner moved to amend as follows:

In line 513, after "3319.71," insert "3321.05,"

In line 654, after "3316.21," insert "3317.019,"

In line 60739, after "only" insert "or for the purposes authorized by section 3317.019 of the Revised Code"

Between lines 60891 and 60892, insert:

" **Sec. 3317.019.** Funds allocated to school districts under this chapter, except those specifically allocated for other purposes, may be used for either of the following purposes:

(A) The modification or purchase of classroom space to provide all-day kindergarten as required by section 3321.05 of the Revised Code, provided the district certifies its shortage of space for providing all-day kindergarten to the department of education, in a manner specified by the department;

(B) The modification or purchase of classroom space to reduce class sizes in grades kindergarten through three to attain the goal of fifteen students per core teacher, provided the district certifies its need for additional classroom space to the department, in a manner specified by the department."

Between lines 66970 and 66971, insert:

"Sec. 3321.05. (A) As used in this section, "all-day kindergarten" means a kindergarten class that is in session five days per week for not less than the same number of clock hours each day as for students in grades one through six.

(B) Any school district may operate all-day kindergarten or extended kindergarten, but ~~no~~ beginning in fiscal year 2012, each city, local, and exempted village school district shall provide all-day kindergarten to each student enrolled in kindergarten, except as specified in divisions (C) and (D) of this section.

(C) The board of education of a school district may apply to the superintendent of public instruction for a waiver of the requirement to provide all-day kindergarten for all kindergarten students. In making the determination to grant or deny the waiver, the state superintendent may consider space concerns or alternative delivery approaches used by the school district.

(D) No district shall require any student to attend kindergarten for more than one half the number of clock hours required each day for ~~traditional~~

~~kindergarten grades one through six~~ by the minimum standards adopted under division (D) of section 3301.07 of the Revised Code. Each school district ~~that operates all-day or extended kindergarten~~ shall accommodate kindergarten students whose parents or guardians elect to enroll them for one half of the minimum number of hours required each day for grades one through six.

~~(C)~~ (E) A school district may use space in child day-care centers licensed under Chapter 5104. of the Revised Code to provide all-day kindergarten under this section."

In line 135777, after "3319.71," insert "3321.05,"

In line 152952, after "3317.018," insert "3317.019,"

In line 152957, after "3319.62," insert "3321.05,"

In line 134 of the title, after "3319.71," insert "3321.05,"

In line 326 of the title, after "3316.21," insert "3317.019,"

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

Senator Faber moved that the amendment be laid on the table.

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

A roll call was requested which was properly supported.

The yeas and nays were taken and resulted - yeas 23, nays 10, as follows:

Those who voted in the affirmative were: Senators

Bacon	Beagle	Coley	Daniels
Faber	Gillmor	Grendell	Hite
Hughes	Jones	Jordan	LaRose
Lehner	Manning	Obhof	Oelslager
Patton	Schaffer	Seitz	Stewart
Wagoner	Widener		Niehaus-23.

Those who voted in the negative were: Senators

Brown	Cafaro	Kearney	Sawyer
Schiavoni	Skindell	Smith	Tavares
Turner			Wilson-10.

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. H. B. No. 153**, pass?"

Senator Turner moved to amend as follows:

In line 146554, delete "\$16,912,271 \$16,912,271" and insert "\$18,745,706 \$19,325,604"

In line 146556, delete "\$2,226,105,156 \$2,308,878,313" and insert

"\$2,227,938,591 \$2,311,291,646"

In line 146591, delete "\$2,305,497,312 \$2,390,579,224" and insert "\$2,307,330,747 \$2,392,992,557"

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

Senator Faber moved that the amendment be laid on the table.

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

A roll call was requested which was properly supported.

The yeas and nays were taken and resulted - yeas 23, nays 10, as follows:

Those who voted in the affirmative were: Senators

Bacon	Beagle	Coley	Daniels
Faber	Gillmor	Grendell	Hite
Hughes	Jones	Jordan	LaRose
Lehner	Manning	Obhof	Oelslager
Patton	Schaffer	Seitz	Stewart
Wagoner	Widener		Niehaus-23.

Those who voted in the negative were: Senators

Brown	Cafaro	Kearney	Sawyer
Schiavoni	Skindell	Smith	Tavares
Turner			Wilson-10.

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. H. B. No. 153**, pass?"

Senator Turner moved to amend as follows:

In line 587, after "5505.22," insert "5517.011,"

Between lines 117177 and 117178, insert:

"Sec. 5517.011. (A) Notwithstanding section 5517.01 of the Revised Code, the director of transportation may establish a program to expedite the sale and construction of special projects by combining the design and construction elements of a highway or bridge project into a single contract. The director shall prepare and distribute a scope of work document upon which the bidders shall base their bids. Except in regard to those requirements relating to providing plans, the director shall award contracts under this section in accordance with Chapter 5525. of the Revised Code.

(B)(1) Notwithstanding any provision of Chapter 5525. of the Revised Code, the director may use a value-based selection process, combining technical qualifications and competitive bidding elements, including consideration for minority or disadvantaged businesses that may include joint ventures, when

letting special projects that contain both design and construction elements of a transportation project into a single contract.

(2) When using a value-based selection process, the director shall use best efforts to seek to maximize EDGE business enterprise contracting as established by the director of administrative services by rule adopted under section 123.152 of the Revised Code, on the value-based selection project, based upon percentage goals determined as follows:

(a) For each project, the director shall determine the EDGE percentage by taking into consideration the percentage goals determined by the department of labor in the technical assistance guide for federal construction contractors for the geographic area in which the project will be located and any other factors considered relevant by the director.

(b) For each project, the director shall apply the EDGE percentage to the total project cost to establish the project's EDGE contracting goal.

(3) All business enterprises certified as minority business enterprises under the laws of this state as of the effective date of this section shall, for purposes of contracting on any value-based project, be considered EDGE business enterprises.

(4)(a) At each of the following EDGE compliance checkpoints, the department of transportation shall certify that the project is in reasonable attainment of the EDGE contracting goal for the project:

(i) Prior to each contract being awarded, based on the submission of a reasonable, credible plan for meeting the goal;

(ii) Once monthly for each contract awarded for work on the project.

(b) In determining whether certification under division (B)(4)(a) of this section is warranted, the department may undertake onsite inspections and may review any contractor records related to the project that it considers necessary.

(5) No payment to a contractor shall be made in the absence of a certification required by division (B)(4)(a) of this section.

(C) The total dollar value of contracts made under this section shall not exceed one billion dollars per fiscal year. The director may provide compensation for preparation of a responsive preliminary design concept to not more than two bidders who, after the successful bidder, submitted the next best bids. The director may establish policies or procedures necessary to determine the amount of compensation to be provided for each project and the method of evaluating the value of the preliminary design concept submitted, but in no instance may the compensation exceed the value of such concept."

In line 135853, after "5505.22," insert "5517.011,"

In line 236 of the title, after "5505.22," insert "5517.011,"

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

Senator Faber moved that the amendment be laid on the table.

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

A roll call was requested which was properly supported.

The yeas and nays were taken and resulted - yeas 23, nays 10, as follows:

Those who voted in the affirmative were: Senators

Bacon	Beagle	Coley	Daniels
Faber	Gillmor	Grendell	Hite
Hughes	Jones	Jordan	LaRose
Lehner	Manning	Obhof	Oelslager
Patton	Schaffer	Seitz	Stewart
Wagoner	Widener		Niehaus-23.

Those who voted in the negative were: Senators

Brown	Cafaro	Kearney	Sawyer
Schiavoni	Skindell	Smith	Tavares
Turner			Wilson-10.

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. H. B. No. 153**, pass?"

Senator Turner moved to amend as follows:

In line 138627, delete "\$625,000 \$625,000" and insert "\$705,450 \$705,450"

In line 138631, delete "\$24,016 \$24,016" and insert "\$50,016 \$50,016"

In line 138633, delete "\$117,272,516 \$147,400,243" and insert "\$117,378,666 \$147,506,393"

In line 138646, delete "\$939,559 \$863,013" and insert "\$1,722,153 \$1,722,153"

In line 138662, delete "\$232,306,081 \$232,501,225" and insert "\$233,088,075 \$233,360,365"

In line 138671, delete "\$351,849,353 \$381,007,815" and insert "\$352,738,097 \$381,973,105"

In lines 139679 and 139680, delete "\$920,000 \$920,000" and insert "\$1,094,616 \$1,094,616"

In line 139724, delete "\$728,408,459 \$178,338,920" and insert "\$728,583,075 \$178,513,536"

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

Senator Faber moved that the amendment be laid on the table.

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

A roll call was requested which was properly supported.

The yeas and nays were taken and resulted - yeas 23, nays 10, as follows:

Those who voted in the affirmative were: Senators

Bacon	Beagle	Coley	Daniels
Faber	Gillmor	Grendell	Hite
Hughes	Jones	Jordan	LaRose
Lehner	Manning	Obhof	Oelslager
Patton	Schaffer	Seitz	Stewart
Wagoner	Widener		Niehaus-23.

Those who voted in the negative were: Senators

Brown	Cafaro	Kearney	Sawyer
Schiavoni	Skindell	Smith	Tavares
Turner			Wilson-10.

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. H. B. No. 153**, pass?"

Senator Turner moved to amend as follows:

In line 146561b, delete "- Proprietary"

In line 147489, delete the colon and insert a comma; close the paragraph

In line 147490, delete "Of"

In line 147491, delete "\$37,000,000 in each fiscal year"

In line 147493, delete "four-year public"

Delete lines 147496 through 147507

In line 147512, delete the colon and insert a comma; close the paragraph

In line 147513, delete "(a) "Eligible" and insert ""eligible"

Delete lines 147516 through 147524

In line 147531, after the comma insert "except as otherwise provided in this division,"

Between lines 147536 and 147537, insert:

"No formula calculated under this division shall exclude eligible students enrolled in eligible two-year public institutions of higher education from receiving financial aid under this section or section 3333.122 of the Revised

Code."

