Members Only

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A Guide to Legislative History in Ohio*

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Introduction[1]

The ambiguities that sometimes occur in the language of our laws may require researchers to locate sources of legislative history from which to learn the intent of a legislative body. The Ohio Supreme Court has said that "[t]he polestar of construction and interpretation of statutory language is legislative intention."[2] Courts will determine intent from statutory language alone when that is possible, but Ohio law authorizes them to consider "other matters" if the statute to be construed is ambiguous.[3] These "other matters" include "[t]he circumstances under which the statute was enacted," the legislative history of the enactment, and "[t]he common law or former statutory provisions, including laws upon the same or similar subjects."[4]

The term "legislative history" primarily has been used in two senses. First, it has been used in a broad sense to refer to "the general subject of a statute, including the history of social factors prompting the legislation."[5] Second, the term has been used more narrowly to refer to the "background and events leading to the enactment of a statute, including hearings, committee reports, and floor debates."[6] Although Ohio courts sometimes have considered the general history and circumstances surrounding the enactment of laws,[7] we are concerned here only with legislative history in the narrower sense of the term.

The Ohio Supreme Court has stated that "no legislative history of statutes is maintained in Ohio."[8] The Court is only partly correct. The General Assembly does not maintain a formal, comprehensive record of legislative activity with respect to a particular piece of legislation as occurs, for example, in the U.S. Congress. Certain sources of Ohio legislative history, however, are available, and Ohio courts have made use of them in attempting to identify legislative intent.[9] The purposes of this *Guide to Legislative History* are to address the perception that there

* This *Members Only* brief is an update of an earlier brief on this subject dated July 24, 1998 (Volume 122 Issue 5).

is no legislative history in Ohio and to serve as a manual in finding and using available sources that can help in clarifying the meaning of a law.

Sources of legislative history

The Ohio Supreme Court has stated that in determining legislative intent it will give credence to any sources of legislative history that are "helpful and objective."[10] In addition, a lower court in Ohio has implied that it will give greater weight to the sources of legislative history that the General Assembly had at the time it considered and enacted a statute.[11] With that in mind, here is a discussion of the various sources of legislative history in Ohio. Since finding a source of legislative history can sometimes be as difficult as understanding a source's use, a chart entitled "Directory of Sources of Legislative Information Available to Members of the General Assembly" can be found in Appendix A. The chart also lists relevant telephone numbers for finding how to obtain these legislative history sources.

Laws of Ohio

Laws of Ohio is the only official publication of the enactments of the General Assembly. The Secretary of State publishes it after each biennial session of the General Assembly. The publication has always been in hard copy, but the Secretary of State has the option of publishing the session laws in an electronic format.[12] (See pages 5 and 6 for information about online versions of session laws.) *Laws of Ohio* contains a complete record of the acts passed by the General Assembly, including those acts later vetoed by the Governor and uncodified laws,[13] not all of which are reprinted in either Page's Ohio Revised Code, published

Legislative History Source	Information Contained in Source	Usefulness of Source Information	Legal Significance
Laws of Ohio	Published enactments of the General Assembly, including full text and titles of acts, uncodified law, and laws later vetoed by the Governor	Shows how earlier acts affected a statute and what exact changes to a section of law were made by prior acts	Only official publication of the enactments of the General Assembly; helpful in ascertaining legislative intent, printing errors, or careless drafting

by LexisNexis (red-colored code), or Baldwin's Ohio Revised Code, published by West (blue-colored code).[14]

Until 1927, the session laws as found in *Laws of Ohio* did not indicate the changes in existing statutes made by each new act; to determine these changes, the researcher must set the old and new laws side by side and compare them. From 1927 through 1968 (volumes 112-132 of *Laws of Ohio*), the session laws showed deletions by asterisks and insertions by italics. In order to identify deletions, the researcher also must set the old and new laws side by side and compare them. From 1969 through 2000 (volumes 133-148), the session laws included old language but indicated its deletion by a line striking through it; new language was printed in capital letters. Since 2001 (volume 149), deletions have been shown by strikethroughs and new language by underlining.

