

OHIO

House

of

Representatives

JOURNAL

WEDNESDAY, MAY 22, 2013

FORTY-THIRD DAY
Hall of the House of Representatives, Columbus, Ohio
Wednesday, May 22, 2013, 8:30 a.m.

The House met pursuant to adjournment.

Pursuant to House Rule No. 23, the Clerk called the House to order.

Representative Pelanda was selected to preside under the Rule.

The journal of yesterday was read and approved.

INTRODUCTION OF BILLS

The following bills were introduced:

H. B. No. 173-Representatives Terhar, Mallory.

Cosponsors: Representatives Grossman, Brenner, Blair, Beck, Bishoff.

To amend sections 4710.01 and 4710.03 and to enact sections 4710.20 to 4710.32 of the Revised Code to regulate providers of debt settlement services.

H. B. No. 174-Representatives Buchy, Gerberry.

Cosponsors: Representatives Duffey, Stinziano.

To prohibit a beer manufacturer from taking certain actions regarding the awarding or acquiring of beer distribution franchises or beer distribution territories prior to July 30, 2013, and to declare an emergency.

H. B. No. 175-Representative Dovilla.

Cosponsors: Representatives Fedor, Duffey, Anielski, Thompson, Becker.

To enact sections 113.50 to 113.61 of the Revised Code to require the Treasurer of State to establish the Ohio State Government Expenditure Database.

Said bills were considered the first time.

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

Representative Pillich submitted the following report:

The standing committee on Military and Veterans Affairs to which was referred **H. C. R. No. 15**-Representative Beck, et al., having had the same under consideration, reports it back and recommends its adoption.

RE: OPERATION HOMECOMING-RECOGNIZE 40TH
ANNIVERSARY

Representative Johnson moved to amend the title as follows:

Add the names: "Landis, Anielski, Barborak, Bishoff, Dovilla, Retherford, Young."

TERRY JOHNSON
 CONNIE PILLICH
 NICK BARBORAK
 MIKE DOVILLA
 ZACK MILKOVICH
 WES RETHERFORD
 RON YOUNG

AL LANDIS
 MARLENE ANIELSKI
 HEATHER BISHOFF
 TERESA FEDOR
 RICK PERALES
 CLIFF ROSENBERGER

The report was agreed to.

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

Representative Pillich submitted the following report:

The standing committee on Military and Veterans Affairs to which was referred **H. C. R. No. 21**-Speaker Batchelder, Representative Johnson, et al., having had the same under consideration, reports it back and recommends its adoption.

RE: VETERANS' DISABILITY BENEFIT CLAIMS-REDUCE PROCESSING TIME

Representative Johnson moved to amend the title as follows:

Add the names: "Landis, Pillich, Anielski, Barborak, Bishoff, Fedor, Milkovich."

TERRY JOHNSON
 CONNIE PILLICH
 NICK BARBORAK
 MIKE DOVILLA
 ZACK MILKOVICH
 WES RETHERFORD
 RON YOUNG

AL LANDIS
 MARLENE ANIELSKI
 HEATHER BISHOFF
 TERESA FEDOR
 RICK PERALES
 CLIFF ROSENBERGER

The report was agreed to.

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

Representative Pillich submitted the following report:

The standing committee on Military and Veterans Affairs to which was referred **H. C. R. No. 24**-Representatives Milkovich, Johnson, et al., having had the same under consideration, reports it back and recommends its adoption.

RE: RESCUE POW SGT. BOWE BERGDAHL

Representative Johnson moved to amend the title as follows:

Add the names: "Landis, Pillich, Anielski, Barborak, Dovilla, Perales, Rosenberger, Young."

TERRY JOHNSON
CONNIE PILLICH
NICK BARBORAK
MIKE DOVILLA
ZACK MILKOVICH
WES RETHERFORD
RON YOUNG

AL LANDIS
MARLENE ANIELSKI
HEATHER BISHOFF
TERESA FEDOR
RICK PERALES
CLIFF ROSENBERGER

The report was agreed to.

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

Representative Mallory submitted the following report:

The standing committee on Transportation, Public Safety and Homeland Security to which was referred **S. B. No. 38**-Senator Schiavoni, et al., having had the same under consideration, reports it back and recommends its passage.

RE: NONVIOLENCE WEEK-FIRST WEEK IN OCTOBER

Representative Damschroder moved to amend the title as follows:

Add the name: "Representative Celebrezze."

REX DAMSCHRODER
DALE MALLORY
ANTHONY DEVITIS
TERRY JOHNSON
ZACK MILKOVICH
RICK PERALES

MARGARET RUHL
NICHOLAS J. CELEBREZZE
DOUG GREEN
ROSS MCGREGOR
BILL PATMON

The report was agreed to.

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

Representative Mallory submitted the following report:

The standing committee on Transportation, Public Safety and Homeland Security to which was referred **H. B. No. 66**-Representatives Antonio, Patmon, et al., having had the same under consideration, reports it back and recommends its passage.

RE: GOVERNOR RICHARD F. CELESTE SHOREWAY-PART OF STATE ROUTE 2 IN CUYAHOGA COUNTY

Representative Damschroder moved to amend the title as follows:

Add the names: "Damschroder, Mallory, Celebrezze, Johnson, Milkovich, Perales."

REX DAMSCHRODER
DALE MALLORY
ANTHONY DEVITIS
TERRY JOHNSON
ZACK MILKOVICH
RICK PERALES

MARGARET RUHL
NICHOLAS J. CELEBREZZE
DOUG GREEN
ROSS MCGREGOR
BILL PATMON

The report was agreed to.

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

Representative Cera submitted the following report:

The standing committee on Agriculture and Natural Resources to which was referred **S. B. No. 66**-Senator Hite, et al., having had the same under consideration, reports it back with the following amendment and recommends its passage when so amended.

RE: AGRICULTURAL COMMODITY HANDLERS LAW-REVISE

Representative Hall moved to amend the title as follows:

Add the names: "Representatives Hall, Cera, Burkley, Clyde, Retherford, Scherer."

Representative Scherer moved to amend as follows:

In line 317, strike through everything after "of"

Strike through lines 318 through 320

In line 321, strike through "information accompanying these" and insert "all financial"; after "and" insert "footnotes required by generally accepted accounting principles as promulgated by the financial accounting standards board together"

The motion was agreed to and the bill so amended.

DAVE HALL
JACK CERA
TERRY BOOSE
TONY BURKLEY
MICHAEL F. CURTIN
CHRISTINA HAGAN
AL LANDIS
SEAN O'BRIEN
DOROTHY PELANDA
GARY K. SCHERER

ANDY THOMPSON
NICK BARBORAK
JIM BUCHY
KATHLEEN CLYDE
REX DAMSCHRODER
BRIAN HILL
MATT LYNCH
JOHN PATTERSON
WES RETHERFORD

The report was agreed to.

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

Representative Cera submitted the following report:

The standing committee on Agriculture and Natural Resources to which was referred **Am. S. B. No. 94**-Senator Balderson, et al., having had the same under consideration, reports it back and recommends its passage.

RE: FIRST WEEK IN OCTOBER-OHIO FOREST PRODUCTS
AWARENESS WEEK

Representative Hall moved to amend the title as follows:

Add the name: "Representative Hall."

| | |
|-------------------|-----------------|
| DAVE HALL | ANDY THOMPSON |
| JACK CERA | NICK BARBORAK |
| TERRY BOOSE | JIM BUCHY |
| TONY BURKLEY | KATHLEEN CLYDE |
| MICHAEL F. CURTIN | REX DAMSCHRODER |
| CHRISTINA HAGAN | BRIAN HILL |
| AL LANDIS | SEAN O'BRIEN |
| JOHN PATTERSON | DOROTHY PELANDA |
| WES RETHERFORD | GARY K. SCHERER |

The following member voted "NO"

MATT LYNCH

The report was agreed to.

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

Representative Pillich submitted the following report:

The standing committee on Military and Veterans Affairs to which was referred **H. B. No. 98**-Representatives Gonzales, Retherford, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: OCCUPATIONAL LICENSING LAWS-REVISE-MILITARY
MEMBERS AND VETERANS

Representative Johnson moved to amend the title as follows:

Add the names: "Johnson, Landis, Anielski, Barborak, Bishoff, Milkovich, Perales, Rosenberger."

| | |
|----------------|------------------|
| TERRY JOHNSON | AL LANDIS |
| CONNIE PILLICH | MARLENE ANIELSKI |
| NICK BARBORAK | HEATHER BISHOFF |

MIKE DOVILLA
ZACK MILKOVICH
WES RETHERFORD
RON YOUNG

TERESA FEDOR
RICK PERALES
CLIFF ROSENBERGER

The report was agreed to.

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

Representative Gerberry submitted the following report:

The standing committee on Policy and Legislative Oversight to which was referred **Sub. S. B. No. 115**-Senator Faber, et al., having had the same under consideration, reports it back and recommends its passage.

RE: SWEEPSTAKES PARLORS-EXTEND MORATORIUM/
REQUIRE NEW AFFIDAVITS

Representative Dovilla moved to amend the title as follows:

Add the name: "Representative Buchy."

MIKE DOVILLA
RON GERBERRY
ANDREW BRENNER
DOROTHY PELANDA
JACK CERA
MICHAEL F. CURTIN

JIM BUCHY
LOUIS W. BLESSING
MATT HUFFMAN
RICK PERALES
KATHLEEN CLYDE
TERESA FEDOR

The following member voted "NO"

JOHN ADAMS

The report was agreed to.

