

OHIO

SENATE

JOURNAL

WEDNESDAY, MAY 21, 2014

ONE HUNDRED EIGHTY-FOURTH DAY
Senate Chamber, Columbus, Ohio
Wednesday, May 21, 2014, 1:30 p.m.

The Senate met pursuant to adjournment.

Prayer was offered by Rabbi Areyah Kaltmann, The Lori Schottenstein Chabbad, Columbus, 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 Eklund recognized Andy Fetchik as the Ohio Association of Secondary School Administrators' High School Principal of the Year.

Senator Turner recognized Ryan Harris as the Division III State Wrestling Champion in the 170 lb. weight class.

Senators Balderson and Schaffer recognized Pearl Valley Cheese as the gold medalist in the Rindlest Swiss Cheese Class at the 2014 World Champion Cheese Contest.

Senator Manning recognized Officer Scott Jewett as the Department of Rehab and Corrections' Corrections Officer of the Year.

Senator Balderson recognized Sherri Duffey as the American Associations' Warden of the Year.

Senators Skindell and Patton recognized the students from the Polaris Career Center on winning the 2014 GFS Ohio ProStart Invitational.

**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:

Am. H. B. No. 241-Representative Hagan, C., et al.

To amend section 2907.03 of the Revised Code to prohibit an employee of a public or nonpublic school or institution of higher education who is not in a position of authority from engaging in sexual conduct with a minor at least four years younger than the employee who is enrolled in or attends that public or nonpublic school or who is enrolled in or attends that institution of higher education and is also enrolled in or attends a public or nonpublic school.

To the Committee on Criminal Justice.

Am. H. B. No. 277-Representative Stautberg, et al.

To amend sections 709.02 and 709.023 of the Revised Code to require that the state or a political subdivision real estate owner be included in determining the number of owners needed to sign a petition for an expedited type-II annexation, unless the real estate is a road or road right-of-way, and to make other changes regarding that type of annexation.

To the Committee on State Government Oversight and Reform.

H. B. No. 290-Representative Stebelton, et al.

To amend sections 3313.75, 3313.76, 3313.77, and 3313.78 and to enact section 3313.791 of the Revised Code regarding the use of school district premises by members of the public and immunity from civil liability for a school district and schools when permitting members of the public to use school premises.

To the Committee on Civil Justice.

Am. Sub. H. B. No. 375-Representative Huffman, et al.

To amend sections 1509.02, 1509.071, 1509.11, 1509.34, 1513.08, 1513.182, 1514.11, 5703.052, 5705.27, 5705.32, 5747.98, 5749.01, 5749.02, 5749.03, 5749.06, 5749.07, 5749.08, 5749.10, 5749.11, 5749.12, 5749.13, 5749.14, 5749.15, and 5751.01, to enact sections 187.14, 190.01 to 190.05, 321.50, 1509.075, 5747.56, 5747.63, 5749.031, and 5749.18, and to repeal section 1509.50 of the Revised Code to change the basis, rates, and revenue distribution of the severance tax on oil and gas, authorize an income tax credit for oil or gas royalty holders, and to exclude some oil and gas sale receipts from the commercial activity tax base.

To the Committee on Ways and Means.

H. B. No. 401-Representatives Hagan, R., Mallory, et al.

To enact section 5533.242 of the Revised Code to designate a portion of Interstate Route 75 in Hamilton County as the "William L. Mallory, Sr. Memorial Highway."

To the Committee on Transportation.

Sub. H. B. No. 412-Representative Gonzales, et al.

To amend sections 1.64, 2133.211, 2151.3515, 2305.113, 3701.92, 4503.44, 4729.01, 4730.01, 4730.02, 4730.03, 4730.04, 4730.06, 4730.08, 4730.091, 4730.10, 4730.101, 4730.11, 4730.12, 4730.13, 4730.14, 4730.19, 4730.21, 4730.22, 4730.25, 4730.251, 4730.27, 4730.28, 4730.31, 4730.32, 4730.33, 4730.38, 4730.39, 4730.41, 4730.42, 4730.43, 4730.49, 4730.51, 4730.53, 4731.07, 4765.01, 4765.51, and 5123.47; to amend, for the purpose of adopting new section numbers as shown in parentheses, section 4730.091 (4730.201) and 4730.092 (4730.202); to enact new section 4730.20 and sections 4730.111 and 4730.203; and to repeal sections 4730.081, 4730.09, 4730.15, 4730.16, 4730.17, 4730.18, 4730.20, 4730.44, 4730.45, 4730.46, 4730.47, 4730.48, 4730.50, and 4730.52 of the Revised Code to revise the law governing the practice of physician assistants.

To the Committee on Medicaid, Health and Human Services.

H. B. No. 468-Representatives Sears, McGregor, et al.

To amend sections 505.871, 4501.25, 4505.061, 4738.01, 4738.02, 4738.03, 4738.17, and 4738.99, to enact sections 3937.19, 4738.021, 4738.022, 4738.023, and 4738.031, and to repeal section 4738.18 of the Revised Code relative to salvage motor vehicles and junk motor vehicles.

To the Committee on State Government Oversight and Reform.

S. C. R. No. 41-Senators Tavares, Turner, et al.

To condemn the terrorist group Boko Haram for its attacks on civilians, including the abduction of female students, and to urge the President and Congress to continue providing assistance in locating the students.

To the Committee on State Government Oversight and Reform.

S. B. No. 339-Senator Hite, et al.

To amend section 4501.21 and to enact section 4503.86 of the Revised Code to create the "Lincoln Highway" license plate.

To the Committee on Transportation.

S. B. No. 340-Senator Hite.

To enact section 5.035 of the Revised Code to designate the Buckeye Butterfly as the state butterfly.

To the Committee on State Government Oversight and Reform.

S. B. No. 341-Senator Turner, et al.

To enact section 5502.391 of the Revised Code to require the Emergency Management Agency to operate the Individual Disaster Relief Pilot Program, to establish the Individual Disaster Relief Fund, and to make an appropriation.

To the Committee on Finance.

S. B. No. 342-Senator Seitz.

To amend sections 1901.20 and 4511.094; to amend, for the purpose of adopting a new section number as indicated in parentheses, section 4511.093 (4511.043); to enact sections 4511.095, 4511.096, 4511.097, 4511.098, 4511.099, 4511.0910, 4511.0911, 4511.0912, and 4511.0913; to enact new sections 4511.092 and 4511.093; and to repeal section 4511.092 of the Revised Code to establish conditions for the use by local authorities of traffic law photo-monitoring devices to detect certain traffic law violations.

To the Committee on State Government Oversight and Reform.

YES - 9: KRIS JORDAN, CHRIS WIDENER, TOM PATTON,
LARRY OBHOF, RANDY GARDNER, LOU GENTILE,
MICHAEL J. SKINDELL, SCOTT OELSLAGER,
JOSEPH SCHIAVONI.

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 Jones submitted the following report:

The standing committee on Medicaid, Health and Human Services, to which was referred **Sub. H. B. No. 247**-Representative Stebelton, et al., having had the same under consideration, reports it back with the following amendments and recommends its passage when so amended.

In line 38, after " placed" insert " ,as long as reasonable efforts are undertaken to maintain the automated external defibrillator in accordance with the manufacturer's specifications"

Co-Sponsors: Brown, Tavares.

YES - 8: KRIS JORDAN, RANDY GARDNER, PEGGY B. LEHNER, DAVE BURKE, EDNA BROWN, CHARLETA B. TAVARES, SHANNON JONES, SCOTT OELSLAGER.

NO - 0.

Senator Jones submitted the following report:

The standing committee on Medicaid, Health and Human Services, to which was referred **Sub. H. B. No. 314**-Representatives Baker, Kunze, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: Brown, Tavares.

YES - 8: KRIS JORDAN, RANDY GARDNER, DAVE BURKE, SHANNON JONES, EDNA BROWN, CHARLETA B. TAVARES, PEGGY B. LEHNER, SCOTT OELSLAGER.

NO - 0.

Senator Jones submitted the following report:

The standing committee on Medicaid, Health and Human Services, to which was referred **S. C. R. No. 36**-Senators Jones, Cafaro, et al., having had the same under consideration, reports it back and recommends its adoption.

Co-Sponsor: Tavares.

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YES - 8: CHARLETA B. TAVARES, EDNA BROWN, KRIS JORDAN, RANDY GARDNER, PEGGY B. LEHNER, DAVE BURKE, SHANNON JONES, SCOTT OELSLAGER.

NO - 0.

Senator Jones submitted the following report:

The standing committee on Medicaid, Health and Human Services, to which was referred **S. B. No. 300**-Senators Beagle, Faber, et al., having had the same under consideration, reports it back and recommends its passage.

Co-Sponsors: Brown, Tavares.

YES - 8: KRIS JORDAN, RANDY GARDNER, PEGGY B. LEHNER, DAVE BURKE, SHANNON JONES, EDNA BROWN, CHARLETA B. TAVARES, SCOTT OELSLAGER.

NO - 0.

Senator Manning submitted the following report:

The standing committee on Transportation, to which was referred **S. B. No. 234**-Senator Hughes, et al., having had the same under consideration, reports it back and recommends its passage.

YES - 7: GAYLE MANNING, TOM PATTON, RANDY GARDNER, TROY BALDERSON, BILL SEITZ, LOU GENTILE, FRANK LAROSE.

NO - 0.

The question being, "Shall the reports of the committees be accepted?"

The reports of the committees were accepted.

HOUSE AMENDMENTS TO SENATE BILLS AND RESOLUTIONS

The amendments of the House of Representatives to:

Am. Sub. S. B. No. 245-Senators Coley, Seitz.

Cosponsors: Senators Turner, Schiavoni, Hughes, Patton, Widener, Manning, LaRose, Cafaro, Gentile, Bacon, Balderson, Beagle, Brown, Burke, Eklund,

Faber, Gardner, Hite, Jones, Jordan, Lehner, Obhof, Oelslager, Peterson, Schaffer, Skindell, Smith, Tavares, Uecker. Representatives Damschroder, Ruhl, Mallory, Celebrezze, DeVitis, Green, Hagan, R., Milkovich, Patmon, Adams, R., Anielski, Antonio, Baker, Barborak, Barnes, Beck, Bishoff, Blair, Blessing, Boose, Boyce, Boyd, Brenner, Brown, Buchy, Burkley, Butler, Carney, Cera, Clyde, Conditt, Derickson, Dovilla, Driehaus, Duffey, Foley, Gerberry, Gonzales, Grossman, Hackett, Hagan, C., Hall, Heard, Henne, Hill, Hottinger, Huffman, Johnson, Kunze, Landis, Letson, Lundy, McClain, O'Brien, Patterson, Pelanda, Perales, Pillich, Redfern, Reece, Retherford, Roegner, Rogers, Rosenberger, Scherer, Schuring, Sears, Sheehy, Slaby, Smith, Sprague, Stautberg, Stebelton, Stinziano, Terhar, Williams, Winburn, Young, Speaker Batchelder.

To amend section 5533.977 and to enact sections 5533.471, 5533.542, 5533.543, 5533.544, and 5533.545 of the Revised Code to designate four new memorial highways in Butler, Hamilton, and Warren counties; to revise a memorial highway designation; to designate a portion of State Route 264 within the city of Cincinnati as the "Elder High School Vietnam Veterans Memorial Highway"; to authorize the Director of Transportation to erect suitable markers along the highway indicating its name; and to authorize Elder High School, subject to approval by the Director, to erect auxiliary markers on a periodic basis indicating the name of one of the eleven Elder High School graduates who died during the Vietnam conflict, were taken up.

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

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

Those who voted in the affirmative were: Senators

| | | | |
|----------|-----------|-----------|-----------|
| Bacon | Balderson | Beagle | Brown |
| Burke | 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-32. |

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

RESOLUTIONS REPORTED BY COMMITTEE

S. C. R. No. 21-Senator Hughes.

Cosponsors: Senators Seitz, Uecker, Oelslager, Schiavoni.

To urge the Government of Turkey to respect the rights and religious freedoms of the Ecumenical Patriarchate.

WHEREAS, The Ecumenical Patriarchate, located in Istanbul, Turkey, is the spiritual home of the world's second largest Christian church; and

WHEREAS, Within the two-thousand-year-old Sacred See of the Ecumenical Patriarchate, the New Testament was codified and the Nicene Creed was created; and

WHEREAS, The Sacred See is led by Ecumenical Patriarch Bartholomew, one of the world's preeminent spiritual leaders and peacemakers representing 300 million Orthodox Christians worldwide; and

WHEREAS, Ecumenical Patriarch Bartholomew has a record of reaching out and working for peace and reconciliation among all faiths and has fostered an interfaith dialogue among Christians, Jews, and Muslims; and

WHEREAS, Following the attacks on our nation on September 11, 2001, Ecumenical Patriarch Bartholomew gathered a group of international religious leaders to produce the first joint statement with Muslim leaders that condemned these attacks as "anti-religious"; and

WHEREAS, The Ecumenical Patriarchate co-sponsored the Conference on Peace and Tolerance in Istanbul, which issued the Bosphorus Declaration that stated that "A crime committed in the name of religion is a crime against religion"; and

WHEREAS, Since 1453 the continuing presence of the Ecumenical Patriarchate in Turkey has been a living testament to religious coexistence; and

WHEREAS, This religious coexistence is in jeopardy because the Government of Turkey refuses to recognize the rights and religious freedoms of the Ecumenical Patriarchate; and

WHEREAS, The Government of Turkey has failed to recognize the Ecumenical Patriarchate's international status; and

WHEREAS, The Government of Turkey has limited to Turkish nationals the candidates available to hold the office of Ecumenical Patriarch; and

WHEREAS, The Government of Turkey has confiscated 75% of the Ecumenical Patriarchate's properties and has placed a 42% retroactive tax on the Balukli Hospital of Istanbul, which is operated by the Ecumenical Patriarchate; and

WHEREAS, The Government of Turkey has reneged on its agreement to reopen the Theological School at Halki, which the Government of Turkey closed in 1971, thus impeding training for the Orthodox clergy in Turkey; and

WHEREAS, The European Union, a group of nations with a common

goal of promoting peace and the well-being of its peoples, has agreed to open accession negotiations with Turkey; and

WHEREAS, Under the terms of the draft European Union Constitution, current and prospective member nations should have the goal of eliminating discrimination based upon grounds such as sex, race, color, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, national minority membership, property, birth, disability, age, or sexual orientation; and

WHEREAS, The Government of Turkey's current treatment of the Ecumenical Patriarchate is inconsistent with the membership conditions and goals of the European Union; and

WHEREAS, Orthodox Christians in Ohio and throughout the United States stand to lose their spiritual leader because of the continued actions of the Government of Turkey; now therefore be it

RESOLVED, That we, the members of the 130th General Assembly of the State of Ohio, in adopting this resolution, urge the Government of Turkey to uphold and safeguard religious and human rights without compromise, grant the Ecumenical Patriarchate appropriate international recognition and ecclesiastic succession, grant the Ecumenical Patriarch the right to train clergy of all nationalities, and respect the property and human rights of the Ecumenical Patriarchate; and be it further

RESOLVED, That copies of this resolution be transmitted to the President of the United States, the United States Ambassador to the Republic of Turkey, the Ambassador of the Republic of Turkey to the United States, and the Ohio Congressional delegation.

The question being, "Shall the resolution, **S. C. R. No. 21**, be adopted?"

So the resolution was adopted.

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

Senator Hughes moved to amend the title as follows:

Add the names: "Bacon, Brown, Burke, Coley, Eklund, Gardner, Gentile, Jordan, LaRose, Manning, Patton, Tavares, Turner."

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

The motion was agreed to and the title so amended.

On the motion of Senator Widener, the Senate recessed.

The Senate met pursuant to the recess.

BILLS FOR THIRD CONSIDERATION**Sub. H. B. No. 85**-Representatives Terhar, Gonzales.

Cosponsors: Representatives Pillich, Brenner, Boose, Sprague, Retherford, Becker, Derickson, Reece, Amstutz, Beck, Hayes, McClain, Hall, Antonio, Dovilla, Adams, J., Adams, R., Anielski, Ashford, Baker, Barborak, Barnes, Bishoff, Blair, Blessing, Boyce, Boyd, Brown, Buchy, Burkley, Butler, Carney, Celebrezze, Cera, Conditt, Curtin, Damschroder, DeVitis, Driehaus, Duffey, Fedor, Gerberry, Green, Grossman, Hackett, Hagan, C., Hagan, R., Henne, Hill, Hood, Hottinger, Huffman, Johnson, Kunze, Landis, Letson, Lundy, Lynch, Maag, Mallory, McGregor, Milkovich, O'Brien, Patmon, Patterson, Pelanda, Perales, Phillips, Ramos, Rogers, Romanchuk, Rosenberger, Ruhl, Scherer, Schuring, Sears, Sheehy, Slaby, Slesnick, Smith, Stebelton, Stinziano, Sykes, Thompson, Williams, Winburn, Young, Speaker Batchelder. Senators Coley, LaRose.

To amend sections 323.151, 323.152, 323.153, 4503.064, 4503.065, and 4503.066 of the Revised Code to enhance the homestead exemption for military veterans who are 100% disabled from a service-connected disability, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 85**, pass?"

On the motion of Senator Widener, **Sub. H. B. No. 85** was informally passed and retained its place on the calendar.

Sub. H. B. No. 289-Representative Schuring.

Cosponsors: Representatives Beck, Brenner, Grossman, Henne, Hood, McGregor, Hackett, Amstutz, Blair, Boose, Brown, Burkley, Duffey, Green, Hagan, C., Hayes, Hottinger, Huffman, Letson, McClain, O'Brien, Romanchuk, Ruhl, Scherer, Sheehy, Smith, Thompson, Speaker Batchelder. Senator Coley.

