

OHIO

SENATE

JOURNAL

WEDNESDAY, MARCH 20, 2013

TWENTY-SIXTH DAY
Senate Chamber, Columbus, Ohio
Wednesday, March 20, 2013, 1:30 p.m.

The Senate met pursuant to adjournment.

Prayer was offered by Pastor Terry Bell, Monroe First Church of God, Monroe, Ohio, followed by the Pledge of Allegiance to the Flag.

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

The following guests were recognized by the Senate prior to the commencement of business:

Senator Faber presented a resolution to the Versailles Girls Track Team as Division III State Champions.

Senator Faber presented a resolution to Sam Praker, Versailles High School, as Wendy's High School Heisman.

Senator Faber presented a resolution to Nick Rutschilling as the National FFA Hog Proficiency Champion.

Senator Faber recognized Dr. Donald Knowles and Dr. Byron Luna, guest from Lima, Ohio.

Senator Widener recognized Dustin Brown, Ryan Clay, Joshua Pratt, students from Avetec; Cathy Balas, Dr. Jeff Dalton, support team for Avetec; and Professor Jerome Murray, professor for Avetec, Clark State Community College.

Senator Patton recognized Matthew Ouimet, Duffield Milkie, and Stacey Frole, guest from Cedar Point, Sandusky, Ohio.

Senator Gentile requested a moment of silence for Marine Lance Corporal Josh Taylor.

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

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

S. C. R. No. 10-Senator Burke, et al.

To memorialize the Congress of the United States to seek the withdrawal of the United States Preventive Services Task Force recommendation against prostate-specific antigen-based screening for prostate cancer for men in all age groups.

To the Committee on Medicaid, Health and Human Services.

S. B. No. 85-Senator Jordan, et al.

To amend section 5739.02 of the Revised Code to exempt from sales and use taxes the sale or use of investment metal bullion and coins.

To the Committee on Ways and Means.

S. B. No. 86-Senator Jordan, et al.

To amend sections 135.143, 135.35, 135.351, 135.353, 135.40, and 135.45 and to enact section 135.146 of the Revised Code to require the Treasurer of State and each county investing authority to invest at least 5% of the state's total average investment portfolio of interim funds and in each county's total average investment portfolio of inactive moneys, respectively, in precious metals by June 30th of each year.

To the Committee on Finance.

S. B. No. 88-Senator Skindell, et al.

To amend sections 124.14 and 3924.01 and to enact sections 3965.01 to 3965.14 of the Revised Code to establish the Ohio Health Benefit Exchange Agency and to establish the Ohio Health Benefit Exchange Program consisting of an exchange for individual coverage and a Small Business Health Options Program.

To the Committee on Insurance and Financial Institutions.

S. B. No. 89-Senator Skindell, et al.

To amend sections 5747.08 and 5747.98 and to enact section 5747.71 of the Revised Code to grant a state earned income tax credit equal to a percentage of the federal earned income tax credit.

To the Committee on Ways and Means.

S. B. No. 90-Senator Skindell, et al.

To enact section 4511.531 of the Revised Code to require bicycle operators and passengers under 18 years of age to wear protective helmets when the bicycle is operated on a roadway and to establish the Bicycle Safety Fund to be used by the Department of Public Safety to assist low-income families in the purchase of bicycle helmets.

To the Committee on Public Safety, Local Government, and Veterans Affairs.

S. B. No. 91-Senator Skindell, et al.

To amend section 3715.99 and to enact section 3715.93 of the Revised Code regarding prescription drug marketing disclosures.

To the Committee on Medicaid, Health and Human Services.

YES - 9: KRIS JORDAN, SCOTT OELSLAGER, KEITH L. FABER, CHRIS WIDENER, TOM PATTON, KEVIN BACON, RANDY GARDNER, ERIC H. KEARNEY, LOU GENTILE.

NO - 0.

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

The report of the committee was accepted.

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

REPORTS OF STANDING AND SELECT COMMITTEES

Senator Beagle submitted the following report:

The standing committee on Workforce and Economic Development, to which was referred **S. B. No. 2**-Senators Lehner, Beagle, et al., having had the same under consideration, reports it back with the following amendments and recommends its passage when so amended.

In line 10, after "6301.12" insert "be amended and section 6301.061"

In line 11, delete "amended" and insert "enacted"

Between lines 259 and 260, insert:

" **Sec. 6301.061.** A board of county commissioners may appoint an advisory committee on workforce development. A committee appointed under this section may do both of the following:

(A) Work to further cooperation between the county and other workforce development and economic development related entities including the state, local area one-stop systems, and private businesses;

(B) Advise the board and other interested parties on ways to maintain and improve the workforce development system of the local area in which the county is a part."

In line 3 of the title, after "6301.12" insert "and to enact section 6301.061"

In line 82, delete " job placement"; after " system" insert " for labor exchange and job placement activity"

In line 139, after the first " the" insert " labor exchange and"

In line 141, after " any" insert " labor exchange and"

In line 316, after " area" insert " described in division (B) of section 6301.03 of the Revised Code"

Co-Sponsor: Schaffer.

YES - 9: CHRIS WIDENER, BILL BEAGLE, GAYLE MANNING, RANDY GARDNER, PEGGY B. LEHNER, TROY BALDERSON, TIMOTHY O. SCHAFFER, CHARLETA B. TAVARES, JOSEPH SCHIAVONI.

NO - 1: MICHAEL J. SKINDELL.

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

The report of the committee was accepted.

Senator Eklund submitted the following report:

The standing committee on Criminal Justice, to which was referred **S. B. No. 7**-Senators Widener, Beagle, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

YES - 10: BILL SEITZ, FRANK LAROSE, PEGGY B. LEHNER, LARRY OBHOF, TIMOTHY O. SCHAFFER, JOHN EKLUND, JOSEPH SCHIAVONI, THOMAS SAWYER, SHIRLEY A. SMITH, JIM HUGHES.

NO - 0.

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

Senator Hite submitted the following report:

The standing committee on Agriculture, to which was referred **S. B. No. 48**-Senator Balderson, having had the same under consideration, reports it back and recommends its passage.

Co-Sponsors: Hite, Burke.

YES - 9: TROY BALDERSON, DAVE BURKE, FRANK LAROSE, BOB PETERSON, CHARLETA B. TAVARES, LOU GENTILE, CAPRI S. CAFARO, SHIRLEY A. SMITH, GAYLE MANNING.

NO - 0.

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

Senator Hite submitted the following report:

The standing committee on Agriculture, to which was referred **S. B. No. 66**-Senator Hite, having had the same under consideration, reports it back and recommends its passage.

Co-Sponsors: Burke, Balderson, LaRose, Peterson, Gentile, Cafaro, Smith, Manning.

YES - 9: TROY BALDERSON, DAVE BURKE, FRANK LAROSE, BOB PETERSON, LOU GENTILE, CAPRI S. CAFARO, SHIRLEY A. SMITH, CLIFF HITE, GAYLE MANNING.

NO - 0.

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

Senator Faber submitted the following report:

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

Gary W. Cain, from Jefferson County, Ohio, as a Member of the State Auctioneers Commission for a term beginning January 8, 2013, ending at the close of business October 9, 2015.

James Edward Carnes, from Belmont County, Ohio, as a Member of the Liquor Control Commission for a term beginning February 26, 2013, ending at the close of business February 8, 2019 replacing Michael J. Shaheen, whose term expired.

Irwin Cohen, from Franklin County, Ohio, as a Member of the Ohio Private Investigation and Security Services Commission for a term beginning January 4, 2013, ending at the close of business December 31, 2017.

Renee L. Jessen, from Lucas County, Ohio, as a Member of the State Veterinary Medical Licensing Board for a term beginning February 22, 2013, ending at the close of business December 31, 2015.

Timothy L. Kolb, from Delaware County, Ohio, as a Member of the State Veterinary Medical Licensing Board for a term beginning February 25, 2013, ending at the close of business December 31, 2015.

John S. Korting, from Franklin County, Ohio, as a Member of the Barber Board for a term beginning February 8, 2013, ending at the close of business September 26, 2014 replacing Timothy C. Ivey, whose term expired.

Joseph D. Powell, from Delaware County, Ohio, as a Member of the Ohio Private investigation and Security Services Commission for a term beginning January 4, 2013, ending at the close of business December 31, 2017.