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

Representative Brenner moved that the House revert to the second order of business, being introduction of bills.

The motion was agreed to.

On motion of Representative Brenner, the House recessed.

The House met pursuant to recess.

Prayer was offered by Pastor R.J. Leek of the Presbyterian Church of Cadiz in Cadiz, Ohio, followed by the Pledge of Allegiance to the Flag.

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

The Northmont High School Academic Challenge team received H.R. 99, presented by Representative Henne-40th district.

The Bellbrook High School Color Guard received H.R. 109, presented by Representative Perales-73rd district.

The Willoughby South High School Academic Decathlon team received H.R. 120, presented by Representative Rogers-60th district.

The Oakwood High School Academic Decathlon team received H.R. 122, presented by Representative Butler-41st district.

The Polaris Career Center culinary team received H.R. 124, presented by Representative Foley-14th district.

Darius Ellison received H.R. 128, presented by Representative Williams-11th district.

Matt and Megan Hochstetler, guests of Representative Amstutz-1st district.

Zach Rosen and Robert Young, guests of Representative Stinziano-18th district.

Alexa Koziol, a guest of Representative Gonzales-19th district.

Cathy McDaniels, Chikako Cox, Victor McCarley, and Dr. Winfrey, guests of Representative Winburn-43rd district.

Dawn and Lois Mitchell and Sherylene Crocker, guests of Representative Green-66th district.

Melanie Gouldi, Carol Ferguson, and Tina and Andrew McKinley, guests of Representative Ruhl-68th district.

John Gregory, a guest of Representative Perales-73rd district.

REPORTS OF STANDING AND SELECT COMMITTEES AND BILLS FOR SECOND CONSIDERATION

Representative Adams, J. reported for the Rules and Reference committee, recommending that the following House Bills be considered for the second time and referred to the following committees for consideration:

H.B. No. 169 – Representative Barborak
TO DESIGNATE A PORTION OF STATE ROUTE 45 IN COLUMBIANA COUNTY AS THE “CORPORAL ERNEST G. MADDEN MEMORIAL HIGHWAY.”

To the committee on Transportation, Public Safety and Homeland Security

H.B. No. 170 – Representatives Johnson and Stinziano
TO PROVIDE THAT A LICENSED HEALTH PROFESSIONAL
AUTHORIZED TO PRESCRIBE NALOXONE, IF ACTING WITH
REASONABLE CARE, MAY PRESCRIBE, ADMINISTER, DISPENSE,
OR FURNISH NALOXONE TO A PERSON WHO IS, OR A PERSON
WHO IS IN A POSITION TO ASSIST A PERSON WHO IS,
APPARENTLY EXPERIENCING OR WHO IS LIKELY TO EXPERIENCE
AN OPIOID-RELATED OVERDOSE WITHOUT BEING SUBJECT TO
ADMINISTRATIVE ACTION OR CRIMINAL PROSECUTION, TO
PROVIDE THAT A PERSON WHO IS IN A POSITION TO ASSIST A
PERSON WHO IS APPARENTLY EXPERIENCING OR WHO IS LIKELY
TO EXPERIENCE AN OPIOID-RELATED OVERDOSE IS NOT SUBJECT
TO ACTIONS OF PROFESSIONAL LICENSING BOARDS,
ADMINISTRATIVE ACTION, OR CRIMINAL PROSECUTION FOR A
DRUG OFFENSE OR PRACTICING MEDICINE WITHOUT A LICENSE
IF THE PERSON, ACTING IN GOOD FAITH, OBTAINS NALOXONE OR
A NALOXONE PRESCRIPTION FROM A LICENSE HEALTH
PROFESSIONAL AND ADMINISTERS IT TO A PERSON FOR AN
OPIOID-RELATED OVERDOSE, AND TO PROVIDE THAT PEACE
OFFICERS AND LICENSED EMERGENCY RESPONDERS WHO ARE
ACTING IN GOOD FAITH ARE NOT SUBJECT TO ADMINISTRATIVE
ACTION OR CRIMINAL PROSECUTION FOR A DRUG OFFENSE OR
PRACTICING MEDICINE WITHOUT A LICENSE FOR
ADMINISTERING NALOXONE TO A PERSON WHO IS APPARENTLY
EXPERIENCING AN OPIOID-RELATED OVERDOSE.

To the committee on Health and Aging

H.B. No. 171 – Representatives McClain and Patmon
TO PERMIT PUBLIC SCHOOL STUDENTS TO ATTEND AND RECEIVE
CREDIT FOR RELEASED TIME COURSES IN RELIGIOUS
INSTRUCTION CONDUCTED OFF SCHOOL PROPERTY DURING
REGULAR SCHOOL HOURS.

To the committee on Education

H.B. No. 172 – Representatives Ruhl and McGregor
TO REQUIRE MOTOR VEHICLE OPERATORS TO TAKE CERTAIN
ACTIONS UPON APPROACHING A HIGHWAY MAINTENANCE
VEHICLE AND TO REPEAL THE VERSION OF SECTION 4511.01 OF
THE REVISED CODE THAT IS SCHEDULED TO TAKE EFFECT ON
JANUARY 1, 2017.

To the committee on Transportation, Public Safety and Homeland Security

H.B. No. 173 – Representatives Terhar and Mallory
TO REGULATE PROVIDERS OF DEBT SETTLEMENT SERVICES.

To the committee on Financial Institutions, Housing and Urban Development

H.B. No. 174 – Representatives Buchy and Gerberry
TO PROHIBIT A BEER MANUFACTURER FROM TAKING CERTAIN
ACTIONS REGARDING THE AWARDED OR ACQUIRING OF BEER

DISTRIBUTION FRANCHISES OR BEER DISTRIBUTION
TERRITORIES PRIOR TO JULY 30, 2013, AND TO DECLARE AN
EMERGENCY.

To the committee on Commerce, Labor and Technology

H.B. No. 175 – Representative Dovilla

TO REQUIRE THE TREASURER OF STATE TO ESTABLISH THE OHIO
STATE GOVERNMENT EXPENDITURE DATABASE.

To the committee on State and Local Government

MATT HUFFMAN
ANDREW BRENNER
DOROTHY PELANDA
ARMOND BUDISH
MATT SZOLLOSI

JOHN ADAMS
JIM BUCHY
STEPHANIE KUNZE
DEBBIE PHILLIPS

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

The motion was agreed to without objection.

The report was agreed to.

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

Representative Huffman submitted the following report:

The select committee on the Election Contest in the 98th House District (Landis-O'Farrell):

Having made a full and complete review of the record of proceedings submitted by the Ohio Supreme Court in Case No. 2012-2151, the select committee reports its findings to the House as follows:

**REPORT OF FINDINGS AND RECOMMENDATIONS OF THE
HOUSE SELECT COMMITTEE ON THE ELECTION CONTEST IN
THE 98TH HOUSE DISTRICT (LANDIS-O'FARRELL)**

Committee Members:

Rep. Matthew Huffman, Chairman
Rep. Peter Stautberg, Vice Chairman
Rep. Michael Dovilla
Rep. Dorothy Pelanda
Rep. Gerald Stebelton
Rep. Kathleen Clyde, Ranking Minority Member
Rep. Michael Curtin

Rep. Chris Redfern
Rep. Fred Strahorn

SUMMARY

The select committee, appointed by authority of the House Speaker, has made a full and complete review of the record of proceedings submitted by the Ohio Supreme Court in Case No. 2012-2151, a Contest of Election proceeding regarding the November 2012 general election for the 98th House District. Additionally, the committee heard arguments from counsel for all parties. After due consideration, the committee recommends that the Ohio House of Representatives find that the 2012 general election for the office of State Representative for the 98th Ohio House District was conducted in compliance with the Ohio Constitution, Ohio statutes, Ohio Secretary of State directives, and all other applicable law; that the seating of Al Landis, the Representative-Elect from the 98th District holding the certificate of election, is valid and shall continue; and that he shall exercise the rights and privileges of a member in accordance with the results of the 2012 general election in the 98th Ohio House District.

BACKGROUND

Joshua E. O'Farrell, contestor (hereinafter "O'Farrell") and Rep. Al Landis (contestee, hereinafter "Landis") were the candidates for the office of State Representative for the 98th House District for the State of Ohio, held in the November 6, 2012 general election.

On November 26, 2012, Respondent Tuscarawas County Board of Elections declared that Landis had defeated O'Farrell by a margin of 14 votes. Because the difference between the number of votes cast for Landis and O'Farrell was less than one-half of one percent of the total vote, an automatic recount was conducted by Respondents Tuscarawas and Holmes County Boards of Elections. Following the automatic recount, on December 13, 2012, the Tuscarawas County Board of Elections declared that Landis had defeated O'Farrell by a vote of 23,393 to 23,385, a difference of 8 votes.

On December 26, 2012, a petition for contest of election pursuant to R.C. 3515.08(B) was filed by O'Farrell against Landis in the Ohio Supreme Court.

Pursuant to Ohio Revised Code 3515.14, the Clerk's Office of the Supreme Court of Ohio delivered to the Clerk of the House the record of the proceedings before the Supreme Court in Case No. 2012-2151, a Contest of Election proceeding regarding the November 2012 general election for the 98th House District.