To amend sections 9.482, 715.691, and 715.771, to enact sections 715.692 and 715.84, and to repeal section 715.69 of the Revised Code to terminate the authority to create new alternative joint economic development zones (JEDZs) or substantially modify existing alternative JEDZs after December 31, 2014, to require the creation of review councils to approve the economic development plans for alternative JEDZs created or substantially amended before that date, to eliminate municipal-only JEDZs, to authorize municipal corporations to create municipal utility districts (MUDs) for economic development purposes, to allow existing municipal-only JEDZs to continue operating as MUDs, and to declare an emergency, was considered the third time.

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 26, nays 6, as follows:

Those who voted in the affirmative were: Senators

| | | | |
|---------|-----------|--------|-----------|
| Bacon | Balderson | Beagle | Brown |
| Burke | Coley | Eklund | Gardner |
| Hite | Hughes | Jones | Jordan |
| Kearney | LaRose | Lehner | Manning |
| Obhof | Oelslager | Patton | Peterson |
| Sawyer | Schaffer | Smith | Uecker |
| Widener | | | Faber-26. |

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

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 bill pass as an emergency measure?"

The yeas and nays were taken and resulted - yeas 30, nays 2, as follows:

Those who voted in the affirmative were: Senators

| | | | |
|---------|-----------|-----------|-----------|
| Bacon | Balderson | Beagle | Brown |
| Burke | Coley | Eklund | Gardner |
| Hite | Hughes | Jones | Jordan |
| Kearney | LaRose | Lehner | Manning |
| Obhof | Oelslager | Patton | Peterson |
| Sawyer | Schaffer | Schiavoni | Skindell |
| Smith | Tavares | Turner | Uecker |
| Widener | | | Faber-30. |

Senators Gentile and Seitz voted in the negative-2.

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

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

Senator Oelslager moved to amend the title as follows:

Add the names: "Brown, Burke, Gardner, Jordan, Oelslager."

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

The motion was agreed to and the title so amended.

Sub. H. B. No. 314-Representatives Baker, Kunze.

Cosponsors: Representatives Hagan, C., Landis, Antonio, Sprague, Boose, Smith, Stebelton, Hood, Green, Sears, Driehaus, Patterson, O'Brien, Becker, Wachtmann, Hill, Schuring, Amstutz, Beck, Blair, Brown, Buchy, Burkley, Derickson, Dovilla, Hayes, Henne, Lynch, McClain, Pelanda, Perales, Pillich, Rosenberger, Ruhl, Sheehy, Slaby, Strahorn, Terhar, Thompson, Young, Speaker Batchelder. Senators Brown, Tavares.

To amend sections 307.627, 307.629, 4715.30, 4723.28, 4723.481, 4725.19, 4730.25, 4730.41, 4731.22, and 5119.391 and to enact sections 3719.061 and 5119.392 of the Revised Code regarding informed consent requirements for opioid prescriptions issued to minors, disclosure of medical and other information to child fatality review boards and fetal and infant mortality review teams, and the location of methadone treatment facilities, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 314**, pass?"

On the motion of Senator Widener, **Sub. H. B. No. 314** was informally passed and retained its place on the calendar.

H. B. No. 399-Representatives Sheehy, Sprague.

Cosponsors: Representatives Amstutz, Ramos, Phillips, Baker, Strahorn, Duffey, Buchy, Driehaus, Derickson, Hackett, Barborak, Smith, Hood, Stinziano, Wachtmann, Antonio, Barnes, Bishoff, Brown, Carney, Johnson, Schuring, Sears, Adams, R., Anielski, Ashford, Beck, Blair, Blessing, Boose, Boyce, Brenner, Burkley, Butler, Celebrezze, Curtin, Damschroder, DeVitis, Fedor, Foley, Gerberry, Green, Hagan, C., Hall, Hayes, Heard, Hill, Kunze, Landis, Letson, Lundy, Mallory, McClain, McGregor, Milkovich, O'Brien, Patmon, Patterson, Pelanda, Rosenberger, Ruhl, Scherer, Slaby, Stebelton, Sykes, Terhar, Thompson, Winburn, Speaker Batchelder. Senator Tavares.

To amend section 5.2269 of the Revised Code to designate the first Friday of May as "Prescription Drug Abuse Awareness and Education Day", was considered the third time.

The question being, "Shall the bill, **H. B. No. 399**, pass?"

On the motion of Senator Widener, **H. B. No. 399** was informally passed and retained its place on the calendar.

Sub. H. B. No. 483-Representative Amstutz.

Cosponsors: Representatives Sprague, McGregor, Grossman, Hackett, McClain, Sears, Stebelton, Wachtmann, Speaker Batchelder.

To amend sections 7.10, 7.16, 9.37, 9.482, 9.90, 9.91, 103.63, 118.27, 121.084, 122.12, 122.121, 122.861, 124.32, 125.13, 125.182, 126.21, 126.25, 131.35, 133.06, 133.07, 135.143, 149.311, 149.38, 153.56, 156.03, 163.15, 163.53, 163.54, 163.55, 164.26, 173.47, 175.04, 175.05, 175.06, 191.01, 306.04, 307.699, 307.982, 340.01, 340.02, 340.021, 340.03, 340.08, 340.09, 340.15, 341.12, 757.03, 757.04, 757.05, 757.06, 757.07, 757.08, 955.01, 955.05, 1321.535, 1321.55, 1322.03, 1322.031, 1322.04, 1322.041, 1322.051, 1322.06, 1322.11, 1345.06, 1711.50, 1711.53, 1724.10, 1901.08, 2101.026, 2151.417, 2151.421, 2152.19, 2305.09, 2710.06, 2743.191, 2907.28, 2915.08,

2929.20, 2945.402, 3123.89, 3303.41, 3313.372, 3314.08, 3317.02, 3317.0217, 3317.06, 3318.36, 3358.03, 3517.20, 3701.132, 3701.34, 3701.74, 3701.83, 3702.511, 3702.52, 3702.526, 3702.59, 3702.71, 3702.74, 3702.75, 3702.91, 3702.95, 3721.02, 3730.09, 3735.31, 3735.67, 3737.02, 3745.71, 3772.02, 4141.01, 4141.09, 4141.11, 4141.131, 4141.20, 4141.25, 4141.29, 4141.35, 4303.021, 4503.102, 4503.44, 4511.191, 4715.14, 4715.30, 4715.302, 4717.10, 4723.28, 4723.486, 4723.487, 4725.01, 4725.091, 4725.092, 4725.16, 4725.19, 4729.12, 4729.54, 4729.541, 4729.65, 4729.80, 4729.83, 4729.86, 4730.25, 4730.48, 4730.53, 4731.055, 4731.15, 4731.155, 4731.22, 4731.24, 4731.241, 4731.281, 4737.045, 4758.01, 4758.02, 4758.06, 4758.16, 4758.20, 4758.21, 4758.23, 4758.24, 4758.26, 4758.28, 4758.29, 4758.30, 4758.31, 4758.35, 4758.36, 4758.50, 4758.51, 4758.55, 4758.561, 4758.59, 4758.60, 4758.61, 4758.71, 4781.04, 4905.911, 4906.20, 4906.201, 4923.02, 5104.03, 5104.34, 5104.341, 5104.38, 5119.21, 5119.22, 5119.23, 5119.25, 5119.40, 5123.01, 5123.011, 5123.012, 5123.16, 5123.162, 5123.19, 5123.191, 5123.21, 5123.61, 5123.75, 5123.76, 5123.89, 5124.01, 5124.101, 5124.106, 5124.15, 5124.151, 5124.17, 5124.19, 5124.21, 5124.28, 5124.38, 5124.60, 5124.61, 5124.62, 5124.67, 5126.01, 5126.02, 5126.022, 5126.0219, 5126.041, 5126.046, 5126.051, 5126.08, 5126.21, 5126.25, 5126.42, 5126.43, 5126.45, 5139.05, 5139.34, 5139.36, 5139.41, 5153.21, 5153.42, 5165.03, 5165.031, 5165.10, 5165.106, 5165.15, 5165.23, 5165.25, 5165.65, 5165.68, 5502.26, 5502.261, 5513.01, 5531.10, 5703.052, 5703.21, 5705.10, 5709.12, 5709.121, 5709.40, 5713.012, 5713.08, 5715.19, 5715.27, 5717.01, 5727.111, 5739.05, 5739.09, 5747.02, 5747.025, 5747.50, and 5747.71; to amend for the purpose of codifying and changing the number of Section 323.280 of Am. Sub. H.B. 59 of the 130th General Assembly to section 5165.157 of the Revised Code; to enact sections 5.074, 5.077, 9.54, 9.911, 127.163, 127.164, 164.261, 175.053, 193.01, 193.02, 193.03, 193.04, 193.05, 193.07, 193.09, 193.11, 193.13, 306.14, 307.678, 307.6910, 307.863, 340.092, 340.093, 340.20, 341.121, 1541.50, 2935.012, 3123.90, 3302.15, 3313.351, 3313.902, 3326.29, 3345.56, 3721.122, 4121.443, 4715.15, 4723.433, 4729.861, 4730.093, 4731.77, 4741.49, 4758.48, 4758.62, 4758.63, 4758.64, 5101.345, 5101.90, 5103.05, 5103.051, 5119.362, 5119.363, 5119.364, 5119.365, 5119.401, 5122.36, 5123.0420, 5139.12, 5139.45, and 5155.28; to repeal sections 1322.063, 3125.191, 3702.93, 4171.03, 4171.04, 5124.63, 5124.64, and 5126.037 of the Revised Code; to amend Sections 207.10, 209.30, 221.10, 241.10, 245.10, 257.10, 257.20, 259.10, 259.210, 263.10, 263.230, 263.240, 263.250, 263.270, 263.320, 263.325, 275.10, 282.10, 282.30, 285.10, 285.20, 301.10, 301.33, 301.40, 301.143, 327.10, 327.83, 333.10, 340.10, 349.10, 359.10, 363.10, 365.10, 395.10, 403.10, 512.70, 512.80, and 751.10 of Am. Sub. H.B. 59 of the 130th General Assembly; to amend Sections 207.100, 207.250, 207.340, 207.440, 223.10, 239.10, 253.330, 269.10, and 701.50 of Am. H.B. 497 of the 130th General Assembly; to amend Section 9 of Am. Sub. S.B. 206 of the 130th General Assembly; and to repeal Section 747.40 of Am. Sub. H.B. 59 of the 130th General Assembly to make operating and other appropriations and to provide authorization and conditions for the operation of

state programs and to repeal section 5101.345 of the Revised Code on the first day of the forty-ninth month after its effective date, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 483**, pass?"

Senator Oelslager moved to amend as follows:

In line 94, delete "340.01,"; delete "340.03, 340.08, 340.09, 340.15,"

In line 114, delete "5119.21, 5119.22, 5119.23,"

In line 115, delete "5119.25,"

In line 131, delete "340.092, 340.093, 340.20,"

In line 135, delete "5119.362, 5119.363,"

In line 136, delete "5119.364, 5119.365,"

Delete lines 4147 through 4191

Delete lines 4458 through 5111

Delete lines 22078 through 22475

In line 31842, delete "340.01,"; delete "340.03, 340.08,"

In line 31843, delete "340.09, 340.15,"

In line 31862, delete "5119.21,"

In line 31863, delete "5119.22, 5119.23, 5119.25,"

Delete lines 36412 through 36423

In line 7 of the title, delete "340.01,"

In line 8 of the title, delete "340.03, 340.08, 340.09, 340.15,"

In line 36 of the title, delete "5119.21, 5119.22, 5119.23, 5119.25,"

In line 59 of the title, delete "340.092, 340.093,"

In line 60 of the title, delete "340.20,"

In line 65 of the title, delete "5119.362, 5119.363, 5119.364, 5119.365,"

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

The motion was agreed to.

The question recurred, "Shall the bill, **Sub. H. B. No. 483**, pass?"

Senator Oelslager moved to amend as follows:

In line 105, delete "4503.102,"

Delete lines 15440 through 15592

In line 31853, delete "4503.102,"

Delete lines 36445 and 36446

Delete lines 36453 and 36454

In line 23 of the title, delete "4503.102,"

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

A roll call was requested which was properly supported.

The yeas and nays were taken and resulted - yeas 23, nays 9, 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 | Gentile | Kearney | Sawyer |
| Schiavoni | Skindell | Smith | Tavares |
| | | | Turner-9. |

The motion was agreed to.

The question recurred, "Shall the bill, **Sub. H. B. No. 483**, pass?"

Senator Sawyer moved to amend as follows:

In line 32517, delete " 10,000,000" and insert " 20,000,000"

In line 32519a, delete " 17,275,000" and insert " 27,275,000"

In line 32523a, delete " 27,275,000" and insert " 37,275,000"

In line 32516, delete " 6,800,000" and insert " 16,800,000"

In line 32519a, delete " 17,275,000" and insert " 27,275,000"

In line 32523a, delete " 27,275,000" and insert " 37,275,000"

In line 32002, after "301.40," insert "301.70,"

In line 34184, strike through the second "\$6,000,000" and insert "\$11,000,000"

In line 34189a, delete "\$727,780,115" and insert "\$732,780,115"

In line 34191a, delete "\$765,982,672" and insert "\$770,982,672"

In line 34244a, delete "\$3,548,371,446" and insert "\$3,553,371,446"

Between lines 34280 and 34281, insert:

"Sec. 301.70. OHIO ASSOCIATION OF FOOD BANKS

The foregoing appropriation item 600540, Food Banks, shall be used to provide funds to the Ohio Association of Food Banks to purchase and distribute food products.

Notwithstanding section 5101.46 of the Revised Code and any other provision in this bill, in addition to funds designated for the Ohio Association of Food Banks in this section, in fiscal year 2014 ~~and fiscal year 2015~~, the Director of Job and Family Services shall provide assistance from eligible funds to the Ohio Association of Food Banks in an amount up to or equal to the assistance provided in state fiscal year 2013 from all funds used by the Department, except the General Revenue Fund.

Notwithstanding section 5101.46 of the Revised Code and any other provision in this act, in fiscal year 2015, the Director of Job and Family Services shall provide assistance from eligible funds, including General Revenue Funds appropriated in appropriation item 600540, Food Banks, to the Ohio Association of Food Banks in an amount up to or equal to \$19,500,000.

Eligible nonfederal expenditures made by member food banks of the Association shall be counted by the Department of Job and Family Services toward the TANF maintenance of effort requirements of 42 U.S.C. 609(a)(7). The Director of Job and Family Services shall enter into an agreement with the Ohio Association of Food Banks, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to carry out the requirements under this section."

In line 35108, after "301.40," insert "301.70,"

In line 74 of the title, after "301.40," insert "301.70,"

In line 32003, after "363.10," insert "363.80,"

Between lines 34712a and 34713, insert:

" GRF 235430 TRIO Programs \$0 \$2,500,000"

In line 34752a, delete "2,379,460,162" and insert "2,381,960,162"

In line 34783a, delete "2,434,589,842" and insert "2,437,089,842"

Between lines 34783a and 34785, insert:

"Sec. 363.80. APPALACHIAN NEW ECONOMY PARTNERSHIP

The foregoing appropriation item 235428, Appalachian New Economy Partnership, shall be distributed to Ohio University to continue a multi-campus

and multi-agency coordinated effort to link Appalachia to the new economy. Ohio University shall use these funds to provide leadership in the development and implementation of initiatives in the areas of entrepreneurship, management, education, and technology.

TRIO PROGRAMS

The foregoing appropriation item 235430, TRIO Programs, shall be used to provide additional funding for eight federal TRIO programs in Ohio for fiscal year 2015. The funds shall be disbursed in a manner to be determined by the Board of Regents in order to match federal funds received for the programs by Ohio institutions of higher education. In fiscal year 2015, the appropriation shall be used as follows:

| | |
|---|-------------------|
| <u>Talent Search</u> | <u>\$312,500</u> |
| <u>Upward Bound</u> | <u>\$500,000</u> |
| <u>Upward Bound Mathematics/Science</u> | <u>\$312,500</u> |
| <u>Veterans Upward Bound</u> | <u>\$312,500</u> |
| <u>Student Support Services</u> | <u>\$312,500</u> |
| <u>Educational Opportunity Centers</u> | <u>\$312,500</u> |
| <u>Ronald E. McNair Post-Baccalaureate Achievement Programs</u> | <u>\$312,500</u> |
| <u>Training Program for Federal TRIO Programs Staff</u> | <u>\$125,000"</u> |

In line 35109, after "363.10," insert "363.80,"

In line 75 of the title, after "363.10," insert "363.80,"

In line 32003, after "363.10," insert "363.430,"

In line 34748, strike through the second "90,284,264" and insert "110,284,264"

In line 34752a, delete "2,379,460,162" and insert "2,399,460,162"

In line 34783a, delete "2,434,589,842" and insert "2,454,589,842"

Between lines 34783a and 34785, insert:

"Sec. 363.430. OHIO COLLEGE OPPORTUNITY GRANT

(A) Except as provided in division (C) of this section:

Of the foregoing appropriation item 235563, Ohio College Opportunity Grant, \$41,000,000 in each fiscal year shall be used by the Chancellor of the Board of Regents to award need-based financial aid to students enrolled in eligible four-year public institutions of higher education, excluding early college high school and post-secondary enrollment option participants.

Of the foregoing appropriation item 235563, Ohio College Opportunity Grant, \$41,000,000 in each fiscal year shall be used by the Chancellor of the Board of Regents to award need-based financial aid to students enrolled in eligible private nonprofit institutions of higher education, excluding early college high school and post-secondary enrollment option participants.