In line 147545, delete everything after the period

Delete lines 147546 through 147550

In line 147641, delete "-"

In line 147642, delete "PROPRIETARY"

In line 147644, delete "- Proprietary"

In line 147646, delete "private for profit career colleges" and insert "institutions of higher education"

In line 147647, delete "and schools"

In line 147651, delete "- Proprietary"

In line 147657, delete "- Proprietary"

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

Senator Faber moved that the amendment be laid on the table.

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

The yeas and nays were taken and resulted - yeas 23, nays 10, as follows:

Those who voted in the affirmative were: Senators

Bacon	Beagle	Coley	Daniels
Faber	Gillmor	Grendell	Hite
Hughes	Jones	Jordan	LaRose
Lehner	Manning	Obhof	Oelslager
Patton	Schaffer	Seitz	Stewart
Wagoner	Widener		Niehaus-23.

Those who voted in the negative were: Senators

Brown	Cafaro	Kearney	Sawyer
Schiavoni	Skindell	Smith	Tavares
Turner			Wilson-10.

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. H. B. No. 153**, pass?"

Senator Turner moved to amend as follows:

In line 148614, delete "\$7,300,000 \$7,300,000" and insert "\$12,500,000 \$15,000,000"

In line 148617, delete "\$10,050,000 \$10,050,000" and insert "\$15,250,000 \$17,750,000"

In line 148618, delete "\$10,050,000 \$10,050,000" and insert "\$15,250,000 \$17,750,000"

Between lines 148618 and 148620, insert:

"OHIO PUBLIC TRANSPORTATION GRANT PROGRAM

The eight largest urban public transit systems, which operate in and around Akron, Canton, Cincinnati, Cleveland, Columbus, Dayton, Toledo, and Youngstown, shall be eligible to receive assistance from the funds made available through appropriation item 775451, Public Transportation – State, for the Ohio Public Transportation Grant Program.

Section 405. Of appropriation item 772422, Highway Construction – Federal, appropriated in Am. Sub. H.B. 114 of the 129th General Assembly, \$6,000,000 shall be used in each fiscal year to provide flexible federal funds for distribution through the Urban Formula component of the Ohio Public Transportation Grant Program."

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

Senator Faber moved that the amendment be laid on the table.

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

A roll call was requested which was properly supported.

The yeas and nays were taken and resulted - yeas 22, nays 11, as follows:

Those who voted in the affirmative were: Senators

Bacon	Beagle	Coley	Daniels
Faber	Gillmor	Grendell	Hite
Hughes	Jones	Jordan	LaRose
Lehner	Manning	Obhof	Patton
Schaffer	Seitz	Stewart	Wagoner
Widener			Niehaus-22.

Those who voted in the negative were: Senators

Brown	Cafaro	Kearney	Oelslager
Sawyer	Schiavoni	Skindell	Smith
Tavares	Turner		Wilson-11.

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. H. B. No. 153**, pass?"

Senator Schiavoni moved to amend as follows:

In line 543, after "4141.11," insert "4141.29,"

In line 663, after "3903.301," insert "4141.293, 4141.302,"

Between lines 85433 and 85434, insert:

"Sec. 4141.29. Each eligible individual shall receive benefits as compensation for loss of remuneration due to involuntary total or partial unemployment in the amounts and subject to the conditions stipulated in this chapter.

(A) No individual is entitled to a waiting period or benefits for any week unless the individual:

(1) Has filed a valid application for determination of benefit rights in accordance with section 4141.28 of the Revised Code;

(2) Has made a claim for benefits in accordance with section 4141.28 of the Revised Code;

(3) Has registered at an employment office or other registration place maintained or designated by the director of job and family services. Registration shall be made in accordance with the time limits, frequency, and manner prescribed by the director.

(4)(a)(i) Is able to work and available for suitable work and, except as provided in division (A)(4)(a)(ii) of this section, is actively seeking suitable work either in a locality in which the individual has earned wages subject to this chapter during the individual's base period, or if the individual leaves that locality, then in a locality where suitable work normally is performed.

(ii) The director may waive the requirement that a claimant be actively seeking work when the director finds that the individual has been laid off and the employer who laid the individual off has notified the director within ten days after the layoff, that work is expected to be available for the individual within a specified number of days not to exceed forty-five calendar days following the last day the individual worked. In the event the individual is not recalled within the specified period, this waiver shall cease to be operative with respect to that layoff.

(b) The individual shall be instructed as to the efforts that the individual must make in the search for suitable work, except where the active search for work requirement has been waived under division (A)(4)(a) of this section, and shall keep a record of where and when the individual has sought work in complying with those instructions and, upon request, shall produce that record for examination by the director.

(c) An individual who is attending a training course approved by the director meets the requirement of this division, if attendance was recommended by the director and the individual is regularly attending the course and is making satisfactory progress. An individual also meets the requirements of this division if the individual is participating and advancing in a training program, as defined in division (P) of section 5709.61 of the Revised Code, and if an enterprise, defined in division (B) of section 5709.61 of the Revised Code, is paying all or part of the cost of the individual's participation in the training program with the

intention of hiring the individual for employment as a new employee, as defined in division (L) of section 5709.61 of the Revised Code, for at least ninety days after the individual's completion of the training program.

(d) An individual who becomes unemployed while attending a regularly established school and whose base period qualifying weeks were earned in whole or in part while attending that school, meets the availability and active search for work requirements of division (A)(4)(a) of this section if the individual regularly attends the school during weeks with respect to which the individual claims unemployment benefits and makes self available on any shift of hours for suitable employment with the individual's most recent employer or any other employer in the individual's base period, or for any other suitable employment to which the individual is directed, under this chapter.

(e) The director shall adopt any rules that the director deems necessary for the administration of division (A)(4) of this section.

(f) Notwithstanding any other provisions of this section, no otherwise eligible individual shall be denied benefits for any week because the individual is in training approved under section 236(a)(1) of the "Trade Act of 1974," 88 Stat. 1978, 19 U.S.C.A. 2296, nor shall that individual be denied benefits by reason of leaving work to enter such training, provided the work left is not suitable employment, or because of the application to any week in training of provisions in this chapter, or any applicable federal unemployment compensation law, relating to availability for work, active search for work, or refusal to accept work.

For the purposes of division (A)(4)(f) of this section, "suitable employment" means with respect to an individual, work of a substantially equal or higher skill level than the individual's past adversely affected employment, as defined for the purposes of the "Trade Act of 1974," 88 Stat. 1978, 19 U.S.C.A. 2101, and wages for such work at not less than eighty per cent of the individual's average weekly wage as determined for the purposes of that federal act.

(5) Is unable to obtain suitable work. An individual who is provided temporary work assignments by the individual's employer under agreed terms and conditions of employment, and who is required pursuant to those terms and conditions to inquire with the individual's employer for available work assignments upon the conclusion of each work assignment, is not considered unable to obtain suitable employment if suitable work assignments are available with the employer but the individual fails to contact the employer to inquire about work assignments.

(6) Participates in reemployment services, such as job search assistance services, if the individual has been determined to be likely to exhaust benefits under this chapter, including compensation payable pursuant to 5 U.S.C.A. Chapter 85, other than extended compensation, and needs reemployment services pursuant to the profiling system established by the director under division (K) of this section, unless the director determines that:

(a) The individual has completed such services; or

(b) There is justifiable cause for the claimant's failure to participate in such services.

(B) An individual suffering total or partial unemployment is eligible for benefits for unemployment occurring subsequent to a waiting period of one week and no benefits shall be payable during this required waiting period. Not more than one week of waiting period shall be required of any individual in any benefit year in order to establish the individual's eligibility for total or partial unemployment benefits.

(C) The waiting period for total or partial unemployment shall commence on the first day of the first week with respect to which the individual first files a claim for benefits at an employment office or other place of registration maintained or designated by the director or on the first day of the first week with respect to which the individual has otherwise filed a claim for benefits in accordance with the rules of the department of job and family services, provided such claim is allowed by the director.

(D) Notwithstanding division (A) of this section, no individual may serve a waiting period or be paid benefits under the following conditions:

(1) For any week with respect to which the director finds that:

(a) The individual's unemployment was due to a labor dispute other than a lockout at any factory, establishment, or other premises located in this or any other state and owned or operated by the employer by which the individual is or was last employed; and for so long as the individual's unemployment is due to such labor dispute. No individual shall be disqualified under this provision if either of the following applies:

(i) The individual's employment was with such employer at any factory, establishment, or premises located in this state, owned or operated by such employer, other than the factory, establishment, or premises at which the labor dispute exists, if it is shown that the individual is not financing, participating in, or directly interested in such labor dispute;

(ii) The individual's employment was with an employer not involved in the labor dispute but whose place of business was located within the same premises as the employer engaged in the dispute, unless the individual's employer is a wholly owned subsidiary of the employer engaged in the dispute, or unless the individual actively participates in or voluntarily stops work because of such dispute. If it is established that the claimant was laid off for an indefinite period and not recalled to work prior to the dispute, or was separated by the employer prior to the dispute for reasons other than the labor dispute, or that the individual obtained a bona fide job with another employer while the dispute was still in progress, such labor dispute shall not render the employee ineligible for benefits.

(b) The individual has been given a disciplinary layoff for misconduct in

connection with the individual's work.