Article II, Section 6 of the Ohio Constitution reserves to the House the right to judge the election, returns, and qualifications of its own members. Pursuant to House Rules 13, 29, and 30, the Speaker appointed Representatives Matt Huffman (Chair), Peter Stautberg (Vice Chair), Michael Dovilla, Dorothy Pelanda, Gerald Stebelton, Kathleen Clyde (Ranking Member), Michael Curtin, Chris Redfern, and Fred Strahorn to examine the record provided by

the Ohio Supreme Court and to report their recommendations back to the entire House for their consideration.

SUMMARY OF MEETINGS AND PROCEDURE

The committee held an organizational meeting on Thursday, March 21, 2013 to distribute the election contest record, determine the schedule and agenda for the select committee, and adopt committee rules.

The rules established by the committee permit legal counsel for O'Farrell, Landis, and respondent Boards of Elections to make presentations limited to one hour for O'Farrell and one hour total for Landis and respondents, allotted by agreement between counsel for those parties. Time was reserved under the rules for rebuttal by counsel for O'Farrell and questions from select committee members. The rules direct that the select committee consider only testimony and evidence that had been properly submitted to the Ohio Supreme Court and transferred to the House of Representatives, as provided in R.C. 3515.14 and 3515.16. A court reporter transcribed all proceedings of the select committee, which transcription serves as the committee minutes.

The rules provide that at the conclusion of the select committee process, a report would be voted upon and issued to the House of Representatives that would (1) contain the select committee's recommendations on resolving the election contest, (2) be memorialized in a resolution to be voted upon by the full House, and (3) lie over ten days after being voted upon by the select committee before being taken up by the House of Representatives.

On Tuesday, April 23, 2013 the committee met to hear presentations from Don McTigue on behalf of O'Farrell; Andy Douglas on behalf of respondent Tuscarawas County Board of Elections; and W. Stuart Dornette on behalf of Landis.

The Chair requested that all recommendations from committee members be submitted to the Chair's office by noon on Monday, May 6, 2013. The committee scheduled a meeting for Tuesday, May 7, 2013 to vote on recommendations to the Ohio House of Representatives to resolve the election contest.

RECOMMENDATIONS OF THE COMMITTEE

1. The committee finds that O'Farrell has failed to offer clear and convincing evidence that fraud or election irregularities that would change the outcome of the election occurred in the counting of ballots cast in the 98th House District race.
2. The committee recommends that the Ohio House of Representatives find that the 2012 general election for the office of State Representative for the 98th Ohio House District was conducted in compliance with the Ohio Constitution, Ohio statutes, Ohio Secretary of State directives, and all other applicable law; that the seating of Al Landis, the Representative-Elect from the 98th District holding the certificate of election, is valid and shall continue;

and that he shall exercise the rights and privileges of a member in accordance with the results of the 2012 general election in the 98th Ohio House District.

3. The Ohio House of Representatives should act affirmatively on the Resolution recommended by the select committee.

MATT HUFFMAN
MIKE DOVILLA
GERALD L. STEBELTON

PETER STAUTBERG
DOROTHY PELANDA

The following members voted "NO"

KATHLEEN CLYDE
CHRIS REDFERN

MICHAEL F. CURTIN
FRED STRAHORN

The report was agreed to.

MOTIONS AND RESOLUTIONS

Representative Huffman moved that **H.R. No. 130** - Representative Huffman, be brought up for immediate adoption, read in full and spread upon the pages of the journal.

Representative Ramos objected to the motion.

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

The yeas and nays were taken and resulted - yeas 60, nays 32, as follows:

Those who voted in the affirmative were: Representatives

| | | | |
|-------------|-------------|------------|----------------|
| Adams J. | Adams R. | Amstutz | Anielski |
| Baker | Beck | Becker | Blair |
| Blessing | Boose | Brenner | Brown |
| Buchy | Burkley | Butler | Conditt |
| Damschroder | DeVitis | Derickson | Dovilla |
| Duffey | Gonzales | Green | Grossman |
| Hackett | Hagan, C. | Hall | Hayes |
| Henne | Hill | Hood | Hottinger |
| Huffman | Johnson | Kunze | Lynch |
| Maag | McClain | McGregor | Patmon |
| Pelanda | Perales | Retherford | Roegner |
| Romanchuk | Rosenberger | Rühl | Scherer |
| Schuring | Sears | Slaby | Smith |
| Sprague | Stautberg | Stebelton | Terhar |
| Thompson | Wachtmann | Young | Batchelder-60. |

Those who voted in the negative were: Representatives

| | | | |
|---------|---------|----------|------------|
| Antonio | Ashford | Barborak | Bishoff |
| Boyce | Budish | Carney | Celebrezze |
| Cera | Clyde | Curtin | Driehaus |
| Fedor | Foley | Gerberry | Heard |

| | | | |
|-----------|----------|-----------|-------------|
| Letson | Lundy | Mallory | Milkovich |
| Patterson | Phillips | Pillich | Ramos |
| Rogers | Slesnick | Stinziano | Strahorn |
| Sykes | Szollosi | Williams | Winburn-32. |

The motion was agreed to.

The question being on the adoption of the resolution, reading as follows:

H. R. No. 130-Representative Huffman.

Relative to the contest of election in the 98th House District.

WHEREAS, a Select Committee consisting of Representatives Huffman (Chair), Stautberg (Vice Chair), Dovilla, Pelanda, Stebelton, Clyde (Ranking Member), Curtin, Redfern, and Strahorn has been appointed by the Speaker of the House to inquire into and make a full and complete review of the record of proceedings before the Ohio Supreme Court in Case No. 2012-2151, a Contest of Election proceeding regarding the November 2012 general election for the 98th House District, involving Joshua E. O'Farrell, Contestor vs. Al Landis, Contestee, and to make such findings and recommendations as the facts warrant, and

WHEREAS, said Select Committee has now made a full and complete review of the record, and has found that the 2012 general election in the 98th Ohio House District which comprises Tuscarawas County and parts of Holmes County was conducted in compliance with the Ohio Constitution, Ohio statutes, Ohio Secretary of State directives, and all other applicable law, and

WHEREAS, the Select Committee, upon considering all of the evidence taken before Chief Justice Maureen O'Connor of the Supreme Court of Ohio, finds that that the people of the 98th Ohio House District, which comprises Tuscarawas County and parts of Holmes County, have been provided the opportunity of a fair election, and

WHEREAS, the Select Committee further finds that that the seating of Al Landis, the Representative-Elect from the 98th District holding the certificate of election, is valid by reason of the constitutional conduct of said election in Tuscarawas and Holmes Counties, and

WHEREAS, Article II, Section 6 of the Constitution of Ohio requires that the House assume and exercise the responsibility of judging the election, returns, and qualifications of its own members, in particular, the member from the 98th Ohio House District, and

RESOLVED, by the House, that it is hereby declared that the 2012 general election for the office of State Representative for the 98th Ohio House District has been lawfully and constitutionally conducted; and be it further

RESOLVED, by the House, that the seating of Al Landis, the Representative-elect from the 98th District holding the certificate of election is

valid and shall continue, and he shall continue to exercise the rights and privileges of a member in accordance with the results of the 2012 general election in the 98th Ohio House District.

Representative Strahorn moved to amend as follows:

Delete lines 1 through 44 and insert:

"Relative to the contest of election in the 98th House District

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF OHIO:

WHEREAS, The House of Representatives has made a full and complete review of the record of proceedings before the Ohio Supreme Court in Case No. 2012-2151, a Contest of Election proceeding regarding the November 2012 general election for the 98th House District, involving Joshua E. O'Farrell, Contestor vs. Al Landis, Contestee; and

WHEREAS, The House of Representatives has found that the 2012 general election in the 98th Ohio House District which comprises Tuscarawas County and parts of Holmes County was not conducted in compliance with the Ohio Constitution, Ohio statutes, Ohio Secretary of State directives, and all other applicable law; and

WHEREAS, The challenger in an election contest is entitled to rid the election of all ignorance, neglect, mistake, crime, or fraud in order to reveal the true result of the election; and

WHEREAS, It is the duty and responsibility of the House members only to decide this contest, and we cannot abdicate that duty nor transfer that responsibility to the courts, local election officials, the Secretary of State or any others; and

WHEREAS, The ballots of Apryl Babarcik, Natasha Benson, Erin Clute, Cheryl Harris, Kelly Lucas, Melissa Patterson, Ginger Raber, Courtney Rees, Tina Snyder, Brandy Swanson, Carrie Thomas, Robert Buzzeo, Michael Cottrell, Dustin Freitag, Dale Johnson, Carl King, Robert Morris, and Robert Patterson have not yet been counted because they were cast in the wrong polling place because poll workers failed in their mandatory duty to direct the voter to the correct polling place. Six other voters' ballots cast in the wrong polling place were counted by the Board of Elections. Many other ballots cast in the wrong precinct were counted because poll worker error was presumed. The Equal Protection clause of the United States Constitution was violated because similarly situated ballots were not treated similarly; and

WHEREAS, The ballots of Katherine Carruthers and Chloa Herbert have not yet been counted because the voters mistakenly indicated they were born in 2012 when writing their birthdate on their ballot envelope. Birthdate is not a required field under the law for counting ballots. The Board counted 6 other ballots with no birthdate at all. Other counties counted such ballots, including

Cuyahoga, Hamilton, Marion, Allen, and Fairfield. The Equal Protection clause of the United States Constitution was violated because similarly situated ballots were not treated similarly; and

