

OHIO

SENATE

JOURNAL

THURSDAY, DECEMBER 13, 2012

TWO HUNDRED FIFTY-FIRST DAY
Senate Chamber, Columbus, Ohio
Thursday, December 13, 2012, 11:00 o'clock a.m.

The Senate met pursuant to adjournment.

Prayer was offered by Father Michael Lumpe, St. Catharine Church, Columbus, Ohio, followed by the Pledge of Allegiance to the Flag.

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

REPORTS OF STANDING AND SELECT COMMITTEES

Senator Jordan submitted the following report:

The standing committee on State and Local Government and Veterans Affairs, to which was referred **S. J. R. No. 5**-Senators Sawyer, LaRose, et al., having had the same under consideration, reports back a substitute bill and recommends its adoption.

YES - 8: BILL SEITZ, FRANK LAROSE, PEGGY B. LEHNER,
BOB PETERSON, JOHN EKLUND, CHARLETA B.
TAVARES, EDNA BROWN, NINA TURNER.

NO - 1: KRIS JORDAN.

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

The report of the committee was accepted.

Senator Niehaus submitted the following report:

The Standing Committee on Rules & Reference to which was referred the appointment by the Governor of:

Michael Gonidakis, from Dublin, Franklin County, Ohio, as a Member of the State Medical Board for a term beginning October 29, 2012 and ending at the close of business July 31, 2017.

Having had the same under consideration, reports back the recommendation that the Senate advise and consent to said appointment.

YES - 5: THOMAS E. NIEHAUS, TOM PATTON, CHRIS
WIDENER, MARK D. WAGONER, SCOTT
OELSLAGER.

NO - 4: EDNA BROWN, NINA TURNER, JOSEPH
SCHIAVONI, ERIC H. KEARNEY.

The question being, "Shall the Senate advise and consent to the appointment by the Governor?"

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

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Burke
Coley	Eklund	Faber	Hite
Hughes	Jones	Jordan	Lehner
Manning	Obhof	Oelslager	Patton
Peterson	Schaffer	Seitz	Wagoner
Widener			Niehaus-22.

Those who voted in the negative were: Senators

Brown	Cafaro	Gentile	Kearney
LaRose	Schiavoni	Skindell	Smith
Tavares			Turner-10.

So the Senate advised and consented to said appointment.

Senator Niehaus submitted the following report:

The Standing Committee on Rules & Reference to which was referred the appointment by the Governor of:

Jennifer Lee Brunner, Democrat, from Columbus, Franklin County, Ohio, as a Member of the Counselor, Social Worker, and Marriage and Family Therapist Board for a term beginning November 9, 2012 and ending at the close of business October 10, 2015, replacing Donald J. McTigue, whose term expired.

Having had the same under consideration, reports back the recommendation that the Senate advise and consent to said appointment.

YES - 9: THOMAS E. NIEHAUS, TOM PATTON, CHRIS WIDENER, MARK D. WAGONER, SCOTT OELSLAGER, EDNA BROWN, NINA TURNER, JOSEPH SCHIAVONI, ERIC H. KEARNEY.

NO - 0.

The question being, "Shall the Senate advise and consent to the appointment by the Governor?"

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

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
Burke	Cafaro	Coley	Eklund

Faber	Gentile	Hite	Hughes
Jones	Jordan	Kearney	LaRose
Lehner	Manning	Obhof	Oelslager
Patton	Peterson	Sawyer	Schaffer
Schiavoni	Seitz	Skindell	Smith
Tavares	Turner	Wagoner	Widener
			Niehaus-33.

So the Senate advised and consented to said appointment.

Senator Niehaus submitted the following report:

The Standing Committee on Rules & Reference to which were referred the appointments by the Governor of:

Timothy Galvin, from Grandview Heights, Franklin County, Ohio, as a Member of the Board of Building Standards for a new term beginning November 16, 2012 and ending at the close of business October 13, 2016, replacing Timothy Galvin, whose term expired.

Gerald O. Holland, from Cuyahoga Falls, Summit County, Ohio, as a Member of the Board of Building Standards for a new term beginning November 16, 2012 and ending at the close of business October 13, 2016, replacing Gerald O. Holland, whose term expired.

Jeffrey Eric Samuelson, from Cincinnati, Hamilton County, Ohio, as a Member of the Board of Building Standards for a term beginning November 16, 2012 and ending at the close of business October 13, 2015, replacing Gerry N. Bird, whose term expired.

Having had the same under consideration, reports back the recommendation that the Senate advise and consent to said appointments.

YES - 8: THOMAS E. NIEHAUS, JOSEPH SCHIAVONI, EDNA BROWN, ERIC H. KEARNEY, TOM PATTON, NINA TURNER, MARK D. WAGONER, SCOTT OELSLAGER.

NO - 0.

The question being, "Shall the Senate advise and consent to the appointments by the Governor?"

Senator Widener moved that he be excused from voting under Senate Rule No. 57.

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

The motion was agreed to.

The question recurred, "Shall the Senate advise and consent to the appointments by the Governor?"

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

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
Burke	Cafaro	Coley	Eklund
Faber	Gentile	Hite	Hughes
Jones	Jordan	Kearney	LaRose
Lehner	Manning	Obhof	Oelslager
Patton	Peterson	Sawyer	Schaffer
Schiavoni	Seitz	Skindell	Smith
Tavares	Turner	Wagoner	Niehaus-32.

YES - 9: THOMAS E. NIEHAUS, JOSEPH SCHIAVONI, EDNA BROWN, ERIC H. KEARNEY, CHRIS WIDENER, TOM PATTON, NINA TURNER, MARK D. WAGONER, SCOTT OELSLAGER.

NO - 0.

So the Senate advised and consented to said appointments.

Senator Niehaus submitted the following report:

The Standing Committee on Rules & Reference to which were referred the appointments by the Governor of:

James M. Adams, from Massillon, Stark County, Ohio, as a Member of the State Board of Sanitarian Registration for a new term beginning October 26, 2012 and ending at the close of business August 14, 2015, replacing James M. Adams, whose term expired.

Matthew Robert Creed, from Brookfield, Trumbull County, Ohio, as a Member of the Ohio Occupational Therapy, Physical Therapy and Athletic Trainers Board for a term beginning November 13, 2012 and ending at the close of business August 27, 2015, replacing Sam M. Coppoletti, whose term expired.

Brian A. Davis, from Bryan, Williams County, Ohio, as a Member of the Transportation Review Advisory Council for a term beginning November 1, 2012 and ending at the close of business June 29, 2017, replacing William J. Brennan, whose term expired.

Bert Dawson, from East Liverpool, Columbiana County, Ohio, as a Member of the State Board of Registration for Professional Engineers and Surveyors

for a term beginning November 16, 2012 and ending at the close of business September 24, 2017, replacing Chandrakant R. Shah, whose term expired.

Olivia Demas, from Richfield, Summit County, Ohio, as a Member of the University of Akron Board of Trustees for a term beginning September 13, 2012 and ending at the close of business July 1, 2021, replacing Ann Amer Brennan, whose term expired.

Michael R. Everhart, from Blacklick, Franklin County, Ohio, as a Member of the State Board of Optometry for a term beginning November 16, 2012 and ending at the close of business September 24, 2017, replacing Patricia Scharf, whose term expired.

Karen M. Holtgreffe, from Cincinnati, Hamilton County, Ohio, as a Member of the Ohio Occupational Therapy, Physical Therapy and Athletic Trainers Board for a new term beginning November 13, 2012 and ending at the close of business August 27, 2015, replacing Karen M. Holtgreffe whose term expired.

Solomon Jackson, Democrat, from Ostrander, Delaware County, Ohio, as a Member of the Ohio Rail Development Commission for a new term beginning October 25, 2012 and ending at the close of business October 20, 2018, replacing Solomon Jackson, whose term expired.

James T. Lee, DPT, from Wadsworth, Medina County, Ohio, as a Member of the Ohio Occupational Therapy, Physical Therapy and Athletic Trainers Board for a new term beginning November 13, 2012 and ending at the close of business August 27, 2015, replacing James T. Lee, whose term expired.

Bruce D. Murphy, from Cleveland, Cuyahoga County, Ohio, as a Member of the Cuyahoga Community College Board of Trustees for a new term beginning October 29, 2012 and ending at the close of business October 12, 2017, replacing Bruce D. Murphy, whose term expired.

Kyle A. Overmyer, from Clyde, Sandusky County, Ohio, as a Member of the Terra State Community College Board of Trustees for a term beginning November 1, 2012 and ending at the close of business December 30, 2016.

Kimberly Sue Peer, from Mogadore, Portage County, Ohio, as a Member of the Ohio Occupational Therapy, Physical Therapy and Athletic Trainers Board for a term beginning November 5, 2012 and ending at the close of business August 27, 2015, replacing Vincent J. O'Brien, whose term expired.

Steven T. Polovick, Independent, from Westerville, Franklin County, Ohio, as a Member of the Counselor, Social Worker, and Marriage and Family Therapist Board for a new term beginning November 9, 2012 and ending at the close of business October 10, 2015, replacing Steven T. Polovick, whose term expired.

Ralph Portier, from Pickerington, Fairfield County, Ohio, as a Member of the Ohio Private Investigation and Security Services Commission for a term beginning November 8, 2012 and ending at the close of business December 31, 2015, replacing Gary Wolske, whose term expired.

Thomas Price, Republican, from Delaware, Delaware County, Ohio, as a Member of the Ohio Soil and Water Conservation Commission for a new term beginning October 31, 2012 and ending at the close of business June 30, 2016, replacing Thomas Price, whose term expired.

Gary Redd, from Marion, Marion County, Ohio, as a Member of the State Board of Emergency Medical Services for a term beginning November 13, 2012 and ending at the close of business November 12, 2015, replacing William E. Quinn, Jr., whose term expired.

Gerard J. Reis, from Concord, Lake County, Ohio, as a Member of the Lakeland Community College Board of Trustees for a new term beginning October 30, 2012 and ending at the close of business October 12, 2017, replacing Gerard J. Reis, whose term expired.

John T. Urbanski, Republican, from Findlay, Hancock County, Ohio, as a Member of the Ohio Advisory Council for the Aging for a term beginning November 16, 2012 and ending at the close of business November 20, 2014.

Paul Frank Vanek, Jr., from Mentor, Lake County, Ohio, as a Member of the Lakeland Community College Board of Trustees for a term beginning October 30, 2012 and ending at the close of business October 12, 2017, replacing Ernest A. Lallo, whose term expired.