(2) For the duration of the individual's unemployment if the director finds that:

(a) The individual quit work without just cause or has been discharged for just cause in connection with the individual's work, provided division (D)(2) of this section does not apply to the separation of a person under any of the following circumstances:

(i) Separation from employment for the purpose of entering the armed forces of the United States if the individual is inducted into the armed forces within one of the following periods:

(I) Thirty days after separation;

(II) One hundred eighty days after separation if the individual's date of induction is delayed solely at the discretion of the armed forces.

(ii) Separation from employment pursuant to a labor-management contract or agreement, or pursuant to an established employer plan, program, or policy, which permits the employee, because of lack of work, to accept a separation from employment;

(iii) The individual has left employment to accept a recall from a prior employer or, except as provided in division (D)(2)(a)(iv) of this section, to accept other employment as provided under section 4141.291 of the Revised Code, or left or was separated from employment that was concurrent employment at the time of the most recent separation or within six weeks prior to the most recent separation where the remuneration, hours, or other conditions of such concurrent employment were substantially less favorable than the individual's most recent employment and where such employment, if offered as new work, would be considered not suitable under the provisions of divisions (E) and (F) of this section. Any benefits that would otherwise be chargeable to the account of the employer from whom an individual has left employment or was separated from employment that was concurrent employment under conditions described in division (D)(2)(a)(iii) of this section, shall instead be charged to the mutualized account created by division (B) of section 4141.25 of the Revised Code, except that any benefits chargeable to the account of a reimbursing employer under division (D)(2)(a)(iii) of this section shall be charged to the account of the reimbursing employer and not to the mutualized account, except as provided in division (D)(2) of section 4141.24 of the Revised Code.

(iv) When an individual has been issued a definite layoff date by the individual's employer and before the layoff date, the individual quits to accept other employment, the provisions of division (D)(2)(a)(iii) of this section apply and no disqualification shall be imposed under division (D) of this section. However, if the individual fails to meet the employment and earnings requirements of division (A)(2) of section 4141.291 of the Revised Code, then the individual, pursuant to division (A)(5) of this section, shall be ineligible for

benefits for any week of unemployment that occurs prior to the layoff date.

(b) The individual has refused without good cause to accept an offer of suitable work when made by an employer either in person or to the individual's last known address, or has refused or failed to investigate a referral to suitable work when directed to do so by a local employment office of this state or another state, provided that this division shall not cause a disqualification for a waiting week or benefits under the following circumstances:

(i) When work is offered by the individual's employer and the individual is not required to accept the offer pursuant to the terms of the labor-management contract or agreement; or

(ii) When the individual is attending a training course pursuant to division (A)(4) of this section except, in the event of a refusal to accept an offer of suitable work or a refusal or failure to investigate a referral, benefits thereafter paid to such individual shall not be charged to the account of any employer and, except as provided in division (B)(1)(b) of section 4141.241 of the Revised Code, shall be charged to the mutualized account as provided in division (B) of section 4141.25 of the Revised Code.

(c) ~~Such~~ Except as otherwise provided in section 4141.293 of the Revised Code, such individual quit work to marry or because of marital, parental, filial, or other domestic obligations.

(d) The individual became unemployed by reason of commitment to any correctional institution.

(e) The individual became unemployed because of dishonesty in connection with the individual's most recent or any base period work. Remuneration earned in such work shall be excluded from the individual's total base period remuneration and qualifying weeks that otherwise would be credited to the individual for such work in the individual's base period shall not be credited for the purpose of determining the total benefits to which the individual is eligible and the weekly benefit amount to be paid under section 4141.30 of the Revised Code. Such excluded remuneration and noncredited qualifying weeks shall be excluded from the calculation of the maximum amount to be charged, under division (D) of section 4141.24 and section 4141.33 of the Revised Code, against the accounts of the individual's base period employers. In addition, no benefits shall thereafter be paid to the individual based upon such excluded remuneration or noncredited qualifying weeks.

For purposes of division (D)(2)(e) of this section, "dishonesty" means the commission of substantive theft, fraud, or deceitful acts.

(E) No individual otherwise qualified to receive benefits shall lose the right to benefits by reason of a refusal to accept new work if:

(1) As a condition of being so employed the individual would be required to join a company union, or to resign from or refrain from joining any bona fide labor organization, or would be denied the right to retain membership in and

observe the lawful rules of any such organization.

(2) The position offered is vacant due directly to a strike, lockout, or other labor dispute.

(3) The work is at an unreasonable distance from the individual's residence, having regard to the character of the work the individual has been accustomed to do, and travel to the place of work involves expenses substantially greater than that required for the individual's former work, unless the expense is provided for.

(4) The remuneration, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality.

(F) Subject to the special exceptions contained in division (A)(4)(f) of this section and section 4141.301 of the Revised Code, in determining whether any work is suitable for a claimant in the administration of this chapter, the director, in addition to the determination required under division (E) of this section, shall consider the degree of risk to the claimant's health, safety, and morals, the individual's physical fitness for the work, the individual's prior training and experience, the length of the individual's unemployment, the distance of the available work from the individual's residence, and the individual's prospects for obtaining local work.

(G) The "duration of unemployment" as used in this section means the full period of unemployment next ensuing after a separation from any base period or subsequent work and until an individual has become reemployed in employment subject to this chapter, or the unemployment compensation act of another state, or of the United States, and until such individual has worked six weeks and for those weeks has earned or been paid remuneration equal to six times an average weekly wage of not less than: eighty-five dollars and ten cents per week beginning on June 26, 1990; and beginning on and after January 1, 1992, twenty-seven and one-half per cent of the statewide average weekly wage as computed each first day of January under division (B)(3) of section 4141.30 of the Revised Code, rounded down to the nearest dollar, except for purposes of division (D)(2)(c) of this section, such term means the full period of unemployment next ensuing after a separation from such work and until such individual has become reemployed subject to the terms set forth above, and has earned wages equal to one-half of the individual's average weekly wage or sixty dollars, whichever is less.

(H) If a claimant is disqualified under division (D)(2)(a), (c), or (d) of this section or found to be qualified under the exceptions provided in division (D)(2)(a)(i), (iii), or (iv) of this section ~~or~~, division (A)(2) of section 4141.291 of the Revised Code, or section 4141.293 of the Revised Code, then benefits that may become payable to such claimant, which are chargeable to the account of the employer from whom the individual was separated under such conditions, shall be charged to the mutualized account provided in section 4141.25 of the

Revised Code, provided that no charge shall be made to the mutualized account for benefits chargeable to a reimbursing employer, except as provided in division (D)(2) of section 4141.24 of the Revised Code. In the case of a reimbursing employer, the director shall refund or credit to the account of the reimbursing employer any over-paid benefits that are recovered under division (B) of section 4141.35 of the Revised Code. Amounts chargeable to other states, the United States, or Canada that are subject to agreements and arrangements that are established pursuant to section 4141.43 of the Revised Code shall be credited or reimbursed according to the agreements and arrangements to which the chargeable amounts are subject.

(I)(1) Benefits based on service in employment as provided in divisions (B)(2)(a) and (b) of section 4141.01 of the Revised Code shall be payable in the same amount, on the same terms, and subject to the same conditions as benefits payable on the basis of other service subject to this chapter; except that after December 31, 1977:

(a) Benefits based on service in an instructional, research, or principal administrative capacity in an institution of higher education, as defined in division (Y) of section 4141.01 of the Revised Code; or for an educational institution as defined in division (CC) of section 4141.01 of the Revised Code, shall not be paid to any individual for any week of unemployment that begins during the period between two successive academic years or terms, or during a similar period between two regular but not successive terms or during a period of paid sabbatical leave provided for in the individual's contract, if the individual performs such services in the first of those academic years or terms and has a contract or a reasonable assurance that the individual will perform services in any such capacity for any such institution in the second of those academic years or terms.

(b) Benefits based on service for an educational institution or an institution of higher education in other than an instructional, research, or principal administrative capacity, shall not be paid to any individual for any week of unemployment which begins during the period between two successive academic years or terms of the employing educational institution or institution of higher education, provided the individual performed those services for the educational institution or institution of higher education during the first such academic year or term and, there is a reasonable assurance that such individual will perform those services for any educational institution or institution of higher education in the second of such academic years or terms.

If compensation is denied to any individual for any week under division (I)(1)(b) of this section and the individual was not offered an opportunity to perform those services for an institution of higher education or for an educational institution for the second of such academic years or terms, the individual is entitled to a retroactive payment of compensation for each week for which the individual timely filed a claim for compensation and for which compensation was denied solely by reason of division (I)(1)(b) of this section. An application for retroactive benefits shall be timely filed if received by the

director or the director's deputy within or prior to the end of the fourth full calendar week after the end of the period for which benefits were denied because of reasonable assurance of employment. The provision for the payment of retroactive benefits under division (I)(1)(b) of this section is applicable to weeks of unemployment beginning on and after November 18, 1983. The provisions under division (I)(1)(b) of this section shall be retroactive to September 5, 1982, only if, as a condition for full tax credit against the tax imposed by the "Federal Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311, the United States secretary of labor determines that retroactivity is required by federal law.

(c) With respect to weeks of unemployment beginning after December 31, 1977, benefits shall be denied to any individual for any week which commences during an established and customary vacation period or holiday recess, if the individual performs any services described in divisions (I)(1)(a) and (b) of this section in the period immediately before the vacation period or holiday recess, and there is a reasonable assurance that the individual will perform any such services in the period immediately following the vacation period or holiday recess.

(d) With respect to any services described in division (I)(1)(a), (b), or (c) of this section, benefits payable on the basis of services in any such capacity shall be denied as specified in division (I)(1)(a), (b), or (c) of this section to any individual who performs such services in an educational institution or institution of higher education while in the employ of an educational service agency. For this purpose, the term "educational service agency" means a governmental agency or governmental entity that is established and operated exclusively for the purpose of providing services to one or more educational institutions or one or more institutions of higher education.