Of the foregoing appropriation item 235563, Ohio College Opportunity

Grant, \$20,000,000 in fiscal year 2015 shall be used by the Chancellor of the Board of Regents to award need-based financial aid to students enrolled in eligible two-year public institutions of higher education, excluding early college high school and post-secondary enrollment option participants.

The remainder of the foregoing appropriation item 235563, Ohio College Opportunity Grant, shall be used by the Chancellor of the Board of Regents to award needs-based financial aid to students enrolled in eligible private for-profit career colleges and schools.

(B)(1) As used in this section:

(a) "Eligible institution" means any institution described in divisions (B)(2)(a) to (c) of section 3333.122 of the Revised Code.

(b) The three "sectors" of institutions of higher education consist of the following:

(i) State colleges and universities, community colleges, state community colleges, university branches, and technical colleges;

(ii) Eligible private nonprofit institutions of higher education;

(iii) Eligible private for-profit career colleges and schools.

(2) If the Chancellor determines that the amounts appropriated for support of the Ohio College Opportunity Grant program are inadequate to provide grants to all eligible students as calculated under division (D) of section 3333.122 of the Revised Code, the Chancellor may create a distribution formula for fiscal year 2014 and fiscal year 2015 based on the formula used in fiscal year 2013, or may follow methods established in division (C)(1)(a) or (b) of section 3333.122 of the Revised Code. The Chancellor shall notify the Controlling Board of the distribution method. Any formula calculated under this division shall be complete and established to coincide with the start of the 2013-2014 academic year.

(C) Prior to determining the amount of funds available to award under this section and section 3333.122 of the Revised Code, the Chancellor shall use the foregoing appropriation item 235563, Ohio College Opportunity Grant, to pay for renewals or partial renewals of scholarships students receive under the Ohio Academic Scholarship Program under sections 3333.21 and 3333.22 of the Revised Code. In paying for scholarships under this division, the Chancellor shall deduct funds from the allocations made under division (A) of this section. Deductions shall be proportionate to the amounts allocated to each sector from the total amounts appropriated for each sector under the foregoing appropriation item 235563, Ohio College Opportunity Grant.

In each fiscal year, with the exception of sections 3333.121 and 3333.124 of the Revised Code and Section 363.530 of ~~this act~~ Am. Sub. H.B. 59 of the 130th General Assembly, the Chancellor shall not distribute or obligate or commit to be distributed an amount greater than what is appropriated under the

foregoing appropriation item 235563, Ohio College Opportunity Grant.

(D) The Chancellor shall establish, and post on the Ohio Board of Regents' web site, award tables based on any formulas created under division (B) of this section. The Chancellor shall notify students and institutions of any reductions in awards under this section.

On or before August 31, 2013, the Chancellor of the Board of Regents shall submit award tables to the Controlling Board for the 2013-2014 academic year and allocations of Ohio College Opportunity Grant awards not already specified in section 3333.122 of the Revised Code.

(E) Notwithstanding section 3333.122 of the Revised Code, no student shall be eligible to receive an Ohio College Opportunity Grant for more than ten semesters, fifteen quarters, or the equivalent of five academic years, less the number of semesters or quarters in which the student received an Ohio Instructional Grant."

In line 35109, after "363.10," insert "363.430,"

In line 75 of the title, after "363.10," insert "363.430,"

In line 32003, after "363.10," insert "363.430,"

In line 34748, strike through "\$90,284,264 \$90,284,264" and insert "\$130,284,264 \$130,284,264"

In line 34752a, delete "\$2,325,262,630 \$2,379,460,162" and insert "\$2,365,262,630 \$2,419,460,162"

In line 34783a, delete "\$2,382,342,449 \$2,434,589,842" and insert "\$2,422,342,449 \$2,474,589,842"

Between lines 34783a and 34785, insert:

"Sec. 363.430. OHIO COLLEGE OPPORTUNITY GRANT

(A) Except as provided in division (C) of this section:

Of the foregoing appropriation item 235563, Ohio College Opportunity Grant, \$ ~~41,000,000~~ 59,160,000 in each fiscal year shall be used by the Chancellor of the Board of Regents to award need-based financial aid to students enrolled in eligible four-year public institutions of higher education, excluding early college high school and post-secondary enrollment option participants.

Of the foregoing appropriation item 235563, Ohio College Opportunity Grant, \$ ~~41,000,000~~ 59,160,000 in each fiscal year shall be used by the Chancellor of the Board of Regents to award need-based financial aid to students enrolled in eligible private nonprofit institutions of higher education, excluding early college high school and post-secondary enrollment option participants.

The remainder of the foregoing appropriation item 235563, Ohio College Opportunity Grant, shall be used by the Chancellor of the Board of Regents to award needs-based financial aid to students enrolled in eligible private for-profit

career colleges and schools.

(B)(1) As used in this section:

(a) "Eligible institution" means any institution described in divisions (B)(2)(a) to (c) of section 3333.122 of the Revised Code.

(b) The three "sectors" of institutions of higher education consist of the following:

(i) State colleges and universities, community colleges, state community colleges, university branches, and technical colleges;

(ii) Eligible private nonprofit institutions of higher education;

(iii) Eligible private for-profit career colleges and schools.

(2) If the Chancellor determines that the amounts appropriated for support of the Ohio College Opportunity Grant program are inadequate to provide grants to all eligible students as calculated under division (D) of section 3333.122 of the Revised Code, the Chancellor may create a distribution formula for fiscal year 2014 and fiscal year 2015 based on the formula used in fiscal year 2013, or may follow methods established in division (C)(1)(a) or (b) of section 3333.122 of the Revised Code. The Chancellor shall notify the Controlling Board of the distribution method. Any formula calculated under this division shall be complete and established to coincide with the start of the 2013-2014 academic year.

(C) Prior to determining the amount of funds available to award under this section and section 3333.122 of the Revised Code, the Chancellor shall use the foregoing appropriation item 235563, Ohio College Opportunity Grant, to pay for renewals or partial renewals of scholarships students receive under the Ohio Academic Scholarship Program under sections 3333.21 and 3333.22 of the Revised Code. In paying for scholarships under this division, the Chancellor shall deduct funds from the allocations made under division (A) of this section. Deductions shall be proportionate to the amounts allocated to each sector from the total amounts appropriated for each sector under the foregoing appropriation item 235563, Ohio College Opportunity Grant.

In each fiscal year, with the exception of sections 3333.121 and 3333.124 of the Revised Code and Section 363.530 of ~~this act~~ Am. Sub. H.B. 59 of the 130th General Assembly, the Chancellor shall not distribute or obligate or commit to be distributed an amount greater than what is appropriated under the foregoing appropriation item 235563, Ohio College Opportunity Grant.

(D) The Chancellor shall establish, and post on the Ohio Board of Regents' web site, award tables based on any formulas created under division (B) of this section. The Chancellor shall notify students and institutions of any reductions in awards under this section.

On or before August 31, 2013, the Chancellor of the Board of Regents shall submit award tables to the Controlling Board for the 2013-2014 academic

year and allocations of Ohio College Opportunity Grant awards not already specified in section 3333.122 of the Revised Code.

(E) Notwithstanding section 3333.122 of the Revised Code, no student shall be eligible to receive an Ohio College Opportunity Grant for more than ten semesters, fifteen quarters, or the equivalent of five academic years, less the number of semesters or quarters in which the student received an Ohio Instructional Grant."

In line 35109, after "363.10," insert "363.430,"

In line 75 of the title, after "363.10," insert "363.430,"

In line 32001, after "263.250," insert "263.255,"

Between lines 33071 and 33072, insert:

" GRF 200591 School Safety \$0 \$34,150,000"

In line 33073a, delete " \$8,387,357,295" and insert " \$8,421,507,295"

In line 33147a, delete " \$12,020,718,929" and insert " \$12,054,868,929"

Between lines 33495 and 33496, insert:

"**Sec. 263.255. LITERACY IMPROVEMENT**

The foregoing appropriation item 200566, Literacy Improvement, shall be used for Read Baby Read.

SCHOOL SAFETY

The foregoing appropriation item 200591, School Safety, shall be distributed to school districts to be used for school safety purposes. Upon approval of an application, the funds shall be distributed based on school district enrollment as follows: (1) up to \$25,000 to a district with fewer than 1,000 enrolled students, (2) up to \$50,000 to a district with between 1,000 and 2,000 enrolled students, (3) up to \$75,000 to a district with greater than 2,000 but fewer than 10,000 enrolled students, and (4) up to \$100,000 to a district with 10,000 or more enrolled students.

In line 35107, after "263.250," insert "263.255,"

In line 72 of the title, after "263.250," insert "263.255,"

In line 33047, strike through "\$45,318,341" and insert " \$65,318,341"

In line 33073, delete " \$8,387,357,295" and insert " \$8,407,357,295"

In line 33147, delete " \$12,020,718,929" and insert " \$12,040,718,929"

In line 125, delete "5747.02,"

Delete lines 31397 through 31632

In line 31873, delete "5747.02,"

In line 32004, delete "512.70,"

Delete lines 35003 through 35015

In line 35110, delete "512.70,"

Delete lines 36375 through 36390

In line 51 of the title, delete "5747.02,"

In line 76 of the title, delete "512.70,"

Between lines 33139a and 33140, insert:

" 7018 200686 Third Grade Reading Guarantee \$0 \$15,000,000"

In line 33141a, delete " \$1,042,200,000" and insert " \$1,057,200,000"

In line 33147a, delete " \$12,020,718,929" and insert " \$12,035,718,929"

Between lines 33694 and 33695, insert:

" THIRD GRADE READING GUARANTEE

The foregoing appropriation item 200686, Third Grade Reading Guarantee, shall be used to make competitive grants in an aggregate amount of up to \$15,000,000 to school districts and community schools to support reading intervention efforts that assist students in meeting the third grade reading guarantee established in section 3313.608 of the Revised Code.

The Superintendent of Public Instruction shall administer and award the grants. The Superintendent shall establish procedures and forms by which applicants may apply for a grant, a competitive process for awarding the grants, procedures for distributing grants to recipients, and procedures for monitoring the use of grants by recipients. The procedures shall require each school district and community school applying for a grant to submit, as part of its grant application, a reading program plan identifying how the grant award will be used. To be eligible for a grant award, school districts and community schools shall apply to the Superintendent not later than December 31, 2014. The Superintendent shall announce the grant awards not later than April 30, 2015.

In awarding the grants, the Superintendent shall give priority to plans that either utilize public-private partnerships or involve collaboration with educational service centers, other school districts, or local entities, such as libraries, parks and recreation authorities, or other community entities. The Superintendent shall also consider an applicant's past performance on the third grade reading assessment administered pursuant to the version of section 3301.0710 of the Revised Code that was in effect prior to October 16, 2009. In considering this factor, the Superintendent shall take into account the existing resources available for reading improvement initiatives, including the amount of funding the school district or community school regularly receives under Title I of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6301, et seq."

In line 91, after "131.35," insert "131.51,"

Between lines 1251 and 1252, insert:

"Sec. 131.51. (A) On or before July 5, 2013, the tax commissioner shall compute the following amounts and certify those amounts to the director of budget and management:

(1) A percentage calculated by multiplying one hundred by the quotient obtained by dividing the total amount credited to the local government fund in fiscal year 2013 by the total amount of tax revenue credited to the general revenue fund in fiscal year 2013. The percentage shall be rounded to the nearest one-hundredth of one per cent.

(2) A percentage calculated by multiplying one hundred by the quotient obtained by dividing the total amount credited to the public library fund in fiscal year 2013 by the total amount of tax revenue credited to the general revenue fund in fiscal year 2013. The percentage shall be rounded to the nearest one-hundredth of one per cent.

(B) On or before the seventh day of each month, the director of budget and management shall credit to the local government fund an amount equal to ~~the product obtained by multiplying the percentage calculated under division (A)(1) of this section by~~ three and sixty-eight one-hundredths per cent of the total tax revenue credited to the general revenue fund during the preceding month. In determining the total tax revenue credited to the general revenue fund during the preceding month, the director shall include amounts transferred from the fund during the preceding month under this division and division (C) of this section. Money shall be distributed from the local government fund as required under section 5747.50 of the Revised Code during the same month in which it is credited to the fund.

(C) On or before the seventh day of each month, the director of budget and management shall credit to the public library fund an amount equal to the product obtained by multiplying the percentage calculated under division (A)(2) of this section by the total tax revenue credited to the general revenue fund during the preceding month. In determining the total tax revenue credited to the general revenue fund during the preceding month, the director shall include amounts transferred from the fund during the preceding month under this division and division (B) of this section. Money shall be distributed from the public library fund as required under section 5747.47 of the Revised Code during the same month in which it is credited to the fund.

(D) The director of budget and management shall develop a schedule identifying the specific tax revenue sources to be used to make the monthly transfers required under divisions (B) and (C) of this section. The director may, from time to time, revise the schedule as the director considers necessary."

In line 31839, after "131.35," insert "131.51,"

Between lines 36405 and 36406, insert:

"The amendment of section 131.51 of the Revised Code takes effect July 1, 2014."

In line 4 of the title, after "131.35," insert "131.51,"

In line 91, after "131.35," insert "131.51,"

Between lines 1251 and 1252, insert:

Sec. 131.51. (A) On or before July 5, 2013, the tax commissioner shall compute the following amounts and certify those amounts to the director of budget and management:

(1) A percentage calculated by multiplying one hundred by the quotient obtained by dividing the total amount credited to the local government fund in fiscal year 2013 by the total amount of tax revenue credited to the general revenue fund in fiscal year 2013. The percentage shall be rounded to the nearest one-hundredth of one per cent.

(2) A percentage calculated by multiplying one hundred by the quotient obtained by dividing the total amount credited to the public library fund in fiscal year 2013 by the total amount of tax revenue credited to the general revenue fund in fiscal year 2013. The percentage shall be rounded to the nearest one-hundredth of one per cent.

(B) On or before the seventh day of each month, the director of budget and management shall credit to the local government fund an amount equal to the product obtained by multiplying the percentage calculated under division (A)(1) of this section by the total tax revenue credited to the general revenue fund during the preceding month. In determining the total tax revenue credited to the general revenue fund during the preceding month, the director shall include amounts transferred from the fund during the preceding month under this division and division (C) of this section. Money shall be distributed from the local government fund as required under section 5747.50 of the Revised Code during the same month in which it is credited to the fund.

(C) On or before the seventh day of each month, the director of budget and management shall credit to the public library fund an amount equal to ~~the product obtained by multiplying the percentage calculated under division (A)(2) of this section by two and twenty-two one-hundredths per cent of~~ the total tax revenue credited to the general revenue fund during the preceding month. In determining the total tax revenue credited to the general revenue fund during the preceding month, the director shall include amounts transferred from the fund during the preceding month under this division and division (B) of this section. Money shall be distributed from the public library fund as required under section 5747.47 of the Revised Code during the same month in which it is credited to the fund.

(D) The director of budget and management shall develop a schedule identifying the specific tax revenue sources to be used to make the monthly transfers required under divisions (B) and (C) of this section. The director may,

from time to time, revise the schedule as the director considers necessary."

In line 31839, after "131.35," insert "131.51,"

Between lines 36405 and 36406, insert:

"The amendment of section 131.51 of the Revised Code takes effect July 1, 2014."

In line 4 of the title, after "131.35," insert "131.51,"

In line 34787a, delete " 900,215,085" and insert " 915,215,085"

In line 34798a, delete " 1,537,262,822" and insert " 1,552,262,822"

In line 34817a, delete " 1,617,336,671" and insert " 1,632,336,671"

In line 126, delete "and"; after "5747.71" insert ", and 5747.98"

In line 31810, strike through "nonrefundable" and insert " refundable"

In line 31818, strike through all after the period

Strike through lines 31819 through 31835

In line 31836, strike through all before the period and insert " If the credit allowed for any taxable year exceeds the tax otherwise due under section 5747.02 of the Revised Code, after allowing for any other credits preceding the credit in the order prescribed by section 5747.98 of the Revised Code, the excess shall be refunded to the taxpayer."