Mary J. Venrick, Republican, from Springfield, Clark County, Ohio, as a Member of the Counselor, Social Worker, and Marriage and Family Therapist Board for a new term beginning November 9, 2012 and ending at the close of business October 10, 2015, replacing Mary J. Venrick, whose term expired.

Beverly A. Vitaz, from Concord, Lake County, Ohio, as a Member of the Lakeland Community College Board of Trustees for a term beginning November 16, 2012 and ending at the close of business October 12, 2017, replacing Linda Williams, whose term expired.

Having had the same under consideration, reports back the recommendation that the Senate advise and consent to said appointments.

The question being, "Shall the Senate advise and consent to the appointments by the Governor?"

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

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
Burke	Cafaro	Coley	Eklund
Faber	Gentile	Hite	Hughes
Jones	Jordan	Kearney	LaRose
Lehner	Manning	Obhof	Oelslager
Patton	Peterson	Sawyer	Schaffer
Schiavoni	Seitz	Skindell	Smith
Tavares	Turner	Wagoner	Widener
			Niehaus-33.

So the Senate advised and consented to said appointments.

HOUSE AMENDMENTS TO SENATE BILLS AND RESOLUTIONS

The amendments of the House of Representatives to:

Am. Sub. S. B. No. 37-Senator Hughes.

Cosponsors: Senators Bacon, Grendell, Sawyer, Seitz, Beagle, Brown, Burke, Cafaro, Daniels, Faber, Gentile, Jordan, Lehner, Balderson, Manning, Obhof, Oelslager, Patton, Schaffer, Schiavoni, Skindell, Tavares, Turner, Wagoner, Widener. Representatives Johnson, Ruhl, Uecker, Adams, R., Anielski, Antonio, Ashford, Barnes, Beck, Blair, Blessing, Boose, Boyce, Brenner, Bulp, Buchy, Budish, Butler, Carney, Celeste, Cera, Damschroder, Derickson, Dovilla, Driehaus, Duffey, Fedor, Fende, Foley, Gardner, Garland, Gerberry, Goodwin, Hackett, Hagan, C., Hagan, R., Hall, Hayes, Heard, Hill, Hottinger, Huffman, Kozlowski, Letson, Lundy, Maag, Martin, McClain, McGregor, Milkovich, Murray, Newbold, O'Brien, Okey, Patmon, Pelanda, Phillips, Pillich, Ramos, Reece, Roegner, Rosenberger, Scherer, Schuring, Sears, Slesnick, Smith, Sprague, Stautberg, Sykes, Szollosi, Terhar, Thompson, Winburn, Young, Yuko, Speaker Batchelder.

To amend section 5533.051 and to enact sections 5501.313, 5533.182, 5533.183, 5533.221, 5533.542, 5533.725, 5533.755, 5533.831, 5533.832, 5533.921, and 5533.98 of the Revised Code to permit the Director of Transportation to designate portions of state highways as memorial highways in honor of each State Highway Patrol trooper who is or has been killed in the line of duty, and to designate a number of memorial highways, were taken up.

The question being, "Shall the Senate concur in the amendments of the House of Representatives?"

Senator Faber moved that the House amendments to **Am. Sub. S. B. No. 37**, be informally passed and retain their place on the calendar.

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

The motion was agreed to.

The amendments of the House of Representatives to:

Sub. S. B. No. 114-Senator Seitz.

Cosponsors: Senators Kearney, Patton, Wilson, Bacon, Beagle, Burke, Daniels, Hite, Hughes, LaRose, Sawyer, Schiavoni, Smith, Tavares, Turner. Representatives Ruhl, Kozlowski, Letson, Murray, Phillips, Rosenberger, Uecker, Winburn, Speaker Batchelder.

To amend sections 2744.081, 2744.082, 4501.01, 4501.13, 4503.04, 4503.21, 4503.22, 4503.544, 4507.01, 4507.05, 4507.06, 4507.11, 4511.01, 4511.53, 4513.241, 4517.33, 4519.01, 4519.02, 4775.01, 4775.02, 4775.03,

4775.04, 4775.05, 4775.06, 4775.07, 4775.08, 4775.09, 4775.10, 4775.11, 4775.99, and 5703.21 and to enact sections 4511.214, 4511.215, and 4519.401 of the Revised Code to establish conditions for the operation of certain specialized motor vehicles, including low-speed and under-speed vehicles, scooters, cab-enclosed motorcycles, and mini-trucks; to establish conditions for operation of a motorcycle with a temporary instruction permit; to prohibit motorcycle handlebars from being higher than the shoulders of the operator when the operator is seated in the operator's seat or saddle; to establish a motor scooter temporary instruction permit and license or endorsement; to prohibit a motor vehicle manufacturer, remanufacturer, or distributor from providing to a licensed motor vehicle dealer a motor vehicle that violates window tinting standards; to increase the penalty for installing nonconforming glass or other material; to establish civil liability for installing nonconforming glass or other material, including costs and attorney fees; to rename the Board of Motor Vehicle Collision Repair Registration as the Motor Vehicle Repair Board and to expand the jurisdiction of the Board to require persons who install motor vehicle window tint to register with the Board; to give the Franklin County Court of Common Pleas exclusive jurisdiction over motor vehicle repair registration violations; to impose a registration or license suspension up to 180 days on a registered motor vehicle repair facility or licensed motor vehicle dealer upon a second or subsequent violation for installing nonconforming glass or other material; to establish an exemption from the motor vehicle window tinting standards for vehicles used by law enforcement agencies under specified circumstances; and to make certain changes associated with the Political Subdivision Tort Liability Law, were taken up.

The question being, "Shall the Senate concur in the amendments of the House of Representatives?"

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

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
Burke	Cafaro	Coley	Eklund
Faber	Gentile	Hite	Hughes
Jones	Jordan	Kearney	LaRose
Lehner	Manning	Obhof	Oelslager
Patton	Peterson	Sawyer	Schaffer
Schiavoni	Seitz	Skindell	Smith
Tavares	Turner	Wagoner	Widener
			Niehaus-33.

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

The amendments of the House of Representatives to:

Sub. S. B. No. 298-Senator Cafaro.

Cosponsors: Senators Brown, Seitz, Kearney, Beagle, Hughes, Hite, Turner, Bacon, Balderson, Burke, Gentile, Lehner, Oelslager, Patton, Sawyer, Schaffer, Schiavoni, Smith, Tavares, Wagoner. Representatives Barnes, Boyce, Driehaus, Hackett, Letson, McGregor, Milkovich, Murray, O'Brien, Reece, Terhar, Thompson, Young.

To amend sections 4303.181, 4303.202, 4303.208, and 4303.99 of the Revised Code to alter the conditions under which a D-51 liquor permit may be issued, to make changes to the law governing the issuance of F-2 liquor permits, and to allow an F-2 liquor permit to be issued for the same location that an F-8 liquor permit is issued provided that certain criteria apply, were taken up.

The question being, "Shall the Senate concur in the amendments of the House of Representatives?"

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

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
Burke	Cafaro	Coley	Eklund
Faber	Gentile	Hite	Hughes
Jones	Jordan	Kearney	LaRose
Lehner	Manning	Obhof	Oelslager
Patton	Peterson	Sawyer	Schaffer
Schiavoni	Seitz	Skindell	Smith
Tavares	Turner	Wagoner	Widener
			Niehaus-33.

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

RESOLUTIONS REPORTED BY COMMITTEE

Sub. S. J. R. No. 5-Senators Sawyer, LaRose.

Cosponsors: Senators Turner, Faber.

Proposing to enact new Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12 of Article XI and to repeal Sections 13, 14, and 15 of Article XI of the Constitution of the State of Ohio to revise the redistricting process for General Assembly and Congressional districts.

Be it resolved by the General Assembly of the State of Ohio, three-fifths

of the members elected to each house concurring herein, that there shall be submitted to the electors of the state, in the manner prescribed by law at the general election to be held on November 5, 2013, a proposal to enact new Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12 of Article XI of the Constitution of the State of Ohio to read as follows:

ARTICLE XI

Section 1. (A) The Ohio redistricting commission shall be responsible for the redistricting of this state for congress and the general assembly. The commission shall consist of the following seven members:

(1) The governor;

(2) The auditor of state;

(3) The secretary of state;

(4) One person appointed by the speaker of the house of representatives;

(5) One person appointed by the legislative leader of the largest political party in the house of representatives of which the speaker of the house of representatives is not a member;

(6) One person appointed by the president of the senate; and

(7) One person appointed by the legislative leader of the largest political party in the senate of which the president of the senate is not a member.

No appointed member of the commission shall be a current member of the general assembly or of congress.

(B) Unless otherwise specified in this article, a simple majority of the commission members shall be required for any action by the commission. The affirmative vote of five members of the commission, including at least one member of the commission who is a member of a political party other than the largest one represented on the commission, shall be required to adopt any plan.

(C) At the first meeting of the commission, which the governor shall convene only in a year ending in the numeral one, except as provided in Section 11 of this article, the members shall select co-chairpersons, one of whom shall be a member of a political party other than the largest one represented on the commission, and set a schedule for the adoption of procedural rules for the operation of the commission.

Not later than the fifteenth day of September of a year ending in the numeral one, the commission shall release to the public a proposed plan for the boundaries for each of the ninety-nine house of representatives districts and the thirty-three senate districts, and a proposed plan for the prescribed number of congressional districts as apportioned to the state pursuant to Section 2 of Article 1 of the constitution of the United States. The commission shall draft each proposed plan in the manner prescribed in this article. Before adopting, but after introducing, a final congressional or general assembly district plan, the

commission shall conduct a minimum of three public hearings across the state and shall seek public input regarding the proposed plans. All meetings of the commission shall be open to the public. Meetings shall be broadcast by electronic means of transmission using a medium readily accessible by the general public, subject to the discretion of the commission.

The commission shall adopt final plans not earlier than the last week of October of a year ending in the numeral one but not later than the second week of November of a year ending in the numeral one. After the commission adopts a plan, the commission shall file the plan with the secretary of state. Upon filing with the secretary of state, the plan shall become effective.

Not more than six weeks after the adoption of a congressional plan and a general assembly plan, the co-chairpersons of the commission shall jointly dissolve the commission.

(D) The general assembly shall be responsible for making the appropriations it determines necessary in order for the commission to perform its duties under this article.

(E) The attorney general shall be responsible for defending a plan adopted by the commission in any legal action arising from the process described in this article.

Section 2. Each congressional district shall be entitled to a single representative in the United States house of representatives in each congress. Each house of representatives district shall be entitled to a single representative in each general assembly. Each senate district shall be entitled to a single senator in each general assembly.