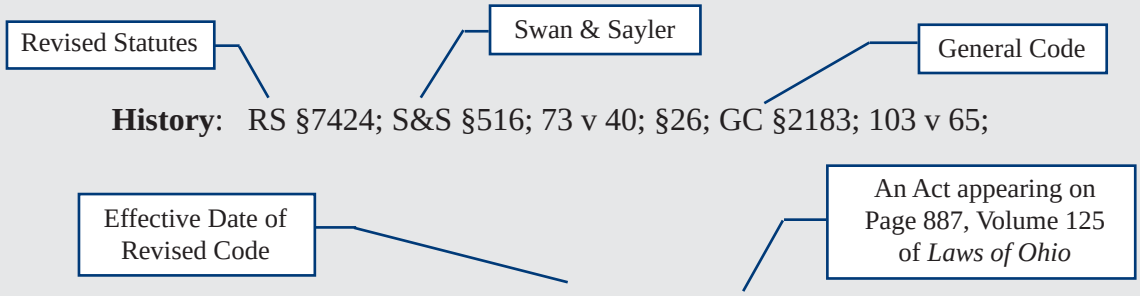
A researcher can examine the legislative history of a statute by comparing the statute in question with its predecessor or successor acts. *Laws of Ohio* is especially useful in attempting to learn how earlier acts affected a particular section of the Revised Code or what exact changes were in an act from a previous General Assembly. Prior versions of statutes may clarify ambiguities caused by printing or drafting errors. The Ohio Revised Code authorizes a court, in determining the intention of the legislature, to consider, among other matters, "former statutory provisions, including laws upon the same or similar subjects[.]"[15]

The simplest way to identify and locate prior versions of a statute is to examine either of the versions of the Revised Code--Page or Baldwin. Both versions of the Revised Code list after each section of law the section's effective date and the entire history of the section, including its citation to earlier statutory codifications such as Swan and Sayler ("S&S"), the Revised Statutes of Ohio ("RS"), and the Ohio General Code ("GC"), as well as citations to the session laws, *Laws of Ohio*, that enacted, amended, or repealed a section of the Revised Code.[16] Page provides the effective date of all legislation affecting a section subsequent to the adoption of the Revised Code in 1953; Baldwin provides the effective date for the current version and all prior versions of a section beginning with legislation enacted in 1953. In Page's version, legislative history appears in chronological order after the notation "History." In Baldwin's, the legislative history follows the section parenthetically and references to pre-1953 amendments are listed in reverse chronological order under "Historical and Statutory Notes." See the example of R.C. § 5145.15 under "LEGISLATIVE HISTORY CITATIONS" on page 4.

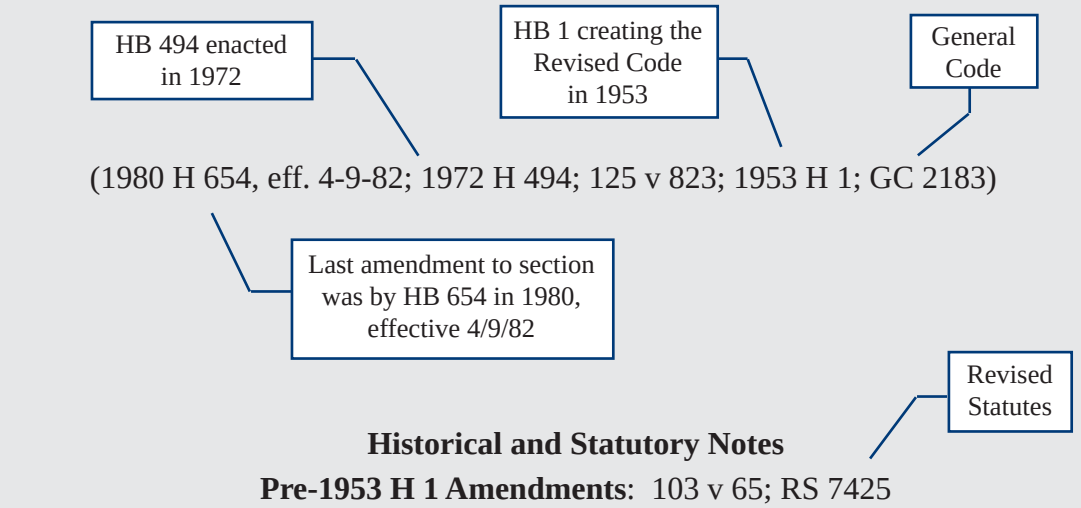
The references to *Laws of Ohio* in Page's Revised Code appear in one of two forms depending on the volume number in which the act is found. References to earlier volumes indicate first the volume number