Between lines 31836 and 31837, insert:

"**Sec. 5747.98.** (A) To provide a uniform procedure for calculating the amount of tax due under section 5747.02 of the Revised Code, a taxpayer shall claim any credits to which the taxpayer is entitled in the following order:

(1) The retirement income credit under division (B) of section 5747.055 of the Revised Code;

(2) The senior citizen credit under division (C) of section 5747.05 of the Revised Code;

(3) The lump sum distribution credit under division (D) of section 5747.05 of the Revised Code;

(4) The dependent care credit under section 5747.054 of the Revised Code;

(5) The lump sum retirement income credit under division (C) of section 5747.055 of the Revised Code;

(6) The lump sum retirement income credit under division (D) of section 5747.055 of the Revised Code;

(7) The lump sum retirement income credit under division (E) of section 5747.055 of the Revised Code;

- (8) The low-income credit under section 5747.056 of the Revised Code;
- (9) The credit for displaced workers who pay for job training under section 5747.27 of the Revised Code;
- (10) The campaign contribution credit under section 5747.29 of the Revised Code;
- (11) The twenty-dollar personal exemption credit under section 5747.022 of the Revised Code;
- (12) The joint filing credit under division (G) of section 5747.05 of the Revised Code;
- (13) The nonresident credit under division (A) of section 5747.05 of the Revised Code;
- (14) The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;
- (15) ~~The earned income credit under section 5747.71 of the Revised Code;~~
- (16) The credit for employers that reimburse employee child care expenses under section 5747.36 of the Revised Code;
- (17) ~~(16)~~ The credit for adoption of a minor child under section 5747.37 of the Revised Code;
- (18) ~~(17)~~ The credit for purchases of lights and reflectors under section 5747.38 of the Revised Code;
- (19) ~~(18)~~ The nonrefundable job retention credit under division (B) of section 5747.058 of the Revised Code;
- (20) ~~(19)~~ The credit for selling alternative fuel under section 5747.77 of the Revised Code;
- (21) ~~(20)~~ The second credit for purchases of new manufacturing machinery and equipment and the credit for using Ohio coal under section 5747.31 of the Revised Code;
- (22) ~~(21)~~ The job training credit under section 5747.39 of the Revised Code;
- (23) ~~(22)~~ The enterprise zone credit under section 5709.66 of the Revised Code;
- (24) ~~(23)~~ The credit for the eligible costs associated with a voluntary action under section 5747.32 of the Revised Code;
- (25) ~~(24)~~ The credit for employers that establish on-site child day-care centers under section 5747.35 of the Revised Code;
- (26) ~~(25)~~ The ethanol plant investment credit under section 5747.75 of

the Revised Code;

~~(27)~~ (26) The credit for purchases of qualifying grape production property under section 5747.28 of the Revised Code;

~~(28)~~ (27) The small business investment credit under section 5747.81 of the Revised Code;

~~(29)~~ (28) The enterprise zone credits under section 5709.65 of the Revised Code;

~~(30)~~ (29) The research and development credit under section 5747.331 of the Revised Code;

~~(31)~~ (30) The credit for rehabilitating a historic building under section 5747.76 of the Revised Code;

~~(32)~~ (31) The refundable credit for rehabilitating a historic building under section 5747.76 of the Revised Code;

~~(33)~~ (32) The refundable jobs creation credit or job retention credit under division (A) of section 5747.058 of the Revised Code;

~~(34)~~ (33) The refundable credit for taxes paid by a qualifying entity granted under section 5747.059 of the Revised Code;

~~(35)~~ (34) The refundable credits for taxes paid by a qualifying pass-through entity granted under division (J) of section 5747.08 of the Revised Code;

~~(36)~~ (35) The refundable credit under section 5747.80 of the Revised Code for losses on loans made to the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code;

~~(37)~~ (36) The refundable motion picture production credit under section 5747.66 of the Revised Code - ;

~~(38)~~ (37) The refundable credit for financial institution taxes paid by a pass-through entity granted under section 5747.65 of the Revised Code ;

(38) The refundable earned income credit under section 5747.71 of the Revised Code.

(B) For any credit, except the refundable credits enumerated in this section and the credit granted under division (I) of section 5747.08 of the Revised Code, the amount of the credit for a taxable year shall not exceed the tax due after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be carried forward if authorized under the section creating that credit. Nothing in this chapter shall be construed to allow a taxpayer to claim, directly or indirectly, a credit more than once for a taxable year."

In line 31874, delete "and"; after "5747.71" insert ", and 5747.98"

Between lines 36390 and 36391, insert:

"**Section 757.90.** The amendment by this act of sections 5747.71 and 5747.98 of the Revised Code applies to taxable years beginning on and after January 1, 2014."

In line 51 of the title, delete "and"

In line 52 of the title, after "5747.71" insert ", and 5747.98"

In line 34359, strike through the second "\$47,500,000" and insert "\$55,000,000"

In line 34361, strike through "\$364,679,409" and insert "\$372,179,409"

In line 34407a, delete "681,255,422" and insert "\$688,755,422"

Reinsert lines 34410 through 34418

Delete lines 34419 through 34426

Delete lines 34431 through 34454

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

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

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

The yeas and nays were taken and resulted - yeas 23, nays 9, 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 | Gentile | Kearney | Sawyer |
| Schiavoni | Skindell | Smith | Tavares |
| | | | Turner-9. |

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. H. B. No. 483**, pass?"

Senator Gentile moved to amend as follows:

In line 94, after "307.982," insert "319.302, 323.151, 323.152, 323.153,"

In line 105, after "4303.021," insert "4503.064, 4503.065, 4503.066,"

Between lines 4146 and 4147, insert:

"Sec. 319.302. (A)(1) Real property that is not intended primarily for use in a business activity shall qualify for a partial exemption from real property taxation. For purposes of this partial exemption, "business activity" includes all uses of real property, except farming; leasing property for farming; occupying or holding property improved with single-family, two-family, or three-family dwellings; leasing property improved with single-family, two-family, or three-family dwellings; or holding vacant land that the county auditor determines will be used for farming or to develop single-family, two-family, or three-family dwellings. For purposes of this partial exemption, "farming" does not include land used for the commercial production of timber that is receiving the tax benefit under section 5713.23 or 5713.31 of the Revised Code and all improvements connected with such commercial production of timber.

(2) Each year, the county auditor shall review each parcel of real property to determine whether it qualifies for the partial exemption provided for by this section as of the first day of January of the current tax year.

(B) After complying with section 319.301 of the Revised Code, the county auditor shall reduce the remaining sums to be levied ~~by qualifying levies~~ against each parcel of real property that is listed on the general tax list and duplicate of real and public utility property for the current tax year and that qualifies for partial exemption under division (A) of this section, and against each manufactured and mobile home that is taxed pursuant to division (D)(2) of section 4503.06 of the Revised Code and that is on the manufactured home tax list for the current tax year, by ten per cent, to provide a partial exemption for that parcel or home. ~~For the purposes of this division:~~

~~(1) "Qualifying levy" means a levy approved at an election held before September 29, 2013; a levy within the ten-mill limitation; a levy provided for by the charter of a municipal corporation that was levied on the tax list for tax year 2013; a subsequent renewal of any such levy; or a subsequent substitute for such a levy under section 5705.199 of the Revised Code.~~

~~(2) "Qualifying levy" does not include any replacement imposed under section 5705.192 of the Revised Code of any levy described in division (B)(1) of this section.~~

~~(C)~~ Except as otherwise provided in sections 323.152, 323.158, 505.06, and 715.263 of the Revised Code, the amount of the taxes remaining after any such reduction shall be the real and public utility property taxes charged and payable on each parcel of real property, including property that does not qualify for partial exemption under division (A) of this section, and the manufactured home tax charged and payable on each manufactured or mobile home, and shall be the amounts certified to the county treasurer for collection. Upon receipt of the real and public utility property tax duplicate, the treasurer shall certify to the tax commissioner the total amount by which the real property taxes were reduced under this section, as shown on the duplicate. Such reduction shall not directly or indirectly affect the determination of the principal amount of notes that may be issued in anticipation of any tax levies or the amount of bonds or

notes for any planned improvements. If after application of sections 5705.31 and 5705.32 of the Revised Code and other applicable provisions of law, including divisions (F) and (I) of section 321.24 of the Revised Code, there would be insufficient funds for payment of debt charges on bonds or notes payable from taxes reduced by this section, the reduction of taxes provided for in this section shall be adjusted to the extent necessary to provide funds from such taxes.

~~(D)~~ (C) The tax commissioner may adopt rules governing the administration of the partial exemption provided for by this section.

~~(E)~~ (D) The determination of whether property qualifies for partial exemption under division (A) of this section is solely for the purpose of allowing the partial exemption under division (B) of this section.

Sec. 323.151. As used in sections 323.151 to 323.159 of the Revised Code:

(A)(1) "Homestead" means either of the following:

(a) A dwelling, including a unit in a multiple-unit dwelling and a manufactured home or mobile home taxed as real property pursuant to division (B) of section 4503.06 of the Revised Code, owned and occupied as a home by an individual whose domicile is in this state and who has not acquired ownership from a person, other than the individual's spouse, related by consanguinity or affinity for the purpose of qualifying for the real property tax reduction provided in section 323.152 of the Revised Code.

(b) A unit in a housing cooperative that is occupied as a home, but not owned, by an individual whose domicile is in this state.

(2) The homestead shall include so much of the land surrounding it, not exceeding one acre, as is reasonably necessary for the use of the dwelling or unit as a home. An owner includes a holder of one of the several estates in fee, a vendee in possession under a purchase agreement or a land contract, a mortgagor, a life tenant, one or more tenants with a right of survivorship, tenants in common, and a settlor of a revocable or irrevocable inter vivos trust holding the title to a homestead occupied by the settlor as of right under the trust. The tax commissioner shall adopt rules for the uniform classification and valuation of real property or portions of real property as homesteads.

(B) "Sixty-five years of age or older" means a person who has attained age sixty-four prior to the first day of January of the year of application for reduction in real estate taxes.

~~(C) "Total income" means Ohio adjusted gross income of the owner and the owner's spouse for the year preceding the year in which application for a reduction in taxes is made, as determined under division (A) of section 5747.01 of the Revised Code.~~

~~(D)~~ "Permanently and totally disabled" means a person who has, on the first day of January of the year of application for reduction in real estate taxes, some impairment in body or mind that makes the person unable to work at any

substantially remunerative employment that the person is reasonably able to perform and that will, with reasonable probability, continue for an indefinite period of at least twelve months without any present indication of recovery therefrom or has been certified as permanently and totally disabled by a state or federal agency having the function of so classifying persons.

~~(E)~~ (D) "Housing cooperative" means a housing complex of at least two units that is owned and operated by a nonprofit corporation that issues a share of the corporation's stock to an individual, entitling the individual to live in a unit of the complex, and collects a monthly maintenance fee from the individual to maintain, operate, and pay the taxes of the complex.

Sec. 323.152. In addition to the reduction in taxes required under section 319.302 of the Revised Code, taxes shall be reduced as provided in divisions (A) and (B) of this section.

(A)(1) Division (A) of this section applies to any of the following persons:

(a) A person who is permanently and totally disabled;

(b) A person who is sixty-five years of age or older;

(c) A person who is the surviving spouse of a deceased person who was permanently and totally disabled or sixty-five years of age or older and who applied and qualified for a reduction in taxes under this division in the year of death, provided the surviving spouse is at least fifty-nine but not sixty-five or more years of age on the date the deceased spouse dies.

(2) Real property taxes on a homestead owned and occupied, or a homestead in a housing cooperative occupied, by a person to whom division (A) of this section applies shall be reduced for each year for which an application for the reduction has been approved. The reduction shall equal one of the following amounts, as applicable to the person:

(a) If the person received a reduction under division (A) of this section for tax year 2006, the greater of the reduction for that tax year or the amount computed under division (A) ~~(3)~~ (2)(b) of this section;

~~(b) If the person received, for any homestead, a reduction under division (A) of this section for tax year 2013 or under section 4503.065 of the Revised Code for tax year 2014 or the person is the surviving spouse of such a person and the surviving spouse is at least fifty-nine years of age on the date the deceased spouse dies, the amount computed under division (A)(3) of this section. For purposes of divisions (A)(2)(b) and (c) of this section, a person receives a reduction under division (A) of this section or under section 4503.065 of the Revised Code for tax year 2013 or 2014, respectively, if the person files a late application for that respective tax year that is approved by the county auditor under section 323.153 or 4503.066 of the Revised Code.~~

~~(c) If the person is not described in division (A)(2)(a) or (b) of this section and the person's total income does not exceed thirty thousand dollars, as~~

~~adjusted under division (A)(4) of this section, the amount computed under division (A)(3) of this section.~~

~~(3) The amount of the reduction under division (A)(3) of this section equals the product of the following:~~

~~(a) (i) Twenty-five thousand dollars of the true value of the property in money;~~

~~(b) (ii) The assessment percentage established by the tax commissioner under division (B) of section 5715.01 of the Revised Code, not to exceed thirty-five per cent;~~

~~(c) (iii) The effective tax rate used to calculate the taxes charged against the property for the current year, where "effective tax rate" is defined as in section 323.08 of the Revised Code;~~

~~(d) (iv) The quantity equal to one minus the sum of the percentage reductions in taxes received by the property for the current tax year under section 319.302 of the Revised Code and division (B) of section 323.152 of the Revised Code.~~

~~(4) Each calendar year, the tax commissioner shall adjust the total income threshold described in division (A)(2)(c) of this section by completing the following calculations in September of each year:~~

~~(a) Determine the percentage increase in the gross domestic product deflator determined by the bureau of economic analysis of the United States department of commerce from the first day of January of the preceding calendar year to the last day of December of the preceding calendar year;~~

~~(b) Multiply that percentage increase by the total income threshold for the current tax year;~~

~~(c) Add the resulting product to the total income threshold for the current tax year;~~

~~(d) Round the resulting sum to the nearest multiple of one hundred dollars.~~

~~The commissioner shall certify the amount resulting from the adjustment to each county auditor not later than the first day of December each year. The certified amount applies to the following tax year for persons described in division (A)(2)(c) of this section. The commissioner shall not make the adjustment in any calendar year in which the amount resulting from the adjustment would be less than the total income threshold for the current tax year.~~

(B) To provide a partial exemption, real property taxes on any homestead, and manufactured home taxes on any manufactured or mobile home on which a manufactured home tax is assessed pursuant to division (D)(2) of section 4503.06 of the Revised Code, shall be reduced for each year for which an application for the reduction has been approved. The amount of the reduction

shall equal two and one-half per cent of the amount of taxes to be levied by ~~qualifying levies~~ on the homestead or the manufactured or mobile home after applying section 319.301 of the Revised Code. ~~For the purposes of this division, "qualifying levy" has the same meaning as in section 319.302 of the Revised Code.~~

(C) The reductions granted by this section do not apply to special assessments or respread of assessments levied against the homestead, and if there is a transfer of ownership subsequent to the filing of an application for a reduction in taxes, such reductions are not forfeited for such year by virtue of such transfer.

(D) The reductions in taxable value referred to in this section shall be applied solely as a factor for the purpose of computing the reduction of taxes under this section and shall not affect the total value of property in any subdivision or taxing district as listed and assessed for taxation on the tax lists and duplicates, or any direct or indirect limitations on indebtedness of a subdivision or taxing district. If after application of sections 5705.31 and 5705.32 of the Revised Code, including the allocation of all levies within the ten-mill limitation to debt charges to the extent therein provided, there would be insufficient funds for payment of debt charges not provided for by levies in excess of the ten-mill limitation, the reduction of taxes provided for in sections 323.151 to 323.159 of the Revised Code shall be proportionately adjusted to the extent necessary to provide such funds from levies within the ten-mill limitation.

(E) No reduction shall be made on the taxes due on the homestead of any person convicted of violating division (D) or (E) of section 323.153 of the Revised Code for a period of three years following the conviction.

Sec. 323.153. (A) To obtain a reduction in real property taxes under division (A) or (B) of section 323.152 of the Revised Code or in manufactured home taxes under division (B) of section 323.152 of the Revised Code, the owner shall file an application with the county auditor of the county in which the owner's homestead is located.

To obtain a reduction in real property taxes under division (A) of section 323.152 of the Revised Code, the occupant of a homestead in a housing cooperative shall file an application with the nonprofit corporation that owns and operates the housing cooperative, in accordance with this paragraph. Not later than the first day of March each year, the corporation shall obtain applications from the county auditor's office and provide one to each new occupant. Not later than the first day of May, any occupant who may be eligible for a reduction in taxes under division (A) of section 323.152 of the Revised Code shall submit the completed application to the corporation. Not later than the fifteenth day of May, the corporation shall file all completed applications, and the information required by division (B) of section 323.159 of the Revised Code, with the county auditor of the county in which the occupants' homesteads are located. Continuing applications shall be furnished to an occupant in the manner provided in division (C)(4) of this section.

(1) An application for reduction based upon a physical disability shall be accompanied by a certificate signed by a physician, and an application for reduction based upon a mental disability shall be accompanied by a certificate signed by a physician or psychologist licensed to practice in this state, attesting to the fact that the applicant is permanently and totally disabled. The certificate shall be in a form that the tax commissioner requires and shall include the definition of permanently and totally disabled as set forth in section 323.151 of the Revised Code. An application for reduction based upon a disability certified as permanent and total by a state or federal agency having the function of so classifying persons shall be accompanied by a certificate from that agency.

An application for a reduction under division (A) of section 323.152 of the Revised Code constitutes a continuing application for a reduction in taxes for each year in which the dwelling is the applicant's homestead.

(2) An application for a reduction in taxes under division (B) of section 323.152 of the Revised Code shall be filed only if the homestead or manufactured or mobile home was transferred in the preceding year or did not qualify for and receive the reduction in taxes under that division for the preceding tax year. The application for homesteads transferred in the preceding year shall be incorporated into any form used by the county auditor to administer the tax law in respect to the conveyance of real property pursuant to section 319.20 of the Revised Code or of used manufactured homes or used mobile homes as defined in section 5739.0210 of the Revised Code. The owner of a manufactured or mobile home who has elected under division (D)(4) of section 4503.06 of the Revised Code to be taxed under division (D)(2) of that section for the ensuing year may file the application at the time of making that election. The application shall contain a statement that failure by the applicant to affirm on the application that the dwelling on the property conveyed is the applicant's homestead prohibits the owner from receiving the reduction in taxes until a proper application is filed within the period prescribed by division (A)(3) of this section. Such an application constitutes a continuing application for a reduction in taxes for each year in which the dwelling is the applicant's homestead.