WHEREAS, The ballots of Judith Groff and William Tomer have not yet been counted because the voters mistakenly provided a month or year that was one number off from their birthdate on their ballot envelope. Birthdate is not a required field under the law for counting ballots. The Board counted 6 other ballots with no birthdate at all. Other counties counted such ballots, including Cuyahoga, Hamilton, Marion, Allen, and Fairfield. The Equal Protection clause of the United States Constitution was violated because similarly situated ballots were not treated similarly; and

WHEREAS, The ballots of Eileen Blauch, Brenda Hawkins, Kathleen Durben, William Pfister, and Robert Ehrhart have not yet been counted because the voters made errors in completing their addresses on their ballot envelopes. Address is not a required field under the law for counting ballots. Ballots without any address would have been counted. Two of the women, when asked for "voting address," put the address of the church or school where their polling place is located, which is a clear error and not an attempt to change their home address to a school or a church. Two of the men, when asked for "voting address," put the mailing address they had provided for sending their ballot to them. The Equal Protection clause of the United States Constitution was violated because similarly situated ballots were not treated similarly; and

WHEREAS, The ballot of Samuel Carnahan has not yet been counted because he voted at his home address in Tuscarawas County. The Ohio BMV and Secretary of State failed to update his registration to his school address in Portage County until one week before the election, even though he had tried to update his registration sometime before the October 9, 2012 voter registration deadline; and

WHEREAS, The ballot of Karie Milburn has not yet been counted because she used her married name when she signed her ballot envelope. Karie Jo applied for her ballot with that same married name. The Board sent her a ballot even though her registered name was her maiden name. She cast her absentee ballot again providing her married name, but this time the Board said her name did not match her voter registration. The Board clearly erred; and

WHEREAS, The ballot of Leslie Besozzi has not yet been counted because she returned her ballot to the precinct and poll workers accepted it. This is not a reason to reject a ballot under the law. Poll workers failed to tell Leslie that they were instructed not to accept her ballot but instead to let her cast another one. The Equal Protection clause of the United States Constitution was violated because similarly situated ballots were not treated similarly; and

WHEREAS, The ballot of Jacob McGaha has not yet been counted because the Board claimed he provided the wrong ID number on his ballot envelope. He actually provided the correct ID number. The Board made a

mistake; and

WHEREAS, The ballots of David Amato and Tim Kramer have not yet been counted because the voters signed the ballot envelope only once instead of twice. The form printed on the ballot envelope did not comply with the law prescribing the form to be used. The poll workers clearly erred in their mandatory duty to have the voter complete the form; and

WHEREAS, The ballots of Ashley Luthy, Carol Fichter, Lori Williams, Martha Buss, David Schwab, Ethan Weaver, William McGinnis, and Benton Sours have not yet been counted because the voters did not return their inner ballot envelope. They were not contacted and provided an equal opportunity to fix the error like their fellow HD 98 voters in Holmes County were. The Equal Protection clause of the United States Constitution was violated because similarly situated ballots were not treated similarly; and

WHEREAS, The ballots of Amy Beitzel, Nancy Fenwick, Beth Baker, Larry Snedeker, George Reese, Robert Baker, Joe Kienzle, and Juanita McDermott have not yet been counted because the voters detached or partially detached Stub A from their ballot. They were not contacted and provided an equal opportunity to fix the error like their fellow HD 98 voters who made errors with their absentee ballots. Ohio law requires votes to be counted unless it is impossible to determine voter intent. The Civil Rights Act prohibits insignificant paperwork errors from depriving voters of their right to vote. The Equal Protection clause of the United States Constitution was violated because similarly situated ballots were not treated similarly; and

WHEREAS, The ballot of Jane Doe has not been counted yet because the ballot was scanned by the ballot-scanning machine without being kicked back but a hand recount of that precinct's ballots revealed that the vote for candidate Josh O'Farrell was not read and counted. 11 other ballots marked for candidate O'Farrell with Xs and checkmarks may not have been counted by the machines, but hand recount opportunities have been denied thus far by the committee. The law requires that votes must be counted unless it is impossible to determine the voter's intent. The Board acted inconsistently when it remade a similar ballot that was scanned by the machine because it was not known whether a mark had been counted or not. The Board does not have discretion on whether to count these votes. It is a mandatory duty. The Equal Protection clause of the United States Constitution was violated because similarly situated ballots were not treated similarly; and

WHEREAS, 28 voters' ballots were not counted because they were purged from the voter rolls allegedly in compliance with the federal "Motor Voter" laws on list maintenance. Motor Voter prohibits removing voters from the rolls unless the voter confirms he moved out of the county or the voter is sent a confirmation mailing as part of a uniform and non-discriminatory mailing to ALL voters. Determination of whether these 28 voters in HD 98 were lawfully removed from the rolls has been impossible, because the Secretary of State's office has refused to release records about its mishandling of registration

offerings and data transmission from the BMV. But we do know that Ohio purge mailings target only voters who haven't voted for 2 years and are not sent to ALL voters as required by Motor Voter. Mark Albaugh, Aron Cummings, Rebecca Hoffman, Michael Petty, Keith Risley, Elizabeth Rose, Ryan Gribble, Fletcher Shryock, Traci Rooks, Roy Caldwell, Lennie Malterer, Angela Maurer, Alyssa Sulzener, and Seth Sulzener appear to have been unlawfully purged. Their ballots were not counted even though they did not move or did not move out of the county nor did they receive a mailing that was sent to ALL voters; and

WHEREAS, 31 voters' ballots were not counted because they were allegedly never registered. Voters are to be offered voter registration when they update their driver's license address, but thousands across the state have not been provided that opportunity and have been misled by a BMV website that indicates the customers are registering to vote. Determination of whether these 31 voters in HD 98 registered at the BMV has been impossible, because the Secretary of State's office has refused to release records about its mishandling of registration offerings and data transmission from the BMV; and

WHEREAS, According to limited records, 2 ballots in Holmes County may not have been counted for reasons similar to those alleged in Tuscarawas County by candidate O'Farrell. O'Farrell informed the committee that the Holmes County Board of Elections was closed for 2 weeks during the crucial time for preparing the election contest lawsuit and that Holmes County was not forthcoming with records needed for the contest. With limited time and not being able to be in two places at once, O'Farrell focused on Tuscarawas County. O'Farrell asked the committee to count valid ballots from Holmes County as well; and

WHEREAS, the House of Representatives finds that the people of the 98th Ohio House District, which comprises Tuscarawas County and parts of Holmes County, have not been provided the opportunity of a fair election; and

WHEREAS, the House of Representatives further finds that that the seating of Al Landis, the Representative-Elect from the 98th District holding the certificate of election, is invalid by reason of the unconstitutional and unlawful conduct of said election in Tuscarawas and Holmes Counties; and

WHEREAS, Article II, Section 6 of the Constitution of Ohio requires that the House assume and exercise the responsibility of judging the election, returns, and qualifications of its own members, in particular, the member from the 98th Ohio House District; now therefore be it

RESOLVED, by the House, that it is hereby declared that the 2012 general election for the office of State Representative for the 98th Ohio House District has been unlawfully and unconstitutionally conducted; and be it further

RESOLVED, That the ballots of Apryl Babarcik, Natasha Benson, Erin Clute, Cheryl Harris, Kelly Lucas, Melissa Patterson, Ginger Raber, Courtney Rees, Tina Snyder, Brandy Swanson, Carrie Thomas, Robert Buzzeo, Michael Cottrell, Dustin Freitag, Dale Johnson, Carl King, Robert Morris, and Robert

Patterson be counted; and be it further

RESOLVED, That the ballots of Katherine Carruthers and Chloa Herbert be counted; and be it further

RESOLVED, That the ballots of Judith Groff and William Tomer be counted; and be it further

RESOLVED, That the ballots of Eileen Blauch, Brenda Hawkins, Kathleen Durben, William Pfister, and Robert Ehrhart be counted; and be it further

RESOLVED, That the ballot of Samuel Carnahan be counted; and be it further

RESOLVED, That the ballot of Karie Milburn be counted; and be it further

RESOLVED, That the ballot of Leslie Besozzi be counted; and be it further

RESOLVED, That the ballot of Jacob McGaha be counted; and be it further

RESOLVED, That the ballots of David Amato and Tim Kramer be counted; and be it further

RESOLVED, That the ballots of Ashley Luthy, Carol Fichter, Lori Williams, Martha Buss, David Schwab, Ethan Weaver, William McGinnis, and Benton Sours be counted; and be it further

RESOLVED, That the ballots of Amy Beitzel, Nancy Fenwick, Beth Baker, Larry Snedeker, George Reese, Robert Baker, Joe Kienzle, and Juanita McDermott be counted; and be it further

RESOLVED, That the ballots of the 12 Jane Does whose ballots may not have been counted by the machines be counted; and be it further

RESOLVED, That the ballots of the voters who were purged from the voter rolls, including the ballots of Mark Albaugh, Aron Cummings, Rebecca Hoffman, Michael Petty, Keith Risley, Elizabeth Rose, Ryan Gribble, Fletcher Shryock, Traci Rooks, Roy Caldwell, Lennie Malterer, Angela Maurer, Alyssa Sulzener, and Seth Sulzener be counted; and be it further

RESOLVED, That the ballots of the voters who were allegedly never registered be counted; and be it further

RESOLVED, That the 2 ballots in Holmes County that may not have been counted be counted; and be it further

RESOLVED, By the House, that the seating of Al Landis, the Representative-elect from the 98th District holding the certificate of election is invalid and that the uncounted valid votes in the 98th House District race be counted and the prevailing candidate be issued a certificate of election."