(e) Any individual employed by a public school district or a county board of developmental disabilities shall be notified by the thirtieth day of April each year if the individual is not to be reemployed the following academic year.

(2) No disqualification will be imposed, between academic years or terms or during a vacation period or holiday recess under this division, unless the director or the director's deputy has received a statement in writing from the educational institution or institution of higher education that the claimant has a contract for, or a reasonable assurance of, reemployment for the ensuing academic year or term.

(3) If an individual has employment with an educational institution or an institution of higher education and employment with a noneducational employer, during the base period of the individual's benefit year, then the individual may become eligible for benefits during the between-term, or vacation or holiday recess, disqualification period, based on employment performed for the noneducational employer, provided that the employment is sufficient to qualify the individual for benefit rights separately from the benefit rights based on school employment. The weekly benefit amount and maximum benefits payable

during a disqualification period shall be computed based solely on the nonschool employment.

(J) Benefits shall not be paid on the basis of employment performed by an alien, unless the alien had been lawfully admitted to the United States for permanent residence at the time the services were performed, was lawfully present for purposes of performing the services, or was otherwise permanently residing in the United States under color of law at the time the services were performed, under section 212(d)(5) of the "Immigration and Nationality Act," 66 Stat. 163, 8 U.S.C.A. 1101:

(1) Any data or information required of individuals applying for benefits to determine whether benefits are not payable to them because of their alien status shall be uniformly required from all applicants for benefits.

(2) In the case of an individual whose application for benefits would otherwise be approved, no determination that benefits to the individual are not payable because of the individual's alien status shall be made except upon a preponderance of the evidence that the individual had not, in fact, been lawfully admitted to the United States.

(K) The director shall establish and utilize a system of profiling all new claimants under this chapter that:

(1) Identifies which claimants will be likely to exhaust regular compensation and will need job search assistance services to make a successful transition to new employment;

(2) Refers claimants identified pursuant to division (K)(1) of this section to reemployment services, such as job search assistance services, available under any state or federal law;

(3) Collects follow-up information relating to the services received by such claimants and the employment outcomes for such claimant's subsequent to receiving such services and utilizes such information in making identifications pursuant to division (K)(1) of this section; and

(4) Meets such other requirements as the United States secretary of labor determines are appropriate.

Sec. 4141.293. (A) As used in this section:

(1) "Compelling family circumstances" means any of the following:

(a) The claimant was separated from employment with the claimant's employer because of the claimant's illness or disability and, based upon available information, the director of job and family services finds that it was medically necessary for the claimant to stop working or change occupations.

(b) The claimant was separated from work due to an immediate family member's illness or disability.

(c) The claimant's spouse was transferred or employed in another city or

state, the family is required to move to the location of that job, the location is outside the commuting distance of the claimant's previous employment, and the claimant separates from employment in order to move to the new location with the claimant's spouse.

(2) "Disability" means a verified disability that necessitates the care of the disabled person for a period of time that exceeds the amount of time an employer will provide paid or unpaid leave. "Disability" includes mental and physical disabilities, permanent and temporary disabilities, and partial and total disabilities.

(3) "Immediate family member" means a claimant's spouse, parent, or child under the age of eighteen.

(4) "Illness" means a verified illness that necessitates the care of the ill person for a period of time that exceeds the amount of time an employer will provide paid or unpaid leave.

(B)(1) Notwithstanding section 4141.29 of the Revised Code, a claimant is eligible for waiting week credit and for unemployment compensation benefits if the director finds that the claimant has left work voluntarily or has been discharged because of circumstances directly resulting from domestic abuse and any of the following applies:

(a) The claimant reasonably fears future domestic abuse at or en route to the workplace.

(b) The claimant needs to relocate to avoid future domestic abuse.

(c) The claimant reasonably believes that leaving work is necessary for the safety of the claimant or the claimant's family.

(2) When determining if a claimant has experienced domestic abuse for the purpose of receiving unemployment compensation benefits, the director shall require the claimant to provide documentation of domestic abuse that may include police or court records or other documentation of abuse from a shelter worker, attorney, member of the clergy, or medical or other professional from whom the claimant has sought assistance.

(3) The director shall keep confidential any documentation or evidence of domestic abuse acquired by the director pursuant to this section unless the claimant gives written consent for disclosure.

(C) Notwithstanding section 4141.29 of the Revised Code, an individual is eligible for waiting week credit and for unemployment compensation benefits if the director determines that the claimant was separated from employment due to compelling family circumstances.

Sec. 4141.302. (A) As used in this section:

(1) "Extended benefits" and "regular benefits" have the same meanings as in section 4141.301 of the Revised Code.

(2) "Other unemployment benefits" means regular benefits, extended benefits, and any unemployment benefits funded solely by the federal government.

(3) "Similar stipend" means an amount provided under a program with similar aims, such as providing training to increase employability, and in approximately the same amounts.

(B) An individual who has exhausted all other unemployment benefits for which the individual has been determined eligible shall continue to be eligible for up to twenty-six additional weeks of unemployment benefits if the director of job and family services determines that the individual satisfies all of the following criteria:

(1) The individual was involuntarily separated from employment because of a permanent reduction of operations at the individual's place of employment or is unemployed because of a separation from a declining occupation.

(2) The individual is enrolled and making satisfactory progress in a training program that the director approves for the individual or a training program authorized under the "Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C. 2801 et seq., as amended.

(3) The individual is receiving training that is preparing the individual for entry into a high-demand occupation.

(4) The individual is not receiving similar stipends or other training allowances for nontraining costs.

(C) To be eligible for training extension benefits under this section, an individual shall be enrolled in the qualifying training no later than the end of the benefit year established with respect to the separation that makes the individual eligible for the training extension benefit. The director shall notify each claimant of this enrollment requirement at the time the director issues the claimant's initial determination of benefit rights under section 4141.28 of the Revised Code.

(D) The weekly benefit payable to an individual under this section shall be equal to the amount of unemployment benefits for which the individual has been determined eligible under section 4141.30 of the Revised Code, less any reductions made under section 4141.31 of the Revised Code.

(E) If an individual begins to receive training extension benefits under this section while enrolled in a training program described in division (B) of this section during a benefit year, that individual shall continue to receive the training extension benefits so long as the individual continues to make satisfactory progress in the training program. However, training extension benefits shall not exceed twenty-six times the individual's weekly benefit amount for the most recent benefit year as determined under section 4141.30 of the Revised Code.

(F) The director shall charge any training extension benefits paid under this section to the mutualized account created in section 4141.25 of the Revised

Code and shall not charge an employer's account for any training extension benefits paid to a claimant."

In line 135807, after "4141.11," insert "4141.29,"

Between lines 151174 and 151175, insert:

"Section 741. ____. (A) There is hereby created the Unemployment Modernization Review Task Force. The Task Force shall study the amendments to section 4141.29 of the Revised Code by this act, and the enactment of sections 4141.293 and 4141.302 of the Revised Code by this act, as those amendments and enactments relate to unemployment modernization provisions of the "American Recovery and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, as amended.

(B) The Task Force shall consist of the legislative members of the Unemployment Compensation Advisory Council and the following two additional members:

(1) A member of the Senate, appointed by the President of the Senate, who is a member of the minority party;

(2) A member of the House of Representatives, appointed by the Speaker of the House of Representatives, who is a member of the minority party.

Each member of the Task Force shall hold office during the General Assembly in which the member is appointed and until a successor has been appointed, notwithstanding the adjournment sine die of the General Assembly in which the member was appointed or the expiration of the member's term as a member of the General Assembly. Any vacancies occurring among the members of the Task Force shall be filled in the manner of the original appointment.

(C) The President of the Senate and the Speaker of the House of Representatives shall appoint the members of the Task Force described in divisions (B)(1) and (2) of this section within thirty days after the effective date of this section.

(D) The Task Force shall submit a report to the Governor, the Speaker and Minority Leader of the House of Representatives, and the President and Minority Leader of the Senate not later than December 31, 2012. The report shall include the effects of the legislation described in division (A) of this section."

In line 152963, after "4141.11," insert "4141.29, 4141.293, 4141.302,"

In line 176 of the title, after "4141.11," insert "4141.29,"

In line 335 of the title, after "3903.301," insert "4141.293, 4141.302,"

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

Senator Faber moved that the amendment be laid on the table.

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

The motion was agreed to.

The question recurred, "Shall the bill, **Sub. H. B. No. 153**, pass?"

Senator Schiavoni moved to amend as follows:

In line 141084, delete "\$680,500,000" and insert "\$1,080,500,000"

In line 141086, delete "\$680,500,000" and insert "\$1,080,500,000"

In line 141092, delete "\$10,921,873,458" and insert "\$11,321,873,458"

In line 145563, delete "\$680,500,000" and insert "\$1,080,500,000"

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

Senator Faber moved that the amendment be laid on the table.

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

The motion was agreed to.

The question recurred, "Shall the bill, **Sub. H. B. No. 153**, pass?"

Senator Kearney moved to amend as follows:

In line 500, delete "3313.816,"

Delete lines 56878 through 56938

In line 58537, reinsert "sections 3313.674 and"; delete " section"

In line 135764, delete "3313.816,"

In line 116 of the title, delete "3313.816,"

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

Senator Faber moved that the amendment be laid on the table.

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

A roll call was requested which was properly supported.

The yeas and nays were taken and resulted - yeas 23, nays 10, as follows:

Those who voted in the affirmative were: Senators

Bacon	Beagle	Coley	Daniels
Faber	Gillmor	Grendell	Hite
Hughes	Jones	Jordan	LaRose
Lehner	Manning	Obhof	Oelslager
Patton	Schaffer	Seitz	Stewart
Wagoner	Widener		Niehaus-23.