Section 3. (A) The whole population of the state, as determined by the federal decennial census or, if such is unavailable, such other basis as the general assembly may direct, shall be divided by the number "ninety-nine" and by the number "thirty-three" and the quotients shall be the ratio of representation in the house of representatives and in the senate, respectively, for ten years next succeeding such redistricting.

(B) The population of each house of representatives district shall be substantially equal to the ratio of representation in the house of representatives, and the population of each senate district shall be substantially equal to the ratio of representation in the senate, as provided in division (A) of this section. In no event shall any district contain a population of less than ninety-five per cent nor more than one hundred five per cent of the applicable ratio of representation, except as otherwise provided in division (B) of Section 6 of this article.

Section 4. (A) Any plan adopted by the commission shall comply with all applicable provisions of the constitutions of Ohio and the United States and of federal law.

(B) No individual district shall be drawn primarily with the intent to favor or disfavor a political party.

(C)(1) Every congressional and general assembly district shall be compact and composed of contiguous territory, and the boundary of each district shall be a single nonintersecting continuous line.

(2) The commission shall avoid splitting political subdivisions. As used in this section and Sections 6 and 9 of this article, "political subdivision" means a county, a municipal corporation, a township, or a municipal ward.

(a) Dividing a noncontiguous political subdivision shall not be considered splitting the political subdivision if its noncontiguous portions are included in separate districts. However, dividing a noncontiguous political subdivision shall be considered splitting the political subdivision if any noncontiguous portion is divided into separate districts.

(b) Dividing, along a county line, a political subdivision that has territory in more than one county shall not be considered splitting the political subdivision.

(D) Notwithstanding the other provisions of this article, where it is necessary to divide political subdivisions, only two political subdivisions, other than a county, may be divided per house of representatives district.

(E) Subject to all other requirements of this article, the commission shall preserve together whole suburban, urban, and rural communities that share similar characteristics.

Section 5. A county having at least one house of representatives ratio of representation shall have as many house of representatives districts wholly within the boundaries of the county as it has whole ratios of representation. Any fraction of the population in excess of a whole ratio shall be a part of only one adjoining house of representatives district.

The number of whole ratios of representation for a county shall be determined by dividing the population of the county by the ratio of representation for the house of representatives determined under Section 3 of this article.

Section 6. The standards prescribed in this section and Sections 3, 4, and 5 of this article shall govern the establishment of house of representatives districts, which shall be created and numbered in the following order to the extent that such order is consistent with the foregoing standards:

(A) Each county containing population substantially equal to one ratio of representation in the house of representatives, as provided in Section 3 of this article, but in no event less than ninety-five per cent of the ratio nor more than one hundred five per cent of the ratio, shall be designated a representative district.

(B) Each county containing population between ninety and ninety-five per cent of the ratio or between one hundred five and one hundred ten per cent of the ratio may be designated a representative district.

(C)(1) If political subdivisions must be divided in order to create the remaining representative districts, those districts shall be formed by combining the whole areas of political subdivisions, beginning with the political subdivisions with the smallest populations and proceeding to the largest.

(2) Proceeding in succession from the largest to the smallest, each remaining county containing more than one whole ratio of representation shall be divided into house of representatives districts. Any remaining territory within such county containing a fraction of one whole ratio of representation shall be included in one representative district by combining it with adjoining territory outside the county.

(3) Of the remaining territory of the state, where feasible, multiple whole counties shall be combined as single representative districts.

(4) Of the remaining territory of the state, the commission shall draw the boundary lines of representative districts as to delineate an area containing at least one whole county and the necessary additional territory.

(D) The remaining territory of the state shall be combined into representative districts.

Section 7. Senate districts shall be composed of three contiguous house of representatives districts. A county having at least one whole senate ratio of representation shall have as many senate districts wholly within the boundaries of the county as it has whole senate ratios of representation. Any fraction of the population in excess of a whole ratio shall be a part of only one adjoining senate district. Counties having less than one senate ratio of representation, but at least one house of representatives ratio of representation shall be part of only one senate district.

The number of whole ratios of representation for a county shall be determined by dividing the population of the county by the ratio of representation in the senate determined under Section 3 of this article.

Senate districts shall be numbered from one through thirty-three and as provided in Section 10 of this article.

Section 8. The standards prescribed in this section and Section 4 of this article shall govern the establishment of congressional districts, which shall be created in the following order so long as such order is consistent with the foregoing standards:

(A) The whole population of the state, as determined by the federal decennial census, shall be divided by the number of congressional districts apportioned to the state pursuant to Section 2 of Article I of the constitution of the United States, and the quotient shall be the congressional ratio of representation for ten years next succeeding such apportionment.

(B) The number of whole ratios of representation for a county shall be determined by dividing the population of the county by the congressional ratio of

representation.

(C) Proceeding in succession from the largest to the smallest, each county containing more than one whole ratio of representation shall be divided into the appropriate number of congressional districts, as that county contains whole ratios of representation.

(D) The remaining territory of the state shall be combined into congressional districts.

Section 9. Notwithstanding the fact that boundaries of political subdivisions within a district may be changed, district boundaries shall be created by using the boundaries of political subdivisions as they exist at the time of the federal decennial census on which the redistricting is based, or, if unavailable, on such other basis as the general assembly has directed.

Section 10. At any time the boundaries of senate districts are changed in any plan of redistricting made pursuant to any provision of this article, a senator whose term will not expire within two years of the time the plan of redistricting is made shall represent, for the remainder of the term for which the senator was elected, the senate district which contains the largest portion of the population of the district from which the senator was elected, and the district shall be given the number of the district from which the senator was elected. If more than one senator whose term will not so expire would represent the same district by following the provisions of this section, the commission shall designate which senator shall represent the district and shall designate which district the other senator or senators shall represent for the balance of their term or terms.

Section 11. (A) The supreme court of Ohio shall have exclusive, original jurisdiction in all cases arising under this article.

(B) In the event that any section of this constitution relating to redistricting or any plan of redistricting made by the Ohio redistricting commission is determined to be invalid by an unappealed final order of a court of competent jurisdiction then, notwithstanding any other provisions of this constitution, the commission shall reconvene to ascertain and determine a plan of redistricting in conformity with such provisions of this constitution as are then valid, including establishing terms of office and election of members of the general assembly from districts designated in the plan, to be used until the next regular redistricting in conformity with such provisions of this constitution as are then valid.

(C) Notwithstanding any provision of this constitution or any law regarding the residence of senators and representatives, a plan of redistricting made pursuant to this section shall allow thirty days for persons to change residence in order to be eligible for election.

(D) No court shall order, in any circumstance, the implementation or enforcement of any plan that has not been approved by the commission in the manner prescribed by this article.

Section 12. The various provisions of this article are intended to be severable, and the invalidity of one or more of such provisions shall not affect the validity of the remaining provisions.

EFFECTIVE DATE AND REPEAL

If adopted by a majority of the electors voting on this proposal, new Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12 of Article XI take effect January 1, 2021 and existing Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12 of Article XI and Sections **Section 13.**, **Section 14.**, and **Section 15.** of Article XI of the Constitution of the State of Ohio are repealed from that effective date.

The question being, "Shall the joint resolution, **Sub. S. J. R. No. 5**, be adopted?"

The yeas and nays were taken and resulted - yeas 32, nays 1, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
Burke	Cafaro	Coley	Eklund
Faber	Gentile	Hite	Hughes
Jones	Kearney	LaRose	Lehner
Manning	Obhof	Oelslager	Patton
Peterson	Sawyer	Schaffer	Schiavoni
Seitz	Skindell	Smith	Tavares
Turner	Wagoner	Widener	Niehaus-32.

Senator Jordan voted in the negative-1.

So the joint resolution was adopted.

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

Senator LaRose moved to amend the title as follows:

Add the names: "Bacon, Balderson, Beagle, Brown, Burke, Cafaro, Coley, Eklund, Hite, Hughes, Jones, Lehner, Manning, Niehaus, Obhof, Oelslager, Patton, Peterson, Tavares, Wagoner, Widener."

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

The motion was agreed to and the title so amended.

S. R. No. 219-Senator Turner.

Cosponsors: Senators Wagoner, Kearney, Cafaro, Gentile, Seitz, Tavares, Patton, LaRose, Sawyer, Beagle, Obhof, Skindell, Peterson, Brown.

To honor the 511 African-American Ohioans who enlisted in the 54th and 55th Regiments of the Massachusetts Volunteer Infantry during the Civil War.

WHEREAS, African-American men were not permitted to enlist in Ohio's military units until June 1863; and