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

The yeas and nays were taken and resulted - yeas 32, nays 60, as follows:

Those who voted in the affirmative were: Representatives

| | | | |
|-----------|----------|----------|-------------|
| Antonio | Ashford | Barborak | Bishoff |
| Boyce | Budish | Carney | Celebrezze |
| Cera | Clyde | Curtin | Driehaus |
| Fedor | Foley | Gerberry | Heard |
| Letson | Lundy | Mallory | Milkovich |
| Patterson | Phillips | Pillich | Ramos |
| Reece | Rogers | Slesnick | Strahorn |
| Sykes | Szollosi | Williams | Winburn-32. |

Those who voted in the negative were: Representatives

| | | | |
|-------------|-------------|------------|----------------|
| Adams J. | Adams R. | Amstutz | Anielski |
| Baker | Beck | Becker | Blair |
| Blessing | Boose | Brenner | Brown |
| Buchy | Burkley | Butler | Conditt |
| Damschroder | DeVitis | Derickson | Dovilla |
| Duffey | Gonzales | Green | Grossman |
| Hackett | Hagan, C. | Hall | Hayes |
| Henne | Hill | Hood | Hottinger |
| Huffman | Johnson | Kunze | Lynch |
| Maag | McClain | McGregor | Patmon |
| Pelanda | Perales | Retherford | Roegner |
| Romanchuk | Rosenberger | Ruhl | Scherer |
| Schuring | Sears | Slaby | Smith |
| Sprague | Stautberg | Stebelton | Terhar |
| Thompson | Wachtmann | Young | Batchelder-60. |

The motion to amend was not agreed to.

The question recurring, "Shall the resolution be adopted?"

May 22, 2013

The Honorable William G. Batchelder, Speaker
The Ohio House of Representatives
Columbus, Ohio

Speaker Batchelder,

Pursuant to House Rule No. 57, I respectfully request that I be excused from voting on **H. R. No. 130**-Representative Huffman, because it might be construed that I have an interest in the legislation.

Sincerely yours,

/s/ AL LANDIS
AL LANDIS
State Representative
98th House District

The request was granted.

May 22, 2013

The Honorable William G. Batchelder, Speaker
The Ohio House of Representatives
Columbus, Ohio

Speaker Batchelder,

Pursuant to House Rule No. 57, I respectfully request that I be excused from voting on **H. R. No. 130**-Representative Huffman, because it might be construed that I have an interest in the legislation.

Sincerely yours,

/s/ MICHAEL STINZIANO
MICHAEL STINZIANO
State Representative
18th House District

The request was granted.

The yeas and nays were taken and resulted - yeas 59, nays 33, as follows:

Those who voted in the affirmative were: Representatives

| | | | |
|-------------|------------|-----------|----------------|
| Adams J. | Adams R. | Amstutz | Anielski |
| Baker | Beck | Becker | Blair |
| Blessing | Boose | Brenner | Brown |
| Buchy | Burkley | Butler | Conditt |
| Damschroder | DeVitis | Derickson | Dovilla |
| Duffey | Gonzales | Green | Grossman |
| Hackett | Hagan, C. | Hall | Hayes |
| Henne | Hill | Hood | Hottinger |
| Huffman | Johnson | Kunze | Lynch |
| Maag | McClain | McGregor | Pelanda |
| Perales | Retherford | Roegner | Romanchuk |
| Rosenberger | Ruhl | Scherer | Schuring |
| Sears | Slaby | Smith | Sprague |
| Stautberg | Stebelton | Terhar | Thompson |
| Wachtmann | Young | | Batchelder-59. |

Those who voted in the negative were: Representatives

| | | | |
|----------|-----------|----------|-------------|
| Antonio | Ashford | Barborak | Bishoff |
| Boyce | Budish | Carney | Celebrezze |
| Cera | Clyde | Curtin | Driehaus |
| Fedor | Foley | Gerberry | Heard |
| Letson | Lundy | Mallory | Milkovich |
| Patmon | Patterson | Phillips | Pillich |
| Ramos | Reece | Rogers | Slesnick |
| Strahorn | Sykes | Szollosi | Williams |
| | | | Winburn-33. |

The resolution was adopted.

Representative Adams, J. reported for the Rules and Reference committee recommending that the following House Concurrent Resolution be introduced and referred to the following committee for consideration:

H.C.R. No. 25 – Representative Rosenberger
 TO URGE THE UNITED STATES HOUSE OF REPRESENTATIVES
 COMMITTEE ON ENERGY AND COMMERCE SUBCOMMITTEE ON
 COMMUNICATIONS AND TECHNOLOGY TO HOLD REGULAR
 HEARINGS REGARDING THE NATIONWIDE BROADBAND PUBLIC
 SAFETY NETWORK, REQUIRE THE FIRST RESPONDER NETWORK
 AUTHORITY (FIRSTNET) TO IDENTIFY THE COSTS OF SUCH
 NETWORK TO OHIO, AND INCLUDE RELATED AMENDMENTS TO
 THE LAW GOVERNING FIRSTNET.

To the committee on Transportation, Public Safety and Homeland Security

/s/MATT HUFFMAN
 Matt Huffman, Chair

Representative Huffman moved that the Rules and Reference committee report on resolutions be agreed to and that the House Concurrent Resolution contained therein be introduced and referred as recommended.

The motion was agreed to.

Said House Concurrent Resolution was introduced and referred as recommended.

Representative Adams, J. reported for the Rules and Reference committee recommending that the following resolutions be read by title only and approved:

H.R. No. 128 – Representative Williams
 Honoring Darius Ellison as the 2013 Ohio Youth of the Year.

H.R. No. 129 – Representative Landis
Honoring Tyler Warner on winning a 2013 NHSCA Freshman National Wrestling Championship.

/s/MATT HUFFMAN
Matt Huffman, Chair

Representative Huffman moved that the Rules and Reference committee report on resolutions be agreed to and that the resolutions contained therein be approved.

The motion was agreed to.

Representative Grossman moved that majority party members asking leave to be absent or absent the week of Wednesday, May 22, 2013, be excused, so long as a written request is on file in the majority leadership offices.

The motion was agreed to.

Representative Heard moved that minority party members asking leave to be absent or absent the week of Wednesday, May 22, 2013, be excused, so long as a written request is on file in the minority leadership offices.

The motion was agreed to.

BILLS FOR THIRD CONSIDERATION

Sub. H. B. No. 98-Representatives Gonzales, Retherford.
Cosponsors: Representatives Terhar, Pillich, Stinziano, Fedor, Becker, Ruhl, Dovilla, Young, Johnson, Landis, Anielski, Barborak, Bishoff, Milkovich, Perales, Rosenberger.

To amend sections 4506.09, 4713.60, 4723.24, 4725.16, 4725.51, 4732.14, 4733.15, 4743.04, 5903.10, 5903.12, and 5903.121 and to enact section 5903.03 of the Revised Code to revise the Occupational Licensing Law regarding military service members and veterans and to declare an emergency, was taken up for consideration the third time.

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

The yeas and nays were taken and resulted - yeas 92, nays 1, as follows:

Those who voted in the affirmative were: Representatives

| | | | |
|-----------|------------|-------------|-----------|
| Adams R. | Amstutz | Anielski | Antonio |
| Ashford | Baker | Barborak | Beck |
| Becker | Bishoff | Blair | Blessing |
| Boose | Boyce | Brenner | Brown |
| Buchy | Budish | Burkley | Butler |
| Carney | Celebrezze | Cera | Clyde |
| Conditt | Curtin | Damschroder | DeVitis |
| Derickson | Dovilla | Driehaus | Duffey |
| Fedor | Foley | Gerberry | Gonzales |
| Green | Grossman | Hackett | Hagan, C. |

| | | | |
|-----------|-----------|-----------|----------------|
| Hall | Hayes | Heard | Henne |
| Hill | Hood | Hottinger | Huffman |
| Johnson | Kunze | Landis | Letson |
| Lundy | Lynch | Maag | Mallory |
| McClain | McGregor | Milkovich | Patmon |
| Patterson | Pelanda | Perales | Phillips |
| Pillich | Ramos | Reece | Retherford |
| Roegner | Rogers | Romanchuk | Rosenberger |
| Ruhl | Scherer | Schuring | Sears |
| Slaby | Smith | Sprague | Stautberg |
| Stebelton | Stinziano | Strahorn | Sykes |
| Szollosi | Terhar | Thompson | Wachtmann |
| Williams | Winburn | Young | Batchelder-92. |

Representative Adams J. voted in the negative-1.

Having received a constitutional majority, the emergency clause stood as part of the bill.

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

Representative Pillich moved to amend as follows:

In line 7, after "sections" insert "109.572,"

In line 9, delete "section" and insert "sections"; after "5903.03" insert "and 5903.101"

Between lines 10 and 11, insert:

"Sec. 109.572. (A)(1) Upon receipt of a request pursuant to section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following:

(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, felonious sexual penetration in violation of former section 2907.12 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date, or a violation of section 2925.11 of the

Revised Code that is not a minor drug possession offense;

(b) A violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in division (A)(1)(a) of this section;

(c) If the request is made pursuant to section 3319.39 of the Revised Code for an applicant who is a teacher, any offense specified in section 3319.31 of the Revised Code.