Those who voted in the negative were: Senators

Brown
Schiavoni
Turner

Cafaro
Skindell

Kearney
Smith

Sawyer
Tavares
Wilson-10.

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. H. B. No. 153**, pass?"

Senator Kearney moved to amend as follows:

Between lines 152401 and 152402, insert:

"Section 755. ____. The Rail Development Commission shall conduct a study of freight and passenger rail efficiency in southwest Ohio. The study shall analyze the challenges and opportunities of the railroad industry in southwestern Ohio, including the preservation, development, or expansion of rail spurs, short lines, and regional and branch lines that may promote economic development in the region. The study shall examine the availability of light rail, interurban rail, and other passenger rail and make recommendations for the growth of passenger rail consistent with regional development. The study shall identify any impediments to regional rail development that may hinder rail efficiency and hamper economic growth and propose solutions addressing such issues. The Rail Development Commission shall submit a final written report to the Governor, the Director of Transportation, and the members of General Assembly not later than December 31, 2012."

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

Senator Jones moved that the amendment be laid on the table.

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

The motion was agreed to.

The question recurred, "Shall the bill, **Sub. H. B. No. 153**, pass?"

Senator Kearney moved to amend as follows:

In line 606, delete "5753.01,"

In line 132109, delete "In the case of a person that is a"

Delete lines 132110 through 132113

Delete lines 133962 through 133984

In line 135871, delete "5753.01,"

In line 262 of the title, delete "5753.01,"

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

Senator Jones moved that the amendment be laid on the table.

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

The motion was agreed to.

The question recurred, "Shall the bill, **Sub. H. B. No. 153**, pass?"

Senator Kearney moved to amend as follows:

In line 421, after "123.10," insert "123.152,"

In line 423, after "125.021," insert "125.081,"

Between lines 9102 and 9103, insert:

"Sec. 123.152. (A) As used in this section, "EDGE business enterprise" means a sole proprietorship, association, partnership, corporation, limited liability corporation, or joint venture certified as a participant in the encouraging diversity, growth, and equity program by the director of administrative services under this section of the Revised Code.

(B) The director of administrative services shall establish a business assistance program known as the encouraging diversity, growth, and equity program and shall adopt rules in accordance with Chapter 119. of the Revised Code to administer the program that do all of the following:

(1) Establish procedures by which a sole proprietorship, association, partnership, corporation, limited liability corporation, or joint venture may apply for certification as an EDGE business enterprise;

(2) Except as provided in division (B)(14) of this section, establish agency procurement goals for contracting with EDGE business enterprises in the award of contracts under Chapters 123., 125., and 153. of the Revised Code based on the availability of eligible program participants by region or geographic area, as determined by the director, and by standard industrial code or equivalent code classification.

(a) Goals established under division (B)(2) of this section shall be based on a percentage level of participation and a percentage of contractor availability.

(b) Goals established under division (B)(2) of this section shall be applied at the contract level, relative to an overall dollar goal for each state agency, in accordance with the following certification categories: construction, architecture, and engineering; professional services; goods and services; and information technology services.

(c) Goals established under division (B)(2) of this section shall apply to any business that assumes, through privatization or similar means, a government function, as if that business were a state agency.

(3) Establish a system of certifying EDGE business enterprises based on a requirement that the business owner or owners show both social and economic

disadvantage based on the following, as determined to be sufficient by the director:

(a) Relative wealth of the business seeking certification as well as the personal wealth of the owner or owners of the business;

(b) Social disadvantage based on any of the following:

(i) A rebuttable presumption when the business owner or owners demonstrate membership in a racial minority group or show personal disadvantage due to color, ethnic origin, gender, physical disability, long-term residence in an environment isolated from the mainstream of American society, location in an area of high unemployment;

(ii) Some other demonstration of personal disadvantage not common to other small businesses;

(iii) By business location in a qualified census tract.

(c) Economic disadvantage based on economic and business size thresholds and eligibility criteria designed to stimulate economic development through contract awards to businesses located in qualified census tracts.

(4) Establish standards to determine when an EDGE business enterprise no longer qualifies for EDGE business enterprise certification;

(5) Develop a process for evaluating and adjusting goals established by this section to determine what adjustments are necessary to achieve participation goals established by the director;

(6) Establish a point system or comparable system to evaluate bid proposals to encourage EDGE business enterprises to participate in the procurement of professional design and information technology services;

(7) Establish a system to track data and analyze each certification category established under division (B)(2)(b) of this section;

(8) Establish a process to mediate complaints and to review EDGE business enterprise certification appeals;

(9) Implement an outreach program to educate potential participants about the encouraging diversity, growth, and equity program;

(10) Establish a system to assist state agencies in identifying and utilizing EDGE business enterprises in their contracting processes;

(11) Implement a system of self-reporting by EDGE business enterprises as well as an on-site inspection process to validate the qualifications of an EDGE business enterprise;

(12) Establish a waiver mechanism to waive program goals or participation requirements for those companies that, despite their best-documented efforts, are unable to contract with certified EDGE business enterprises;

(13) Establish a process for monitoring overall program compliance in which equal employment opportunity officers primarily are responsible for monitoring their respective agencies;

(14) Establish guidelines for state universities as defined in section 3345.011 of the Revised Code and the Ohio school facilities commission created in section 3318.30 of the Revised Code for awarding contracts pursuant to Chapters 153., 3318., and 3345. of the Revised Code to allow the universities and commission to establish agency procurement goals for contracting with EDGE business enterprises.

(C) Business and personal financial information and trade secrets submitted by encouraging diversity, growth, and equity program applicants to the director pursuant to this section are not public records for purposes of section 149.43 of the Revised Code, unless the director presents the financial information or trade secrets at a public hearing or public proceeding regarding the applicant's eligibility to participate in the program."

Between lines 10810 and 10811, insert:

"**Sec. 125.081.** (A) From the purchases that the department of administrative services is required by law to make through competitive selection, the director of administrative services shall select a number of such purchases, the aggregate value of which equals approximately fifteen per cent of the estimated total value of all such purchases to be made in the current fiscal year. The director shall set aside the purchases selected for competition only by minority business enterprises, as defined in division (E)(1) of section 122.71 of the Revised Code. The competitive selection procedures for such purchases set aside shall be the same as for all other purchases the department is required to make through competitive selection, except that only minority business enterprises certified by the equal employment opportunity coordinator of the department of administrative services in accordance with the rules adopted under division (B)(1) of section 123.151 of the Revised Code and listed by the director under division (B) of section 125.08 of the Revised Code shall be qualified to compete.

(B) To the extent that any agency of the state, other than the department of administrative services, the legislative and judicial branches, boards of elections, and the adjutant general, is authorized to make purchases, the agency shall set aside a number of purchases, the aggregate value of which equals approximately fifteen per cent of the aggregate value of such purchases for the current fiscal year for competition by minority business enterprises only. The procedures for such purchases shall be the same as for all other such purchases made by the agency, except that only minority business enterprises certified by the equal employment opportunity coordinator in accordance with rules adopted under division (B)(1) of section 123.151 of the Revised Code shall be qualified to compete. Any business that assumes, through privatization or similar means, a government function shall comply with this division, as if that business were an agency of the state.

(C) In the case of purchases set aside under division (A) or (B) of this section, if no bid is submitted by a minority business enterprise, the purchase shall be made according to usual procedures. The contracting agency shall from time to time set aside such additional purchases for which only minority business enterprises may compete, as are necessary to replace those purchases previously set aside for which no minority business enterprises bid and to ensure that, in any fiscal year, the aggregate amount of contracts awarded to minority business enterprises will equal approximately fifteen per cent of the total amount of contracts awarded by the agency.

(D) The provisions of this section shall not preclude any minority business enterprise from competing for any other state purchases that are not specifically set aside for minority business enterprises.

(E) No funds of any state agency shall be expended in any fiscal year for any purchase for which competitive selection is required, until the director of the department of administrative services certifies to the equal employment opportunity coordinator, the clerk of the senate, and the clerk of the house of representatives of the general assembly that approximately fifteen per cent of the aggregate amount of the projected expenditure for such purchases in the fiscal year has been set aside as provided for in this section.

(F) Any person who intentionally misrepresents self as owning, controlling, operating, or participating in a minority business enterprise for the purpose of obtaining contracts, subcontracts, or any other benefits under this section shall be guilty of theft by deception as provided for in section 2913.02 of the Revised Code."

In line 135685, after "123.10," insert "123.152,"

In line 135687, after "125.021," insert "125.081,"

In line 10 of the title, after "123.10," insert "123.152,"

In line 13 of the title, after "125.021," insert "125.081,"

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

Senator Faber moved that the amendment be laid on the table.

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

A roll call was requested which was properly supported.

The yeas and nays were taken and resulted - yeas 23, nays 10, as follows:

Those who voted in the affirmative were: Senators

Bacon	Beagle	Coley	Daniels
Faber	Gillmor	Grendell	Hite
Hughes	Jones	Jordan	LaRose
Lehner	Manning	Obhof	Oelslager
Patton	Schaffer	Seitz	Stewart
Wagoner	Widener		Niehaus-23.

Those who voted in the negative were: Senators

Brown	Cafaro	Kearney	Sawyer
Schiavoni	Skindell	Smith	Tavares
Turner			Wilson-10.

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. H. B. No. 153**, pass?"