Rebecca Salinger, from Ashtabula County, Ohio, as a Member of the State Veterinary Medical Licensing Board for a term beginning February 22, 2013, ending at the close of business December 31, 2015.

Douglas Walton, from Wyandot County, Ohio, as a Member of the State Auctioneers Commission for a term beginning January 8, 2013, ending at the close of business October 9, 2015 replacing Lori A. Kiko, whose term expired.

Mark Wasylyshyn, from Wood County, Ohio, as a Member of the Ohio Private Investigation and Security Services Commission for a term beginning January 4, 2013, ending at the close of business December 31, 2017.

Ellen Whitehouse, from Mahoning County, Ohio, as a Member of the Dangerous and Restricted Animals Advisory Board for a term beginning January 16, 2013, ending at the close of business January 15, 2016.

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

YES - 8: KEITH L. FABER, CHRIS WIDENER, TOM PATTON, LARRY OBHOF, JIM HUGHES, BILL COLEY, NINA TURNER, ERIC H. KEARNEY.

NO - 0.

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

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

Those who voted in the affirmative were: Senators

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

So the Senate advised and consented to said appointment.

REPORTS OF CONFERENCE COMMITTEES

Senator Manning submitted the following report:

The Committee of Conference to which the matters of difference between the two houses were referred on Am. Sub. H.B. 51 of the 130th General Assembly, Representatives McGregor, Patmon - et al., having had the same under consideration, recommends to the respective houses as follows:

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

In line 146, after the fourth comma insert " or" and delete " , or any other"

In line 147, delete " department of transportation facilities"

In line 402, before " bridges" insert " or" and delete " or any other department of transportation facilities."

In line 415, after the fourth comma insert " or" and delete " , or any other"

In line 416, delete " department of transportation facilities"

In line 12807, delete " moneys deposited in the infrastructure fund or funds" and insert " cost of the infrastructure project funding requests submitted by the director of transportation to the commission"

In line 12808, delete " expended on" and insert " for"; delete " any portion of which" and insert " that"

In line 12809, before " located" insert " at least partially"

In line 6616, after " issued" insert " by the department of transportation or a local authority"

In line 6618, delete " terms of" and insert " conditions and limitations specified on"

Delete lines 6619 through 6621 and insert " . Such a permit is voidable by law enforcement only for operation of a vehicle or combination of vehicles in violation of the weight, dimension, or route provisions of the permit. However, a permit is not voidable for operation in violation of a route provision of a permit if the operation is upon the order of a law enforcement officer."

Delete lines 6276 through 6280 and insert:

" (C)(1) The department and local authorities shall erect stop signs at a railroad highway grade crossing in either of the following circumstances:

(a) New warning devices that are not active grade crossing warning devices are being installed at the grade crossing, and railroad crossbucks were the only warning devices at the grade crossing prior to the installation of the new warning devices.

(b) The grade crossing is constructed after the effective date of this amendment and only warning devices that are not active grade crossing warning devices are installed at the grade crossing.

(2) Division (C)(1) of this section does not apply to a railroad highway grade crossing that the director of transportation has exempted from that division because of traffic flow or other considerations or factors."

In line 12589, delete " For" and insert " Except as necessary to comply with covenants in bond proceedings in existence before July 1, 2013, for"

In line 12590, after " of" insert " passenger"

In line 3133, strike through " Notwithstanding" and insert " As part of the selection process in awarding a deputy registrar contract, the registrar shall consider the customer service performance record of any person previously awarded a deputy registrar contract.

Notwithstanding"

In line 5824, after " corporations" insert " as established by the director under division (H)(2) of this section"

In line 5955, after " (H)" insert " (1)"

Between lines 5963 and 5964, insert:

" (2) Whenever the director determines upon the basis of a geometric and traffic characteristic study that the speed limit of fifty-five miles per hour on a two-lane state route outside a municipal corporation is less than is reasonable or safe under the conditions found to exist at that portion of the state route, the director may determine and declare a speed limit of sixty miles per hour for that portion of the state route, which shall be effective when appropriate signs giving notice of it are erected at the location."

In line 82, delete "5747.08,"

In line 83, delete "5747.98,"

In line 85, after "5553.051," insert "and"; delete ", and 5747.053"

Delete lines 15251 through 15639

In line 17128, delete "5747.08,"

In line 17129, delete "5747.98,"

Delete lines 19532 through 19535

Delete lines 19590 and 19591

In line 36 of the title, delete "5747.08, 5747.98"

In line 39 of the title, after "5553.051," insert "and"; delete ", and"

In line 40 of the title, delete "5747.053"

In line 6457, after "The" insert "director of transportation with respect to all highways that are a part of the state highway system and local authorities with respect to highways under their jurisdiction, upon application in writing, shall issue a special regional heavy hauling permit authorizing the applicant to operate or move a vehicle or combination of vehicles as follows:

(a) At a size or weight of vehicle or load exceeding the maximum specified in sections 5577.01 to 5577.09 of the Revised Code, or otherwise not in conformity with sections 4513.01 to 4513.37 of the Revised Code;

(b) Upon any highway under the jurisdiction of the authority granting the permit except those highways with a condition insufficient to bear the weight of the vehicle or combination of vehicles as stated in the application;

(c) For regional trips at distances of one hundred fifty miles or less from a facility stated on the application as the applicant's point of origin.

Issuance of a special regional heavy hauling permit is subject to the payment of a fee established by the director or local authority in accordance with this section.

(2) In circumstances where a person is not eligible to receive a permit

under division (A)(1) of this section, the"

In line 6468, delete " (2)" and insert " (3)"

In line 6527, after "The" insert " director or a local authority shall issue a special regional heavy hauling permit under division (A)(1) of this section upon application and payment of the applicable fee. However, the"; after "a" insert " special"

In line 6528, after "permit" insert " specified in division (A)(2) of this section"

Between lines 10711 and 10712, insert:

" (E) The director may enter into cooperative or contractual agreements with any individual, organization, or business related to the creation or promotion of a traveler information program. The traveler information program shall provide real-time traffic conditions and travel time information to travelers by telephone, text message, internet, or other similar means at no cost to the traveler. The director may contract with a program manager for the traveler information program. The program manager shall be responsible for all costs associated with the development and operation of the traveler information program. The compensation due to a program manager or vendor under any of these agreements may include deferred compensation in an amount determined by the director. Excess revenue shall be remitted to the department for deposit into the highway operating fund.

(F) Any materials or data submitted to, made available to, or received by the director of transportation, to the extent that the materials or data consist of trade secrets, as defined in section 1333.61 of the Revised Code, or commercial or financial information, are confidential and are not public records for the purposes of section 149.43 of the Revised Code."

In line 6614, after "(H)" insert (1) No person shall violate the terms of a permit issued under this section that relate to gross load limits.

(2) No person shall violate the terms of a permit issued under this section that relate to axle load by more than two thousand pounds per axle or group of axles.

(3) No person shall violate the terms of a permit issued under this section that relate to an approved route except upon order of a law enforcement officer.

(I)"; after "violates" insert " division (H) of"

In line 6616, delete " (I)" and insert " (J)"

In line 75, after "5501.31," insert "5501.51,"

Between lines 10830 and 10831, insert:

"**Sec. 5501.51.** (A) The state shall reimburse a utility for the cost of relocation of utility facilities necessitated by the construction of a highway

project only in the event that the utility can evidence a vested interest in the nature of a fee interest, an easement interest, or a lesser estate in the real property it occupies in the event that the utility possesses a vested interest in such property. The utility shall present evidence satisfactory to the state substantiating the cost of relocation. The director may audit all financial records which the director determines necessary to verify such actual costs.

(B) The director of transportation may establish and enforce such rules and procedures as the director may determine to be necessary to assure consistency governing any and all aspects of the cost of utility relocations. The director may adopt such amendments to such rules as are necessary and within the guidelines of this section.

(C) As used in this section:

(1) "Cost of relocation" includes the actual cost paid by a utility directly attributable to relocation after deducting any increase in the value of the new facility and any salvage value derived from the old facility.