(2) On receipt of a request pursuant to section 3712.09 or 3721.121 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check with respect to any person who has applied for employment in a position for which a criminal records check is required by those sections. The superintendent shall conduct the criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following:

(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code;

(b) An existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in division (A)(2)(a) of this section.

(3) On receipt of a request pursuant to section 173.27, 173.394, 3701.881, 5111.032, 5111.033, 5111.034, 5123.081, or 5123.169 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check of the person for whom the request is made. The superintendent shall conduct the criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of, has pleaded guilty to, or has been found eligible for intervention in lieu of conviction for any of the following, regardless of the date of the conviction, the date of entry of the guilty plea, or the date the person was found eligible for intervention in lieu of conviction:

(a) A violation of section 959.13, 959.131, 2903.01, 2903.02, 2903.03,

2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.121, 2919.123, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 2921.11, 2921.12, 2921.13, 2921.21, 2921.24, 2921.32, 2921.321, 2921.34, 2921.35, 2921.36, 2921.51, 2923.12, 2923.122, 2923.123, 2923.13, 2923.161, 2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.09, 2925.11, 2925.13, 2925.14, 2925.141, 2925.22, 2925.23, 2925.24, 2925.36, 2925.55, 2925.56, 2927.12, or 3716.11 of the Revised Code;

(b) Felonious sexual penetration in violation of former section 2907.12 of the Revised Code;

(c) A violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996;

(d) A violation of section 2923.01, 2923.02, or 2923.03 of the Revised Code when the underlying offense that is the object of the conspiracy, attempt, or complicity is one of the offenses listed in divisions (A)(3)(a) to (c) of this section;

(e) A violation of an existing or former municipal ordinance or law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in divisions (A)(3)(a) to (d) of this section.

(4) On receipt of a request pursuant to section 2151.86 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following:

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2927.12, or 3716.11 of the

Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date, a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense, two or more OVI or OVUAC violations committed within the three years immediately preceding the submission of the application or petition that is the basis of the request, or felonious sexual penetration in violation of former section 2907.12 of the Revised Code;

(b) A violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in division (A)(4)(a) of this section.

(5) Upon receipt of a request pursuant to section 5104.012 or 5104.013 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request has been convicted of or pleaded guilty to any of the following:

(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2919.12, 2919.22, 2919.24, 2919.25, 2921.11, 2921.13, 2923.01, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, felonious sexual penetration in violation of former section 2907.12 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date, a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense, a violation of section 2923.02 or 2923.03 of the Revised Code that relates to a crime specified in this division, or a second violation of section 4511.19 of the Revised Code within five years of the date of application for licensure or certification.

(b) A violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses or violations described in division (A)(5)(a) of this section.

(6) Upon receipt of a request pursuant to section 5153.111 of the Revised

Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following:

(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, felonious sexual penetration in violation of former section 2907.12 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date, or a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense;

(b) A violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in division (A)(6)(a) of this section.

(7) On receipt of a request for a criminal records check from an individual pursuant to section 4749.03 or 4749.06 of the Revised Code, accompanied by a completed copy of the form prescribed in division (C)(1) of this section and a set of fingerprint impressions obtained in a manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists indicating that the person who is the subject of the request has been convicted of or pleaded guilty to a felony in this state or in any other state. If the individual indicates that a firearm will be carried in the course of business, the superintendent shall require information from the federal bureau of investigation as described in division (B)(2) of this section. Subject to division (F) of this section, the superintendent shall report the findings of the criminal records check and any information the federal bureau of investigation provides to the director of public safety.

(8) On receipt of a request pursuant to section 1321.37, 1321.53, 1321.531, 1322.03, 1322.031, or 4763.05 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check with respect to any person who has applied for

a license, permit, or certification from the department of commerce or a division in the department. The superintendent shall conduct the criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following: a violation of section 2913.02, 2913.11, 2913.31, 2913.51, or 2925.03 of the Revised Code; any other criminal offense involving theft, receiving stolen property, embezzlement, forgery, fraud, passing bad checks, money laundering, or drug trafficking, or any criminal offense involving money or securities, as set forth in Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of the Revised Code; or any existing or former law of this state, any other state, or the United States that is substantially equivalent to those offenses.

(9) On receipt of a request for a criminal records check from the treasurer of state under section 113.041 of the Revised Code or from an individual under section 4701.08, 4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 4762.06, 4776.021, or 4779.091 of the Revised Code, accompanied by a completed form prescribed under division (C)(1) of this section and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request has been convicted of or pleaded guilty to any criminal offense in this state or any other state. Subject to division (F) of this section, the superintendent shall send the results of a check requested under section 113.041 of the Revised Code to the treasurer of state and shall send the results of a check requested under any of the other listed sections to the licensing board specified by the individual in the request.

(10) On receipt of a request pursuant to section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, or 1761.26 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any criminal offense under any existing or former law of this state, any other state, or the United States.

(11) On receipt of a request for a criminal records check from an appointing or licensing authority under section 3772.07 of the Revised Code, a completed form prescribed under division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner prescribed in division (C)(2) of this section, the superintendent of the bureau of criminal identification and

investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty or no contest to any offense under any existing or former law of this state, any other state, or the United States that is a disqualifying offense as defined in section 3772.07 of the Revised Code or substantially equivalent to such an offense.

(12) On receipt of a request pursuant to section 2151.33 or 2151.412 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check with respect to any person for whom a criminal records check is required by that section. The superintendent shall conduct the criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following:

(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code;

(b) An existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in division (A)(12)(a) of this section.

(13) On receipt of a request for a criminal records check from an agency under section 5903.101 of the Revised Code, a completed form prescribed under division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner prescribed under division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the individual who is the subject of the request previously has been convicted of or pleaded guilty or no contest to any offense under any existing or former law of this state, any other state, or the United States. The superintendent shall report the findings of the criminal records check and any information the federal bureau of investigation provides to the agency.

(B) Subject to division (F) of this section, the superintendent shall conduct any criminal records check to be conducted under this section as follows:

(1) The superintendent shall review or cause to be reviewed any relevant information gathered and compiled by the bureau under division (A) of section 109.57 of the Revised Code that relates to the person who is the subject of the criminal records check, including, if the criminal records check was requested under section 113.041, 121.08, 173.27, 173.394, 1121.23, 1155.03, 1163.05, 1315.141, 1321.37, 1321.53, 1321.531, 1322.03, 1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3772.07, 4749.03, 4749.06, 4763.05, 5104.012, 5104.013, 5111.032, 5111.033, 5111.034, 5123.081, 5123.169, ~~or 5153.111~~ , or 5903.101 of the Revised Code, any relevant information contained in records that have been sealed under section 2953.32 of the Revised Code;

(2) If the request received by the superintendent asks for information from the federal bureau of investigation, the superintendent shall request from the federal bureau of investigation any information it has with respect to the person who is the subject of the criminal records check, including fingerprint-based checks of national crime information databases as described in 42 U.S.C. 671 if the request is made pursuant to section 2151.86, 5104.012, or 5104.013 of the Revised Code or if any other Revised Code section requires fingerprint-based checks of that nature, and shall review or cause to be reviewed any information the superintendent receives from that bureau. If a request under section 3319.39 of the Revised Code asks only for information from the federal bureau of investigation, the superintendent shall not conduct the review prescribed by division (B)(1) of this section.

(3) The superintendent or the superintendent's designee may request criminal history records from other states or the federal government pursuant to the national crime prevention and privacy compact set forth in section 109.571 of the Revised Code.

(4) The superintendent shall include in the results of the criminal records check a list or description of the offenses listed or described in division (A)(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), ~~or (12)~~ , or (13) of this section, whichever division requires the superintendent to conduct the criminal records check. The superintendent shall exclude from the results any information the dissemination of which is prohibited by federal law.

(5) The superintendent shall send the results of the criminal records check to the person to whom it is to be sent not later than the following number of days after the date the superintendent receives the request for the criminal records check, the completed form prescribed under division (C)(1) of this section, and the set of fingerprint impressions obtained in the manner described in division (C)(2) of this section:

(a) If the superintendent is required by division (A) of this section (other than division (A)(3) of this section) to conduct the criminal records check, thirty;

(b) If the superintendent is required by division (A)(3) of this section to conduct the criminal records check, sixty.

(C)(1) The superintendent shall prescribe a form to obtain the information necessary to conduct a criminal records check from any person for whom a criminal records check is to be conducted under this section. The form that the superintendent prescribes pursuant to this division may be in a tangible format, in an electronic format, or in both tangible and electronic formats.

(2) The superintendent shall prescribe standard impression sheets to obtain the fingerprint impressions of any person for whom a criminal records check is to be conducted under this section. Any person for whom a records check is to be conducted under this section shall obtain the fingerprint impressions at a county sheriff's office, municipal police department, or any other entity with the ability to make fingerprint impressions on the standard impression sheets prescribed by the superintendent. The office, department, or entity may charge the person a reasonable fee for making the impressions. The standard impression sheets the superintendent prescribes pursuant to this division may be in a tangible format, in an electronic format, or in both tangible and electronic formats.

(3) Subject to division (D) of this section, the superintendent shall prescribe and charge a reasonable fee for providing a criminal records check under this section. The person requesting the criminal records check shall pay the fee prescribed pursuant to this division. In the case of a request under section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 1761.26, 2151.33, 2151.412, or 5111.032 of the Revised Code, the fee shall be paid in the manner specified in that section.