WHEREAS, Between April and June 1863, the following

African-American men from Ohio enlisted in the 54th Regiment of the Massachusetts Volunteer Infantry: John W. Allen, Logan County, Ohio; William Anderson, Xenia, Ohio; Elias Artis, Shelby County, Ohio; Joseph Artist, Urbana, Ohio; Joseph Asbery, Oberlin, Ohio; Thomas Ashbury, Dayton, Ohio; Benjamin B. Baptist, Mt. Pleasant, Ohio; John L. Barker, Oberlin, Ohio; William Barrett, Salem, Ohio; John Bass, Columbus, Ohio; Jones Beatty, Zanesville, Ohio; Isaac Berrett, Urbana, Ohio; Andrew Betenbough, Hamilton, Ohio; Thomas Betts, Columbus, Ohio; Thomas Beverly, Columbus, Ohio; John A. Bouldon, Cleveland, Ohio; Thomas Bowman, Cincinnati, Ohio; Randolph Brady, Hamilton, Ohio; William Brady, Salem, Ohio; Fielding C. Brown, Lebanon, Ohio; Henry Brown, Toledo, Ohio; James E. Brown, Oberlin, Ohio; John A. Brown, Stuebenville, Ohio; William H. Brown, Wilberforce, Ohio; James W. Bush, Xenia, Ohio; William Cain, Xenia, Ohio; Cato Chaney, Carthagena, Ohio; George T. Charles, Richmond, Ohio; Henry C. Charton, Cincinnati, Ohio; John Churchman, Carthagena, Ohio; Lewis Clark, Lebanon, Ohio; James Cleveland, Cincinnati, Ohio; Rudolphus Coatney, Greene County, Ohio; Samuel Coleman, Cincinnati, Ohio; Shedrick Conway, Cleveland, Ohio; Lloyd Cooper, Cincinnati, Ohio; Asa Cotton, Xenia, Ohio; George Cowen, Oxford, Ohio; Robert Cragg, Mercer County, Ohio; Henry Craig, Cincinnati, Ohio; Anathy Dean, Cleveland, Ohio; Stephen Depp, Lebanon, Ohio; William Dorsay, Cleveland, Ohio; Samuel Duncan, Franklin County, Ohio; Henry Ellis, II, Cincinnati, Ohio; William Ellis, I, Cincinnati, Ohio; Albert Evans, Springfield, Ohio; George Evans, Xenia, Ohio; Richard Evans, Xenia, Ohio; Joseph Evins, Greene County, Ohio; Henry A. Field, Xenia, Ohio; Thomas Floyd, Cincinnati, Ohio; William Fowlis, Champaign County, Ohio; Stephan Franklin, Dayton, Ohio; James Freeman, Columbus, Ohio; Charles S. Gamrell, Springfield, Ohio; Charles H. Goff, Springfield, Ohio; Benjamin Green, Oberlin, Ohio; Amos Hall, Oxford, Ohio; William Hall, Lima, Ohio; John W. Harper, Zanesville, Ohio; Christopher Hart, Springfield, Ohio; John Hedgepath, Clinton County, Ohio; Joseph Heuston, Cincinnati, Ohio; James E. Hewett, Xenia, Ohio; Thomas Hewett, Xenia, Ohio; Benjamin Hogan, Mercer County, Ohio; Charles M. Holloway, Wilberforce, Ohio; Joseph R. Holmes, Cincinnati, Ohio; Leander Howard, Oberlin, Ohio; Alexander Hunter, Cleveland, Ohio; Levi Jackson, Oxford, Ohio; Walter A. Jeffries, Cincinnati, Ohio; Joseph Johnson, Hamilton, Ohio; Robert J. Jones, Hamilton, Ohio; William Jones, Mt. Pleasant, Ohio; Wiley Jordan, Mercer County, Ohio; George King, Toledo, Ohio; Thomas Lawrance, Xenia, Ohio; William Lee, Columbus, Ohio; George Lipscomb, Cincinnati, Ohio; Francis Lowe, Cleveland, Ohio; Samuel Lowmack, Columbus, Ohio; Joseph Lowry, Urbana, Ohio; George Madrey, Hamilton, Ohio; Jesse Mahan, Xenia, Ohio; Varnall W. Mayho, Columbus, Ohio; David McCowan, Morning Sun, Ohio; Robert McJohnson, Preble County, Ohio; Alvus McPherson, Oxford, Ohio; Joseph W. Meaks, Springfield, Ohio; William Milton, Columbus, Ohio; William Mitchell, Oberlin, Ohio; Colonel Morgan, Cincinnati, Ohio; John Morgan, Cincinnati, Ohio; Lewis Munroe, Toledo, Ohio; John Myers, Oxford, Ohio; Harrison Nichols, Oberlin, Ohio; Ishmael Palmer, Springboro, Ohio; Joseph A. Palmer, Dayton, Ohio; George Parker, Cleveland, Ohio; Benjamin Patten,

Cincinnati, Ohio; Henry Patterson, I, Oberlin, Ohio; Henry T. Pearl, Cleveland, Ohio; Edward Pegram, Cleveland, Ohio; William Pillow, Hamilton, Ohio; William H. Pleasant, Cleveland, Ohio; Anson Prater, Lucas County, Ohio; John E. Price, Cincinnati, Ohio; William Princeton, Cleveland, Ohio; Napoleon B. Rector, Sandusky, Ohio; George Remsley, Greene County, Ohio; Joseph T. Richardson, Cleveland, Ohio; James M. Rickman, Greenville, Ohio; Oliver B. Ridgeway, Oberlin, Ohio; Jeremiah Rolls, Cincinnati, Ohio; Henry Russell, Oxford, Ohio; William Rutledge, Oberlin, Ohio; Thomas Shaw, Cincinnati, Ohio; John Shrewsbury, Cincinnati, Ohio; Abraham C. Simms, Oxford, Ohio; Henry Simpson, Columbus, Ohio; Baltimore Smith, Cincinnati, Ohio; George Smith, Cincinnati, Ohio; George W. Smith, Toledo, Ohio; Isaac Smith, I, Mt. Pleasant, Ohio; Isaac Smith, II, Cincinnati, Ohio; Louis Smith, Columbus, Ohio; Robert Smith, Springfield, Ohio; Robert Smith, Cleveland, Ohio; William J. Smith, Salem, Ohio; John Soward, Cleveland, Ohio; William Spain, Havana, Ohio; Hezekiah Stewart, Shelby County, Ohio; Edward Stone, Toledo, Ohio; John H. Thomas, Toledo, Ohio; Jeremiah Thompson, Bono, Ohio; William Thompson, Ohio; James M. Townsend, Oxford, Ohio; James W. Vorce, Cleveland, Ohio; Frederick Wallace, Cincinnati, Ohio; James Walker, Cincinnati, Ohio; Albert G. Wall, Oberlin, Ohio; John Wall, Oberlin, Ohio; Charles Watt, Cincinnati, Ohio; Sylvester Webber, Ripley, Ohio; George Weevel, Mt. Healthy, Ohio; Addison White, Mechanicsburg, Ohio; Harry White, Toledo, Ohio; Charles Williams, Mt. Healthy, Ohio; Edward Williams, Oberlin, Ohio; John Williamson, Hamilton, Ohio; John H. Willson, Cincinnati, Ohio; George Wilson, Toledo, Ohio; Isaiah Wilson, Oberlin, Ohio; Henery Worthington, Defiance, Ohio; and

WHEREAS, Between April and June 1863, the following African-American men from Ohio enlisted in the 55th Regiment of the Massachusetts Volunteer Infantry: Wiley Abbott, New Richmond, Ohio; Robert Abram, Chillicothe, Ohio; Albert Adams, Waynesville, Ohio; David Adams, New Antioch, Ohio; George Akers, Carthage, Ohio; William H. Alexander, Seneca County, Ohio; Joseph Anderson, Troy, Ohio; Nelson R. Anderson, Delaware County, Ohio; Wesley Anderson, Troy, Ohio; Archer Armstead, Frankfort, Ohio; Jacob Ash, Adams County, Ohio; John Bailey, Pickaway, Ohio; Thomas Baker, Xenia, Ohio; Solomon C. Banks, Logan County, Ohio; William Barber, Wilmington, Ohio; David Barrett, Urbana, Ohio; George Barrett, Urbana, Ohio; George Bazel, Pickaway County, Ohio; Hiram Bias, Columbus, Ohio; Hezekiah Bird, Frankfort, Ohio; Samuel L. Bizzell, Ripley, Ohio; Edward Black, Chillicothe, Ohio; James H. Black, Gallipolis, Ohio; Jordan M. Bobson, Wilmington, Ohio; Richard Boone, West Jefferson, Ohio; Morris Bradley, Hillsboro, Ohio; Isaiah Brandon, Xenia, Ohio; Nimrod Brooks, Columbus, Ohio; Elijah Brown, Sandusky, Ohio; Henry Brown, Cincinnati, Ohio; James Brown, Delaware, Ohio; John Brown, Shelby County, Ohio; John W. Brown, Huntsville, Ohio; Lyne Sterling Brown, Delaware County, Ohio; Thomas Brown, Coldwater, Ohio; Thomas Brown, Zanesville, Ohio; John W. Bryant, Hillsboro, Ohio; George Buckner, Pickaway County, Ohio; Isaiah Buckney, Urbana, Ohio; William Burns, Marysville, Ohio; William Burns, Bloomingburg, Ohio; William

H. Burns, Ross County, Ohio; George W. Bush, Carthagena, Ohio; Charles Butler, Ripley, Ohio; Gilbert Butler, Butler County, Ohio; James Henry Byrd, Logan County, Ohio; Joseph Campbell, Highland County, Ohio; John Carter, Barnesville, Ohio; Nelson Champ, Mt. Pleasant, Ohio; Charles Chapman, Batavia, Ohio; William Charleston, Upper Sandusky, Ohio; James Chatman, Harrisburg, Ohio; Ransom Chatman, Xenia, Ohio; Archie Claiborne, Harrisburg, Ohio; Henry Claiborne, Harrisburg, Ohio; Charles E. Clark, Upper Sandusky, Ohio; John W. Clark, Upper Sandusky, Ohio; William H. Clay, Aberdeen, Ohio; James Cochran, Chillicothe, Ohio; Pickens Colbreath, Ripley, Ohio; Joshua Cole, Sandusky, Ohio; Frank Collins, Ripley, Ohio; John Collins, Ohio; George Collwell, Ripley, Ohio; Alfred Cornelius, Gallipolis, Ohio; John Q.A. Cosby, Cardington, Ohio; Willis Cotton, Frankfort, Ohio; Cyrus Cowan, Troy, Ohio; Garrett Cox, Troy, Ohio; William Cox, Troy, Ohio; Fortunatius Craig, Carthagena, Ohio; John Crockett, Harveysburg, Ohio; George Cromwell, Maumee, Ohio; Armstrong Crowder, Pickaway, Ohio; Paul Crowder, Miami County, Ohio; Morris Darnell, Sandusky, Ohio; Henry Davis, Chillicothe, Ohio; William Davis, Sandusky, Ohio; Joseph Dawson, Harrisburg, Ohio; Charles Dean, Huntsville, Ohio; Isaac Delay, Ripley, Ohio; Elijah Derricks, Perrysburg, Ohio; Walter C. Dickerson, Ross County, Ohio; Henry Dinwiddie, Chillicothe, Ohio; Rufus M. Dix, Xenia, Ohio; Moses Dixon, Chillicothe, Ohio; Simon Douglas, Sidney, Ohio; Joshua Dunbar, Troy, Ohio; William H. Dupree, Chillicothe, Ohio; Aaron A. Dyson, Bothinsville, Ohio; Isaac Edwards, Barnesville, Ohio; Paul Erving, Springfield, Ohio; Andrew Essex, Hillsboro, Ohio; Jacob Essex, Venice, Ohio; Armstead Evans, Chillicothe, Ohio; Henry Evans, Chillicothe, Ohio; Sterling Evans, Troy, Ohio; Thomas T. Evans, Chillicothe, Ohio; Colson Fairfax, Harrisburg, Ohio; Albert T. Felts, New Lexington, Ohio; Cethe C. Felts, New Lexington, Ohio; Samuel Fields, Milo, Ohio; Lewis Fitzhughes, Frankfort, Ohio; Peter Fleming, Albany, Ohio; Elisha G. Flood, Ohio; John R. Ford, Lebanon, Ohio; William Fortune, Chillicothe, Ohio; James Fox, Pickaway County, Ohio; Lorenzo Fox, Troy, Ohio; William A. Fox, Pickaway County, Ohio; John Francis, Harrisburg, Ohio; Anthony Freeman, Barnesville, Ohio; George Gales, Chillicothe, Ohio; Frank Gardner, Sandusky, Ohio; James T. Gibson, Troy, Ohio; Harrison Gillard, Troy, Ohio; James Gillard, Troy, Ohio; James Gillispie, Pickaway County, Ohio; Wallace L. Glaspey, Hardin County, Ohio; Horace Goins, Hillsboro, Ohio; Randall Goins, Hillsboro, Ohio; James Grain, Jamestown, Ohio; Charles Gray, Frankfort, Ohio; David Gray, Sandusky, Ohio; James Green, Xenia, Ohio; Joseph Green, Xenia, Ohio; Levi Green, Wilmington, Ohio; Simean T. Green, Harveysburg, Ohio; Harrison Griffin, Cleveland, Ohio; Henry Griffy, Springfield, Ohio; Charles Henry Groose, Delaware County, Ohio; Nathaniel Gross, Ripley, Ohio; Jasper Haddock, Somerton, Ohio; David A. Hall, Oberlin, Ohio; Eli Hall, Pickaway County, Ohio; Josiah C. Hall, Cincinnati, Ohio; Randolph Hampton, Bellefontaine, Ohio; Alexander Hannon, Xenia, Ohio; William Hargrave, Wilmington, Ohio; Beverly Harris, Troy, Ohio; Henry Harris, Xenia, Ohio; Robert Harris, Columbus, Ohio; William Harris, Sandusky, Ohio; John Henderson, Ripley, Ohio; Powell Hendrick, Ripley, Ohio; Richard Hendrick,