(2) "Utility" includes ~~publicly~~ all of the following:

(a) Publicly, privately, and cooperatively owned utilities that are subject to the authority of the public utilities commission of Ohio. ~~"Utility" also includes a~~ ;

(b) A cable operator as defined in the "Cable Communications Policy Act of 1984," 98 Stat. 2780, 47 U.S.C. 522, as amended by the "Telecommunications Act of 1996," 110 Stat. 56, 47 U.S.C. 151, and includes the provision of other information or telecommunications services, or both , ~~and an~~ ;

(c) An electric cooperative and a municipal electric utility, both as defined in section 4928.01 of the Revised Code ;

(d) County-owned or county-operated water and sewer facilities."

In line 17121, after "5501.31," insert "5501.51,"

In line 26 of the title, after "5501.31," insert "5501.51,"

In line 57, delete "123.21,"

Delete lines 154 through 220

In line 17103, delete "123.21,"

In line 1 of the title, delete "123.21,"

In line 6508, after "section" insert " ; however, the fee to operate a triple trailer unit, at locations authorized under federal law, shall be one hundred dollars"

Delete lines 6512 through 6526

Managers on the Part of the
House

Managers on the Part of the
Senate

/S/ <u>RON AMSTUTZ</u> RON AMSTUTZ	/S/ <u>GAYLE L. MANNING</u> GAYLE L. MANNING
/S/ <u>ROSS W. MCGREGOR</u> ROSS W. MCGREGOR	/S/ <u>TOM PATTON</u> TOM PATTON
<hr/> ALICIA REECE	/S/ <u>CAPRI S. CAFARO</u> CAPRI S. CAFARO

Senator Obhof moved that the report of the Committee of Conference on **Am. Sub. H. B. No. 51** -Representatives McGregor, Patmon - et al. be brought up for immediate consideration, pursuant to Senate Rule No. 44.

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

The motion was agreed to.

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

The yeas and nays were taken and resulted - yeas 27, nays 6, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
Burke	Cafaro	Coley	Eklund
Gardner	Hite	Hughes	Jones
Jordan	LaRose	Lehner	Manning
Obhof	Oelslager	Patton	Peterson
Sawyer	Schaffer	Seitz	Smith
Uecker	Widener		Faber-27.

Senators Gentile, Kearney, Schiavoni, Skindell, Tavares, and Turner voted in the negative-6.

So the report of Committee of Conference was agreed to.

BILLS FOR THIRD CONSIDERATION

Am. S. B. No. 2-Senators Lehner, Beagle.

Cosponsors: Senators Bacon, Eklund, Hite, LaRose, Uecker, Seitz, Oelslager, Balderson, Jones, Patton, Manning, Widener, Faber, Peterson, Obhof, Schaffer.

To amend sections 6301.01, 6301.02, 6301.03, 6301.04, 6301.06, 6301.07, 6301.08, 6301.09, 6301.10, and 6301.12 and to enact section 6301.061 of the Revised Code to require a local workforce investment area to use OhioMeansJobs as the local workforce investment area's job placement system, to rename county one-stop systems, and to make other changes to Ohio's Workforce Development Law, was considered the third time.

The question being, "Shall the bill, **Am. S. B. No. 2**, pass?"

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

Those who voted in the affirmative were: Senators

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

Senator Skindell voted in the negative-1.

So the bill passed.

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

The title was agreed to.

Sub. S. B. No. 7-Senators Widener, Beagle.

Cosponsors: Senators Lehner, Hughes, LaRose, Eklund, Hite, Coley, Jones, Faber, Peterson.

To amend section 2945.402 and to enact section 2929.44 of the Revised Code to require that a court report certain information to a specified local law enforcement agency for entry into the appropriate National Crime Information Center file if the court approves the conditional release of a person found incompetent to stand trial or not guilty by reason of insanity or orders a person convicted of an offense of violence to receive a mental health evaluation or treatment for a mental illness and to name this act the Deputy Suzanne Hopper Act, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 7**, pass?"

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

Those who voted in the affirmative were: Senators

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

Senator Skindell voted in the negative-1.

So the bill passed.

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

Senator Widener moved to amend the title as follows:

Add the names: "Bacon, Balderson, Burke, Gardner, Kearney, Manning, Obhof, Oelslager, Patton, Schaffer, Turner, Uecker."

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

The motion was agreed to and the title so amended.

Sub. S. B. No. 25-Senators Peterson, LaRose.

Cosponsors: Senators Seitz, Schaffer, Uecker, Bacon.

To amend section 4141.09 and to enact sections 4141.50 to 4141.56 of the Revised Code to create the SharedWork Ohio Program and to declare an emergency, was considered the third time.

The question being, "Shall the section, Section 5, setting forth the emergency features of the bill, stand as a part of the bill?"

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

Those who voted in the affirmative were: Senators

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

So the section, Section 5, setting forth the emergency features of the bill stood as a part of the bill.

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

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

Those who voted in the affirmative were: Senators

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

Senator Jordan voted in the negative-1.

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

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

Senator Peterson moved to amend the title as follows:

Add the name: "Hite."

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

The motion was agreed to and the title so amended.

S. B. No. 48-Senator Balderson.

Cosponsors: Senators Hite, Burke.

To amend section 4303.29 of the Revised Code to allow a specified C or D liquor permit that has been transferred to an economic development project to be subsequently transferred to a location that does not qualify as an economic development project, was considered the third time.

The question being, "Shall the bill, **S. B. No. 48**, pass?"

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

Those who voted in the affirmative were: Senators

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

So the bill passed.

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

Senator Balderson moved to amend the title as follows:

Add the names: "Faber, Seitz."

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

The motion was agreed to and the title so amended.

S. B. No. 66-Senator Hite.

Cosponsors: Senators Burke, Balderson, LaRose, Peterson, Gentile, Cafaro, Smith, Manning.

To amend sections 926.01, 926.021, 926.06, 926.10, 926.17, and 926.18 of the Revised Code to revise the Agricultural Commodity Handlers Law, was considered the third time.

The question being, "Shall the bill, **S. B. No. 66**, pass?"

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

Those who voted in the affirmative were: Senators

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

So the bill passed.

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

Senator Hite moved to amend the title as follows:

Add the names: "Bacon, Beagle, Brown, Coley, Eklund, Faber, Gardner, Hughes, Kearney, Lehner, Obhof, Oelslager, Sawyer, Schaffer, Schiavoni, Seitz, Skindell, Tavares, Turner, Uecker, Widener."

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

The motion was agreed to and the title so amended.

INTRODUCTION AND FIRST CONSIDERATION OF BILLS

The following bills were introduced and considered the first time:

S. B. No. 87-Senator Skindell.

Cosponsors: Senators Tavares, Smith.

To amend section 1505.07 of the Revised Code to ban the taking or removal of oil or natural gas from and under the bed of Lake Erie.

S. B. No. 92-Senators Turner, Tavares.

Cosponsor: Senator Brown.

To amend sections 3314.03, 3326.11, 4111.04, 4111.05, 4111.06, 4111.07, 4111.09, 4111.11, 4111.12, 4111.13, 4111.17, 4111.99, and 4112.01 and to amend, for the purpose of adopting a new section number as indicated in parentheses, section 4111.17 (4112.16) of the Revised Code to enact the "Fair

and Acceptable Income Required (FAIR) Act" and to revise the enforcement of the prohibitions against discrimination in the payment of wages.

COMMUNICATIONS FROM THE GOVERNOR

The President handed down the following messages from the Governor which were read by the Clerk:

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

I, John R. Kasich, Governor of the State of Ohio, do hereby appoint, Bobbie J. Boyer, Republican, from Clyde, Sandusky County, Ohio, as a Member of the Chemical Dependency Professionals Board for a term beginning January 29, 2013 and ending at the close of business December 23, 2015, replacing Dianne Fidelibus, whose term expired.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 29th day of January in the year of our Lord, two thousand and thirteen.

[Seal]

John R. Kasich,
Governor.

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

I, John R. Kasich, Governor of the State of Ohio, do hereby appoint, Pamela L. Bradshaw, from Wheelersburg, Scioto County, Ohio, as a Member of the State Board of Emergency Medical Services for a new term beginning January 23, 2013 and ending at the close of business November 12, 2015.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 23rd day of January in the year of our Lord, two thousand and thirteen.

[Seal]

John R. Kasich,
Governor.

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

I, John R. Kasich, Governor of the State of Ohio, do hereby appoint, William R. Demjan, Democrat, from Steubenville, Jefferson County, Ohio, as a Member of the Ohio Advisory Council for the Aging for a new term beginning January 25, 2013 and ending at the close of business November 21, 2015.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 25th day of January in the year of our Lord, two thousand and thirteen.