LEGISLATIVE HISTORY CITATIONS

*In **Page**, R.C. § 5145.15 is entitled "Department may employ prisoners in certain work for the state" and the legislative history of that section appears as follows:*



*In **Baldwin**, R.C. § 5145.15 is entitled "Manufacture of articles for governments" and the legislative history for that section appears as follows:*



along with the symbol "v" and the page of the volume on which the act begins ("125 v 887"). References to later and more recent volumes indicate the volume number followed by the bill number of the act ("134 v H 494"). Baldwin provides the bill number as well in referencing *Laws of Ohio*; however, the reference in its version of the Revised Code indicates the year of enactment followed by the bill number ("1980 H 654"). The two years that comprise a particular legislative session or General Assembly are listed on the side of each volume of *Laws of Ohio*. See "*Laws of Ohio* Volume Number/General Assembly/ Enactment Year Conversion Chart" in Appendix B for a breakdown of years and equivalent General Assemblies and *Laws of Ohio* volume numbers; see also Appendix C for an example of the spine of a volume of *Laws of Ohio* and the first page of H.B. 143 as contained in that volume. Once the correct volume has been determined, a researcher can find the act that affected the particular section of law by paging through the particular *Laws of Ohio* volume. Each volume of *Laws of Ohio* contains an index of acts contained in the volume.

A person should exercise caution when researching citations to session laws of the text of a particular statute through either of the versions of the Revised Code. The two private publishers provide citations to the session laws that enacted or amended a Revised Code section as an editorial service to their customers, and the citations may not be accurate. If the language of an enrolled act deposited with the Secretary of State conflicts with the language of any subsequent printing or reprinting of a statute, whether printed in either of the Revised Code versions or in *Laws of Ohio*, the Ohio Revised Code provides that the language of the enrolled act prevails.[17] Since Ohio does not publish an "official" version of the Revised Code, the enrolled acts filed with the Secretary of State are the actual statutory law of Ohio. Nevertheless, the copies of the enrolled acts found in *Laws of Ohio* probably are the best source of evidence of this law, followed by either of the two privately published versions of the Revised Code.

All bills that are introduced are posted on the General Assembly's web site (www.legislature.state.oh.us). As action is taken on a bill (report by a committee, passage by the House or Senate, enrollment), the latest version of the bill appears along with prior versions. The enrolled acts of any particular General Assembly, to the extent that they are not vetoed in whole or in part, constitute the session laws of that General Assembly. To determine whether the Governor has vetoed an enrolled act, one may consult the Bulletin (see page 8) or the Status Report of Legislation (see page 13) for the appropriate General Assembly. The web site's archives go back to the 122nd General Assembly (1997-1998). All versions of the posted legislation are unofficial.

Both LexisNexis and West offer subscribers to their electronic services access to the session laws. A user can get to the session laws that enacted or amended a section of the Revised Code through links in the notes following the text of the section. Each company uses its own conventions for indicating changes in the text. The LexisNexis session law archives go back to 1991, West to 1988. In both cases, the session laws are unofficial.