Ripley, Ohio; William Henry, Columbus, Ohio; Charles Hicks, Cambridge, Ohio; John L. Hicks, Greenfield, Ohio; George Higginson, Trenton, Ohio; James P. Hightower, Xenia, Ohio; Orlando S. Hightower, Wilmington, Ohio; Edward Augustus Highwarder, Delaware County, Ohio; John Wesley Highwarder, Delaware County, Ohio; Samuel Hill, Martinsville, Ohio; Thomas H. Hill, Barnesville, Ohio; William Hill, Wayne County, Ohio; Charles H. Holmes, Champaign County, Ohio; Josiah Howard, Russell, Ohio; William Howard, Xenia, Ohio; Alick Humes, Troy, Ohio; John Humes, Troy, Ohio; William Hunt, Troy, Ohio; Austin Hurley, Springfield, Ohio; Joseph H. Hurley, Somerton, Ohio; Thornton Hurley, Somerton, Ohio; Daniel Ivery, Andersonville, Ohio; Alexander Jackson, Chillicothe, Ohio; Henry Jackson, Chillicothe, Ohio; Manuel P. Jackson, Chillicothe, Ohio; Robert Jackson, Hillsboro, Ohio; Alexander Jenkins, Bloomingburg, Ohio; Charles Jenkins, New Marion, Ohio; Thomas Jenkins, Ohio; Franklin Johnson, Chillicothe, Ohio; Henry Johnson, Ripley, Ohio; Hezekiah Johnson, Huntsville, Ohio; James Johnson, Youngstown, Ohio; Joseph Johnson, Republic, Ohio; Matthew Johnson, Youngstown, Ohio; Thomas Johnson, Dayton, Ohio; William H. Johnson, Chillicothe, Ohio; William H. Johnson, Sandusky, Ohio; Armstead M. Jones, Shelby County, Ohio; John M. Jones, Hamilton, Ohio; John W. Jones, Troy, Ohio; Osbourne Jones, Ross County, Ohio; Peter Jones, West Milton, Ohio; George D. Jones, Ripley, Ohio; Samuel Jube, Champaign County, Ohio; John Kees, Urbana, Ohio; Martin Kennedy, Cumberland, Ohio; David M.P. Kenney, Mt. Gilead, Ohio; David U. King, Mount Pleasant, Ohio; John King, Bellefontaine, Ohio; Jonathan King, Mount Pleasant, Ohio; Robert King, New Richmond, Ohio; Howard Landrum, Circleville, Ohio; David Lee, Xenia, Ohio; Adolphus Lewis, Union County, Ohio; George B. Lewis, Delaware County, Ohio; George W. Lewis, Ripley, Ohio; James Lewis, Chillicothe, Ohio; Solomon Lidle, Chillicothe, Ohio; William Little, Springfield, Ohio; Jesse Locklear, Chillicothe, Ohio; William H. Love, Troy, Ohio; David Low, Columbus, Ohio; Benjamin Lyons, Upper Sandusky, Ohio; William Mabra, Barnesville, Ohio; Francis Macafee, New Market, Ohio; Franklin Malone, Chillicothe, Ohio; James Malone, Marysville, Ohio; Silas Malone, Gurneyville, Ohio; Charles Markerfield, Carthagena, Ohio; Henry Martin, Ripley, Ohio; Thomas Maxwell, Cincinnati, Ohio; Henry Mayo, Chillicothe, Ohio; James Mays, Cincinnati, Ohio; Francis McCoglin, Shelby County, Ohio; James McFarland, (James Washington), Hillsboro, Ohio; Presley McGee, London, Ohio; Archy McKinney, Adams County, Ohio; George McPherson, Steubenville, Ohio; William Miller, Cincinnati, Ohio; James Minton, Delaware County, Ohio; George Mitchell, Chillicothe, Ohio; George W. Moore, Columbus, Ohio; Isaac Moore, Bellefontaine, Ohio; Weston Moore, Carthagena, Ohio; Alexander Morgan, Bainbridge, Ohio; Charles H. Morgan, Springboro, Ohio; Hiram Morgan, Springfield, Ohio; Richard Morrison, Hamilton, Ohio; James Moss, Carthagena, Ohio; John M. Myers, Barnesville, Ohio; Norris Needham, Springfield, Ohio; James S. Nelson, Republic, Ohio; William Nelson, Frankfort, Ohio; Henry A. Newland, Zanesfield, Ohio; Robert Newsome, Bellefontaine, Ohio; William Nickerson, Williamsburg, Ohio; Charles Oglesby, Troy, Ohio; Thomas Overton, Carthagena, Ohio; James

Owens, Frankfort, Ohio; Osborne Owens, Union County, Ohio; Daniel A. Paine, Barnesville, Ohio; George M. Parker, Frankfort, Ohio; Lott H. Parker, Bellefontaine, Ohio; John Patterson, Hamilton, Ohio; Jacob Payne, Bainbridge, Ohio; John H. Payne, Bellefontaine, Ohio; Lawrence Payne, Frankfort, Ohio; William J. Peel, Shelby County, Ohio; David S. Peterson, Barnesville, Ohio; Ferdinand Peterson, Barnesville, Ohio; Joseph H. Peterson, Barnesville, Ohio; Marcus Peterson, Barnesville, Ohio; Charles Peyton, Cincinnati, Ohio; Henry Powell, Cabletown, Ohio; Isaiah Price, Cincinnati, Ohio; Calvin Rector, Urbana, Ohio; Charles Redman, Hillsboro, Ohio; William H. Redman, Chillicothe, Ohio; Jacob W. Reid, Springfield, Ohio; Elijah Revels, Youngstown, Ohio; George W. Richardson, Chillicothe, Ohio; William Richardson, Chillicothe, Ohio; Finley Rickman, Ross County, Ohio; Thomas Rickman, Bainbridge, Ohio; Henry C. Ritchie, Marysville, Ohio; Lewis Roberts, Bellefontaine, Ohio; William C. Roberts, Bellefontaine, Ohio; Thomas Robinson, Sandusky, Ohio; William F. Robinson, Barnesville, Ohio; James D. Ross, Ross County, Ohio; West Royal, Sandusky, Ohio; Thomas Russell, Chillicothe, Ohio; Caswell Sampson, Barnesville, Ohio; David W. Samson, Bellefontaine, Ohio; Nicholas Sansberry, Cincinnati, Ohio; William Sawyer, Oxford, Ohio; William H. Schell, Ripley, Ohio; Alexander Scott, Bellefontaine, Ohio; Alexander Scott, Ripley, Ohio; Benjamin Scott, Waynesville, Ohio; Benjamin B. Scott, Xenia, Ohio; William Scott, Ripley, Ohio; James Selden, Hillsboro, Ohio; George Seward, Frankfort, Ohio; William Sheldon, Pickaway, Ohio; James Shipp, Barnesville, Ohio; John H. Shipp, Barnesville, Ohio; John F. Shorter, Delaware County, Ohio; Simon P. Shorter, Delaware County, Ohio; Daniel Smith, New Richmond, Ohio; William H. Smith, Urbana, Ohio; David Spears, Shelby, Ohio; Albert Steen, Ripley, Ohio; Nathaniel Steward, Wilmington, Ohio; William Steward, Ross County, Ohio; Henry I. Stockley, Ohio; Abraham Stuart, Mount Pleasant, Ohio; William Stuart, Cincinnati, Ohio; William Sweet, Bellefontaine, Ohio; James H. Tann, Circleville, Ohio; George W. Taylor, Rushsylvania, Ohio; Samuel Taylor, Logan County, Ohio; Stephen Taylor, Sandusky, Ohio; Alexander Thomas, Wilmington, Ohio; George W. Thomas, Cincinnati, Ohio; Samuel Thomas, Madison, Ohio; William Thomas, Flushing, Ohio; George W. Thompson, Maumee, Ohio; Isaiah A. Thompson, Maumee, Ohio; John H. Thompson, Troy, Ohio; Martin Thompson, Columbia, Ohio; John Tilghman, Jefferson, Ohio; William Trotter, West Jefferson, Ohio; Olmstead Turner, Columbus, Ohio; Nelson Vaughn, Mercer County, Ohio; Peter Waggoner, Ross County, Ohio; John W. Walker, Oberlin, Ohio; James M. Wallace, Sandusky, Ohio; Stephen Ward, Bellefontaine, Ohio; Virginius Ward, Pike County, Ohio; Richard T. Warwick, Bellefontaine, Ohio; Harrison Washington, Sandusky, Ohio; James A. Washington, Republic, Ohio; Joseph Waze, Antioch, Ohio; George White, Milford Center, Ohio; Israel White, Troy, Ohio; Richard W. White, Salem, Ohio; Silas White, West Milton, Ohio; Spencer White, Troy, Ohio; Edward P. F. Whitsell, Republic, Ohio; George W. Whyte, Delaware County, Ohio; Robert Wicker, Pickaway County, Ohio; William Wicker, Troy, Ohio; Abner Williams, Leesburg, Ohio; Abner A. Williams, Ross County, Ohio; Claiborne Williams, Chillicothe, Ohio; Edmund Williams, Highland County, Ohio; George Williams,