[Seal]

John R. Kasich,
Governor.

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

I, John R. Kasich, Governor of the State of Ohio, do hereby appoint, Mark L. Marchetta, BS, RN, from Hopedale, Harrison County, Ohio, as a Member of the State Board of Emergency Medical Services for a new term beginning January 24, 2013 and ending at the close of business November 12, 2015.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 24th day of January in the year of our Lord, two thousand and thirteen.

[Seal]

John R. Kasich,
Governor.

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

I, John R. Kasich, Governor of the State of Ohio, do hereby appoint, Daryl J. McNutt, from Whitehouse, Lucas County, Ohio, as a Member of the State Board of Emergency Medical Services for a new term beginning January 23, 2013 and ending at the close of business November 12, 2015.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 23rd day

of January in the year of our Lord, two thousand and thirteen.

[Seal]

John R. Kasich,
Governor.

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

I, John R. Kasich, Governor of the State of Ohio, do hereby appoint, Bruce A. McPheron, Independent, from Columbus, Franklin County, Ohio, as a Member of the Ohio Livestock Care Standards Board for a term beginning February 4, 2013 and ending at the close of business January 25, 2014, replacing Bobby D. Moser, Ph.D, who resigned.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 4th day of February in the year of our Lord, two thousand and thirteen.

[Seal]

John R. Kasich,
Governor.

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

I, John R. Kasich, Governor of the State of Ohio, do hereby appoint, Kenneth C. Miller, from Centerville, Montgomery County, Ohio, as a Member of the State Board of Career Colleges and Schools for a term beginning February 4, 2013 and ending at the close of business November 20, 2013.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 4th day of February in the year of our Lord, two thousand and thirteen.

[Seal]

John R. Kasich,
Governor.

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

I, John R. Kasich, Governor of the State of Ohio, do hereby appoint, Charles Anthony Penzone, from Delaware, Delaware County, Ohio, as a Member of the State Board of Cosmetology for a term beginning January 24, 2013 and ending at the close of business October 31, 2017, replacing Kimberly A. Thomas, whose term expired.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 24th day of January in the year of our Lord, two thousand and thirteen.

[Seal]

John R. Kasich,
Governor.

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

I, John R. Kasich, Governor of the State of Ohio, do hereby appoint, Virginia D. Ragan, Republican, from Westerville, Franklin County, Ohio, as a Member of the Ohio Advisory Council for the Aging for a new term beginning January 25, 2013 and ending at the close of business November 21, 2015.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 25th day of January in the year of our Lord, two thousand and thirteen.

[Seal]

John R. Kasich,
Governor.

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

I, John R. Kasich, Governor of the State of Ohio, do hereby appoint, Mark N. Resanovich, from Uniontown, Stark County, Ohio, as a Member of the State Board of Emergency Medical Services for a new term beginning January 23, 2013 and ending at the close of business November 12, 2015.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 23rd day of January in the year of our Lord, two thousand and thirteen.

[Seal]

John R. Kasich,

Governor.

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

I, John R. Kasich, Governor of the State of Ohio, do hereby appoint, Gary Riggs, from Copley, Summit County, Ohio, as a Member of the Dangerous and Restricted Animals Advisory Board for a term beginning February 1, 2013 and ending at the close of business January 15, 2016.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 1st day of February in the year of our Lord, two thousand and thirteen.

[Seal]

John R. Kasich,
Governor.

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

I, John R. Kasich, Governor of the State of Ohio, do hereby appoint, Steven M. Steinberg, M.D., from Columbus, Franklin County, Ohio, as a Member of the State Board of Emergency Medical Services for a new term beginning January 23, 2013 and ending at the close of business November 12, 2015.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 23rd day of January in the year of our Lord, two thousand and thirteen.

[Seal]

John R. Kasich,
Governor.

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

I, John R. Kasich, Governor of the State of Ohio, do hereby appoint, Hope Taft, Republican, from Spring Valley, Greene County, Ohio, as a Member of the Chemical Dependency Professionals Board for a term beginning January 28, 2013 and ending at the close of business December 23, 2015, replacing L.

Craig Comedy, whose term expired.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 28th day of January in the year of our Lord, two thousand and thirteen.

[Seal]

John R. Kasich,
Governor.

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

I, John R. Kasich, Governor of the State of Ohio, do hereby appoint, Sheryl Warner, from Canal Winchester, Franklin County, Ohio, as a Member of the Board of Nursing for a term beginning January 25, 2013 and ending at the close of business December 31, 2015, replacing Jahnnie A. Maier, whose term expired.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 25th day of January in the year of our Lord, two thousand and thirteen.

[Seal]

John R. Kasich,
Governor.

Said appointments were referred to the Committee on Rules.

Message from the House of Representatives

Mr. President:

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

Sub. H. B. No. 1 -Representatives Derickson, Romanchuk
Cosponsors: Representatives Schuring, Grossman, Hall, Hottinger, Amstutz, Anielski, Baker, Beck, Blessing, Brown, Buchy, Burkley, Butler, Dovilla, Duffey, Green, Hackett, Hagan, C., Hayes, Henne, Hill, Huffman, Kunze, Letson, Maag, McClain, McGregor, Milkovich, O'Brien, Pelanda, Perales, Pillich, Retherford, Rosenberger, Ruhl, Sears, Smith, Sprague, Stautberg, Stebelton, Sykes, Thompson, Wachtmann, Young, Speaker Batchelder

To amend sections 6301.01, 6301.02, 6301.03, 6301.04, 6301.06, 6301.07, 6301.08, 6301.09, 6301.10, and 6301.12 of the Revised Code to require a local workforce investment area to use OhioMeansJobs as the local workforce

investment area's job placement system, to rename county one-stop systems, and to make other changes to Ohio's Workforce Development Law.

Sub. H. B. No. 2 -Representatives Derickson, Brown

Cosponsors: Representatives Schuring, Hall, Hottinger, Amstutz, Anielski, Baker, Blessing, Buchy, Burkley, Butler, Conditt, Dovilla, Green, Grossman, Hackett, Hagan, C., Hayes, Henne, Huffman, Lynch, McClain, McGregor, Milkovich, O'Brien, Pelanda, Perales, Retherford, Roegner, Romanchuk, Rosenberger, Ruhl, Sears, Smith, Stautberg, Stebelton, Sykes, Thompson, Wachtmann, Young, Speaker Batchelder

To amend section 4141.29 of the Revised Code to require an unemployment compensation claimant to register with OhioMeansJobs to be eligible for unemployment compensation benefits and to require a claimant to contact a local one-stop office beginning with the eighth week of filing for unemployment compensation benefits.

Attest:

Bradley J. Young,
Clerk.

Said bills were considered the first time.

Message from the House of Representatives

Mr. President:

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

H. B. No. 33 -Representative Hackett - et al.

Sub. H. B. No. 34 -Representative Hackett - et al.

Attest:

Bradley J. Young,
Clerk.

The President signed said bills.

Message from the House of Representatives

Mr. President:

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

Am. S. B. No. 28 -Senator Obhof

Cosponsors: Senators Hite, Schaffer, Tavares, Beagle, Coley, Faber, Hughes, Oelslager, Peterson, Sawyer, Seitz, Uecker Representatives Boose, Letson, Barnes, McClain, Patmon, Rogers, Sprague, Adams, J., Amstutz, Beck, Bishoff, Buchy, Conditt, Milkovich, O'Brien, Pillich, Scherer, Smith, Winburn, Speaker Batchelder

To amend sections 5701.11 and 5751.01 of the Revised Code to expressly incorporate changes in the Internal Revenue Code since December 20, 2012, into Ohio law, to allow a distribution center to qualify for the commercial activity tax exclusion for receipts from sales to qualified distribution centers if it does not currently meet the exclusion requirements but expects to meet those requirements within three years, and to declare an emergency.

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

In line 5, delete "section" and insert "sections"; after "5701.11" insert "and 5751.01"

Between lines 40 and 41, insert:

"Sec. 5751.01. As used in this chapter:

(A) "Person" means, but is not limited to, individuals, combinations of individuals of any form, receivers, assignees, trustees in bankruptcy, firms, companies, joint-stock companies, business trusts, estates, partnerships, limited liability partnerships, limited liability companies, associations, joint ventures, clubs, societies, for-profit corporations, S corporations, qualified subchapter S subsidiaries, qualified subchapter S trusts, trusts, entities that are disregarded for federal income tax purposes, and any other entities.