(4) The superintendent of the bureau of criminal identification and investigation may prescribe methods of forwarding fingerprint impressions and information necessary to conduct a criminal records check, which methods shall include, but not be limited to, an electronic method.

(D) The results of a criminal records check conducted under this section, other than a criminal records check specified in division (A)(7) of this section, are valid for the person who is the subject of the criminal records check for a period of one year from the date upon which the superintendent completes the criminal records check. If during that period the superintendent receives another request for a criminal records check to be conducted under this section for that person, the superintendent shall provide the results from the previous criminal records check of the person at a lower fee than the fee prescribed for the initial criminal records check.

(E) When the superintendent receives a request for information from a registered private provider, the superintendent shall proceed as if the request was received from a school district board of education under section 3319.39 of the Revised Code. The superintendent shall apply division (A)(1)(c) of this section to any such request for an applicant who is a teacher.

(F)(1) All information regarding the results of a criminal records check conducted under this section that the superintendent reports or sends under

division (A)(7) or (9) of this section to the director of public safety, the treasurer of state, or the person, board, or entity that made the request for the criminal records check shall relate to the conviction of the subject person, or the subject person's plea of guilty to, a criminal offense.

(2) Division (F)(1) of this section does not limit, restrict, or preclude the superintendent's release of information that relates to an adjudication of a child as a delinquent child, or that relates to a criminal conviction of a person under eighteen years of age if the person's case was transferred back to a juvenile court under division (B)(2) or (3) of section 2152.121 of the Revised Code and the juvenile court imposed a disposition or serious youthful offender disposition upon the person under either division, if either of the following applies with respect to the adjudication or conviction:

(a) The adjudication or conviction was for a violation of section 2903.01 or 2903.02 of the Revised Code.

(b) The adjudication or conviction was for a sexually oriented offense, as defined in section 2950.01 of the Revised Code, the juvenile court was required to classify the child a juvenile offender registrant for that offense under section 2152.82, 2152.83, or 2152.86 of the Revised Code, and that classification has not been removed.

(G) As used in this section:

(1) "Criminal records check" means any criminal records check conducted by the superintendent of the bureau of criminal identification and investigation in accordance with division (B) of this section.

(2) "Minor drug possession offense" has the same meaning as in section 2925.01 of the Revised Code.

(3) "OVI or OVUAC violation" means a violation of section 4511.19 of the Revised Code or a violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to section 4511.19 of the Revised Code.

(4) "Registered private provider" means a nonpublic school or entity registered with the superintendent of public instruction under section 3310.41 of the Revised Code to participate in the autism scholarship program or section 3310.58 of the Revised Code to participate in the Jon Peterson special needs scholarship program."

In line 637, strike through "may" and insert " shall"

In line 638, strike through "rules adopted by" and insert " section 5903.101 of"; strike through "department, agency, or office" and insert " Revised Code"

Between lines 697 and 698, insert:

" **Sec. 5903.101. An agency of this state or of any political subdivision of**

this state that issues a license or certificate to practice a trade or profession shall issue a temporary license or certificate to practice to an individual whose spouse is on active military duty in this state if all of the following conditions are met:

(A) The individual holds a valid license or certificate for the trade or profession issued by another state or by any foreign jurisdiction;

(B) The requirements to receive that license or certificate in the issuing state or foreign jurisdiction are the same as or substantially similar to the requirements to receive a license or certificate to practice that trade or profession in this state;

(C) The individual's spouse is assigned to a duty station in this state; and

(D) The individual is accompanying the individual's spouse to the duty station in this state.

The agency shall obtain a criminal records check of an individual who applies for a temporary license or certificate. The agency shall provide to the individual a copy of the form and the standard fingerprint impression sheet prescribed under divisions (C)(1) and (2) of section 109.572 of the Revised Code. The individual shall complete the form and impression sheet and return it to the agency. If the individual fails to complete and return the form and impression sheet within a reasonable time, the individual is ineligible to receive a temporary license or certificate.

The agency shall forward the completed form and impression sheet to the superintendent of the bureau of criminal identification and investigation. The agency shall request the superintendent also to obtain information from the federal bureau of investigation, including fingerprint-based checks of the national crime information databases, and from other states and the federal government under the national crime prevention and privacy compact as part of the criminal records check.

The agency shall pay the fee the bureau of criminal identification and investigation charges for a criminal records check. The individual shall reimburse the agency for the amount of the fee paid on the individual's behalf. If the individual fails to reimburse the agency for the amount of the fee, the individual is ineligible to receive a temporary license or certificate.

The agency shall review the results of a criminal records check.

The report of a criminal records check is not a public record that is open to public inspection and copying. The agency shall not make the report available to any person except the individual who was the subject of the criminal records check or any court or agency, including a hearing examiner, in a judicial or administrative proceeding relating to the individual's licensure or certification.

A temporary license or certificate expires six months after the date it was issued and is not renewable.

Application for or receipt of a temporary license or certificate under this

section does not preclude an individual from acquiring a regular license or certificate by means of the standard process for doing so."

In line 753, after "sections" insert "109.572,"

In line 756, after "**Section 3.**" insert "Section 109.572 of the Revised Code is presented in this act as a composite of the section as amended by both Am. Sub. H.B. 487 and Am. Sub. S.B. 337 of the 129th General Assembly. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the composite is the resulting version of the section in effect prior to the effective date of the section as presented in this act."

Section 4."

In line 1 of the title, after "sections" insert "109.572,"

In line 3 of the title, delete "section" and insert "sections"; after "5903.03" insert "and 5903.101"

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

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

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

The yeas and nays were taken and resulted - yeas 60, nays 33, as follows:

Those who voted in the affirmative were: Representatives

| | | | |
|-------------|-------------|------------|----------------|
| Adams J. | Adams R. | Amstutz | Anielski |
| Baker | Beck | Becker | Blair |
| Blessing | Boose | Brenner | Brown |
| Buchy | Burkley | Butler | Conditt |
| Damschroder | DeVitis | Derickson | Dovilla |
| Duffey | Gonzales | Green | Grossman |
| Hackett | Hagan, C. | Hall | Hayes |
| Henne | Hill | Hood | Hottinger |
| Huffman | Johnson | Kunze | Landis |
| Lynch | Maag | McClain | McGregor |
| Pelanda | Perales | Retherford | Roegner |
| Romanchuk | Rosenberger | Ruhl | Scherer |
| Schuring | Sears | Slaby | Smith |
| Sprague | Stautberg | Stebelton | Terhar |
| Thompson | Wachtmann | Young | Batchelder-60. |

Those who voted in the negative were: Representatives

| | | | |
|---------|-----------|----------|------------|
| Antonio | Ashford | Barborak | Bishoff |
| Boyce | Budish | Carney | Celebrezze |
| Cera | Clyde | Curtin | Driehaus |
| Fedor | Foley | Gerberry | Heard |
| Letson | Lundy | Mallory | Milkovich |
| Patmon | Patterson | Phillips | Pillich |

| | | | |
|-------------------|----------------|--------------------|--------------------------------------|
| Ramos Strahorn | Reece Sykes | Rogers Szollosi | Stinziano Williams Winburn-33. |
|-------------------|----------------|--------------------|--------------------------------------|

The motion to amend was laid on the table.

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

The yeas and nays were taken and resulted - yeas 93, nays 0, as follows:

Those who voted in the affirmative were: Representatives

| | | | |
|-------------|-----------|------------|-------------------------|
| Adams J. | Adams R. | Amstutz | Anielski |
| Antonio | Ashford | Baker | Barborak |
| Beck | Becker | Bishoff | Blair |
| Blessing | Boose | Boyce | Brenner |
| Brown | Buchy | Budish | Burkley |
| Butler | Carney | Celebrezze | Cera |
| Clyde | Conditt | Curtin | Damschroder |
| DeVitis | Derickson | Dovilla | Driehaus |
| Duffey | Fedor | Foley | Gerberry |
| Gonzales | Green | Grossman | Hackett |
| Hagan, C. | Hall | Hayes | Heard |
| Henne | Hill | Hood | Hottinger |
| Huffman | Johnson | Kunze | Landis |
| Letson | Lundy | Lynch | Maag |
| Mallory | McClain | McGregor | Milkovich |
| Patmon | Patterson | Pelanda | Perales |
| Phillips | Pillich | Ramos | Reece |
| Retherford | Roegner | Rogers | Romanchuk |
| Rosenberger | Ruhl | Scherer | Schuring |
| Sears | Slaby | Smith | Sprague |
| Stautberg | Stebelton | Stinziano | Strahorn |
| Sykes | Szollosi | Terhar | Thompson |
| Wachtmann | Williams | Winburn | Young Batchelder-93. |

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

Representative Gonzales moved to amend the title as follows:

Add the names: "Adams, J., Adams, R., Amstutz, Antonio, Ashford, Baker, Beck, Blair, Blessing, Boose, Boyce, Brenner, Brown, Buchy, Budish, Burkley, Butler, Celebrezze, Cera, Clyde, Conditt, Curtin, Damschroder, Derickson, DeVitis, Duffey, Foley, Gerberry, Green, Grossman, Hackett, Hagan, C., Hall, Hayes, Heard, Henne, Hill, Hood, Hottinger, Huffman, Kunze, Letson, Lundy, Lynch, Maag, Mallory, McClain, McGregor, Patmon, Patterson, Pelanda, Phillips, Ramos, Reece, Roegner, Rogers, Romanchuk, Scherer, Schuring, Sears, Slaby, Smith, Sprague, Stautberg, Stebelton, Strahorn, Sykes, Szollosi, Thompson, Wachtmann, Williams, Winburn, Batchelder."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

H. B. No. 141-Representative Damschroder.

To amend sections 1901.01, 1901.02, 1901.021, 1901.08, and 1901.311 of the Revised Code to abolish the Fostoria Municipal Court and the Tiffin Municipal Court, to create the Tiffin-Fostoria Municipal Court, and to declare an emergency, was taken up for consideration the third time.