Sandusky, Ohio; James Williams, Cincinnati, Ohio; James W. Williams, Leesburg, Ohio; Henry Wilson, Troy, Ohio; Joseph Wilson, Barnesville, Ohio; John D. Wood, Flushing, Ohio; Lewis Wood, Hillsboro, Ohio; Henry Woodley, Bellefontaine, Ohio; George W. Worthington, Defiance, Ohio; Jonathan C. Wright, Sandusky, Ohio; Benjamin Wyatt, Ripley, Ohio; Henry Young, Ripley, Ohio; and

WHEREAS, The soldiers of the 54th Regiment of the Massachusetts Volunteer Infantry served with honor in South Carolina in the Assault on Fort Wagner, the Battle of Honey Hill, and the Battle of Boykin's Mills, and in Florida in the Battle of Oolustee; and

WHEREAS, The soldiers of the 55th Regiment of the Massachusetts Volunteer Infantry served with honor in South Carolina at Folly Island and in the Battle of Honey Hill; and

WHEREAS, Corporal Henry F. Peal of Oberlin, Ohio, served with the 54th Regiment of the Massachusetts Volunteer Infantry and received the Gillmore Medal for his bravery in carrying the flag during the Assault on Fort Wagner; and

WHEREAS, These 511 Ohio soldiers have not been recognized for their contribution to the Union cause; now therefore be it

RESOLVED, That we, the members of the Senate of the 129th General Assembly of the State of Ohio, in adopting this resolution, honor the 511 African-American Ohioans who enlisted in the 54th and 55th Regiments of the Massachusetts Volunteer Infantry during the Civil War; and be it further

RESOLVED, That the Clerk of the Senate transmit duly authenticated copies of this resolution to the news media of Ohio.

The question being, "Shall the resolution, **S. R. No. 219**, be adopted?"

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

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
Burke	Cafaro	Coley	Eklund
Faber	Gentile	Hite	Hughes
Jones	Jordan	Kearney	LaRose
Lehner	Manning	Obhof	Oelslager
Patton	Peterson	Sawyer	Schaffer
Schiavoni	Seitz	Skindell	Smith
Tavares	Turner	Wagoner	Widener
			Niehaus-33.

So the resolution was adopted.

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

Senator Turner moved to amend the title as follows:

Add the names: "Bacon, Balderson, Burke, Coley, Eklund, Faber, Hite, Hughes, Jones, Jordan, Manning, Niehaus, Oelslager, Schaffer, Schiavoni, Smith, Widener."

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

The motion was agreed to and the title so amended.

BILLS FOR THIRD CONSIDERATION

Senator Faber moved that **Sub. H. B. No. 495**, having been reported by the standing committee on Judiciary, be brought uo for immediate consideration.

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

The yeas and nays were taken and resulted - yeas 32, nays 1, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
Burke	Cafaro	Coley	Eklund
Faber	Gentile	Hite	Hughes
Jones	Jordan	Kearney	LaRose
Lehner	Manning	Obhof	Oelslager
Patton	Peterson	Sawyer	Schaffer
Schiavoni	Seitz	Smith	Tavares
Turner	Wagoner	Widener	Niehaus-32.

Senator Skindell voted in the negative-1.

The motion was agreed to.

Sub. H. B. No. 495-Representative Johnson.

Cosponsors: Representatives Hill, Hall, Adams, R., Brenner, Derickson, Wachtmann, Combs, Hayes, Buchy, Boose, McClain, Goodwin, Thompson, Conditt, Grossman, Maag, Sears, Damschroder, Hackett, Uecker, Young, Adams, J., Bubp, Stautberg, Ruhl, DeVitis, Dovilla, Amstutz, Beck, Blair, Hagan, C., Henne, Hottinger, Huffman, Kozlowski, Landis, Lynch, Martin, Newbold, Pelanda, Roegner, Rosenberger, Scherer, Smith, Sprague, Stebelton, Terhar, Speaker Batchelder. Senator Faber.

To amend sections 105.41, 109.69, 109.731, 152.08, 311.41, 311.42, 1547.69, 2921.13, 2923.11, 2923.12, 2923.121, 2923.122, 2923.123, 2923.124, 2923.125, 2923.126, 2923.127, 2923.128, 2923.129, 2923.1210, 2923.1211, 2923.1213, 2923.16, and 2953.37 of the Revised Code to authorize the automatic validity in Ohio of a concealed handgun license issued by another state if the other state automatically recognizes as valid in that state an Ohio concealed handgun license without the need for any reciprocity agreement between the states; to repeal the competency certification currently required for renewal of a concealed handgun license; to revise the definition of

"unloaded" that applies to the offense of "improperly handling firearms in a motor vehicle" and the related vessel-based offense; to specify the authority of any person to store a firearm in the Statehouse Underground Parking Garage or the Riffe Center Parking Garage; and to simplify, through the use of new definitions, the law regarding concealed handgun licenses, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 495**, pass?"

Senator Seitz moved to amend as follows:

In line 266, reinsert "shall"; delete " may"

In line 270, reinsert "both of the"

Reinsert lines 271 through 273

In line 274, reinsert "comparable to the eligibility requirements for"

In line 275, reinsert "a concealed handgun" and insert " license"; reinsert "issued under section 2923.125 of the Revised"

Reinsert line 276

In line 277, reinsert "(b) That"; delete " the"

In line 292, reinsert "(3)"; delete " (B)"; reinsert "shall not negotiate any"; delete " may"

Delete line 293

In line 294, reinsert "with any other license-issuing state under which"

In line 295, delete " .recognizes"

In line 296, reinsert "by the other state is recognized in this state other than"

In line 297, reinsert "as provided in divisions (A)(1) and (2) of this"; delete " under"

Delete lines 298 through 309

In line 310, delete " described in division (A)(1) or (2) of this section"

In line 311, reinsert "(B)"; delete " (C)"

In line 1001, delete " or automatic recognition finding"

In line 1018, delete " or automatic recognition finding"

In line 2321, reinsert "a"

In line 2322, reinsert "reciprocity agreement entered into pursuant to"

Delete lines 3838 through 3840

In line 6 of the title, delete "to authorize the"

Delete lines 7 through 11 of the title

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

The motion was agreed to.

The question recurred, "Shall the bill, **Sub. H. B. No. 495**, pass?"

The yeas and nays were taken and resulted - yeas 26, nays 7, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Burke
Cafaro	Coley	Eklund	Faber
Gentile	Hite	Hughes	Jones
Jordan	LaRose	Lehner	Manning
Obhof	Oelslager	Patton	Peterson
Schaffer	Schiavoni	Seitz	Wagoner
Widener			Niehaus-26.

Senators Brown, Kearney, Sawyer, Skindell, Smith, Tavares, and Turner voted in the negative-7.

So the bill passed.

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

Senator Obhof moved to amend the title as follows:

Add the names: "Balderson, Beagle, Burke, Coley, Eklund, Hite, Jordan, Obhof, Patton, Peterson, Schaffer, Seitz, Wagoner."

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

The motion was agreed to and the title so amended.

Sub. H. B. No. 27-Representatives Stautberg, Letson.

Cosponsors: Representatives Hagan, R., Murray, Pillich, Ruhl, Thompson, Burke, DeGeeter, McClain, Huffman, Balderson, Garland, Derickson, McGregor, Weddington, O'Brien, Schuring, Patmon, Mecklenborg, Bubb, Stinziano, Amstutz, Antonio, Beck, Blair, Boose, Budish, Celebrezze, Celeste, Combs, Dovilla, Foley, Hackett, Hayes, Kozlowski, Maag, Mallory, Milkovich, Newbold, Phillips, Ramos, Slesnick, Stebelton, Terhar, Williams, Winburn, Speaker Batchelder.

To amend sections 2111.01 and 2111.02, to enact sections 2111.022, 2112.01, 2112.011, 2112.02, 2112.03, 2112.04, 2112.05, 2112.21, 2112.22, 2112.23, 2112.24, 2112.25, 2112.26, 2112.27, 2112.31, 2112.32, 2112.41, 2112.42, and 2112.43, and to repeal section 2111.41 of the Revised Code to adopt the Adult Guardianship and Protective Proceedings Jurisdiction Act,

was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 27**, pass?"

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

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
Burke	Cafaro	Coley	Eklund
Faber	Gentile	Hite	Hughes
Jones	Jordan	Kearney	LaRose
Lehner	Manning	Obhof	Oelslager
Patton	Peterson	Sawyer	Schaffer
Schiavoni	Seitz	Skindell	Smith
Tavares	Turner	Wagoner	Widener
			Niehaus-33.

So the bill passed.

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

Senator Cafaro moved to amend the title as follows:

Add the names: "Balderson, Beagle, Brown, Burke, Cafaro, Gentile, Hite, Hughes, Jones, Kearney, Lehner, Manning, Niehaus, Obhof, Oelslager, Patton, Peterson, Sawyer, Schiavoni, Seitz, Smith, Tavares, Wagoner."

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

The motion was agreed to and the title so amended.