(B) "Consolidated elected taxpayer" means a group of two or more persons treated as a single taxpayer for purposes of this chapter as the result of an election made under section 5751.011 of the Revised Code.

(C) "Combined taxpayer" means a group of two or more persons treated as a single taxpayer for purposes of this chapter under section 5751.012 of the Revised Code.

(D) "Taxpayer" means any person, or any group of persons in the case of a consolidated elected taxpayer or combined taxpayer treated as one taxpayer,

required to register or pay tax under this chapter. "Taxpayer" does not include excluded persons.

(E) "Excluded person" means any of the following:

(1) Any person with not more than one hundred fifty thousand dollars of taxable gross receipts during the calendar year. Division (E)(1) of this section does not apply to a person that is a member of a consolidated elected taxpayer;

(2) A public utility that paid the excise tax imposed by section 5727.24 or 5727.30 of the Revised Code based on one or more measurement periods that include the entire tax period under this chapter, except that a public utility that is a combined company is a taxpayer with regard to the following gross receipts:

(a) Taxable gross receipts directly attributed to a public utility activity, but not directly attributed to an activity that is subject to the excise tax imposed by section 5727.24 or 5727.30 of the Revised Code;

(b) Taxable gross receipts that cannot be directly attributed to any activity, multiplied by a fraction whose numerator is the taxable gross receipts described in division (E)(2)(a) of this section and whose denominator is the total taxable gross receipts that can be directly attributed to any activity;

(c) Except for any differences resulting from the use of an accrual basis method of accounting for purposes of determining gross receipts under this chapter and the use of the cash basis method of accounting for purposes of determining gross receipts under section 5727.24 of the Revised Code, the gross receipts directly attributed to the activity of a natural gas company shall be determined in a manner consistent with division (D) of section 5727.03 of the Revised Code.

As used in division (E)(2) of this section, "combined company" and "public utility" have the same meanings as in section 5727.01 of the Revised Code.

(3) A financial institution, as defined in section 5726.01 of the Revised Code, that paid the tax imposed by section 5726.02 of the Revised Code based on one or more taxable years that include the entire tax period under this chapter;

(4) A person directly or indirectly owned by one or more financial institutions, as defined in section 5726.01 of the Revised Code, that paid the tax imposed by section 5726.02 of the Revised Code based on one or more taxable years that include the entire tax period under this chapter.

For the purposes of division (E)(4) of this section, a person owns another person under the following circumstances:

(a) In the case of corporations issuing capital stock, one corporation owns another corporation if it owns fifty per cent or more of the other corporation's capital stock with current voting rights;

(b) In the case of a limited liability company, one person owns the

company if that person's membership interest, as defined in section 1705.01 of the Revised Code, is fifty per cent or more of the combined membership interests of all persons owning such interests in the company;

(c) In the case of a partnership, trust, or other unincorporated business organization other than a limited liability company, one person owns the organization if, under the articles of organization or other instrument governing the affairs of the organization, that person has a beneficial interest in the organization's profits, surpluses, losses, or distributions of fifty per cent or more of the combined beneficial interests of all persons having such an interest in the organization.

(5) A domestic insurance company or foreign insurance company, as defined in section 5725.01 of the Revised Code, that paid the insurance company premiums tax imposed by section 5725.18 or Chapter 5729. of the Revised Code, or an unauthorized insurance company whose gross premiums are subject to tax under section 3905.36 of the Revised Code based on one or more measurement periods that include the entire tax period under this chapter;

(6) A person that solely facilitates or services one or more securitizations of phase-in-recovery property pursuant to a final financing order as those terms are defined in section 4928.23 of the Revised Code. For purposes of this division, "securitization" means transferring one or more assets to one or more persons and then issuing securities backed by the right to receive payment from the asset or assets so transferred.

(7) Except as otherwise provided in this division, a pre-income tax trust as defined in division (FF)(4) of section 5747.01 of the Revised Code and any pass-through entity of which such pre-income tax trust owns or controls, directly, indirectly, or constructively through related interests, more than five per cent of the ownership or equity interests. If the pre-income tax trust has made a qualifying pre-income tax trust election under division (FF)(3) of section 5747.01 of the Revised Code, then the trust and the pass-through entities of which it owns or controls, directly, indirectly, or constructively through related interests, more than five per cent of the ownership or equity interests, shall not be excluded persons for purposes of the tax imposed under section 5751.02 of the Revised Code.

(8) Nonprofit organizations or the state and its agencies, instrumentalities, or political subdivisions.

(F) Except as otherwise provided in divisions (F)(2), (3), and (4) of this section, "gross receipts" means the total amount realized by a person, without deduction for the cost of goods sold or other expenses incurred, that contributes to the production of gross income of the person, including the fair market value of any property and any services received, and any debt transferred or forgiven as consideration.

(1) The following are examples of gross receipts:

(a) Amounts realized from the sale, exchange, or other disposition of the taxpayer's property to or with another;

(b) Amounts realized from the taxpayer's performance of services for another;

(c) Amounts realized from another's use or possession of the taxpayer's property or capital;

(d) Any combination of the foregoing amounts.

(2) "Gross receipts" excludes the following amounts:

(a) Interest income except interest on credit sales;

(b) Dividends and distributions from corporations, and distributive or proportionate shares of receipts and income from a pass-through entity as defined under section 5733.04 of the Revised Code;

(c) Receipts from the sale, exchange, or other disposition of an asset described in section 1221 or 1231 of the Internal Revenue Code, without regard to the length of time the person held the asset. Notwithstanding section 1221 of the Internal Revenue Code, receipts from hedging transactions also are excluded to the extent the transactions are entered into primarily to protect a financial position, such as managing the risk of exposure to (i) foreign currency fluctuations that affect assets, liabilities, profits, losses, equity, or investments in foreign operations; (ii) interest rate fluctuations; or (iii) commodity price fluctuations. As used in division (F)(2)(c) of this section, "hedging transaction" has the same meaning as used in section 1221 of the Internal Revenue Code and also includes transactions accorded hedge accounting treatment under statement of financial accounting standards number 133 of the financial accounting standards board. For the purposes of division (F)(2)(c) of this section, the actual transfer of title of real or tangible personal property to another entity is not a hedging transaction.

(d) Proceeds received attributable to the repayment, maturity, or redemption of the principal of a loan, bond, mutual fund, certificate of deposit, or marketable instrument;

(e) The principal amount received under a repurchase agreement or on account of any transaction properly characterized as a loan to the person;

(f) Contributions received by a trust, plan, or other arrangement, any of which is described in section 501(a) of the Internal Revenue Code, or to which Title 26, Subtitle A, Chapter 1, Subchapter (D) of the Internal Revenue Code applies;

(g) Compensation, whether current or deferred, and whether in cash or in kind, received or to be received by an employee, former employee, or the employee's legal successor for services rendered to or for an employer, including reimbursements received by or for an individual for medical or education expenses, health insurance premiums, or employee expenses, or on account of a

dependent care spending account, legal services plan, any cafeteria plan described in section 125 of the Internal Revenue Code, or any similar employee reimbursement;

(h) Proceeds received from the issuance of the taxpayer's own stock, options, warrants, puts, or calls, or from the sale of the taxpayer's treasury stock;

(i) Proceeds received on the account of payments from insurance policies, except those proceeds received for the loss of business revenue;

(j) Gifts or charitable contributions received; membership dues received by trade, professional, homeowners', or condominium associations; and payments received for educational courses, meetings, meals, or similar payments to a trade, professional, or other similar association; and fundraising receipts received by any person when any excess receipts are donated or used exclusively for charitable purposes;

(k) Damages received as the result of litigation in excess of amounts that, if received without litigation, would be gross receipts;

(l) Property, money, and other amounts received or acquired by an agent on behalf of another in excess of the agent's commission, fee, or other remuneration;

(m) Tax refunds, other tax benefit recoveries, and reimbursements for the tax imposed under this chapter made by entities that are part of the same combined taxpayer or consolidated elected taxpayer group, and reimbursements made by entities that are not members of a combined taxpayer or consolidated elected taxpayer group that are required to be made for economic parity among multiple owners of an entity whose tax obligation under this chapter is required to be reported and paid entirely by one owner, pursuant to the requirements of sections 5751.011 and 5751.012 of the Revised Code;