(3) Failure to receive a new application filed under division (A)(1) or (2) or notification under division (C) of this section after an application for reduction has been approved is prima-facie evidence that the original applicant is entitled to the reduction in taxes calculated on the basis of the information contained in the original application. The original application and any subsequent application, including any late application, shall be in the form of a signed statement and shall be filed after the first Monday in January and not later than the first Monday in June. The original application and any subsequent application for a reduction in real property taxes shall be filed in the year for which the reduction is sought. The original application and any subsequent application for a reduction in manufactured home taxes shall be filed in the year preceding the year for which the reduction is sought. The statement shall be on a form, devised and supplied by the tax commissioner, which shall require no more information than is necessary to establish the applicant's eligibility for the

reduction in taxes and the amount of the reduction, and, except for homesteads that are units in a housing cooperative, shall include an affirmation by the applicant that ownership of the homestead was not acquired from a person, other than the applicant's spouse, related to the owner by consanguinity or affinity for the purpose of qualifying for the real property or manufactured home tax reduction provided for in division (A) or (B) of section 323.152 of the Revised Code. The form shall contain a statement that conviction of willfully falsifying information to obtain a reduction in taxes or failing to comply with division (C) of this section results in the revocation of the right to the reduction for a period of three years. ~~In the case of an application for a reduction in taxes for persons described in division (A)(2)(c) of section 323.152 of the Revised Code, the form shall contain a statement that signing the application constitutes a delegation of authority by the applicant to the tax commissioner or the county auditor, individually or in consultation with each other, to examine any tax or financial records relating to the income of the applicant as stated on the application for the purpose of determining eligibility for the exemption or a possible violation of division (D) or (E) of this section.~~

(B) A late application for a tax reduction for the year preceding the year in which an original application is filed, or for a reduction in manufactured home taxes for the year in which an original application is filed, may be filed with the original application. If the county auditor determines the information contained in the late application is correct, the auditor shall determine the amount of the reduction in taxes to which the applicant would have been entitled for the preceding tax year had the applicant's application been timely filed and approved in that year.

The amount of such reduction shall be treated by the auditor as an overpayment of taxes by the applicant and shall be refunded in the manner prescribed in section 5715.22 of the Revised Code for making refunds of overpayments. On the first day of July of each year, the county auditor shall certify the total amount of the reductions in taxes made in the current year under this division to the tax commissioner, who shall treat the full amount thereof as a reduction in taxes for the preceding tax year and shall make reimbursement to the county therefor in the manner prescribed by section 323.156 of the Revised Code, from money appropriated for that purpose.

(C)(1) If, in any year after an application has been filed under division (A)(1) or (2) of this section, the owner does not qualify for a reduction in taxes on the homestead or on the manufactured or mobile home set forth on such application, the owner shall notify the county auditor that the owner is not qualified for a reduction in taxes.

(2) If, in any year after an application has been filed under division (A)(1) of this section, the occupant of a homestead in a housing cooperative does not qualify for a reduction in taxes on the homestead, the occupant shall notify the county auditor that the occupant is not qualified for a reduction in taxes or file a new application under division (A)(1) of this section.

(3) If the county auditor or county treasurer discovers that the owner of property not entitled to the reduction in taxes under division (B) of section 323.152 of the Revised Code failed to notify the county auditor as required by division (C)(1) of this section, a charge shall be imposed against the property in the amount by which taxes were reduced under that division for each tax year the county auditor ascertains that the property was not entitled to the reduction and was owned by the current owner. Interest shall accrue in the manner prescribed by division (B) of section 323.121 or division (G)(2) of section 4503.06 of the Revised Code on the amount by which taxes were reduced for each such tax year as if the reduction became delinquent taxes at the close of the last day the second installment of taxes for that tax year could be paid without penalty. The county auditor shall notify the owner, by ordinary mail, of the charge, of the owner's right to appeal the charge, and of the manner in which the owner may appeal. The owner may appeal the imposition of the charge and interest by filing an appeal with the county board of revision not later than the last day prescribed for payment of real and public utility property taxes under section 323.12 of the Revised Code following receipt of the notice and occurring at least ninety days after receipt of the notice. The appeal shall be treated in the same manner as a complaint relating to the valuation or assessment of real property under Chapter 5715. of the Revised Code. The charge and any interest shall be collected as other delinquent taxes.

(4) Each year during January, the county auditor shall furnish by ordinary mail a continuing application to each person receiving a reduction under division (A) of section 323.152 of the Revised Code. The continuing application shall be used to report changes in ~~total income~~, ownership, occupancy, disability, and other information earlier furnished the auditor relative to the reduction in taxes on the property. The continuing application shall be returned to the auditor not later than the first Monday in June; provided, that if such changes do not affect the status of the homestead exemption or the amount of the reduction to which the owner is entitled under division (A) of section 323.152 of the Revised Code or to which the occupant is entitled under section 323.159 of the Revised Code, the application does not need to be returned.

(5) Each year during February, the county auditor, except as otherwise provided in this paragraph, shall furnish by ordinary mail an original application to the owner, as of the first day of January of that year, of a homestead or a manufactured or mobile home that transferred during the preceding calendar year and that qualified for and received a reduction in taxes under division (B) of section 323.152 of the Revised Code for the preceding tax year. In order to receive the reduction under that division, the owner shall file the application with the county auditor not later than the first Monday in June. If the application is not timely filed, the auditor shall not grant a reduction in taxes for the homestead for the current year, and shall notify the owner that the reduction in taxes has not been granted, in the same manner prescribed under section 323.154 of the Revised Code for notification of denial of an application. Failure of an owner to receive an application does not excuse the failure of the owner to file an original

application. The county auditor is not required to furnish an application under this paragraph for any homestead for which application has previously been made on a form incorporated into any form used by the county auditor to administer the tax law in respect to the conveyance of real property or of used manufactured homes or used mobile homes, and an owner who previously has applied on such a form is not required to return an application furnished under this paragraph.

(D) No person shall knowingly make a false statement for the purpose of obtaining a reduction in the person's real property or manufactured home taxes under section 323.152 of the Revised Code.

(E) No person shall knowingly fail to notify the county auditor of changes required by division (C) of this section that have the effect of maintaining or securing a reduction in taxes under section 323.152 of the Revised Code.

(F) No person shall knowingly make a false statement or certification attesting to any person's physical or mental condition for purposes of qualifying such person for tax relief pursuant to sections 323.151 to 323.159 of the Revised Code."

Between lines 15439 and 15440, insert:

"**Sec. 4503.064.** As used in sections 4503.064 to 4503.069 of the Revised Code:

(A) "Sixty-five years of age or older" means a person who will be age sixty-five or older in the calendar year following the year of application for reduction in the assessable value of the person's manufactured or mobile home.

(B) "Permanently and totally disabled" means a person who, on the first day of January of the year of application, including late application, for reduction in the assessable value of a manufactured or mobile home, has some impairment in body or mind that makes the person unable to work at any substantially remunerative employment which the person is reasonably able to perform and which will, with reasonable probability, continue for an indefinite period of at least twelve months without any present indication of recovery therefrom or has been certified as permanently and totally disabled by a state or federal agency having the function of so classifying persons.

(C) "Homestead exemption" means the reduction in taxes allowed under division (A) of section 323.152 of the Revised Code for the year in which an application is filed under section 4503.066 of the Revised Code.

(D) "Manufactured home" has the meaning given in division (C)(4) of section 3781.06 of the Revised Code, and includes a structure consisting of two manufactured homes that were purchased either together or separately and are combined to form a single dwelling, but does not include a manufactured home that is taxed as real property pursuant to division (B) of section 4503.06 of the Revised Code.

(E) "Mobile home" has the meaning given in division (O) of section 4501.01 of the Revised Code and includes a structure consisting of two mobile homes that were purchased together or separately and combined to form a single dwelling, but does not include a mobile home that is taxed as real property pursuant to division (B) of section 4503.06 of the Revised Code.

(F) "Late application" means an application filed with an original application under division (A)(3) of section 4503.066 of the Revised Code.

~~(G) "Total income" has the same meaning as in section 323.151 of the Revised Code.~~

Sec. 4503.065. (A) This section applies to any of the following persons:

(1) An individual who is permanently and totally disabled;

(2) An individual who is sixty-five years of age or older;

(3) An individual who is the surviving spouse of a deceased person who was permanently and totally disabled or sixty-five years of age or older and who applied and qualified for a reduction in assessable value under this section in the year of death, provided the surviving spouse is at least fifty-nine but not sixty-five or more years of age on the date the deceased spouse dies.

(B) The manufactured home tax on a manufactured or mobile home that is paid pursuant to division (C) of section 4503.06 of the Revised Code and that is owned and occupied as a home by an individual whose domicile is in this state and to whom this section applies, shall be reduced for any tax year for which an application for such reduction has been approved, provided the individual did not acquire ownership from a person, other than the individual's spouse, related by consanguinity or affinity for the purpose of qualifying for the reduction. An owner includes a settlor of a revocable or irrevocable inter vivos trust holding the title to a manufactured or mobile home occupied by the settlor as of right under the trust.

(1) For manufactured and mobile homes for which the tax imposed by section 4503.06 of the Revised Code is computed under division (D)(2) of that section, the reduction shall equal one of the following amounts, as applicable to the person:

(a) If the person received a reduction under this section for tax year 2007, the greater of the reduction for that tax year or the amount computed under division (B) ~~(2)~~ (1)(b) of this section;

~~(b) If the person received, for any homestead, a reduction under this section for tax year 2014 or under division (A) of section 323.152 of the Revised Code for tax year 2013 or the person is the surviving spouse of such a person and the surviving spouse is at least fifty-nine years of age on the date the deceased spouse dies, the amount computed under division (B)(2) of this section. For purposes of divisions (B)(1)(b) and (e) of this section, a person receives a reduction under this section or division (A) of section 323.152 of the Revised~~

~~Code for tax year 2014 or 2013, respectively, if the person files a late application for that respective tax year that is approved by the county auditor under section 4503.066 or 323.153 of the Revised Code.~~

~~(c) If the person is not described in division (B)(1)(a) or (b) of this section and the person's total income does not exceed thirty thousand dollars, as adjusted under division (B)(5) of this section, the amount computed under division (B)(2) of this section:~~

~~(2) The amount of the reduction under division (B)(2) of this section equals the product of the following:~~

~~(a) (i) Twenty-five thousand dollars of the true value of the property in money;~~

~~(b) (ii) The assessment percentage established by the tax commissioner under division (B) of section 5715.01 of the Revised Code, not to exceed thirty-five per cent;~~

~~(c) (iii) The effective tax rate used to calculate the taxes charged against the property for the current year, where "effective tax rate" is defined as in section 323.08 of the Revised Code;~~

~~(d) (iv) The quantity equal to one minus the sum of the percentage reductions in taxes received by the property for the current tax year under section 319.302 of the Revised Code and division (B) of section 323.152 of the Revised Code.~~

~~(3) (2) For manufactured and mobile homes for which the tax imposed by section 4503.06 of the Revised Code is computed under division (D)(1) of that section, the reduction shall equal one of the following amounts, as applicable to the person:~~

~~(a) If the person received a reduction under this section for tax year 2007, the greater of the reduction for that tax year or the amount computed under division (B) (4) (2)(b) of this section;~~

~~(b) If the person received, for any homestead, a reduction under this section for tax year 2014 or under division (A) of section 323.152 of the Revised Code for tax year 2013 or the person is the surviving spouse of such a person and the surviving spouse is at least fifty-nine years of age on the date the deceased spouse dies, the amount computed under division (B)(4) of this section. For purposes of divisions (B)(3)(b) and (c) of this section, a person receives a reduction under this section or under division (A) of section 323.152 of the Revised Code for tax year 2014 or 2013, respectively, if the person files a late application for a refund of overpayments for that respective tax year that is approved by the county auditor under section 4503.066 of the Revised Code.~~

~~(c) If the person is not described in division (B)(3)(a) or (b) of this section and the person's total income does not exceed thirty thousand dollars, as adjusted under division (B)(5) of this section, the amount computed under division (B)(4) of this section:~~

~~(4) The amount of the reduction under division (B)(4) of this section equals the product of the following:~~

~~(a) (i) Twenty-five thousand dollars of the cost to the owner, or the market value at the time of purchase, whichever is greater, as those terms are used in division (D)(1) of section 4503.06 of the Revised Code;~~

~~(b) (ii) The percentage from the appropriate schedule in division (D)(1)(b) of section 4503.06 of the Revised Code;~~

~~(c) (iii) The assessment percentage of forty per cent used in division (D)(1)(b) of section 4503.06 of the Revised Code;~~

~~(d) (iv) The tax rate of the taxing district in which the home has its situs.~~

~~(5) Each calendar year, the tax commissioner shall adjust the income threshold described in divisions (B)(1)(c) and (B)(3)(c) of this section by completing the following calculations in September of each year:~~

~~(a) Determine the percentage increase in the gross domestic product deflator determined by the bureau of economic analysis of the United States department of commerce from the first day of January of the preceding calendar year to the last day of December of the preceding calendar year;~~

~~(b) Multiply that percentage increase by the total income threshold for the ensuing tax year;~~

~~(c) Add the resulting product to the total income threshold for the ensuing tax year;~~

~~(d) Round the resulting sum to the nearest multiple of one hundred dollars.~~

~~The commissioner shall certify the amount resulting from the adjustment to each county auditor not later than the first day of December each year. The certified amount applies to the second ensuing tax year. The commissioner shall not make the adjustment in any calendar year in which the amount resulting from the adjustment would be less than the total income threshold for the ensuing tax year.~~

(C) If the owner or the spouse of the owner of a manufactured or mobile home is eligible for a homestead exemption on the land upon which the home is located, the reduction to which the owner or spouse is entitled under this section shall not exceed the difference between the reduction to which the owner or spouse is entitled under division (B) of this section and the amount of the reduction under the homestead exemption.

(D) No reduction shall be made with respect to the home of any person convicted of violating division (C) or (D) of section 4503.066 of the Revised Code for a period of three years following the conviction.

Sec. 4503.066. (A)(1) To obtain a tax reduction under section 4503.065 of the Revised Code, the owner of the home shall file an application with the

county auditor of the county in which the home is located. An application for reduction in taxes based upon a physical disability shall be accompanied by a certificate signed by a physician, and an application for reduction in taxes based upon a mental disability shall be accompanied by a certificate signed by a physician or psychologist licensed to practice in this state. The certificate shall attest to the fact that the applicant is permanently and totally disabled, shall be in a form that the department of taxation requires, and shall include the definition of totally and permanently disabled as set forth in section 4503.064 of the Revised Code. An application for reduction in taxes based upon a disability certified as permanent and total by a state or federal agency having the function of so classifying persons shall be accompanied by a certificate from that agency.

(2) Each application shall constitute a continuing application for a reduction in taxes for each year in which the manufactured or mobile home is occupied by the applicant. Failure to receive a new application or notification under division (B) of this section after an application for reduction has been approved is prima-facie evidence that the original applicant is entitled to the reduction calculated on the basis of the information contained in the original application. The original application and any subsequent application shall be in the form of a signed statement and shall be filed not later than the first Monday in June. The statement shall be on a form, devised and supplied by the tax commissioner, that shall require no more information than is necessary to establish the applicant's eligibility for the reduction in taxes and the amount of the reduction to which the applicant is entitled. ~~The form shall contain a statement that signing such application constitutes a delegation of authority by the applicant to the tax commissioner or the county auditor, individually or in consultation with each other, to examine any tax or financial records that relate to the income of the applicant as stated on the application for the purpose of determining eligibility under, or possible violation of, division (C) or (D) of this section.~~ The form also shall contain a statement that conviction of willfully falsifying information to obtain a reduction in taxes or failing to comply with division (B) of this section shall result in the revocation of the right to the reduction for a period of three years.

(3) A late application for a reduction in taxes for the year preceding the year for which an original application is filed may be filed with an original application. If the auditor determines that the information contained in the late application is correct, the auditor shall determine both the amount of the reduction in taxes to which the applicant would have been entitled for the current tax year had the application been timely filed and approved in the preceding year, and the amount the taxes levied under section 4503.06 of the Revised Code for the current year would have been reduced as a result of the reduction. When an applicant is permanently and totally disabled on the first day of January of the year in which the applicant files a late application, the auditor, in making the determination of the amounts of the reduction in taxes under division (A)(3) of this section, is not required to determine that the applicant was permanently and totally disabled on the first day of January of the preceding year.

The amount of the reduction in taxes pursuant to a late application shall be treated as an overpayment of taxes by the applicant. The auditor shall credit the amount of the overpayment against the amount of the taxes or penalties then due from the applicant, and, at the next succeeding settlement, the amount of the credit shall be deducted from the amount of any taxes or penalties distributable to the county or any taxing unit in the county that has received the benefit of the taxes or penalties previously overpaid, in proportion to the benefits previously received. If, after the credit has been made, there remains a balance of the overpayment, or if there are no taxes or penalties due from the applicant, the auditor shall refund that balance to the applicant by a warrant drawn on the county treasurer in favor of the applicant. The treasurer shall pay the warrant from the general fund of the county. If there is insufficient money in the general fund to make the payment, the treasurer shall pay the warrant out of any undivided manufactured or mobile home taxes subsequently received by the treasurer for distribution to the county or taxing district in the county that received the benefit of the overpaid taxes, in proportion to the benefits previously received, and the amount paid from the undivided funds shall be deducted from the money otherwise distributable to the county or taxing district in the county at the next or any succeeding distribution. At the next or any succeeding distribution after making the refund, the treasurer shall reimburse the general fund for any payment made from that fund by deducting the amount of that payment from the money distributable to the county or other taxing unit in the county that has received the benefit of the taxes, in proportion to the benefits previously received. On the second Monday in September of each year, the county auditor shall certify the total amount of the reductions in taxes made in the current year under division (A)(3) of this section to the tax commissioner who shall treat that amount as a reduction in taxes for the current tax year and shall make reimbursement to the county of that amount in the manner prescribed in section 4503.068 of the Revised Code, from moneys appropriated for that purpose.