Senator Kearney moved to amend as follows:

In line 595, after "5709.07," insert "5709.084,"

Between lines 120886 and 120887, insert:

"Sec. 5709.084. Real and personal property comprising a convention center that is constructed or, in the case of personal property, acquired , after January 1, 2010, are exempt from taxation if the convention center is located in a county having a population, when construction of the convention center commences, of more than one million two hundred thousand according to the most recent federal decennial census, and if the convention center, or the land upon which the convention center is situated, is owned or leased by the county. For the purposes of this section, construction of the convention center commences upon the earlier of issuance of debt to finance all or a portion of the convention center, demolition of existing structures on the site, or grading of the site in preparation for construction.

Real and personal property comprising a convention center or golf course owned by the largest city in a county having a population greater than seven hundred fifty thousand but less than eight hundred fifty thousand according to the most recent federal decennial census is exempt from taxation.

As used in this section, "convention center" has the same meaning as in section 307.695 of the Revised Code."

In line 135861, after "5709.07," insert "5709.084,"

Between lines 152855 and 152856, insert:

"Section 757. ____. Section 5709.084 of the Revised Code, as amended by this act, is remedial in nature and applies to the tax years at issue in any application for exemption from taxation pending before the Tax Commissioner, the Board of Tax Appeals, any Court of Appeals, or the Supreme Court on the effective date of this act and to the property that is the subject of any such application."

In line 247 of the title, after "5709.07," insert "5709.084,"

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

Senator Faber moved that the amendment be laid on the table.

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

The motion was agreed to.

The question recurred, "Shall the bill, **Sub. H. B. No. 153**, pass?"

Senator Brown moved to amend as follows:

Between lines 152870 and 152871, insert:

"**Section 761.20.** Section 6115.321 of the Revised Code as enacted by this act does not apply to the Toledo Area Sanitary District."

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

Senator Faber moved that the amendment be laid on the table.

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

The motion was agreed to.

The question recurred, "Shall the bill, **Sub. H. B. No. 153**, pass?"

Senator Brown moved to amend as follows:

In line 642, delete "306.322, 306.55, 306.551,"

Delete lines 19433 through 19538

Delete lines 20042 through 20092

In line 310 of the title, delete "306.322, 306.55, 306.551,"

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

Senator Faber moved that the amendment be laid on the table.

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

The motion was agreed to.

The question recurred, "Shall the bill, **Sub. H. B. No. 153**, pass?"

Senator Cafaro moved to amend as follows:

In line 103959, delete " .if any."

In line 104730, delete " Subject to division (D) of this section"; strike through the comma

In line 104731, strike through the first "the" and insert " The"

In line 104779, delete " the earlier of"

In line 104781, delete "and July 1, 2012"

Delete lines 104782 through 104785

In line 104786, delete "ending on the effective date of the rules."

In line 104789, after the underlined period insert "On a quarterly basis, the department shall provide the provider of each nursing facility a detailed analysis of why the nursing facility is or is not earning points under the new accountability measures."

In line 104796, after "shall" delete the balance of the line

In line 104797, delete "2012," and insert "adopt"

In line 104798, after "section" insert "not later than July 1, 2012"; delete "In adopting those rules."

Delete line 104799

In line 104800, delete "issue of medicaid coverage of nursing facility services."

In line 104803, delete "and" and insert an underlined comma; after "life" insert ", and resident and family satisfaction surveys. The director shall provide the provider of each nursing facility a copy of the new accountability measures"

In line 105559, delete ", if any."

In line 144147, after "(2)" delete the balance of the line

Delete line 144148

In line 144149, delete "fiscal year 2013, the" and insert "The"

Between lines 144211 and 144212, insert:

"Section 309.30. NURSING FACILITY QUALITY INCENTIVE PAYMENT COUNCIL

(A) There is hereby established the Nursing Facility Quality Incentive Payment Council. The Council shall consist of all of the following, each of whom shall be appointed not later than thirty days after the effective date of this section:

(1) Two members of the Senate who are members of the majority party of the Senate, appointed by the President of the Senate;

(2) One member of the Senate who is a member of the minority party of the Senate, appointed by the President of the Senate in consultation with the Minority Leader of the Senate;

(3) Two members of the House of Representatives who are members of the majority party of the House of Representatives, appointed by the Speaker of the House of Representatives;

(4) One member of the House of Representatives who is a member of the minority party of the House of Representatives, appointed by the Speaker of the House of Representatives in consultation with the Minority Leader of the House of Representatives;

(5) The Director of the Governor's Office of Health Transformation or the Director's designee;

(6) The Deputy Director of the Office of Ohio Health Plans or the Deputy Director's designee;

(7) One or more representatives of nursing facility providers, appointed by the Deputy Director of the Office of Ohio Health Plans;

(8) One or more representatives of Medicaid recipients, appointed by the Deputy Director of the Office of Ohio Health Plans.

(B) The President of the Senate shall designate one of the members of the Council appointed under division (A)(1) of this section, and the Speaker of the House of Representatives shall designate one of the members of the Council appointed under division (A)(3) of this section, to serve as co-chairpersons of the Council. Except to the extent that serving on the Council is part of a member's regular employment duties, the members of the Council shall not be paid for their service on the Council. Members of the Council shall not be reimbursed for their expenses incurred in serving on the Council. The Office of Ohio Health Plans shall provide support services that the Council needs.

(C) The Council shall develop recommendations regarding new accountability measures to be used in determining nursing facilities' quality incentive payments under section 5111.244 of the Revised Code. Not later than September 30, 2011, the Council shall submit a report of its recommendations to the Governor and, in accordance with section 101.68 of the Revised Code, the General Assembly. The Council shall cease to exist on the submission of the report. The Director of Job and Family Services shall consider the recommendations when adopting rules under section 5111.244 of the Revised Code establishing new accountability measures."

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

Senator Faber moved that the amendment be laid on the table.

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

The motion was agreed to.

The question recurred, "Shall the bill, **Sub. H. B. No. 153**, pass?"

Senator Cafaro moved to amend as follows:

Between lines 144211 and 144212, insert:

"Section 309.30. NURSING FACILITY PEER GROUP COUNCIL

(A) There is hereby established the Nursing Facility Peer Group Council. The Council shall consist of all of the following, each of whom shall be appointed not later than sixty days after the effective date of this section:

(1) Two members of the Senate who are members of the majority party of the Senate, appointed by the President of the Senate;

(2) One member of the Senate who is a member of the minority party of the Senate, appointed by the President of the Senate in consultation with the Minority Leader of the Senate;

(3) Two members of the House of Representatives who are members of the majority party of the House of Representatives, appointed by the Speaker of the House of Representatives;

(4) One member of the House of Representatives who is a member of the minority party of the House of Representatives, appointed by the Speaker of the House of Representatives in consultation with the Minority Leader of the House of Representatives;

(5) The Director of the Governor's Office of Health Transformation or the Director's designee;

(6) The Deputy Director of the Office of Ohio Health Plans or the Deputy Director's designee;

(7) One or more representatives of nursing facility providers, appointed by the Deputy Director of the Office of Ohio Health Plans;

(8) One or more representatives of Medicaid recipients, appointed by the Deputy Director of the Office of Ohio Health Plans.

(B) The President of the Senate shall designate one of the members of the Council appointed under division (A)(1) of this section, and the Speaker of the House of Representatives shall designate one of the members of the Council appointed under division (A)(3) of this section, to serve as co-chairpersons of the Council. Except to the extent that serving on the Council is part of a member's regular employment duties, the members of the Council shall not be paid for their service on the Council. Members of the Council shall not be reimbursed for their expenses incurred in serving on the Council. The Office of Ohio Health Plans shall provide support services that the Council needs.

(C) The Council shall assess the statistical validity of the peer groups established under sections 5111.231, 5111.24, and 5111.25 of the Revised Code for the purpose of Medicaid reimbursement rates for direct care, ancillary and support, and capital costs. Not later than December 31, 2012, the Council shall submit a report of its assessment to the Governor and, in accordance with section 101.68 of the Revised Code, the General Assembly. The Council shall cease to exist on the submission of the report."

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

Senator Faber moved that the amendment be laid on the table.

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

The motion was agreed to.

The question recurred, "Shall the bill, **Sub. H. B. No. 153**, pass?"

Senator Cafaro moved to amend as follows:

In line 103452, strike through "wheelchairs,"

In line 103453, strike through "resident transportation,"

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

Senator Faber moved that the amendment be laid on the table.

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

The motion was agreed to.

The question recurred, "Shall the bill, **Sub. H. B. No. 153**, pass?"

Senator Cafaro moved to amend as follows:

In line 663, after "3903.301," insert "4113.81, 4113.82, 4113.83, 4113.84, 4113.85, 4113.86,"

Between lines 82415 and 82416, insert:

" **Sec. 4113.81.** For purposes of sections 4113.81, 4113.82, 4113.83, 4113.84, 4113.85, and 4113.86 of the Revised Code:

(A) "Appropriate unit" means independent child care providers or independent home care providers, whichever is the subject of the bargaining activity.

(B) "Independent child care provider" means a person who is licensed as a type A home who does not meet the definition of "employee" under the National Labor Relations Act, is a certified type B home, or is an in-home aide who is not a county or state employee. "Type A home," "certified type B home," and "in-home aide" have the same meanings as in section 5104.01 of the Revised Code.

(C)(1) "Independent home care provider" means any person who meets either of the following criteria:

(a) The person provides home services under a medicaid waiver component as described in section 5111.851 or 5111.87 of the Revised Code.

(b) The person provides home services through a state medicaid plan amendment as described in 42 U.S.C. 1396n(i).

(2) "Independent home care provider" does not include any person employed by a private agency for purposes of performing the activities described in division (C)(1) of this section.

(D) "Provider" means an independent child care provider or an independent home care provider.