(n) Pension reversions;

(o) Contributions to capital;

(p) Sales or use taxes collected as a vendor or an out-of-state seller on behalf of the taxing jurisdiction from a consumer or other taxes the taxpayer is required by law to collect directly from a purchaser and remit to a local, state, or federal tax authority;

(q) In the case of receipts from the sale of cigarettes or tobacco products by a wholesale dealer, retail dealer, distributor, manufacturer, or seller, all as defined in section 5743.01 of the Revised Code, an amount equal to the federal and state excise taxes paid by any person on or for such cigarettes or tobacco products under subtitle E of the Internal Revenue Code or Chapter 5743. of the Revised Code;

(r) In the case of receipts from the sale of motor fuel by a licensed motor fuel dealer, licensed retail dealer, or licensed permissive motor fuel dealer, all as defined in section 5735.01 of the Revised Code, an amount equal to federal and

state excise taxes paid by any person on such motor fuel under section 4081 of the Internal Revenue Code or Chapter 5735. of the Revised Code;

(s) In the case of receipts from the sale of beer or intoxicating liquor, as defined in section 4301.01 of the Revised Code, by a person holding a permit issued under Chapter 4301. or 4303. of the Revised Code, an amount equal to federal and state excise taxes paid by any person on or for such beer or intoxicating liquor under subtitle E of the Internal Revenue Code or Chapter 4301. or 4305. of the Revised Code;

(t) Receipts realized by a new motor vehicle dealer or used motor vehicle dealer, as defined in section 4517.01 of the Revised Code, from the sale or other transfer of a motor vehicle, as defined in that section, to another motor vehicle dealer for the purpose of resale by the transferee motor vehicle dealer, but only if the sale or other transfer was based upon the transferee's need to meet a specific customer's preference for a motor vehicle;

(u) Receipts from a financial institution described in division (E)(3) of this section for services provided to the financial institution in connection with the issuance, processing, servicing, and management of loans or credit accounts, if such financial institution and the recipient of such receipts have at least fifty per cent of their ownership interests owned or controlled, directly or constructively through related interests, by common owners;

(v) Receipts realized from administering anti-neoplastic drugs and other cancer chemotherapy, biologicals, therapeutic agents, and supportive drugs in a physician's office to patients with cancer;

(w) Funds received or used by a mortgage broker that is not a dealer in intangibles, other than fees or other consideration, pursuant to a table-funding mortgage loan or warehouse-lending mortgage loan. Terms used in division (F)(2)(w) of this section have the same meanings as in section 1322.01 of the Revised Code, except "mortgage broker" means a person assisting a buyer in obtaining a mortgage loan for a fee or other consideration paid by the buyer or a lender, or a person engaged in table-funding or warehouse-lending mortgage loans that are first lien mortgage loans.

(x) Property, money, and other amounts received by a professional employer organization, as defined in section 4125.01 of the Revised Code, from a client employer, as defined in that section, in excess of the administrative fee charged by the professional employer organization to the client employer;

(y) In the case of amounts retained as commissions by a permit holder under Chapter 3769. of the Revised Code, an amount equal to the amounts specified under that chapter that must be paid to or collected by the tax commissioner as a tax and the amounts specified under that chapter to be used as purse money;

(z) Qualifying distribution center receipts.

(i) For purposes of division (F)(2)(z) of this section:

(I) "Qualifying distribution center receipts" means receipts of a supplier from qualified property that is delivered to a qualified distribution center, multiplied by a quantity that equals one minus the Ohio delivery percentage. If the qualified distribution center is a refining facility, "supplier" includes all dealers, brokers, processors, sellers, vendors, cosigners, and distributors of qualified property.

(II) "Qualified property" means tangible personal property delivered to a qualified distribution center that is shipped to that qualified distribution center solely for further shipping by the qualified distribution center to another location in this state or elsewhere or, in the case of gold, silver, platinum, or palladium delivered to a refining facility solely for refining to a grade and fineness acceptable for delivery to a registered commodities exchange. "Further shipping" includes storing and repackaging property into smaller or larger bundles, so long as the property is not subject to further manufacturing or processing. "Refining" is limited to extracting impurities from gold, silver, platinum, or palladium through smelting or some other process at a refining facility.

(III) "Qualified distribution center" means a warehouse, a facility similar to a warehouse, or a refining facility in this state that, for the qualifying year, is operated by a person that is not part of a combined taxpayer group and that has a qualifying certificate. All warehouses or facilities similar to warehouses that are operated by persons in the same taxpayer group and that are located within one mile of each other shall be treated as one qualified distribution center. All refining facilities that are operated by persons in the same taxpayer group and that are located in the same or adjacent counties may be treated as one qualified distribution center.

(IV) "Qualifying year" means the calendar year to which the qualifying certificate applies.

(V) "Qualifying period" means the period of the first day of July of the second year preceding the qualifying year through the thirtieth day of June of the year preceding the qualifying year.

(VI) "Qualifying certificate" means the certificate issued by the tax commissioner after the operator of a distribution center files an annual application with the commissioner. The application and annual fee shall be filed and paid for each qualified distribution center on or before the first day of September before the qualifying year or within forty-five days after the distribution center opens, whichever is later.

The applicant must substantiate to the commissioner's satisfaction that, for the qualifying period, all persons operating the distribution center have more than fifty per cent of the cost of the qualified property shipped to a location such that it would be situated outside this state under the provisions of division (E) of section 5751.033 of the Revised Code. The applicant must also substantiate that the distribution center cumulatively had costs from its suppliers equal to or exceeding five hundred million dollars during the qualifying period. (For

purposes of division (F)(2)(z)(i)(VI) of this section, "supplier" excludes any person that is part of the consolidated elected taxpayer group, if applicable, of the operator of the qualified distribution center.) The commissioner may require the applicant to have an independent certified public accountant certify that the calculation of the minimum thresholds required for a qualified distribution center by the operator of a distribution center has been made in accordance with generally accepted accounting principles. The commissioner shall issue or deny the issuance of a certificate within sixty days after the receipt of the application. A denial is subject to appeal under section 5717.02 of the Revised Code. If the operator files a timely appeal under section 5717.02 of the Revised Code, the operator shall be granted a qualifying certificate, provided that the operator is liable for any tax, interest, or penalty upon amounts claimed as qualifying distribution center receipts, other than those receipts exempt under division (C)(1) of section 5751.011 of the Revised Code, that would have otherwise not been owed by its suppliers if the qualifying certificate was valid.

(VII) "Ohio delivery percentage" means the proportion of the total property delivered to a destination inside Ohio from the qualified distribution center during the qualifying period compared with total deliveries from such distribution center everywhere during the qualifying period.

(VIII) "Refining facility" means one or more buildings located in a county in the Appalachian region of this state as defined by section 107.21 of the Revised Code and utilized for refining or smelting gold, silver, platinum, or palladium to a grade and fineness acceptable for delivery to a registered commodities exchange.

(IX) "Registered commodities exchange" means a board of trade, such as New York mercantile exchange, inc. or commodity exchange, inc., designated as a contract market by the commodity futures trading commission under the "Commodity Exchange Act," 7 U.S.C. 1 et seq., as amended.

(ii) (I) If the distribution center is new and was not open for the entire qualifying period, the operator of the distribution center may request that the commissioner grant a qualifying certificate. If the certificate is granted and it is later determined that more than fifty per cent of the qualified property during that year was not shipped to a location such that it would be situated outside of this state under the provisions of division (E) of section 5751.033 of the Revised Code or if it is later determined that the person that operates the distribution center had average monthly costs from its suppliers of less than forty million dollars during that year, then the operator of the distribution center shall ~~be liable for any tax, interest, or penalty upon amounts claimed as qualifying distribution center receipts, other than those receipts exempt under division (C)(1) of section 5751.011 of the Revised Code, that would have not otherwise been owed by its suppliers during the qualifying year if the qualifying certificate was valid~~ pay a penalty for that year equal to five hundred thousand dollars. (For purposes of division (F)(2)(z)(ii) of this section, "supplier" excludes any person that is part of the consolidated elected taxpayer group, if applicable, of the operator of the

qualified distribution center.)