(B) If in any year for which an application for reduction in taxes has been approved the owner no longer qualifies for the reduction, the owner shall notify the county auditor that the owner is not qualified for a reduction in taxes.

During January of each year, the county auditor shall furnish each person whose application for reduction has been approved, by ordinary mail, a form on which to report any changes in ~~total income~~; ownership, occupancy, disability, and other information earlier furnished the auditor relative to the application. ~~The form shall be completed and returned to the auditor not later than the first Monday in June if the changes would affect the person's eligibility for the reduction.~~

(C) No person shall knowingly make a false statement for the purpose of obtaining a reduction in taxes under section 4503.065 of the Revised Code.

(D) No person shall knowingly fail to notify the county auditor of any change required by division (B) of this section that has the effect of maintaining

or securing a reduction in taxes under section 4503.065 of the Revised Code.

(E) No person shall knowingly make a false statement or certification attesting to any person's physical or mental condition for purposes of qualifying such person for tax relief pursuant to sections 4503.064 to 4503.069 of the Revised Code.

(F) Whoever violates division (C), (D), or (E) of this section is guilty of a misdemeanor of the fourth degree."

In line 31842, after "307.982," insert "319.302, 323.151, 323.152, 323.153,"

In line 31853, after "4303.021," insert "4503.064, 4503.065, 4503.066,"

Between lines 36390 and 36391, insert:

"Section 757.90. The amendment by this act of sections 323.151, 323.152, 323.153, 4503.064, 4503.065, and 4503.066 of the Revised Code applies to all property taxes charged and payable after January 1, 2014."

In line 7 of the title, after "307.982," insert "319.302, 323.151, 323.152, 323.153,"

In line 22 of the title, after "4303.021," insert "4503.064, 4503.065, 4503.066,"

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

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

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

The yeas and nays were taken and resulted - yeas 24, nays 8, 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 |
| Smith | Uecker | Widener | Faber-24. |

Senators Brown, Gentile, Kearney, Sawyer, Schiavoni, Skindell, Tavares, and Turner voted in the negative-8.

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. H. B. No. 483**, pass?"

Senator Turner moved to amend as follows:

Delete lines 35795 through 35797

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

The motion was agreed to.

The question recurred, "Shall the bill, **Sub. H. B. No. 483**, pass?"

Senator Turner moved to amend as follows:

In line 103, after "3772.02," insert "4111.02, 4111.09, 4111.14,"

Between lines 12915 and 12916, insert:

"Sec. 4111.02. Every (A)(1) Except as otherwise provided in this chapter, beginning January 1, 2015, every employer, as defined in Section 34a of Article II, Ohio Constitution, shall pay each of the employer's employees at a wage rate of not less than the wage rate specified in Section 34a of Article II, Ohio Constitution or ten dollars and ten cents per hour, whichever is greater.

(2) If an employer is able to demonstrate that an employee receives tips that combined with the wages paid by the employer are equal to or greater than the minimum wage rate for all hours worked, the employer may pay the employee at a rate of less than, but not less than half, the minimum wage rate required by division (A)(1) of this section.

(3) An employer may pay an employee a wage rate not less than the wage rate established under the federal "Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 U.S.C. 201 et seq., as amended, or its successor law if either of the following applies:

(a) The employer, as of January 1, 2014, had gross annual receipts of two hundred ninety-two thousand dollars or less.

(b) The employee is less than sixteen years of age.

(B) The director of commerce annually shall adjust the wage rate as rates specified in division (A)(1) of this section and the gross annual receipt amount specified in division (A)(3) of this section in accordance with Section 34a of Article II, Ohio Constitution.

(C) As used in this section, "employee" has the same meaning as in section 4111.14 of the Revised Code.

Sec. 4111.09. Every employer subject to sections 4111.01 to 4111.17 of the Revised Code, or to any rules issued thereunder, shall keep a summary of the sections, approved by the director of commerce, and copies of any applicable rules issued thereunder, or a summary of the rules, posted in a conspicuous and accessible place in or about the premises wherein any person subject thereto is employed. The director of commerce shall make the summary described in this section available on the web site of the department of commerce. The director shall update this summary as necessary, but not less than annually, in order to reflect changes in the minimum wage rate as required under Section 34a of

Article II, Ohio Constitution and section 4111.02 of the Revised Code.

Employees and employers shall be furnished copies of the summaries and rules by the state, on request, without charge.

Sec. 4111.14. (A) Pursuant to the general assembly's authority to establish a minimum wage under Section 34 of Article II, Ohio Constitution, this section is in implementation of Section 34a of Article II, Ohio Constitution. In implementing Section 34a of Article II, Ohio Constitution, the general assembly hereby finds that the purpose of Section 34a of Article II, Ohio Constitution is to:

(1) Ensure that Ohio employees, as defined in division (B)(1) of this section, are paid the wage rate required by section 4111.02 of the Revised Code in accordance with Section 34a of Article II, Ohio Constitution;

(2) Ensure that covered Ohio employers maintain certain records that are directly related to the enforcement of the wage rate requirements ~~in~~ of Section 34a of Article II, Ohio Constitution and section 4111.02 of the Revised Code;

(3) Ensure that Ohio employees who are paid the wage rate required by ~~Section 34a of Article II, Ohio Constitution~~ section 4111.02 of the Revised Code, may enforce their right to receive that wage rate in the manner set forth in Section 34a of Article II, Ohio Constitution; and

(4) Protect the privacy of Ohio employees' pay and personal information specified in Section 34a of Article II, Ohio Constitution by restricting an employee's access, and access by a person acting on behalf of that employee, to the employee's own pay and personal information.

(B) In accordance with Section 34a of Article II, Ohio Constitution, the terms "employer," "employee," "employ," "person," and "independent contractor" have the same meanings as in the "Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 U.S.C. 203, as amended. In construing the meaning of these terms, due consideration and great weight shall be given to the United States department of labor's and federal courts' interpretations of those terms under the Fair Labor Standards Act and its regulations. As used in division (B) of this section:

(1) "Employee" means individuals employed in Ohio, but does not mean individuals who are excluded from the definition of "employee" under 29 U.S.C. 203(e) or individuals who are exempted from the minimum wage requirements in 29 U.S.C. 213 and from the definition of "employee" in this chapter.

(2) "Employ" and "employee" do not include any person acting as a volunteer. In construing who is a volunteer, "volunteer" shall have the same meaning as in sections 553.101 to 553.106 of Title 29 of the Code of Federal Regulations, as amended, and due consideration and great weight shall be given to the United States department of labor's and federal courts' interpretations of the term "volunteer" under the Fair Labor Standards Act and its regulations.

(C) In accordance with Section 34a of Article II, Ohio Constitution, the

state may issue licenses to employers authorizing payment of a wage below that required by Section 34a of Article II, Ohio Constitution , or section 4111.02 of the Revised Code to individuals with mental or physical disabilities that may otherwise adversely affect their opportunity for employment. In issuing such licenses, the state shall abide by the rules adopted pursuant to section 4111.06 of the Revised Code.

(D)(1) In accordance with Section 34a of Article II, Ohio Constitution, individuals employed in or about the property of an employer or an individual's residence on a casual basis are not included within the coverage of Section 34a of Article II, Ohio Constitution. As used in division (D) of this section:

(a) "Casual basis" means employment that is irregular or intermittent and that is not performed by an individual whose vocation is to be employed in or about the property of the employer or individual's residence. In construing who is employed on a "casual basis," due consideration and great weight shall be given to the United States department of labor's and federal courts' interpretations of the term "casual basis" under the Fair Labor Standards Act and its regulations.

(b) "An individual employed in or about the property of an employer or individual's residence" means an individual employed on a casual basis or an individual employed in or about a residence on a casual basis, respectively.

(2) In accordance with Section 34a of Article II, Ohio Constitution, employees of a solely family-owned and operated business who are family members of an owner are not included within the coverage of Section 34a of Article II, Ohio Constitution. As used in division (D)(2) of this section, "family member" means a parent, spouse, child, stepchild, sibling, grandparent, grandchild, or other member of an owner's immediate family.

(E) In accordance with Section 34a of Article II, Ohio Constitution, an employer shall at the time of hire provide an employee with the employer's name, address, telephone number, and other contact information and update such information when it changes. As used in division (E) of this section:

(1) "Other contact information" may include, where applicable, the address of the employer's internet site on the world wide web, the employer's electronic mail address, fax number, or the name, address, and telephone number of the employer's statutory agent. "Other contact information" does not include the name, address, telephone number, fax number, internet site address, or electronic mail address of any employee, shareholder, officer, director, supervisor, manager, or other individual employed by or associated with an employer.

(2) "When it changes" means that the employer shall provide its employees with the change in its name, address, telephone number, or other contact information within sixty business days after the change occurs. The employer shall provide the changed information by using any of its usual methods of communicating with its employees, including, but not limited to,

listing the change on the employer's internet site on the world wide web, internal computer network, or a bulletin board where it commonly posts employee communications or by insertion or inclusion with employees' paychecks or pay stubs.

(F) In accordance with Section 34a of Article II, Ohio Constitution, an employer shall maintain a record of the name, address, occupation, pay rate, hours worked for each day worked, and each amount paid an employee for a period of not less than three years following the last date the employee was employed by that employer. As used in division (F) of this section:

(1) "Address" means an employee's home address as maintained in the employer's personnel file or personnel database for that employee.

(2)(a) With respect to employees who are not exempt from the overtime pay requirements of the Fair Labor Standards Act or this chapter, "pay rate" means an employee's base rate of pay.

(b) With respect to employees who are exempt from the overtime pay requirements of the Fair Labor Standards Act or this chapter, "pay rate" means an employee's annual base salary or other rate of pay by which the particular employee qualifies for that exemption under the Fair Labor Standards Act or this chapter, but does not include bonuses, stock options, incentives, deferred compensation, or any other similar form of compensation.

(3) "Record" means the name, address, occupation, pay rate, hours worked for each day worked, and each amount paid an employee in one or more documents, databases, or other paper or electronic forms of record-keeping maintained by an employer. No one particular method or form of maintaining such a record or records is required under this division. An employer is not required to create or maintain a single record containing only the employee's name, address, occupation, pay rate, hours worked for each day worked, and each amount paid an employee. An employer shall maintain a record or records from which the employee or person acting on behalf of that employee could reasonably review the information requested by the employee or person.

An employer is not required to maintain the records specified in division (F)(3) of this section for any period before January 1, 2007. On and after January 1, 2007, the employer shall maintain the records required by division (F)(3) of this section for three years from the date the hours were worked by the employee and for three years after the date the employee's employment ends.

(4)(a) Except for individuals specified in division (F)(4)(b) of this section, "hours worked for each day worked" means the total amount of time worked by an employee in whatever increments the employer uses for its payroll purposes during a day worked by the employee. An employer is not required to keep a record of the time of day an employee begins and ends work on any given day. As used in division (F)(4) of this section, "day" means a fixed period of twenty-four consecutive hours during which an employee performs work for an employer.

(b) An employer is not required to keep records of "hours worked for each day worked" for individuals for whom the employer is not required to keep those records under the Fair Labor Standards Act and its regulations or individuals who are not subject to the overtime pay requirements specified in section 4111.03 of the Revised Code.

(5) "Each amount paid an employee" means the total gross wages paid to an employee for each pay period. As used in division (F)(5) of this section, "pay period" means the period of time designated by an employer to pay an employee the employee's gross wages in accordance with the employer's payroll practices under section 4113.15 of the Revised Code.

(G) In accordance with Section 34a of Article II, Ohio Constitution, an employer must provide such information without charge to an employee or person acting on behalf of an employee upon request. As used in division (G) of this section:

(1) "Such information" means the name, address, occupation, pay rate, hours worked for each day worked, and each amount paid for the specific employee who has requested that specific employee's own information and does not include the name, address, occupation, pay rate, hours worked for each day worked, or each amount paid of any other employee of the employer. "Such information" does not include hours worked for each day worked by individuals for whom an employer is not required to keep that information under the Fair Labor Standards Act and its regulations or individuals who are not subject to the overtime pay requirements specified in section 4111.03 of the Revised Code.

(2) "Acting on behalf of an employee" means a person acting on behalf of an employee as any of the following:

(a) The certified or legally recognized collective bargaining representative for that employee under the applicable federal law or Chapter 4117. of the Revised Code;

(b) The employee's attorney;

(c) The employee's parent, guardian, or legal custodian.

A person "acting on behalf of an employee" must be specifically authorized by an employee in order to make a request for that employee's own name, address, occupation, pay rate, hours worked for each day worked, and each amount paid to that employee.

(3) "Provide" means that an employer shall provide the requested information within thirty business days after the date the employer receives the request, unless either of the following occurs:

(a) The employer and the employee or person acting on behalf of the employee agree to some alternative time period for providing the information.

(b) The thirty-day period would cause a hardship on the employer under the circumstances, in which case the employer must provide the requested

information as soon as practicable.

(4) A "request" made by an employee or a person acting on behalf of an employee means a request by an employee or a person acting on behalf of an employee for the employee's own information. The employer may require that the employee provide the employer with a written request that has been signed by the employee and notarized and that reasonably specifies the particular information being requested. The employer may require that the person acting on behalf of an employee provide the employer with a written request that has been signed by the employee whose information is being requested and notarized and that reasonably specifies the particular information being requested.

(H) In accordance with Section 34a of Article II, Ohio Constitution, an employee, person acting on behalf of one or more employees, and any other interested party may file a complaint with the state for a violation of any provision of Section 34a of Article II, Ohio Constitution, or any law or regulation implementing its provisions. Such complaint shall be promptly investigated and resolved by the state. The employee's name shall be kept confidential unless disclosure is necessary to resolution of a complaint and the employee consents to disclosure. As used in division (H) of this section:

(1) "Complaint" means a complaint of an alleged violation pertaining to harm suffered by the employee filing the complaint, by a person acting on behalf of one or more employees, or by an interested party.

(2) "Acting on behalf of one or more employees" has the same meaning as "acting on behalf of an employee" in division (G)(2) of this section. Each employee must provide a separate written and notarized authorization before the person acting on that employee's or those employees' behalf may request the name, address, occupation, pay rate, hours worked for each day worked, and each amount paid for the particular employee.

(3) "Interested party" means a party who alleges to be injured by the alleged violation and who has standing to file a complaint under common law principles of standing.

(4) "Resolved by the state" means that the complaint has been resolved to the satisfaction of the state.

(5) "Shall be kept confidential" means that the state shall keep the name of the employee confidential as required by division (H) of this section.

(I) In accordance with Section 34a of Article II, Ohio Constitution, the state may on its own initiative investigate an employer's compliance with Section 34a of Article II, Ohio Constitution, and any law or regulation implementing Section 34a of Article II, Ohio Constitution. The employer shall make available to the state any records related to such investigation and other information required for enforcement of Section 34a of Article II, Ohio Constitution or any law or regulation implementing Section 34a of Article II, Ohio Constitution. The state shall investigate an employer's compliance with this section in accordance

with the procedures described in section 4111.04 of the Revised Code. All records and information related to investigations by the state are confidential and are not a public record subject to section 149.43 of the Revised Code. This division does not prevent the state from releasing to or exchanging with other state and federal wage and hour regulatory authorities information related to investigations.

(J) In accordance with Section 34a of Article II, Ohio Constitution, damages shall be calculated as an additional two times the amount of the back wages and in the case of a violation of an anti-retaliation provision an amount set by the state or court sufficient to compensate the employee and deter future violations, but not less than one hundred fifty dollars for each day that the violation continued. The "not less than one hundred fifty dollar" penalty specified in division (J) of this section shall be imposed only for violations of the anti-retaliation provision in Section 34a of Article II, Ohio Constitution.

(K) In accordance with Section 34a of Article II, Ohio Constitution, an action for equitable and monetary relief may be brought against an employer by the attorney general and/or an employee or person acting on behalf of an employee or all similarly situated employees in any court of competent jurisdiction, including the court of common pleas of an employee's county of residence, for any violation of Section 34a of Article II, Ohio Constitution, or any law or regulation implementing its provisions within three years of the violation or of when the violation ceased if it was of a continuing nature, or within one year after notification to the employee of final disposition by the state of a complaint for the same violation, whichever is later.

(1) As used in division (K) of this section, "notification" means the date on which the notice was sent to the employee by the state.

(2) No employee shall join as a party plaintiff in any civil action that is brought under division (K) of this section by an employee, person acting on behalf of an employee, or person acting on behalf of all similarly situated employees unless that employee first gives written consent to become such a party plaintiff and that consent is filed with the court in which the action is brought.

(3) A civil action regarding an alleged violation of this section shall be maintained only under division (K) of this section. This division does not preclude the joinder in a single civil action of an action under this division and an action under section 4111.10 of the Revised Code.

(4) Any agreement between an employee and employer to work for less than the wage rate specified in ~~Section 34a of Article II, Ohio Constitution~~ section 4111.02 of the Revised Code, is no defense to an action under this section.

(L) In accordance with Section 34a of Article II, Ohio Constitution, there shall be no exhaustion requirement, no procedural, pleading, or burden of proof requirements beyond those that apply generally to civil suits in order to maintain

such action and no liability for costs or attorney's fees on an employee except upon a finding that such action was frivolous in accordance with the same standards that apply generally in civil suits. Nothing in division (L) of this section affects the right of an employer and employee to agree to submit a dispute under this section to alternative dispute resolution, including, but not limited to, arbitration, in lieu of maintaining the civil suit specified in division (K) of this section. Nothing in this division limits the state's ability to investigate or enforce this section.