(E) "Recipient" means any person receiving the services of an independent child care provider or an independent home care provider, or that person's parent or legal guardian.

(F) "Representative organization" means any employee organization as defined in section 4117.01 of the Revised Code or any labor or bona fide organization in which providers participate and that exists for the purpose, in whole or in part, of dealing with the state concerning grievances, wages, hours, terms, and other conditions of employment of providers that are within the control of the state.

Sec. 4113.82. Providers may do all of the following:

(A) Form, join, assist, or participate in, or refrain from forming, joining, assisting, or participating in, except as otherwise provided in sections 4113.81 to 4113.86 of the Revised Code, any representative organization of their own choosing;

(B) Engage in concerted activities, other than those described in division (A) of this section, for the purpose of collective bargaining or other mutual aid and protection;

(C) Be represented by a representative organization;

(D) Bargain collectively with the state to determine wages, hours, and terms and conditions of employment that are within the control of the state, the continuation, modification, or deletion of an existing provision of a collective bargaining agreement, and enter into a collective bargaining agreement.

(E) Present grievances and have them adjusted, without the intervention of the representative organization, so long as the adjustment is not inconsistent with the terms of any collective bargaining agreement then in effect and the representative organization has the opportunity to be present at the adjustment.

Sec. 4113.83. (A) A representative organization shall become the exclusive representative of all the providers in an appropriate unit for the purpose of collective bargaining by satisfying either of the following criteria:

(1) Being certified by an impartial election monitor as described in the governor's executive order 2008-02S for independent child care providers or the governor's executive order 2007-23S for independent home care providers;

(2) Filing a request with the state for recognition as an exclusive

representative, as described in division (B) of this section, a copy of which shall be sent to the state employment relations board.

(B)(1) In the request for recognition, the representative organization shall do all of the following:

(a) Describe the bargaining unit;

(b) Allege that a majority of the providers in the bargaining unit wish to be represented by the representative organization;

(c) Support the request with substantial evidence based on, and in accordance with, rules prescribed by the state employment relations board demonstrating that a majority of the providers in the bargaining unit wish to be represented by the representative organization.

(2) Immediately upon receipt of the request described in divisions (A)(2) and (B)(1) of this section, the state shall request an election in accordance with the same requirements as provided in division (A)(2) of section 4117.07 of the Revised Code.

(C) Nothing in this section shall be construed to permit the state to recognize, or the state employment relations board to certify, a representative organization as an exclusive representative if there is in effect a lawful written agreement, contract, or memorandum of understanding between the state and another representative organization that, on the effective date of this section, has been recognized by the state as the exclusive representative of the providers in an appropriate unit or that by tradition, custom, practice, election, or negotiation has been the only representative organization representing all providers in the unit. This division does not apply to any agreement that has been in effect in excess of three years. For purposes of this section, extensions of an agreement do not affect the expiration of the original agreement.

Sec. 4113.84. (A) All matters pertaining to wages, hours, and terms and conditions of employment that are within the control of the state, and the continuation, modification, or deletion of an existing provision of a collective bargaining agreement shall be subject to collective bargaining between the state and the exclusive representative as described in section 4113.83 of the Revised Code, except as otherwise specified in this section.

(B) This section shall not alter the unique relations between providers and recipients of care. The recipient retains the absolute right to choose providers and to control the hiring, termination, and supervision of providers.

(C) This section shall not affect the ability of the state to take appropriate action when a provider is no longer eligible to provide care under state or federal law, or any rules or regulations adopted thereunder.

Sec. 4113.85. The parties to any collective bargaining agreement entered into pursuant to sections 4113.81, 4113.82, 4113.83, and 4113.84 of the Revised Code shall record that agreement in writing, which is to be executed by all of the

parties to the agreement. The agreement shall contain the same provisions as described in section 4117.09 of the Revised Code, as applicable. Such provisions shall apply to the state, its agents or representatives, any representative organization, its agents or representatives, and to providers in the same manner as the same provisions apply to public employers, public employees, and employee organizations as described in Chapter 4117. of the Revised Code.

Sec. 4113.86. The state employment relations board has the same authority as described in sections 4117.12 and 4117.13 of the Revised Code to investigate, hold hearings, make determinations, and issue complaints regarding unfair labor practices, insofar as that authority does not conflict with sections 4113.81, 4113.82, 4113.83, 4113.84, 4113.85, and 4113.86 of the Revised Code. For purposes of this section, "unfair labor practice" has the same meaning as section 4117.11 of the Revised Code, except any provisions applying to public employers shall apply to the state, any provisions applying to employee organizations shall apply to representative organizations, and any provisions applying to public employees shall apply to providers."

In line 335 of the title, after "3903.301," insert "4113.81, 4113.82, 4113.83, 4113.84, 4113.85, 4113.86,"

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

Senator Faber moved that the amendment be laid on the table.

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

A roll call was requested which was properly supported.

The yeas and nays were taken and resulted - yeas 22, nays 11, as follows:

Those who voted in the affirmative were: Senators

Bacon	Beagle	Coley	Daniels
Faber	Gillmor	Grendell	Hite
Hughes	Jones	Jordan	LaRose
Lehner	Manning	Obhof	Patton
Schaffer	Seitz	Stewart	Wagoner
Widener			Niehaus-22.

Those who voted in the negative were: Senators

Brown	Cafaro	Kearney	Oelslager
Sawyer	Schiavoni	Skindell	Smith
Tavares	Turner		Wilson-11.

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. H. B. No. 153**, pass?"

Senator Cafaro moved to amend as follows:

In line 654, after "3314.23," insert "3314.39,"

Between lines 60298 and 60299, insert:

" **Sec. 3314.39.** (A) As used in this section, "gifted" has the same meaning as in section 3324.01 of the Revised Code.

(B) The superintendent of public instruction shall establish a pilot project to provide gifted education for children by establishing three magnet community schools that specialize in the education of gifted students. One of the schools shall be in a county with a population of less than one hundred thousand. One of the schools shall be in a county with a population of one hundred thousand to five hundred thousand. One of the schools shall be in a county with a population of five hundred thousand or more. The governing board of the educational service center serving each selected county shall serve as the governing authority of the magnet school, and the department of education shall serve as the sponsor of all three schools.

Except as otherwise provided in this section, the magnet schools shall be established in the manner prescribed by and comply with all provisions of this chapter that apply to start-up community schools.

The pilot project shall operate for three full school years, beginning with the school year that begins at least three months after the effective date of this section.

The superintendent shall establish guidelines and procedures for the pilot project.

The superintendent shall consult with nationally recognized organizations that specialize in issues surrounding gifted education in establishing and operating the pilot project.

(C) Each school established by the pilot project shall report to the state superintendent any data about the operation and results of the pilot project, as required by the superintendent in the manner prescribed by the superintendent.

(D) Not later than the thirty-first day of December of the third school year in which the pilot project is operating, the state superintendent shall submit a report to the general assembly, in accordance with section 101.68 of the Revised Code, containing the superintendent's evaluation of the results of the pilot project and legislative recommendations whether to continue, expand, or make changes to the pilot project."

In line 325 of the title, after "3314.23," insert "3314.39,"

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

Senator Faber moved that the amendment be laid on the table.

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

The motion was agreed to.

The question recurred, "Shall the bill, **Sub. H. B. No. 153**, pass?"

Senator Cafaro moved to amend as follows:

In line 663, after "3903.301," insert "4143.01, 4143.02, 4143.03, 4143.04, 4143.05, 4143.06, 4143.07,"

Between lines 85504 and 85505, insert:

" **Sec. 4143.01.** As used in this chapter:

(A) "Affected public employee" means any person who may reasonably be expected to experience an employment loss as a result of a proposed mass layoff or office closing undertaken by the person's public employer. "Affected public employee" includes a supervisor or management level employee, as those terms are defined in section 4117.01 of the Revised Code.

(B)(1) "Employment loss" means any of the following:

(a) An employment termination other than a discharge for just cause, voluntary departure, or retirement;

(b) A layoff exceeding six months;

(c) A reduction of hours of more than fifty per cent during each month of any six-month period.

(2) "Employment loss" does not include a mass layoff or office closing that is the result of the relocation or consolidation of part or all of the public employer's operations if, prior to the layoff or closing, the public employer offers the public employee either of the following options:

(a) A reassignment to a different site of employment within a reasonable commuting distance, resulting in not more than a six-month break in employment;

(b) A reassignment to any other site of employment, regardless of distance, resulting in not more than a six-month break in employment, but only if the public employee accepts the offer within thirty days of either the offer or of the mass layoff or office closing, whichever is later.

(C) "Public employer" means the state or any agency or instrumentality of the state or a political subdivision or any agency or instrumentality of a political subdivision.

(D) "Mass layoff" means a reduction in workforce resulting in an employment loss at a single site of employment of twenty-five or more public employees in a thirty-day period, and that reduction in workforce is not the result of an office closing.

(E) "Political subdivision" has the same meaning as in section 9.23 of the

Revised Code.

(F) "Representative" means an exclusive representative as defined in section 4117.01 of the Revised Code.

(G) "Office closing" means the shutdown of a single site of employment, or one or more facilities or operating units, if the shutdown results in an employment loss during any thirty-day period of twenty-five or more public employees.

Sec. 4143.02. (A) Except as provided in section 4143.05 of the Revised Code, a public employer shall not order a mass layoff or office closing unless, at least sixty calendar days before the order takes effect, the public employer gives written notice of the mass layoff or office closing in accordance with this section and section 4143.03 of the Revised Code. The public employer shall give the notice to each of the following persons or entities:

(1) An affected public employee;

(2) The representative of any affected public employee;

(3) The entity designated by the state to carry out rapid response activities under the federal Workforce Investment Act, 112 Stat. 990, 29 U.S.C. 2864;

(4) The chief elected official of the political subdivision within which the mass layoff or office closing will occur, unless the public employer also is the affected political subdivision. If more than one political subdivision exists within which the layoff or closing is to occur, the public employer shall notify the political subdivision for which the public employer withholds the highest amount of taxes for the year preceding the year for which the determination is made.