Message from the House of Representatives

Mr. President:

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

Am. Sub. S. B. No. 160 -Senators Bacon, Hughes

Cosponsors: Senators Patton, Wagoner, Faber, Balderson, Beagle, Brown, Burke, Cafaro, Coley, Eklund, Gentile, Hite, Kearney, Lehner, Manning, Niehaus, Obhof, Oelslager, Peterson, Sawyer, Schaffer, Seitz, Turner, Widener Representatives Conditt, Bulp, Garland, Hayes, Lynch, Pillich, Adams, R., Antonio, Barnes, Beck, Blair, Blessing, Brenner, Buchy, Carney, Celebrezze, Celeste, Cera, Clyde, Combs, Derickson, DeVitis, Driehaus, Fedor, Foley, Grossman, Hackett, Hagan, C., Hall, Heard, Hill, Hottinger, Huffman, Johnson, Landis, Letson, Maag, Mallory, McClain, McGregor, Milkovich, Murray, Newbold, O'Brien, Okey, Pelanda, Phillips, Ramos, Ruhl, Scherer, Sears, Slesnick, Smith, Sprague, Stinziano, Sykes, Szollosi, Terhar,

Thompson, Uecker, Winburn, Young, Yuko, Speaker Batchelder

To amend sections 2152.86, 2717.01, 2903.03, 2929.13, 2929.20, 2930.03, 2930.06, 2930.16, 2950.01, 2951.041, 2953.08, 2967.03, 2967.12, 2967.121, 2967.19, 2967.26, 2967.28, 2971.04, 2971.05, 5120.66, 5149.07, and 5149.101 of the Revised Code to require automatic notice to victims of aggravated murder, murder, first, second, or third degree felony offenses of violence, or offenses punishable by a sentence of life imprisonment of certain prisoner or alleged juvenile offender release or transfer proceedings unless the victim has requested that the notice not be provided; to expand victim participation in parole hearings; to require the Department of Rehabilitation and Correction to provide certain information related to paroles to designated public officials; to require the Department to notify the appropriate prosecuting attorney when a felon serving a specified sentence is released pursuant to a pardon, commutation of sentence, parole, or completed prison term; to require that the Department, in cases in which a prosecuting attorney currently is notified that a Department prisoner is being considered for an early release or a specified type of transfer to a less restrictive setting, provide the prosecuting attorney and any law enforcement agency, upon request, with an institutional summary report prepared with respect to the prisoner; to make other changes related to the release of prisoners and victim's rights; to provide that voluntary manslaughter committed with a sexual motivation is a sexually oriented offense, makes an offender or juvenile offender registrant who commits it a tier III sex offender/child-victim offender, and may qualify a juvenile offender registrant who commits it as a public registry-qualified juvenile offender registrant; to waive the notice by publication requirement for a change of name if the applicant submits proof that the publication would jeopardize the applicant's personal safety; to revise the sentencing options for fourth and fifth degree felonies; and to name the victim and family notification provisions Roberta's Law.

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

In line 366, strike through "or to"; delete " a misdemeanor"; strike through "offense"

In line 367, strike through "of violence that"; strike through "the offender committed"

Strike through line 368

In line 369, strike through "imposed"

Between lines 378 and 379, insert " (iv) The offender previously has not been convicted of or pleaded guilty to a misdemeanor offense of violence that the offender committed within two years prior to the offense for which sentence is being imposed."

Between lines 413 and 414, insert:

" (x) The offender at the time of the offense was serving, or the offender previously had served, a prison term.

(xi) The offender committed the offense while under a community control sanction, while on probation, or while released from custody on a bond or personal recognizance."

Attest:

Jennifer E. Woodring,
Clerk.

On the motion of Senator Faber, the amendments of the House of Representatives to **Am. Sub. S. B. No. 160**, were brought up for consideration.

The question being, "Shall the Senate concur in the amendments of the House of Representatives?"

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

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
Burke	Cafaro	Coley	Eklund
Faber	Gentile	Hite	Hughes
Jones	Jordan	Kearney	LaRose
Lehner	Manning	Obhof	Oelslager
Patton	Peterson	Sawyer	Schaffer
Schiavoni	Seitz	Skindell	Smith
Tavares	Turner	Wagoner	Widener
			Niehaus-33.

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

Sub. H. B. No. 247-Representative Butler.

Cosponsors: Representatives Adams, R., Beck, Grossman, Henne, Huffman, Letson, Murray, Stebelton, Slaby, Bulp, Amstutz, Anielski, Antonio, Blair, Blessing, Boose, Carey, Clyde, Combs, Conditt, Damschroder, Duffey, Foley, Garland, Hackett, Hagan, C., Hall, Hayes, Hill, Lundy, Martin, Milkovich, Newbold, O'Brien, Pelanda, Peterson, Phillips, Rosenberger, Ruhl, Schuring, Sears, Sprague, Szollosi, Thompson, Weddington, Winburn, Speaker Batchelder.

To amend sections 181.25, 1337.28, 1705.081, 2111.121, 2151.85, 2947.23, 2949.091, 2953.08, 5322.01, 5322.02, 5322.03, and 5809.031 and to enact

sections 1901.263, 1905.38, 1907.25, 1925.151, 2101.165, 2151.542, 2303.23, 2501.161, and 2503.18 of the Revised Code to authorize a court to cancel claims for uncollectible amounts due the court, to authorize a sentencing court to waive, suspend, or modify payment of the costs of prosecution, to define "case" in connection with the imposition of costs in a criminal case, to abolish the Felony Sentence Appeal Cost Oversight Committee, to make changes to the law in relation to the sale of personal property on which there has been placed a lien by an owner of a self-service storage facility, to provide that a principal in a power of attorney may nominate a guardian of the principal's incompetent adult children, remove the requirement that the operating agreement of a limited liability company may identify types or categories of activities that do not violate the duty of loyalty only if not manifestly unreasonable, specify that the operating agreement of a limited liability company may not eliminate the duty of care but may prescribe the standards by which the duty is to be measured, modify the restrictions on the operating agreement of a limited liability company with respect to the obligation of good faith and the duties of a manager, make other clarifying changes to provisions contained in Sub. H.B. 48 and Sub. S.B. 117 of the 129th General Assembly, to make a conforming change related to Am. H.B. 63 of the 129th General Assembly, and to clarify the entity that prescribes forms under R.C. 2151.85, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 247**, pass?"

Senator Schiavoni moved to amend as follows:

In line 60, after "2503.33," insert "2911.21,"

In line 64, after "2303.23," insert "2305.117,"

Between lines 504 and 505, insert:

" **Sec. 2305.117. (A)** As used in this section:

(1) "Abandoned land" and "unoccupied" have the same meanings as in section 323.65 of the Revised Code.

(2) "Blighted parcel" has the same meaning as in section 1.08 of the Revised Code.

(3) "Cost or expense of remediation" means any cost or expense associated with any effort to remediate any abandoned land, abandoned land that is unoccupied, blighted parcel, or place of public amusement that is abandoned land, abandoned land that is unoccupied, or a blighted parcel, including, but not limited to, any cost or expense of any material, equipment, product, or labor used in or otherwise associated with the effort.

(4) "Place of public amusement" has the same meaning as in section 2911.23 of the Revised Code.

(5) "Railroad" has the same meaning as in section 4907.02 of the Revised Code.

(6) "Remediate" has the same meaning as in section 2911.21 of the Revised Code.

(7) "Trespasser" means an individual who, without express or implied authorization, invitation, or inducement, enters abandoned land, abandoned land that is unoccupied, a blighted parcel, or a place of public amusement that is abandoned land, abandoned land that is unoccupied, or a blighted parcel purely for the individual's own purposes and convenience.

(B) Subject to division (C) of this section, no owner of abandoned land, abandoned land that is unoccupied, a blighted parcel, or a place of public amusement that is abandoned land, abandoned land that is unoccupied, or a blighted parcel has a civil action, or may receive an award of damages in a civil action, against another person for the other person knowingly entering or remaining upon that land, parcel, or place of public amusement during the daylight hours from sunrise to sunset if the other person proves both of the following:

(1) The other person knowingly entered or remained on that land, parcel, or place of public amusement in order to remediate that land, parcel, or place of public amusement.

(2) Before entering upon that land, parcel, or place of public amusement, the other person knew, or after duly investigating the matter had reasonable cause to believe, that the land was abandoned land or abandoned land that was unoccupied, that the parcel was a blighted parcel, or that the place of public amusement was a place of public amusement that was abandoned land, abandoned land that was unoccupied, or a blighted parcel.

(C) Division (B) of this section does not apply with respect to any land or parcel that is owned by a railroad.

(D)(1) Subject to division (D)(2) of this section, no person who is a trespasser and who enters or remains on any abandoned land, abandoned land that is unoccupied, a blighted parcel, or a place of public amusement that is abandoned land, abandoned land that is unoccupied, or a blighted parcel in order to remediate that land, parcel, or place of public amusement has a civil action, or may receive an award of damages in a civil action, against the owner of that land, parcel, or place of public amusement.

(2) Division (D)(1) of this section does not apply with respect to any injury, death, or loss to person or property of a trespasser that occurred while the trespasser entered or remained on any abandoned land, abandoned land that is unoccupied, a blighted parcel, or a place of public amusement that is abandoned land, abandoned land that is unoccupied, or a blighted parcel, to the extent that section 2305.402 of the Revised Code provides for or governs civil liability with respect to the injury, death, or loss.

(E)(1) Subject to division (E)(2) of this section, no person who enters or remains on any abandoned land, abandoned land that is unoccupied, blighted parcel, or place of public amusement that is abandoned land, abandoned land that is unoccupied, or a blighted parcel in order to remediate that land, parcel, or place of public amusement has a civil action, or may receive an award of damages in a civil action, against the owner of that land, parcel, or place of public amusement for reimbursement of any cost or expense of remediation.

(2) Division (E)(1) of this section does not apply to a cost or expense of remediation to the extent that the person who enters on or remains on the land, parcel, or place of public amusement has entered into an agreement with the owner of the land, parcel, or place of public amusement for reimbursement of that cost or expense of remediation."

Between lines 554 and 555, insert:

"**Sec. 2911.21.** (A) No person, without privilege to do so, shall do any of the following:

(1) Knowingly enter or remain on the land or premises of another;

(2) Knowingly enter or remain on the land or premises of another, the use of which is lawfully restricted to certain persons, purposes, modes, or hours, when the offender knows the offender is in violation of any such restriction or is reckless in that regard;

(3) Recklessly enter or remain on the land or premises of another, as to which notice against unauthorized access or presence is given by actual communication to the offender, or in a manner prescribed by law, or by posting in a manner reasonably calculated to come to the attention of potential intruders, or by fencing or other enclosure manifestly designed to restrict access;

(4) Being on the land or premises of another, negligently fail or refuse to leave upon being notified by signage posted in a conspicuous place or otherwise being notified to do so by the owner or occupant, or the agent or servant of either.

(B) It is no defense to a charge under this section that the land or premises involved was owned, controlled, or in custody of a public agency.

(C) It is no defense to a charge under this section that the offender was authorized to enter or remain on the land or premises involved, when such authorization was secured by deception.

(D)(1) Whoever violates this section is guilty of criminal trespass, a misdemeanor of the fourth degree.

(2) Notwithstanding section 2929.28 of the Revised Code, if the person, in committing the violation of this section, used a snowmobile, off-highway motorcycle, or all-purpose vehicle, the court shall impose a fine of two times the usual amount imposed for the violation.

(3) If an offender previously has been convicted of or pleaded guilty to two or more violations of this section or a substantially equivalent municipal ordinance, and the offender, in committing each violation, used a snowmobile, off-highway motorcycle, or all-purpose vehicle, the court, in addition to or independent of all other penalties imposed for the violation, may impound the certificate of registration of that snowmobile or off-highway motorcycle or the certificate of registration and license plate of that all-purpose vehicle for not less than sixty days. In such a case, section 4519.47 of the Revised Code applies.