(M) An employer who provides such information specified in Section 34a of Article II, Ohio Constitution, shall be immune from any civil liability for injury, death, or loss to person or property that otherwise might be incurred or imposed as a result of providing that information to an employee or person acting on behalf of an employee in response to a request by the employee or person, and the employer shall not be subject to the provisions of Chapters 1347. and 1349. of the Revised Code to the extent that such provisions would otherwise apply. As used in division (M) of this section, "such information," "acting on behalf of an employee," and "request" have the same meanings as in division (G) of this section.

(N) As used in this section, "the state" means the director of commerce."

In line 31852, after "3772.02," insert "4111.02, 4111.09, 4111.14,"

In line 21 of the title, after "3772.02," insert "4111.02, 4111.09, 4111.14,"

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

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

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

The yeas and nays were taken and resulted - yeas 23, nays 9, 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 | Gentile | Kearney | Sawyer |
| Schiavoni | Skindell | Smith | Tavares |
| | | | Turner-9. |

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. H. B. No. 483**, pass?"

Senator Turner moved to amend as follows:

In line 101, delete "3517.20,"

Delete lines 11144 through 11417

In line 31849, delete "3517.20,"

In line 17 of the title, delete "3517.20,"

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

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

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

The yeas and nays were taken and resulted - yeas 23, nays 9, 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 | Gentile | Kearney | Sawyer |
| Schiavoni | Skindell | Smith | Tavares |
| | | | Turner-9. |

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. H. B. No. 483**, pass?"

Senator Skindell moved to amend as follows:

In line 133, delete "3345.56,"

Delete lines 11100 through 11104

In line 61 of the title, delete "3345.56,"

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

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

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

The yeas and nays were taken and resulted - yeas 23, nays 9, 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 | Gentile | Kearney | Sawyer |
| Schiavoni | Skindell | Smith | Tavares |
| | | | Turner-9. |

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. H. B. No. 483**, pass?"

Senator Skindell moved to amend as follows:

In line 35707, delete "nineteen" and insert "twenty"

In line 35719, delete "eleven" and insert "twelve"

In line 35720, delete "six" and insert "seven"

In line 35725, after the semicolon insert "one correctional officer employed at a state correctional institution;"

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

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

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

The yeas and nays were taken and resulted - yeas 23, nays 9, 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 | Gentile | Kearney | Sawyer |
| Schiavoni | Skindell | Smith | Tavares |
| | | | Turner-9. |

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. H. B. No. 483**, pass?"

Senator Skindell moved to amend as follows:

Between lines 36274 and 36275, insert:

"**Section 751.** _____. (A) The Bureau of Research within the Department of Rehabilitation and Correction shall convene a committee to study assaults and other violence within state correctional institutions. The committee shall be appointed by the Director of the Department of Rehabilitation and Corrections in consultation with the Bureau of Research and shall include, at a minimum, the following members:

(1) At least one member that is affiliated with the Ohio Civil Service Employees Union;

(2) At least one member that is currently serving as a warden of an Ohio correctional institution; and

(3) At least one member appointed by the Superintendent of the State Highway Patrol.

(B) The committee shall produce a report that includes the following information:

(1) The current staffing rates per state correctional institution, including vacancy rates;

(2) A recommendation of acceptable staffing levels per state correctional institution, including vacancy rates;

(3) Current relief factor ratios per state correctional institution, including the methodology used to calculate the relief factor;

(4) A recommendation of acceptable relief factor ratios per state correctional institution;

(5) Correctional officer to inmate ratio per state correctional institution, excluding vacancy rates;

(6) The number of incidents of violence per state correctional institution during the past three years and the details surrounding each incident;

(7) A definition of what the Department includes in its assault and other violence statistics;

(8) The number of days off from employment during the past three years due to violence in each state correctional institution;

(9) A recommendation of best practices or procedures that will reduce violence in state correctional institutions; and

(10) A recommendation for the amount of funding necessary to bring

staffing levels up to optimum levels at each location to reduce assaults and other violence.

(C) The committee shall produce its report by December 31, 2014, and provide a copy of the report to the Governor, the Director of Budget and Management, the Director of Rehabilitation and Correction, the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the President of the Senate, and the Minority Leader of the Senate."

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

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

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

The yeas and nays were taken and resulted - yeas 23, nays 9, 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 | Gentile | Kearney | Sawyer |
| Schiavoni | Skindell | Smith | Tavares |
| | | | Turner-9. |

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. H. B. No. 483**, pass?"

Senator Skindell moved to amend as follows:

In line 113, delete "4906.20, 4906.201,"

Delete lines 21362 through 21451

In line 31861, delete "4906.20,"

In line 31862, delete "4906.201,"

In line 34 of the title, delete "4906.20, 4906.201,"

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

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

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

The yeas and nays were taken and resulted - yeas 23, nays 9, 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 | Gentile | Kearney | Sawyer |
| Schiavoni | Skindell | Smith | Tavares |
| | | | Turner-9. |

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. H. B. No. 483**, pass?"

Senator Tavares moved to amend as follows:

In line 137, delete "and"; after "5155.28" insert ", and 5163.04"

Between lines 27505 and 27506, insert:

" **Sec. 5163.04.** The medicaid program shall cover the group described in the "Social Security Act," 42 U.S.C. 1396a(a)(10)(A)(i)(VIII)."

In line 67 of the title, delete "and"; after "5155.28" insert ", and 5163.04"

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

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

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

The yeas and nays were taken and resulted - yeas 23, nays 9, 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 | Gentile | Kearney | Sawyer |
| Schiavoni | Skindell | Smith | Tavares |
| | | | Turner-9. |

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. H. B. No. 483**, pass?"

Senator Tavares moved to amend as follows:

In line 135, after "5101.345," insert "5101.543,"

Between lines 21570 and 21571, insert:

" **Sec. 5101.543.** The director of job and family services shall request that the United States secretary of agriculture waive the applicability of the "Food and Nutrition Act of 2008," section 6(o)(2), 7 U.S.C. 2015(o)(2), for areas of the state that have unemployment rates of over ten per cent or do not have a sufficient number of jobs to provide employment for the areas' residents. The director shall request the waiver for all areas of the state that qualify to be covered under the waiver. The director shall request the waiver for the entire state when the entire state qualifies to be covered under the waiver, including when the United States department of labor's unemployment insurance service determines that the state qualifies for extended unemployment benefits. The director shall request the waiver each time one or more areas of the state or the entire state qualifies to be covered under the waiver. The director also shall request the waiver whenever the United States secretary informs the director that the secretary would grant the waiver."

In line 64 of the title, after "5101.345," insert "5101.543,"

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

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

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

The yeas and nays were taken and resulted - yeas 23, nays 9, 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 | Gentile | Kearney | Sawyer |
| Schiavoni | Skindell | Smith | Tavares |
| | | | Turner-9. |

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. H. B. No. 483**, pass?"

Senator Tavares moved to amend as follows:

In line 100, after "3318.36," insert "3353.07,"

Between lines 11104 and 11105, insert:

"Sec. 3353.07. (A) There is hereby created the Ohio government telecommunications service. The Ohio government telecommunications service shall provide the state government and affiliated organizations with multimedia support including audio, visual, and internet services, multimedia streaming, and hosting multimedia programs.

Services relating to the official activities of the general assembly and the executive offices provided by the Ohio government telecommunications service shall be funded through grants to an educational television broadcasting station that will manage the staff and provide the services of the Ohio government telecommunications service. The Ohio educational television stations shall select a member station to manage the Ohio government telecommunications service. The Ohio government telecommunications service shall receive grants from, or contract with, any of the three branches of Ohio government, and their affiliates, to provide additional services. Services provided by the Ohio government telecommunications service shall not be used for political purposes included in campaign materials, or otherwise used to influence an election, legislation, issue, judicial decision, or other policy of state government.

(B)(1) There is hereby created the legislative programming committee of the Ohio government telecommunications service that shall consist of the president of the senate, speaker of the house of representatives, minority leader of the senate, and minority leader of the house of representatives, or their designees, and the clerks of the senate and house of representatives as nonvoting, ex officio members. By a vote of a majority of its members, the program committee may add additional members to the committee.

(2) The legislative programming committee shall adopt rules that govern the operation of the Ohio government telecommunications service relating to the general assembly and any affiliated organizations.

(C) In addition to any broadcasting of sessions or committees of the general assembly required pursuant to the rules adopted under division (B) of this section, the Ohio government telecommunications service shall broadcast all standing committee meetings of the Ohio house of representatives with both audio and visual feeds. The broadcast shall be made available publicly at the time the committee meeting is conducted and shall be archived on the web site of the Ohio government telecommunications service for future public access and use.

(D) With the approval of the chairperson of the committee, commission, board, or other entity, the Ohio government telecommunications service may

record and may broadcast with audio and visual feeds any committee, commission, board, or other entity that is composed in part or in whole of members of the general assembly. The recording shall be archived on the web site of the Ohio government telecommunications service for future public access and use."

In line 31849, after "3318.36," insert "3353.07,"

In line 16 of the title, after "3318.36," insert "3353.07,"

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

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

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

The yeas and nays were taken and resulted - yeas 23, nays 9, 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 | Oelsluger |
| Patton | Peterson | Schaffer | Seitz |
| Uecker | Widener | | Faber-23. |

Those who voted in the negative were: Senators

| | | | |
|-----------|----------|---------|-----------|
| Brown | Gentile | Kearney | Sawyer |
| Schiavoni | Skindell | Smith | Tavares |
| | | | Turner-9. |

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. H. B. No. 483**, pass?"

Senator Gentile moved to amend as follows:

In line 90, after "118.27," insert "119.13,"

In line 114, after "5104.03," insert "5104.04,"

Between lines 604 and 605, insert:

"Sec. 119.13. ~~At~~ As used in this section, "licensed type B family day-care home" and "type A family day-care home" have the same meanings as in section 5104.01 of the Revised Code.

At any hearing conducted under sections 119.01 to 119.13 of the Revised Code, a party or an affected person may be represented by an attorney or by such other representative as is lawfully permitted to practice before the agency in question, but, except for ~~hearings~~ a hearing held before the state personnel board

of review under section 124.03 of the Revised Code or a hearing pursuant to section 5104.04 of the Revised Code to revoke the license of a type A family day-care home or licensed type B family day-care home, only an attorney at law may represent a party or an affected person at a hearing at which a record is taken which may be the basis of an appeal to court.

At any hearing conducted under sections 119.01 to 119.13 of the Revised Code, a witness, if ~~he~~ the witness so requests, shall be permitted to be accompanied, represented, and advised by an attorney, whose participation in the hearing shall be limited to the protection of the rights of the witness, and who may not examine or cross-examine witnesses, and the witness shall be advised of ~~his~~ the witness's right to counsel before ~~he~~ the witness is interrogated."

Between lines 21823 and 21824, insert:

"**Sec. 5104.04.** (A) The department of job and family services shall establish procedures to be followed in investigating, inspecting, and licensing child day-care centers, type A family day-care homes, and licensed type B family day-care homes.

(B)(1)(a) The department shall, at least once during every twelve-month period of operation of a center, type A home, or licensed type B home, inspect the center, type A home, or licensed type B home. The department shall inspect a part-time center or part-time type A home at least once during every twelve-month period of operation. The department shall provide a written inspection report to the licensee within a reasonable time after each inspection. The licensee shall display its most recent inspection report in a conspicuous place in the center, type A home, or licensed type B home.

Inspections may be unannounced. No person, firm, organization, institution, or agency shall interfere with the inspection of a center, type A home, or licensed type B home by any state or local official engaged in performing duties required of the state or local official by this chapter or rules adopted pursuant to this chapter, including inspecting the center, type A home, or licensed type B home, reviewing records, or interviewing licensees, employees, children, or parents.

(b) Upon receipt of any complaint that a center, type A home or licensed type B home is out of compliance with the requirements of this chapter or rules adopted pursuant to this chapter, the department shall investigate the center or home, and both of the following apply:

(i) If the complaint alleges that a child suffered physical harm while receiving child care at the center or home or that the noncompliance alleged in the complaint involved, resulted in, or poses a substantial risk of physical harm to a child receiving child care at the center or home, the department shall inspect the center or home.

(ii) If division (B)(1)(b)(i) of this section does not apply regarding the complaint, the department may inspect the center or home.

(c) Division (B)(1)(b) of this section does not limit, restrict, or negate any duty of the department to inspect a center, type A home, or licensed type B home that otherwise is imposed under this section, or any authority of the department to inspect a center, type A home, or licensed type B home that otherwise is granted under this section when the department believes the inspection is necessary and it is permitted under the grant.

(2) If the department implements an instrument-based program monitoring information system, it may use an indicator checklist to comply with division (B)(1) of this section.

(3) The department shall contract with a third party by the first day of October in each even-numbered year to collect information concerning the amounts charged by the center or home for providing child care services for use in establishing reimbursement ceilings and payment pursuant to section 5104.30 of the Revised Code. The third party shall compile the information and report the results of the survey to the department not later than the first day of December in each even-numbered year.

(C) The department may deny an application or revoke a license of a center, type A home, or licensed type B home, if the applicant knowingly makes a false statement on the application, the center or home does not comply with the requirements of this chapter or rules adopted pursuant to this chapter, or the applicant or owner has pleaded guilty to or been convicted of an offense described in section 5104.09 of the Revised Code.

(D) (1) If the department finds, after notice and hearing pursuant to Chapter 119. of the Revised Code, that any applicant, person, firm, organization, institution, or agency applying for licensure or licensed under section 5104.03 of the Revised Code is in violation of any provision of this chapter or rules adopted pursuant to this chapter, the department may issue an order of denial to the applicant or an order of revocation to the center, type A home, or licensed type B home revoking the license previously issued by the department. Upon the issuance of such an order, the person whose application is denied or whose license is revoked may appeal in accordance with section 119.12 of the Revised Code.

(2) In any hearing to revoke the license of a type A home or a licensed type B home held under this division, any employee of a type A home or licensed type B home may be represented by a person who is not an attorney at law if the person does not receive any compensation for the representation from the licensee.

(E) The surrender of a center, type A home, or licensed type B home license to the department or the withdrawal of an application for licensure by the owner or administrator of the center, type A home, or licensed type B home shall not prohibit the department from instituting any of the actions set forth in this section.

(F) Whenever the department receives a complaint, is advised, or

otherwise has any reason to believe that a center or type A home is providing child care without a license issued pursuant to section 5104.03 and is not exempt from licensing pursuant to section 5104.02 of the Revised Code, the department shall investigate the center or type A home and may inspect the areas children have access to or areas necessary for the care of children in the center or type A home during suspected hours of operation to determine whether the center or type A home is subject to the requirements of this chapter or rules adopted pursuant to this chapter.

(G) The department, upon determining that the center or type A home is operating without a license, shall notify the attorney general, the prosecuting attorney of the county in which the center or type A home is located, or the city attorney, village solicitor, or other chief legal officer of the municipal corporation in which the center or type A home is located, that the center or type A home is operating without a license. Upon receipt of the notification, the attorney general, prosecuting attorney, city attorney, village solicitor, or other chief legal officer of a municipal corporation shall file a complaint in the court of common pleas of the county in which the center or type A home is located requesting that the court grant an order enjoining the owner from operating the center or type A home in violation of section 5104.02 of the Revised Code. The court shall grant such injunctive relief upon a showing that the respondent named in the complaint is operating a center or type A home and is doing so without a license.

(H) The department shall prepare an annual report on inspections conducted under this section. The report shall include the number of inspections conducted, the number and types of violations found, and the steps taken to address the violations. The department shall file the report with the governor, the president and minority leader of the senate, and the speaker and minority leader of the house of representatives on or before the first day of January of each year, beginning in 1999.

In line 31838, after "118.27," insert "119.13,"

In line 31862, after "5104.03," insert "5104.04,"

In line 2 of the title, after "118.27," insert "119.13,"

In line 35 of the title, after "5104.03," insert "5104.04,"

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

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

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

The yeas and nays were taken and resulted - yeas 24, nays 8, as follows:

Those who voted in the affirmative were: Senators

Bacon
Coley

Balderson
Eklund

Beagle
Gardner

Burke
Hite

| | | | |
|--------|----------|----------|-----------|
| Hughes | Jones | Jordan | LaRose |
| Lehner | Manning | Obhof | Oelslager |
| Patton | Peterson | Schaffer | Seitz |
| Smith | Uecker | Widener | Faber-24. |

Senators Brown, Gentile, Kearney, Sawyer, Schiavoni, Skindell, Tavares, and Turner voted in the negative-8.

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. H. B. No. 483**, pass?"

Senator Coley moved to amend as follows:

In line 123, delete "5502.26, 5502.261,"

Delete lines 28252 through 28381

In line 31871, delete "5502.26, 5502.261,"

In line 47 of the title, delete "5502.26,"

In line 48 of the title, delete "5502.261,"

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

The motion was agreed to.

The question recurred, "Shall the bill, **Sub. H. B. No. 483**, pass?"

The yeas and nays were taken and resulted - yeas 24, nays 8, 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 |
| Smith | Uecker | Widener | Faber-24. |

Senators Brown, Gentile, Kearney, Sawyer, Schiavoni, Skindell, Tavares, and Turner voted in the negative-8.

So the bill passed.

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

Senator Oelslager moved to amend the title as follows:

Add the names: "Bacon, Burke, Coley, Faber, Oelslager, Peterson."

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

The motion was agreed to and the title so amended.

Sub. H. B. No. 487-Representative Brenner.

Cosponsors: Representatives Anielski, Grossman, Henne, Stebelton, Terhar, Speaker Batchelder.