(II) The commissioner may grant a qualifying certificate to a distribution center that does not qualify as a qualified distribution center for an entire qualifying period if the operator of the distribution center demonstrates that the business operations of the distribution center have changed or will change such that the distribution center will qualify as a qualified distribution center within thirty-six months after the date the operator first applies for a certificate. If, at the end of that thirty-six-month period, the business operations of the distribution center have not changed such that the distribution center qualifies as a qualified distribution center, the operator of the distribution center shall pay a penalty equal to five hundred thousand dollars for each year that the distribution center received a certificate but did not qualify as a qualified distribution center. For each year the distribution center receives a certificate under division (F)(2)(z)(ii)(II) of this section, the distribution center shall pay all applicable fees required under division (F)(2)(z) of this section and shall submit an updated business plan showing the progress the distribution center made toward qualifying as a qualified distribution center during the preceding year.

(III) An operator may appeal the imposition of a penalty imposed under division (F)(2)(z)(ii)(I) or (II) of this section as provided in section 5717.02 of the Revised Code.

(iii) When filing an application for a qualifying certificate under division (F)(2)(z)(i)(VI) of this section, the operator of a qualified distribution center also shall provide documentation, as the commissioner requires, for the commissioner to ascertain the Ohio delivery percentage. The commissioner, upon issuing the qualifying certificate, also shall certify the Ohio delivery percentage. The operator of the qualified distribution center may appeal the commissioner's certification of the Ohio delivery percentage in the same manner as an appeal is taken from the denial of a qualifying certificate under division (F)(2)(z)(i)(VI) of this section.

Within thirty days after all appeals have been exhausted, the operator of the qualified distribution center shall ~~notify~~ provide the commissioner with a list of all affected suppliers of qualified property . The commissioner shall notify all such suppliers that ~~such~~ the suppliers are required to file, within sixty days after receiving ~~the~~ the notice ~~from the operator of the qualified distribution center,~~ amended reports for the ~~impacted~~ affected calendar quarter or quarters or calendar year, whichever the case may be. Any additional tax liability or tax overpayment shall be subject to interest but shall not be subject to the imposition of any penalty so long as the amended returns are timely filed. The supplier of tangible personal property delivered to the qualified distribution center shall include in its report of taxable gross receipts the receipts from the total sales of property delivered to the qualified distribution center for the calendar quarter or calendar year, whichever the case may be, multiplied by the Ohio delivery percentage for the qualifying year. Nothing in division (F)(2)(z)(iii) of this section shall be construed as imposing liability on the operator of a qualified distribution center for the tax imposed by this chapter arising from any change to

the Ohio delivery percentage.

(iv) ~~(I)~~ In the case where the distribution center is new and not open for the entire qualifying period, the operator shall make a good faith estimate of an Ohio delivery percentage for use by suppliers in their reports of taxable gross receipts for the remainder of the qualifying period. The operator of the facility shall disclose to the suppliers that such Ohio delivery percentage is an estimate and is subject to recalculation. By the due date of the next application for a qualifying certificate, the operator shall determine the actual Ohio delivery percentage for the estimated qualifying period and proceed as provided in division (F)(2)(z)(iii) of this section with respect to the calculation and recalculation of the Ohio delivery percentage. The supplier is required to file, within sixty days after receiving notice from the operator of the qualified distribution center, amended reports for the impacted calendar quarter or quarters or calendar year, whichever the case may be. Any additional tax liability or tax overpayment shall be subject to interest but shall not be subject to the imposition of any penalty so long as the amended returns are timely filed.

(II) The operator of a distribution center that receives a qualifying certificate under division (F)(2)(ii)(II) of this section shall make a good faith estimate of the Ohio delivery percentage that the operator estimates will apply to the distribution center at the end of the thirty-six-month period after the operator first applied for a qualifying certificate under that division. The result of the estimate shall be multiplied by a factor of one and seventy-five one-hundredths. The product of that calculation shall be the Ohio delivery percentage used by suppliers in their reports of taxable gross receipts for each qualifying year that the distribution center receives a qualifying certificate under division (F)(2)(ii)(II) of this section, except that, if the product is less than five per cent, the Ohio delivery percentage used shall be five per cent and that, if the product exceeds forty-nine per cent, the Ohio delivery percentage used shall be forty-nine per cent.

(v) Qualifying certificates and Ohio delivery percentages issued by the commissioner shall be open to public inspection and shall be timely published by the commissioner. A supplier relying in good faith on a certificate issued under this division shall not be subject to tax on the qualifying distribution center receipts under division (F)(2)(z) of this section. A person receiving a qualifying certificate is ~~responsible liable for paying the tax, interest, and penalty upon amounts claimed as qualifying distribution center receipts that would not otherwise have been owed by the supplier if the qualifying certificate were available when it is later determined that the qualifying certificate a penalty equal to five hundred thousand dollars for each year the person received a certificate that~~ should not have been issued because the statutory requirements were in fact not met.

(vi) The annual fee for a qualifying certificate shall be one hundred thousand dollars for each qualified distribution center. If a qualifying certificate is not issued, the annual fee is subject to refund after the exhaustion of all appeals provided for in division (F)(2)(z)(i)(VI) of this section. The fee imposed

under this division may be assessed in the same manner as the tax imposed under this chapter. The first one hundred thousand dollars of the annual application fees collected each calendar year shall be credited to the revenue enhancement fund. The remainder of the annual application fees collected shall be distributed in the same manner required under section 5751.20 of the Revised Code.

(vii) The tax commissioner may require that adequate security be posted by the operator of the distribution center on appeal when the commissioner disagrees that the applicant has met the minimum thresholds for a qualified distribution center as set forth in divisions (F)(2)(z)(i)(VI) and (F)(2)(z)(ii) of this section.

(aa) Receipts of an employer from payroll deductions relating to the reimbursement of the employer for advancing moneys to an unrelated third party on an employee's behalf;

(bb) Cash discounts allowed and taken;

(cc) Returns and allowances;

(dd) Bad debts from receipts on the basis of which the tax imposed by this chapter was paid in a prior quarterly tax payment period. For the purpose of this division, "bad debts" means any debts that have become worthless or uncollectible between the preceding and current quarterly tax payment periods, have been uncollected for at least six months, and that may be claimed as a deduction under section 166 of the Internal Revenue Code and the regulations adopted under that section, or that could be claimed as such if the taxpayer kept its accounts on the accrual basis. "Bad debts" does not include repossessed property, uncollectible amounts on property that remains in the possession of the taxpayer until the full purchase price is paid, or expenses in attempting to collect any account receivable or for any portion of the debt recovered;

(ee) Any amount realized from the sale of an account receivable to the extent the receipts from the underlying transaction giving rise to the account receivable were included in the gross receipts of the taxpayer;

(ff) Any receipts directly attributed to providing public services pursuant to sections 126.60 to 126.605 of the Revised Code, or any receipts directly attributed to a transfer agreement or to the enterprise transferred under that agreement under section 4313.02 of the Revised Code.

(gg)(i) As used in this division:

(I) "Qualified uranium receipts" means receipts from the sale, exchange, lease, loan, production, processing, or other disposition of uranium within a uranium enrichment zone certified by the tax commissioner under division (F)(2)(gg)(ii) of this section. "Qualified uranium receipts" does not include any receipts with a situs in this state outside a uranium enrichment zone certified by the tax commissioner under division (F)(2)(gg)(ii) of this section.

(II) "Uranium enrichment zone" means all real property that is part of a

uranium enrichment facility licensed by the United States nuclear regulatory commission and that was or is owned or controlled by the United States department of energy or its successor.

(ii) Any person that owns, leases, or operates real or tangible personal property constituting or located within a uranium enrichment zone may apply to the tax commissioner to have the uranium enrichment zone certified for the purpose of excluding qualified uranium receipts under division (F)(2)(gg) of this section. The application shall include such information that the tax commissioner prescribes. Within sixty days after receiving the application, the tax commissioner shall certify the zone for that purpose if the commissioner determines that the property qualifies as a uranium enrichment zone as defined in division (F)(2)(gg) of this section, or, if the tax commissioner determines that the property does not qualify, the commissioner shall deny the application or request additional information from the applicant. If the tax commissioner denies an application, the commissioner shall state the reasons for the denial. The applicant may appeal the denial of an application to the board of tax appeals pursuant to section 5717.02 of the Revised Code. If the applicant files a timely appeal, the tax commissioner shall conditionally certify the applicant's property. The conditional certification shall expire when all of the applicant's appeals are exhausted. Until final resolution of the appeal, the applicant shall retain the applicant's records in accordance with section 5751.12 of the Revised Code, notwithstanding any time limit on the preservation of records under that section.