(E) Notwithstanding any provision of the Revised Code, if the offender, in committing the violation of this section, used an all-purpose vehicle, the clerk of the court shall pay the fine imposed pursuant to this section to the state recreational vehicle fund created by section 4519.11 of the Revised Code.

(F) Subject to division (G) of this section, it is an affirmative defense to a charge of a violation of this section that the person charged knowingly entered or remained on abandoned land, abandoned land that was unoccupied, a blighted parcel, or a place of public amusement that was abandoned land, abandoned land that was unoccupied, or a blighted parcel during the daylight hours from sunrise to sunset, without privilege to do so and that both of the following apply:

(1) The person knowingly entered or remained on that land, parcel, or place of public amusement for the sole purpose to remediate that land, parcel, or place of public amusement.

(2) Before entering upon that land, parcel, or place of public amusement, the person knew, or after duly investigating the matter had reasonable cause to believe, that the land was abandoned land or abandoned land that was unoccupied, that the parcel was a blighted parcel, or that the place of public amusement was a place of public amusement that was abandoned land, abandoned land that was unoccupied, or a blighted parcel.

(G) Division (F) of this section does not apply with respect to any land or parcel that is owned by a railroad.

(H) As used in this section:

(1) "All-purpose vehicle," "off-highway motorcycle," and "snowmobile" have the same meanings as in section 4519.01 of the Revised Code.

(2) "Land or premises" includes any land, building, structure, or place belonging to, controlled by, or in custody of another, and any separate enclosure or room, or portion thereof.

(3) "Abandoned land" and "unoccupied" have the same meanings as in section 323.65 of the Revised Code.

(4) "Remediate" means to improve the landscaping, clean up litter, or repair dilapidated conditions on abandoned land, abandoned land that is unoccupied, a blighted parcel, or a place of public amusement that is abandoned land, abandoned land that is unoccupied, or a blighted parcel or to board up

windows and doors on any building or structure that is located on the abandoned land, abandoned land that is unoccupied, blighted parcel, or place of public amusement. Remediate does not include any of the following:

(a) Any cosmetic improvement, including painting of any kind, to any building or structure that is located on abandoned land, abandoned land that is unoccupied, a blighted parcel, or a place of public amusement that is abandoned land, abandoned land that is unoccupied, or a blighted parcel;

(b) Any act or conduct that results in any additional damage to abandoned land, abandoned land that is unoccupied, a blighted parcel, or a place of public amusement that is abandoned land, abandoned land that is unoccupied, or a blighted parcel or to any building or structure that is located on any such land, parcel, or place.

(5) "Place of public amusement" has the same meaning as in section 2911.23 of the Revised Code.

(6) "Railroad" has the same meaning as in section 4907.02 of the Revised Code.

(7) "Blighted parcel" has the same meaning as in section 1.08 of the Revised Code."

In line 2451, after "2503.33," insert "2911.21,"

In line 3 of the title, after "2503.33," insert "2911.21,"

In line 8 of the title, after "2303.23," insert "2305.117,"

In line 57 of the title, delete "and"

In line 58 of the title, after "2151.85" insert ", to provide that a person is not criminally or civilly liable for trespassing on certain abandoned land, blighted parcels, or similar places of public amusement if the person enters or remains on the land or parcel to remediate it and knows or has reasonable cause to believe that the land or parcel is in one of those categories, to provide the property owner with immunity from liability to a person who enters or remains on the land or parcel in those circumstances subject to the statute governing liability to trespassers, and to provide that a person who enters or remains on the land or parcel in those circumstances is not entitled to any reimbursement for any cost of the remediation unless agreed to by the property owner"

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	Balderson	Beagle	Burke
Coley	Eklund	Faber	Hite
Hughes	Jones	Jordan	LaRose
Lehner	Manning	Obhof	Oelslager
Patton	Peterson	Schaffer	Seitz
Wagoner	Widener		Niehaus-23.

Those who voted in the negative were: Senators

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

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. H. B. No. 247**, pass?"

The yeas and nays were taken and resulted - yeas 32, nays 1, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
Burke	Cafaro	Coley	Eklund
Faber	Gentile	Hite	Hughes
Jones	Jordan	Kearney	LaRose
Lehner	Manning	Obhof	Oelslager
Patton	Peterson	Sawyer	Schaffer
Schiavoni	Seitz	Smith	Tavares
Turner	Wagoner	Widener	Niehaus-32.

Senator Skindell voted in the negative-1.

So the bill passed.

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

Senator Wagoner moved to amend the title as follows:

Add the names: "Balderson, Lehner, Peterson, Seitz, Wagoner."

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

The motion was agreed to and the title so amended.

Sub. H. B. No. 278-Representatives Stebelton, Okey.

Cosponsors: Representatives Adams, R., Bulp, Combs, Foley, Grossman, Hollington, Huffman, Letson, Maag, McGregor, McKenney, Murray, Antonio, Ashford, Beck, Blessing, Carney, Celebrezze, Damschroder, Fende, Garland, Hackett, Hagan, R., Hayes, Heard, Henne, Hottinger, Lynch, Mallory, McClain, Newbold, Pillich, Sears, Sprague, Stinziano, Szollosi, Yuko, Speaker Batchelder. Senator Bacon.

To amend sections 3901.21, 3937.18, 3937.30, 3937.31, 3937.32, 3937.33, 3937.34, 3937.35, 4505.11, 4509.01, 4509.20, 4509.41, and 4509.51 and to

enact section 3937.46 of the Revised Code to make changes to the law governing automobile insurance policies, to increase the minimum amounts required for valid proof of financial responsibility, to make it an unfair and deceptive act or practice in the business of insurance to charge excessive, inadequate, or unfairly discriminatory premium rates in private passenger automobile insurance based solely on the insured's residence location, to reduce from two years to one year the minimum policy period for automobile insurance policies, to prohibit an automobile insurer from enforcing certain intrafamily exclusions, and to permit insurance companies to obtain a salvage certificate of title for a motor vehicle in certain circumstances when the insurance company does not have possession of the certificate of title, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 278**, pass?"
Senator Bacon moved to amend as follows:

- In line 845, after " the" insert " salvage"; delete " salvage"
- In line 1209, delete "shall take effect nine months"
- In line 1210, delete "after the effective date of this act and"
- In line 1211, delete "nine or"
- In line 1212, delete "more months" and insert "on and"
- In line 1213, delete "on" and insert "immediately prior to"

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

The question recurred, "Shall the bill, **Sub. H. B. No. 278**, pass?"
The yeas and nays were taken and resulted - yeas 33, nays 0, as follows:
Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
Burke	Cafaro	Coley	Eklund
Faber	Gentile	Hite	Hughes
Jones	Jordan	Kearney	LaRose
Lehner	Manning	Obhof	Oelslager
Patton	Peterson	Sawyer	Schaffer
Schiavoni	Seitz	Skindell	Smith
Tavares	Turner	Wagoner	Widener
			Niehaus-33.

So the bill passed.

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

Senator Bacon moved to amend the title as follows:

Add the names: "Balderson, Eklund, Hughes, Jones, Kearney, Lehner, Niehaus, Oelslager, Peterson, Sawyer, Schiavoni, Seitz, Turner, Wagoner."

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

The motion was agreed to and the title so amended.

H. B. No. 459-Representative Hottinger.

Cosponsors: Representatives Slesnick, Thompson, Gonzales, Cera, Terhar, Gardner, Brenner, Stinziano, Rose, Dovilla, Young, Adams, R., Hayes, Martin, Beck, Milkovich, Ruhl, Stebelton, Yuko, Garland, Gerberry, O'Brien, Fende, Hackett, Grossman, Goodwin, Bulp, Matheney, Maag, Henne, Blessing, Buchy, Celeste, Combs, Letson, Lundy, Patmon, Sprague, Adams, J., Amstutz, Anielski, Antonio, Ashford, Baker, Barnes, Blair, Boyce, Boyd, Budish, Carney, Celebrezze, Clyde, Conditt, Damschroder, Derickson, DeVitis, Driehaus, Duffey, Fedor, Goyal, Hagan, C., Hagan, R., Hall, Heard, Hill, Huffman, Johnson, Kozlowski, Landis, Lynch, Mallory, McClain, McGregor, Newbold, Okey, Pelanda, Pillich, Reece, Roegner, Rosenberger, Scherer, Schuring, Sears, Slaby, M., Smith, Stautberg, Sykes, Szollosi, Uecker, Wachtmann, Winburn, Speaker Batchelder. Senators LaRose, Brown.

To enact section 5.091 of the Revised Code to declare that Ohio is a "Purple Heart State", was considered the third time.

The question being, "Shall the bill, **H. B. No. 459**, pass?"

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

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
Burke	Cafaro	Coley	Eklund
Faber	Gentile	Hite	Hughes
Jones	Jordan	Kearney	LaRose
Lehner	Manning	Obhof	Oelslager
Patton	Peterson	Sawyer	Schaffer
Schiavoni	Seitz	Skindell	Smith
Tavares	Turner	Wagoner	Widener
			Niehaus-33.

So the bill passed.

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

Senator Jordan moved to amend the title as follows:

Add the names: "Bacon, Balderson, Beagle, Burke, Cafaro, Coley, Eklund,

Faber, Gentile, Hite, Hughes, Jones, Jordan, Lehner, Manning, Niehaus, Obhof, Oelslager, Patton, Peterson, Schaffer, Schiavoni, Skindell, Smith, Tavares, 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, December 9, 2012, 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.

Message from the House of Representatives

Mr. President:

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

Sub. H. B. No. 251-Representative Schuring - et al.

Sub. H. B. No. 303-Representative Schuring - et al.

Sub. H. B. No. 347 -Representative Anielski - et al.

Sub. H. B. No. 479-Representatives Hagan, C., Blessing - et al.

Sub. H. B. No. 481 -Representative Hackett - et al.

Attest:

Jennifer E. Woodring,
Clerk.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the Speaker of the House of Representatives has signed the following bills:

Sub. H. B. No. 360-Representative Rosenberger - et al.

Am. Sub. H. B. No. 380 -Representative Blessing - et al.

Sub. H. B. No. 417 -Representative Grossman - et al.

Sub. H. B. No. 420-Representatives Peterson, Stinziano - et al.

Am. Sub. H. B. No. 510 -Representative Amstutz - et al.

Attest: Jennifer E. Woodring,
Clerk.

The President signed said bills.

On the motion of Senator Faber, the Senate adjourned until Tuesday,
December 18, 2012 at 11:00 o'clock a.m.

Attest: VINCENT L. KEERAN,
Clerk.