To amend sections 133.06, 149.433, 921.06, 3301.079, 3301.0711, 3301.0712, 3301.0714, 3301.0715, 3302.03, 3302.10, 3310.03, 3310.031, 3310.13, 3310.14, 3310.522, 3311.24, 3311.25, 3311.38, 3311.86, 3313.372, 3313.537, 3313.539, 3313.603, 3313.6013, 3313.6014, 3313.6016, 3313.61, 3313.612, 3313.843, 3313.90, 3314.02, 3314.029, 3314.03, 3314.08, 3317.03, 3318.70, 3319.111, 3319.112, 3319.22, 3319.26, 3319.31, 3321.07, 3321.08, 3324.07, 3325.02, 3325.06, 3325.07, 3325.10, 3326.11, 3326.36, 3328.24, 3328.25, 3331.04, 3333.041, 3333.35, 3333.43, 3333.86, 3345.06, 3345.061, 3365.04, 3365.041, 3365.05, 3365.06, 3365.08, 3365.11, 3707.511, and 5705.10; to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 3365.04 (3365.06), 3365.041 (3365.032), 3365.05 (3365.12), 3365.06 (3365.031), and 3365.11 (3365.09); to enact new sections 3313.536, 3365.01, 3365.02, 3365.03, 3365.04, 3365.05, 3365.07, 3365.10, 3365.11, and 3365.15 and sections 3301.078, 3301.163, 3301.947, 3302.036, 3302.15, 3311.241, 3311.251, 3313.21, 3313.212, 3313.6020, 3314.191, 3314.352, 3325.071, 3325.09, 3325.17, 3326.29, 3365.033, 3365.071, 3365.13, and 3707.521; and to repeal sections 3313.536, 3345.062, 3365.01, 3365.02, 3365.021, 3365.022, 3365.03, 3365.07, 3365.09, 3365.10, 3365.12, and 3365.15 of the Revised Code; and to amend the versions of sections 3314.03 and 3326.11 of the Revised Code that result from Section 1 of this act and to repeal section 3313.6015 of the Revised Code on July 1, 2015, with regard to education provisions for students in grades kindergarten through twelve, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 487**, pass?"

Senator Skindell moved to amend as follows:

In line 9934, after "3313.536," insert "3314.102,"

In line 10517, after "**17.**" insert "(A) If, prior to the effective date of the repeal of section 3314.102 of the Revised Code by this act, the mayor who appoints the board of education of a municipal school district has submitted to that board and to the State Employment Relations Board a statement requesting that the employees of a conversion community school sponsored by the municipal school district cease to be subject to any future collective bargaining agreement and if those employees of that community school were removed from their bargaining unit, in accordance with former section 3314.102 of the Revised Code, those employees shall, upon the effective date of this section, regain their right to organize and bargain collectively in accordance with section 3314.10 and Chapter 4117. of the Revised Code.

(B) As used in this section:

(1) "Mayor" and "Municipal school district" have the same meanings as in section 3311.71 of the Revised Code.

(2) "Community school" means a community school established under Chapter 3314. of the Revised Code.

Section 18."

In line 26 of the title, after "3313.536," insert "3314.102,"

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

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

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

The yeas and nays were taken and resulted - yeas 17, nays 15, as follows:

Those who voted in the affirmative were: Senators

| | | | |
|----------|-----------|--------|-----------|
| Bacon | Balderson | Beagle | Burke |
| Coley | Gardner | Hite | Jones |
| Jordan | Lehner | Obhof | Peterson |
| Schaffer | Seitz | Uecker | Widener |
| | | | Faber-17. |

Those who voted in the negative were: Senators

| | | | |
|---------|---------|-----------|------------|
| Brown | Eklund | Gentile | Hughes |
| Kearney | LaRose | Manning | Oelslager |
| Patton | Sawyer | Schiavoni | Skindell |
| Smith | Tavares | | Turner-15. |

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. H. B. No. 487**, pass?"

Senator Kearney moved to amend as follows:

In line 39, delete "3313.537,"

Delete lines 4115 through 4200

In line 9927, delete "3313.537,"

In line 5 of the title, delete "3313.537,"

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

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

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

The yeas and nays were taken and resulted - yeas 22, 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 | Obhof | Oelslager | Patton |
| Peterson | Schaffer | Seitz | Uecker |
| Widener | | | Faber-22. |

Those who voted in the negative were: Senators

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

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. H. B. No. 487**, pass?"

Senator Skindell moved to amend as follows:

In line 8207, strike through "and"; after "3319.391" insert " and 3319.46"

In line 9940, after "amended" insert "and section 3319.46 of the Revised Code be enacted"

In line 10008, after "3319.41," insert " 3319.46."

Between lines 10201 and 10202, insert:

" **Sec. 3319.46.** The state board of education shall adopt rules under Chapter 119. of the Revised Code that establish a policy and standards for the implementation of positive behavior intervention supports and the use of physical restraint or seclusion on students.

Each school district board of education shall comply with the policy and standards adopted by the state board under this section."

In line 10214, after "3319.45," insert " 3319.46."

Between lines 10516 and 10517, insert:

"**Section 17.** The amendment by this act of section 3328.24 of the Revised Code that inserts "3319.46," in the fourth line of that section shall take effect July 1, 2015."

In line 10517, delete "**17**" insert "**18**"

In line 32 of the title, after "act" insert "; to enact section 3319.46 of the Revised Code to take effect on July 1, 2015;"

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

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

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

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

Those who voted in the affirmative were: Senators

| | | | |
|----------|-----------|-----------|-----------|
| Bacon | Balderson | Beagle | Burke |
| Coley | Eklund | Gardner | Hite |
| Hughes | Jones | Jordan | LaRose |
| Manning | Obhof | Oelslager | Patton |
| Peterson | Schaffer | Seitz | Uecker |
| Widener | | | Faber-22. |

Those who voted in the negative were: Senators

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

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. H. B. No. 487**, pass?"

Senator Schiavoni moved to amend as follows:

In line 36, after "sections" insert "117.11,"; after "133.06," insert "149.351,"

In line 51, after "sections" insert "117.102, 149.46,"

In line 53, after "3313.6020," insert "3314.031,"

Between lines 55 and 56, insert:

" **Sec. 117.102.** (A) As used in this section:

(1) "Community school" means a school established under Chapter 3314. of the Revised Code.

(2) "Operator" has the same meaning as in section 3314.02 of the Revised Code.

(B) The auditor of state annually shall audit each community school operator and each community school sponsor described in division (C)(1) of section 3314.02 or section 3314.021 or 3314.027 of the Revised Code. In the case of a nonpublic operator or sponsor, the audit shall cover only those accounts, reports, records, and files regarding the operator's or sponsor's receipt or expenditure of public funds relating to the operation or sponsorship of a community school.

Sec. 117.11. (A) Except as otherwise provided in this division and in sections 117.102, 117.112, 117.113, and 117.114 of the Revised Code, the

auditor of state shall audit each public office at least once every two fiscal years. The auditor of state shall audit a public office each fiscal year if that public office is required to be audited on an annual basis pursuant to "The Single Audit Act of 1984," 98 Stat. 2327, 31 U.S.C.A. 7501 et seq., as amended. In the annual or biennial audit, inquiry shall be made into the methods, accuracy, and legality of the accounts, financial reports, records, files, and reports of the office, whether the laws, rules, ordinances, and orders pertaining to the office have been observed, and whether the requirements and rules of the auditor of state have been complied with. Except as otherwise provided in this division or where auditing standards or procedures dictate otherwise, each audit shall cover at least one fiscal year. If a public office is audited only once every two fiscal years, the audit shall cover both fiscal years.

(B) In addition to the annual or biennial audit provided for in division (A) of this section or in section 117.114 of the Revised Code, the auditor of state may conduct an audit of a public office at any time when so requested by the public office or upon the auditor of state's own initiative if the auditor of state has reasonable cause to believe that an additional audit is in the public interest.

(C)(1) The auditor of state shall identify any public office in which the auditor of state will be unable to conduct an audit at least once every two fiscal years as required by division (A) of this section and shall provide immediate written notice to the clerk of the legislative authority or governing board of the public office so identified. Within six months of the receipt of such notice, the legislative authority or governing board may engage an independent certified public accountant to conduct an audit pursuant to section 117.12 of the Revised Code.

(2) When the chief fiscal officer of a public office notifies the auditor of state that an audit is required at a time prior to the next regularly scheduled audit by the auditor of state, the auditor of state shall either cause an earlier audit to be made by the auditor of state or authorize the legislative authority or governing board of the public office to engage an independent certified public accountant to conduct the required audit. The scope of the audit shall be as authorized by the auditor of state.

(3) The auditor of state shall approve the scope of an audit under division (C)(1) or (2) of this section as set forth in the contract for the proposed audit before the contract is executed on behalf of the public office that is to be audited. The independent accountant conducting an audit under division (C)(1) or (2) of this section shall be paid by the public office.

(4) The contract for attest services with an independent accountant employed pursuant to this section or section 115.56 of the Revised Code may include binding arbitration provisions, provisions of Chapter 2711. of the Revised Code, or any other alternative dispute resolution procedures to be followed in the event a dispute remains between the state or public office and the independent accountant concerning the terms of or services under the contract, or a breach of the contract, after the administrative provisions of the contract

have been exhausted.

(D) If a uniform accounting network is established under section 117.101 of the Revised Code, the auditor of state or a certified public accountant employed pursuant to this section or section 115.56 or 117.112 of the Revised Code shall, to the extent practicable, utilize services offered by the network in order to conduct efficient and economical audits of public offices.

(E) The auditor of state, in accordance with division (A)(3) of section 9.65 of the Revised Code and this section, may audit an annuity program for volunteer fire fighters established by a political subdivision under section 9.65 of the Revised Code. As used in this section, "volunteer fire fighters" and "political subdivision" have the same meanings as in division (C) of section 9.65 of the Revised Code."

Between lines 359 and 360, insert:

"Sec. 149.351. (A) All records are the property of the public office concerned and shall not be removed, destroyed, mutilated, transferred, or otherwise damaged or disposed of, in whole or in part, except as provided by law or under the rules adopted by the records commissions provided for under sections 149.38 to 149.42 and section 149.46 of the Revised Code or under the records programs established by the boards of trustees of state-supported institutions of higher education under section 149.33 of the Revised Code. Those records shall be delivered by outgoing officials and employees to their successors and shall not be otherwise removed, destroyed, mutilated, or transferred unlawfully.

(B) Any person who is aggrieved by the removal, destruction, mutilation, or transfer of, or by other damage to or disposition of a record in violation of division (A) of this section, or by threat of such removal, destruction, mutilation, transfer, or other damage to or disposition of such a record, may commence either or both of the following in the court of common pleas of the county in which division (A) of this section allegedly was violated or is threatened to be violated:

(1) A civil action for injunctive relief to compel compliance with division (A) of this section, and to obtain an award of the reasonable attorney's fees incurred by the person in the civil action;

(2) A civil action to recover a forfeiture in the amount of one thousand dollars for each violation, but not to exceed a cumulative total of ten thousand dollars, regardless of the number of violations, and to obtain an award of the reasonable attorney's fees incurred by the person in the civil action not to exceed the forfeiture amount recovered.

(C)(1) A person is not aggrieved by a violation of division (A) of this section if clear and convincing evidence shows that the request for a record was contrived as a pretext to create potential liability under this section. The commencement of a civil action under division (B) of this section waives any

right under this chapter to decline to divulge the purpose for requesting the record, but only to the extent needed to evaluate whether the request was contrived as a pretext to create potential liability under this section.

(2) In a civil action under division (B) of this section, if clear and convincing evidence shows that the request for a record was a pretext to create potential liability under this section, the court may award reasonable attorney's fees to any defendant or defendants in the action.

(D) Once a person recovers a forfeiture in a civil action commenced under division (B)(2) of this section, no other person may recover a forfeiture under that division for a violation of division (A) of this section involving the same record, regardless of the number of persons aggrieved by a violation of division (A) of this section or the number of civil actions commenced under this section.

(E) A civil action for injunctive relief under division (B)(1) of this section or a civil action to recover a forfeiture under division (B)(2) of this section shall be commenced within five years after the day in which division (A) of this section was allegedly violated or was threatened to be violated."

Between lines 409 and 410, insert:

" **Sec. 149.46.** Each community school, established under Chapter 3314. of the Revised Code, shall have a school records commission. The commission shall meet at least once every twelve months. The function of the commission shall be to review applications for one-time disposal of obsolete records and schedules of records retention and disposition submitted by any employee of the school. The commission may dispose of records pursuant to the procedure outlined in section 149.381 of the Revised Code. The commission, at any time, may review any schedule it has previously approved and, for good cause shown, may revise that schedule under the procedure outlined in that section."

Between lines 6095 and 6096, insert:

" **Sec. 3314.031.** Each nonpublic operator of a community school and each nonpublic entity that sponsors a community school shall comply with section 149.43 of the Revised Code as if it were a public office with respect to all records pertaining to the management or sponsorship of the school."

In line 9924, after "sections" insert "117.11, "; after "133.06," insert "149.351,"

In line 1 of the title, after "sections" insert "117.11, "; after "133.06," insert "149.351,"

In line 22 of the title, after "sections" insert "117.102, 149.46,"

In line 24 of the title, after "3313.6020," insert "3314.031,"

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

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

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

The yeas and nays were taken and resulted - yeas 23, nays 9, 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 | Gentile | Kearney | Sawyer |
| Schiavoni | Skindell | Smith | Tavares |
| | | | Turner-9. |

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. H. B. No. 487**, pass?"

Senator Eklund moved to amend as follows:

In line 3299, after "transfer" insert "is initiated under either of those sections not later than December 31, 2015, and"

In line 3535, after "Code" insert "where the merger process is initiated under that section not later than December 31, 2015"

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

The motion was agreed to.

The question recurred, "Shall the bill, **Sub. H. B. No. 487**, pass?"

The yeas and nays were taken and resulted - yeas 27, nays 5, as follows:

Those who voted in the affirmative were: Senators

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

Senators Gentile, Kearney, Schiavoni, Skindell, and Tavares voted in the negative-5.

So the bill passed.

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

Senator Lehner moved to amend the title as follows:

Add the names: "Lehner, Gardner, Hite, Sawyer."

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

The motion was agreed to and the title so amended.

Sub. H. B. No. 492-Representative Scherer.

Cosponsors: Representatives Amstutz, McClain, Anielski, Beck, Blessing, Boose, Brown, Budish, Burkley, Carney, Celebrezze, Damschroder, Duffey, Green, Hackett, Hagan, C., Henne, Huffman, Letson, McGregor, Milkovich, O'Brien, Patmon, Pelanda, Rogers, Ruhl, Sears, Sprague, Stebelton, Stinziano, Terhar, Thompson, Speaker Batchelder.

To amend sections 122.17, 122.171, 122.86, 166.21, 718.15, 718.151, 3734.905, 4921.13, 4921.19, 5703.05, 5703.056, 5703.059, 5703.21, 5727.47, 5727.91, 5735.01, 5735.026, 5735.05, 5735.062, 5735.07, 5735.09, 5735.12, 5735.141, 5735.23, 5736.01, 5736.02, 5736.03, 5736.04, 5736.06, 5736.09, 5736.13, 5743.01, 5743.021, 5743.024, 5743.025, 5743.03, 5743.04, 5743.05, 5743.051, 5743.112, 5743.52, 5743.65, 5747.08, 5747.98, 5751.01, and 5751.20, to enact sections 5703.77, 5736.041, and 5736.50, and to repeal sections 183.35, 5726.08, 5733.30, 5735.16, 5743.06, and 5745.10 of the Revised Code to provide authorization and conditions for the levy and administration of taxes in this state and to make an appropriation, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 492**, pass?"

On the motion of Senator Widener, **Sub. H. B. No. 492** was informally passed and retained its place on the calendar.

Sub. S. B. No. 54-Senators Kearney, Eklund.

Cosponsors: Senators Cafaro, Gentile, Smith, Sawyer, Tavares, Schiavoni, Turner, Lehner, Jones.

To enact section 3702.40 of the Revised Code to require a mammography facility to include certain information in the mammography report summary sent to a patient under federal law if the patient's mammogram demonstrates the presence of dense breast tissue, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 54**, pass?"

On the motion of Senator Widener, **Sub. S. B. No. 54** was informally passed and retained its place on the calendar.

Sub. S. B. No. 272-Senators Cafaro, Eklund.

Cosponsors: Senators Coley, Smith, LaRose, Brown.

To enact section 5.2288 of the Revised Code to designate March as "Ohio Maple Syrup Products Month", was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 272**, pass?"

On the motion of Senator Widener, **Sub. S. B. No. 272** was informally passed and retained its place on the calendar.

INTRODUCTION AND FIRST CONSIDERATION OF BILLS

The following bill was introduced and considered the first time:

S. B. No. 343-Senator Lehner.

Cosponsors: Senators Beagle, Jones, Schiavoni.

To amend section 3781.109 of the Revised Code to require public buildings to have at least one rest room facility with an adult changing station.

OFFERING OF RESOLUTIONS

Pursuant to Senate Rule No. 54, the following resolutions were offered:

S. R. No. 338-Senators Faber, 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.

Honoring Lynda Murray on her retirement from the Ohio Library Council.

S. R. No. 339-Senator Beagle.

Honoring Sinclair Community College on receiving a 2014 Exemplary CEO and Board Award of Excellence.

S. R. No. 340-Senator Manning.

Honoring Scott Jewett on being selected as the 2014 ODRC Correction Officer of the Year.

The question being, "Shall the resolutions listed under the President's prerogative be adopted?"

So the resolutions were adopted.

On the motion of Senator Widener, the Senate adjourned until Thursday, May 22, 2014 at 10:45 a.m.

Attest:

VINCENT L. KEERAN,
Clerk.