(B) Employment losses for two or more groups that occur at a single site of employment, each of which involves less than the minimum number of public employees specified in division (D) or (G) of section 4143.01 of the Revised Code but that, in the aggregate, exceed that minimum number, and which occur within a ninety-day period shall be aggregated for purposes of determining whether a mass layoff or office closing would occur requiring notice under this chapter, unless the public employer can show that the individual employment losses arose from separate and distinct causes.

(C) A layoff of more than six months that, at its outset, was announced to be a layoff of six months or less, shall be treated as an employment loss under this chapter unless both of the following apply:

(1) The extension beyond six months is caused by circumstances, including unforeseeable changes in price or cost, not reasonably foreseeable at the time of the initial layoff;

(2) The public employer gives notice at the time it becomes reasonably foreseeable that the extension beyond six months will be required.

(D) A public employer may satisfy the requirements of this section either by including the requisite notice in the affected public employee's paycheck or mailing the notice to the affected employee's last known address.

Sec. 4143.03. The written notice required under section 4143.02 of the Revised Code shall include all items that are required under the "Worker Adjustment and Retraining Notification Act," 102 Stat. 890, 29 U.S.C. 2101, et seq.

Sec. 4143.04. (A) This chapter shall not apply to a mass layoff or office closing if either of the following applies:

(1) The action involves a temporary facility or is the result of the completion of a particular project or undertaking, and the affected public employees were hired with the understanding that their employment was limited to the duration of the facility, project, or undertaking;

(2) The closing or layoff constitutes a strike or constitutes a lockout not intended to evade the requirements of this chapter.

(B)(1) A public employer may order a mass layoff or office closing without giving at least the sixty-day notice required under division (A) of section 4143.02 of the Revised Code if any one of the following situations applies:

(a) As of the time that notice would have been required, the public employer was actively seeking funding or business that, if obtained, would have enabled the public employer to avoid or postpone the mass layoff or office closing, and the public employer reasonably and in good faith believed that giving the required notice would have precluded the public employer from obtaining the needed funding or business;

(b) The mass layoff or office closing is caused by circumstances that were not reasonably foreseeable at the time that notice would have been required;

(c) The mass layoff or office closing is caused by any form of natural disaster.

(2) A public employer who is exempt under division (B)(1) of this section from providing at least a sixty-day notice shall give as much notice of the mass layoff or office closing as is practicable and shall otherwise comply with the requirements of sections 4143.02 and 4143.03 of the Revised Code. Additionally, the public employer shall include as part of the notice a brief statement explaining the reason for not complying with the time requirements of section 4143.02 of the Revised Code.

Sec. 4143.05. The director of job and family services may adopt, amend, or rescind rules in accordance with Chapter 119. of the Revised Code to administer this chapter. The director may use regulations adopted to implement the federal Worker Adjustment and Retraining Notification Act, 102 Stat. 890, 29 U.S.C. 2101 et seq., as a basis for any rules adopted pursuant to this section.

Sec. 4143.06. (A) A public employee who is entitled to notice under section 4143.02 of the Revised Code, or a representative acting on the public employee's behalf, may file a civil action in an appropriate court alleging a violation of this chapter.

(B) In a civil action brought under this section, the court shall order the public employer to pay both of the following damages and costs to each affected public employee upon finding that the public employer violated this chapter:

(1) Back pay for each calendar day of the violation;

(2) The value of benefits from the public employer's public employee benefit plan for the entire advance notification period, including the cost of medical expenses that the public employee incurred during the employment loss that would have been covered under the employee benefit plan if the employment loss had not occurred.

(C) The amount for which an employer is liable under division (B)(1) of this section shall be reduced by all of the following:

(1) Any wages paid by the employer to the employee for the period of the violation;

(2) Any voluntary and unconditional payment by the employer to the employee that is not required by any legal obligation;

(3) Any payment by the employer to a third party or trustee on behalf of and attributable to the employee for the period of the violation;

(4) With respect to a defined benefit pension plan by crediting the employee with service for all purposes under the plan for the period of the violation.

(D) A court may award attorney's fees to the prevailing party.

(E) As used in this section:

(1) "Back pay" means the higher of the following:

(a) The average regular rate of compensation received by the affected public employee from the public employer during the last three years of the public employee's employment;

(b) The regular rate of compensation received by the affected public employee as of the date of the employment loss.

(2) "Benefit plan" means a plan under section 3(3) of the "Employment Retirement Income Security Act," 88 Stat. 839, 29 U.S.C. 1001, et seq.

Sec. 4143.07. (A) A political subdivision entitled to notice under section 4143.02 of the Revised Code may file a civil action against a public employer in an appropriate court on its own behalf.

(B) Upon finding that a public employer has failed to notify the

appropriate political subdivision as required under section 4143.02 of the Revised Code, the court shall order the public employer to pay a civil penalty of five hundred dollars for each calendar day of the violation.

(C) The penalty described in division (B) of this section does not apply if the public employer pays to each aggrieved public employee the amount for which the public employer is liable to that public employee within three weeks from the date the public employer orders the mass layoff or closing."

In line 335 of the title, after "3903.301," insert "4143.01, 4143.02, 4143.03, 4143.04, 4143.05, 4143.06, 4143.07,"

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

Senator Faber moved that the amendment be laid on the table.

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

A roll call was requested which was properly supported.

The yeas and nays were taken and resulted - yeas 21, nays 12, as follows:

Those who voted in the affirmative were: Senators

Bacon	Beagle	Coley	Daniels
Faber	Gillmor	Grendell	Hite
Jones	Jordan	LaRose	Lehner
Manning	Obhof	Patton	Schaffer
Seitz	Stewart	Wagoner	Widener
			Niehaus-21.

Those who voted in the negative were: Senators

Brown	Cafaro	Hughes	Kearney
Oelslager	Sawyer	Schiavoni	Skindell
Smith	Tavares	Turner	Wilson-12.

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. H. B. No. 153**, pass?"

Senator Cafaro moved to amend as follows:

Delete lines 11546 through 11553

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

Senator Faber moved that the amendment be laid on the table.

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

A roll call was requested which was properly supported.

The yeas and nays were taken and resulted - yeas 23, nays 10, as follows:

Those who voted in the affirmative were: Senators

Bacon	Beagle	Coley	Daniels
Faber	Gillmor	Grendell	Hite
Hughes	Jones	Jordan	LaRose
Lehner	Manning	Obhof	Oelslager
Patton	Schaffer	Seitz	Stewart
Wagoner	Widener		Niehaus-23.

Those who voted in the negative were: Senators

Brown	Cafaro	Kearney	Sawyer
Schiavoni	Skindell	Smith	Tavares
Turner			Wilson-10.

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. H. B. No. 153**, pass?"

The yeas and nays were taken and resulted - yeas 23, nays 10, as follows:

Those who voted in the affirmative were: Senators

Bacon	Beagle	Coley	Daniels
Faber	Gillmor	Grendell	Hite
Hughes	Jones	Jordan	LaRose
Lehner	Manning	Obhof	Oelslager
Patton	Schaffer	Seitz	Stewart
Wagoner	Widener		Niehaus-23.

Those who voted in the negative were: Senators

Brown	Cafaro	Kearney	Sawyer
Schiavoni	Skindell	Smith	Tavares
Turner			Wilson-10.

So the bill passed.

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

Senator Widener moved to amend the title as follows:

Add the names: "Bacon, Beagle, Coley, Daniels, Faber, Gillmor, Hite, Jones, LaRose, Lehner, Manning, Niehaus, Schaffer, Wagoner, Widener."

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

The motion was agreed to and the title so amended.

MOTIONS

Senator Jones moved that Senators absent the week of Sunday, June 5, 2011, 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.

INTRODUCTION AND FIRST CONSIDERATION OF BILLS

The following bills were introduced and considered the first time:

S. B. No. 182-Senator Tavares.

Cosponsor: Senator Cafaro.

To enact section 3727.60 of the Revised Code to require a hospital to provide information regarding breast reconstruction to a patient before obtaining the patient's consent for a mastectomy, lymph node dissection, or lumpectomy.

S. B. No. 183-Senator Tavares.

Cosponsor: Senator Turner.

To amend section 3314.35 of the Revised Code to exempt from closure certain community schools that enroll students receiving behavioral health services.

S. B. No. 184-Senator Tavares.

Cosponsor: Senator Turner.

To amend sections 5725.98, 5729.98, 5733.01, 5733.98, 5747.98, and 5751.98 and to enact section 715.58 of the Revised Code to authorize nonrefundable tax credits for authorized donations to projects of nonprofit entities and municipal agencies providing community services.

OFFERING OF RESOLUTIONS

Senator Tavares offered the following concurrent resolution:

S. C. R. No. 13-Senator Tavares.

Cosponsors: Senators Sawyer, Kearney, Turner, Schiavoni.

To urge the Secretary of the United States Department of Health and Human Services to include all federally approved prescription contraceptive drugs and devices in the list of women's preventive health services that must be covered by new health insurance plans.

The question being, "Shall the concurrent resolution, **S. C. R. No. 13**, be adopted?"

On the motion of Senator Faber, **S. C. R. No. 13**, was referred to the Committee on Rules and Reference.

On the motion of Senator Faber, the Senate adjourned until Thursday, June 9, 2011 at 11:00 o'clock a.m.

Attest:

VINCENT L. KEERAN,
Clerk.