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

The yeas and nays were taken and resulted - yeas 87, nays 6, as follows:

Those who voted in the affirmative were: Representatives

| | | | |
|-------------|-----------|-------------|----------------|
| Adams R. | Amstutz | Antonio | Ashford |
| Baker | Barborak | Beck | Becker |
| Bishoff | Blair | Blessing | Boose |
| Boyce | Brenner | Brown | Buchy |
| Budish | Burkley | Butler | Carney |
| Celebrezze | Cera | Conditt | Curtin |
| Damschroder | DeVitis | Derickson | Dovilla |
| Driehaus | Duffey | Fedor | Foley |
| Gerberry | Gonzales | Green | Grossman |
| Hackett | Hagan, C. | Hall | Hayes |
| Heard | Henne | Hill | Hood |
| Hottinger | Huffman | Johnson | Kunze |
| Landis | Letson | Lynch | Maag |
| Mallory | McClain | McGregor | Milkovich |
| Patmon | Patterson | Pelanda | Perales |
| Pillich | Reece | Retherford | Roegner |
| Rogers | Romanchuk | Rosenberger | Ruhl |
| Scherer | Schuring | Sears | Slaby |
| Smith | Sprague | Stautberg | Stebelton |
| Stinziano | Strahorn | Sykes | Szollosi |
| Terhar | Thompson | Wachtmann | Williams |
| Winburn | Young | | Batchelder-87. |

Representatives Adams J., Anielski, Clyde, Lundy, Phillips, and Ramos voted in the negative-6.

Having received a constitutional majority, the emergency clause stood as part of the bill.

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

The yeas and nays were taken and resulted - yeas 92, nays 1, as follows:

Those who voted in the affirmative were: Representatives

| | | | |
|----------|----------|---------|----------|
| Adams J. | Adams R. | Amstutz | Anielski |
| Antonio | Ashford | Baker | Barborak |
| Beck | Becker | Bishoff | Blair |
| Blessing | Boose | Boyce | Brenner |

| | | | |
|-----------|-----------|------------|----------------|
| Brown | Buchy | Budish | Burkley |
| Butler | Carney | Celebrezze | Cera |
| Clyde | Conditt | Curtin | Damschroder |
| DeVitis | Derickson | Dovilla | Driehaus |
| Duffey | Fedor | Foley | Gerberry |
| Gonzales | Green | Grossman | Hackett |
| Hagan, C. | Hall | Hayes | Heard |
| Henne | Hill | Hood | Hottinger |
| Huffman | Johnson | Kunze | Landis |
| Letson | Lynch | Maag | Mallory |
| McClain | McGregor | Milkovich | Patmon |
| Patterson | Pelanda | Perales | Phillips |
| Pillich | Ramos | Reece | Retherford |
| Roegner | Rogers | Romanchuk | Rosenberger |
| Ruhl | Scherer | Schuring | Sears |
| Slaby | Smith | Sprague | Stautberg |
| Stebelton | Stinziano | Strahorn | Sykes |
| Szollosi | Terhar | Thompson | Wachtmann |
| Williams | Winburn | Young | Batchelder-92. |

Representative Lundy voted in the negative-1.

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

Representative Damschroder moved to amend the title as follows:

Add the names: "Boose, Brown, Buchy, Duffey, Hagan, C., Huffman, Letson, Mallory, McClain, Sprague, Stebelton, Wachtmann, Batchelder."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Sub. S. B. No. 115-Senator Faber.

Cosponsors: Senators Obhof, Bacon, Balderson, Burke, Coley, Eklund, Gardner, Hite, Hughes, Lehner, Oelslager, Patton, Peterson, Schaffer, Seitz, Uecker, Widener. Representative Buchy.

To amend Section 12 of Am. Sub. H.B. 386 of the 129th General Assembly to extend the moratorium on new establishments conducting sweepstakes by sweepstakes terminal devices, to require establishments to file a new affidavit, and to declare an emergency, was taken up for consideration the third time.

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

The yeas and nays were taken and resulted - yeas 71, nays 21, as follows:

Those who voted in the affirmative were: Representatives

| | | | |
|----------|---------|-------------|------------|
| Adams R. | Amstutz | Baker | Beck |
| Becker | Bishoff | Blair | Blessing |
| Boyce | Brenner | Brown | Buchy |
| Budish | Burkley | Carney | Celebrezze |
| Conditt | Curtin | Damschroder | Derickson |

| | | | |
|-------------|-----------|-----------|----------------|
| Dovilla | Driehaus | Duffey | Fedor |
| Foley | Gerberry | Gonzales | Green |
| Grossman | Hackett | Hagan, C. | Hall |
| Hayes | Heard | Hill | Hottinger |
| Huffman | Johnson | Kunze | Landis |
| Letson | Lundy | Lynch | Mallory |
| McClain | McGregor | Milkovich | Pelanda |
| Perales | Pillich | Rogers | Romanchuk |
| Rosenberger | Ruhl | Scherer | Schuring |
| Sears | Slaby | Smith | Sprague |
| Stautberg | Stebelton | Stinziano | Strahorn |
| Sykes | Szollosi | Terhar | Wachtmann |
| Williams | Young | | Batchelder-71. |

Those who voted in the negative were: Representatives

| | | | |
|----------|------------|-----------|-------------|
| Adams J. | Anielski | Antonio | Ashford |
| Barborak | Boose | Butler | Cera |
| Clyde | DeVitis | Henne | Hood |
| Maag | Patmon | Patterson | Phillips |
| Ramos | Retherford | Roegner | Thompson |
| | | | Winburn-21. |

Having received a constitutional majority, the emergency clause stood as part of the bill.

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

The yeas and nays were taken and resulted - yeas 78, nays 14, as follows:

Those who voted in the affirmative were: Representatives

| | | | |
|-----------|------------|-------------|----------------|
| Adams R. | Amstutz | Anielski | Antonio |
| Baker | Beck | Becker | Bishoff |
| Blair | Blessing | Boyce | Brenner |
| Brown | Buchy | Budish | Burkley |
| Carney | Celebrezze | Cera | Clyde |
| Conditt | Curtin | Damschroder | Derickson |
| Dovilla | Driehaus | Duffey | Fedor |
| Foley | Gerberry | Gonzales | Green |
| Grossman | Hackett | Hagan, C. | Hayes |
| Heard | Hill | Hottinger | Huffman |
| Johnson | Kunze | Landis | Letson |
| Lundy | Lynch | Mallory | McClain |
| McGregor | Milkovich | Patterson | Pelanda |
| Perales | Phillips | Pillich | Ramos |
| Rogers | Romanchuk | Rosenberger | Ruhl |
| Scherer | Schuring | Sears | Slaby |
| Smith | Sprague | Stautberg | Stebelton |
| Stinziano | Strahorn | Sykes | Szollosi |
| Terhar | Wachtmann | Williams | Winburn |
| Young | | | Batchelder-78. |

Those who voted in the negative were: Representatives

| | | | |
|----------|---------|----------|--------------|
| Adams J. | Ashford | Barborak | Boose |
| Butler | DeVitis | Hall | Henne |
| Hood | Maag | Patmon | Retherford |
| Roegner | | | Thompson-14. |

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

Representative Huffman moved to amend the title as follows:

Add the names: "Brown, Burkley, McClain, Sprague, Stebelton."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Message from the Senate

Mr. Speaker:

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

Am. S. B. No. 67 -Senator Peterson

Cosponsors: Senators Obhof, Seitz, Hughes, Beagle, Hite, Balderson, Coley, Eklund, Faber, Gardner, Jordan, LaRose, Manning, Oelslager, Patton, Widener

To amend sections 111.15, 117.11, 117.12, 117.16, 117.20, and 127.18 and to enact section 117.114 of the Revised Code to create an agreed-upon procedure audit for certain eligible political subdivisions and to eliminate the Auditor of State's exemption from filing a rule summary and fiscal analysis with proposed rules.

Attest:

Vincent L. Keeran,
Clerk.

Said bill was considered the first time.

Message from the Senate

Mr. Speaker:

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

Sub. H. B. No. 7 -Representative Huffman

Cosponsors: Speaker Batchelder, Representatives Amstutz, Buchy, Hill, Brown, Burkley, Curtin, Dovilla, Hackett, Hayes, Sears, Sprague, Stebelton

To amend sections 109.32, 109.54, 2915.01, and 2915.02 of the Revised Code to permit the Bureau of Criminal Identification and Investigation to investigate criminal activity related to the Gambling Law, to make changes related to schemes of chance, and to require certifications related to the conduct of a sweepstakes with the use of a sweepstakes terminal device.

Attest:

Vincent L. Keeran,
Clerk.

On motion of Representative Huffman, the House adjourned until Tuesday, May 28, 2013 at 9:00 o'clock a.m.

Attest:

BRADLEY J. YOUNG,
Clerk.