(hh) Amounts realized by licensed motor fuel dealers or licensed permissive motor fuel dealers from the exchange of petroleum products, including motor fuel, between such dealers, provided that delivery of the petroleum products occurs at a refinery, terminal, pipeline, or marine vessel and that the exchanging dealers agree neither dealer shall require monetary compensation from the other for the value of the exchanged petroleum products other than such compensation for differences in product location or grade. Division (F)(2)(hh) of this section does not apply to amounts realized as a result of differences in location or grade of exchanged petroleum products or from handling, lubricity, dye, or other additive injections fees, pipeline security fees, or similar fees. As used in this division, "motor fuel," "licensed motor fuel dealer," "licensed permissive motor fuel dealer," and "terminal" have the same meanings as in section 5735.01 of the Revised Code.

(ii) In the case of amounts collected by a licensed casino operator from casino gaming, amounts in excess of the casino operator's gross casino revenue. In this division, "casino operator" and "casino gaming" have the meanings defined in section 3772.01 of the Revised Code, and "gross casino revenue" has the meaning defined in section 5753.01 of the Revised Code.

(jj) Any receipts for which the tax imposed by this chapter is prohibited by the constitution or laws of the United States or the constitution of this state.

(3) In the case of a taxpayer when acting as a real estate broker, "gross receipts" includes only the portion of any fee for the service of a real estate

broker, or service of a real estate salesperson associated with that broker, that is retained by the broker and not paid to an associated real estate salesperson or another real estate broker. For the purposes of this division, "real estate broker" and "real estate salesperson" have the same meanings as in section 4735.01 of the Revised Code.

(4) A taxpayer's method of accounting for gross receipts for a tax period shall be the same as the taxpayer's method of accounting for federal income tax purposes for the taxpayer's federal taxable year that includes the tax period. If a taxpayer's method of accounting for federal income tax purposes changes, its method of accounting for gross receipts under this chapter shall be changed accordingly.

(G) "Taxable gross receipts" means gross receipts situated to this state under section 5751.033 of the Revised Code.

(H) A person has "substantial nexus with this state" if any of the following applies. The person:

(1) Owns or uses a part or all of its capital in this state;

(2) Holds a certificate of compliance with the laws of this state authorizing the person to do business in this state;

(3) Has bright-line presence in this state;

(4) Otherwise has nexus with this state to an extent that the person can be required to remit the tax imposed under this chapter under the Constitution of the United States.

(I) A person has "bright-line presence" in this state for a reporting period and for the remaining portion of the calendar year if any of the following applies. The person:

(1) Has at any time during the calendar year property in this state with an aggregate value of at least fifty thousand dollars. For the purpose of division (I)(1) of this section, owned property is valued at original cost and rented property is valued at eight times the net annual rental charge.

(2) Has during the calendar year payroll in this state of at least fifty thousand dollars. Payroll in this state includes all of the following:

(a) Any amount subject to withholding by the person under section 5747.06 of the Revised Code;

(b) Any other amount the person pays as compensation to an individual under the supervision or control of the person for work done in this state; and

(c) Any amount the person pays for services performed in this state on its behalf by another.

(3) Has during the calendar year taxable gross receipts of at least five hundred thousand dollars.

(4) Has at any time during the calendar year within this state at least twenty-five per cent of the person's total property, total payroll, or total gross receipts.

(5) Is domiciled in this state as an individual or for corporate, commercial, or other business purposes.

(J) "Tangible personal property" has the same meaning as in section 5739.01 of the Revised Code.

(K) "Internal Revenue Code" means the Internal Revenue Code of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended. Any term used in this chapter that is not otherwise defined has the same meaning as when used in a comparable context in the laws of the United States relating to federal income taxes unless a different meaning is clearly required. Any reference in this chapter to the Internal Revenue Code includes other laws of the United States relating to federal income taxes.

(L) "Calendar quarter" means a three-month period ending on the thirty-first day of March, the thirtieth day of June, the thirtieth day of September, or the thirty-first day of December.

(M) "Tax period" means the calendar quarter or calendar year on the basis of which a taxpayer is required to pay the tax imposed under this chapter.

(N) "Calendar year taxpayer" means a taxpayer for which the tax period is a calendar year.

(O) "Calendar quarter taxpayer" means a taxpayer for which the tax period is a calendar quarter.

(P) "Agent" means a person authorized by another person to act on its behalf to undertake a transaction for the other, including any of the following:

(1) A person receiving a fee to sell financial instruments;

(2) A person retaining only a commission from a transaction with the other proceeds from the transaction being remitted to another person;

(3) A person issuing licenses and permits under section 1533.13 of the Revised Code;

(4) A lottery sales agent holding a valid license issued under section 3770.05 of the Revised Code;

(5) A person acting as an agent of the division of liquor control under section 4301.17 of the Revised Code.

(Q) "Received" includes amounts accrued under the accrual method of accounting.

(R) "Reporting person" means a person in a consolidated elected taxpayer or combined taxpayer group that is designated by that group to legally bind the group for all filings and tax liabilities and to receive all legal notices with respect

to matters under this chapter, or, for the purposes of section 5751.04 of the Revised Code, a separate taxpayer that is not a member of such a group."

In line 41, delete "section" and insert "sections"; after "5701.11" insert "and 5751.01"

In line 42, delete "is" and insert "are"

After line 48, insert:

"Section 4. Section 5751.01 of the Revised Code is presented in this act as a composite of the section as amended by both Am. Sub. H.B. 472 and Am. Sub. H.B. 510 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."

In line 1 of the title, delete "section" and insert "sections"; after "5701.11" insert "and 5751.01"

In line 4 of the title, after the comma insert "to allow a distribution center to qualify for the commercial activity tax exclusion for receipts from sales to qualified distribution centers if it does not currently meet the exclusion requirements but expects to meet those requirements within three years,"

Attest:

Bradley J. Young,
Clerk.

Senator Widener moved that the amendments of the House of Representatives to **Am. S. B. No. 28** - Senator Obhof - et al. be brought up for immediate consideration, pursuant to Senate Rule No. 44.

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

The motion was agreed to.

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

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

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
Burke	Cafaro	Coley	Eklund
Gardner	Gentile	Hite	Hughes
Jones	Jordan	Kearney	LaRose
Lehner	Manning	Obhof	Oelslager
Patton	Peterson	Sawyer	Schaffer
Schiavoni	Seitz	Skindell	Smith
Tavares	Turner	Uecker	Widener

Faber-33.

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

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

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

Those who voted in the affirmative were: Senators

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

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

On the motion of Senator Widener, the Senate recessed until 4:05 p.m.

The Senate met pursuant to the recess.

Message from the House of Representatives

Mr. President:

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

Sub. S. B. No. 47 -Senator Seitz

Cosponsors: Senators Eklund, Coley, Burke Representatives Blessing, Lynch, Stebelton, Terhar, Speaker Batchelder

To amend sections 3.02, 302.09, 305.02, 503.24, 733.31, 1901.10, 2301.02, 3501.301, 3501.38, 3503.06, 3503.14, 3503.16, 3503.19, 3503.28, 3505.13, 3505.18, 3505.181, 3505.182, 3505.183, 3509.03, 3509.04, 3509.05, 3511.02, 3511.05, 3511.09, 3513.04, 3513.262, 3513.263, 3513.30, 3513.31, 3519.05, and 3519.16 and to enact section 3501.302 of the Revised Code to revise the Election Law.

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

Attest: Bradley J. Young,
Clerk.

Senator Widener moved that the amendments of the House of Representatives to **Sub. S. B. No. 47** - Senator Seitz - et al. be brought up for immediate consideration, pursuant to Senate Rule No. 44.

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

The motion was agreed to.

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

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

Those who voted in the affirmative were: Senators

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

Those who voted in the negative were: Senators

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

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

On the motion of Senator Widener, the Senate recessed until 5:30 p.m.

The Senate met pursuant to the recess.

On the motion of Senator Patton, the Senate adjourned until Thursday, March 21, 2013 at 11:00 o'clock a.m.

Attest: VINCENT L. KEERAN,
Clerk.