Journals of the House of Representatives and the Senate

The House and Senate *Journals* are the official printed records of the activities of the respective houses. The respective Clerk's offices print the journals on the day following each session day and post them on the General Assembly's web site. The journals are like the "minutes" of each house in that they record only procedural actions taken on bills: introductions, referrals to and reports by committees,[18] floor motions, and votes. The journals list the sponsors and titles of bills, but do not contain the full text of legislation nor any debate transcript for a particular bill. Journals, however, do furnish the texts of amendments recommended by a reporting committee (unless the committee incorporates the amendments into a substitute bill) as well as the text of floor amendments offered during the consideration of a bill. The journals show the texts of both of these types of amendments with deletions to existing material indicated by strikethroughs and insertions indicated by underlining.[19] They also show the vote of each member on committee and conference committee reports, emergency clauses, floor motions, appointments, and third consideration.[20] See Appendix D for an example of the cover and a page from the Senate *Journal*.

Legislative History Source	Information Contained in Source	Usefulness of Source Information	Legal Significance
Senate & House *Journals*	The "minutes" of both houses, which record procedural actions taken on bill: introductions, referrals to and reports by committees, floor motions, and votes	Shows the text of floor amendments and committee reports (unless amendments are incorporated into a substitute bill)	Official record of legislative action of General Assembly; significant in determining compliance with enactment requirements of Ohio Constitution

Ohio courts have given great weight to the journals as a source of legislative history.[21] In 1841, the Ohio Supreme Court called journals the most "satisfactory" record of legislative action of the General Assembly.[22] Similarly, although the journals cannot be used to impeach the text of an act,[23] they are significant in determining compliance with the requirements of the Ohio Constitution pertaining to the enactment of legislation.[24] They also serve as an excellent source of legislative information regarding the full text of floor amendments and committee and conference committee reports on a bill.

Declarations of legislative intent

Sometimes, the legislature will amend or enact sections of law in response to judicial decisions and will legislatively declare through uncodified sections of law[25] its intent in doing so. These uncodified sections of law can be important sources of information on the intent or rationale behind the enactment of a statute. For example, Section 7 of Am. Sub. S.B. 20 of the 120th General Assembly provides:

> It is the intent of the General Assembly in amending division (A)(2) of section 3937.18 of the Revised Code to supersede the effect of holding of the Ohio Supreme Court in the October 1, 1993 decision in Savoie v. Grange Mut. Ins. Co. (1993), 67 Ohio St.3d 500, relative to the application of underinsured motorist coverage in those situations involving accidents where the tortfeasor's bodily injury liability limits are greater than or equal to the limits of the underinsured motorist coverage.

Uncodified law may also include declarations that are intended to clarify the General Assembly's intent without regard to judicial decisions. For example, Section 9 of Am. Sub. H.B. 516 of the 125th General Assembly states that "[i]t

Legislative History Source	Information Contained in Source	Usefulness of Source Information	Legal Significance
Legislatively declared intent statements	Intent statements of the legislature in enacting a statute or addressing a court interpretation of a section of law	Expressly helps determine legislative intent behind an enactment	Statements may indicate intent to supersede or refute the holding of a court case and be binding on any future court interpretations

is in part the intent of the General Assembly in enacting this act to implement the report of the Sunset Review Committee that was created by Sub. H.B. 548 of the 123rd General Assembly" and to continue in existence several named entities.

Both Page and Baldwin print selected provisions of uncodified law under related Revised Code sections.[26] *Laws of Ohio* reproduces all sections of uncodified law contained in an act.

Statements of legislative intent may also be found in the Revised Code. R.C. 1315.30, for instance, declares that "[b]y the enactment of sections 1315.21 to 1315.30 of the Revised Code, it is the intent of the general assembly to preempt municipal corporations and other political subdivisions from the regulation and licensing of check-cashing businesses."

If a "lawmaking body declares its own intention in the enactment of a particular law . . . it is within the exercise of its legislative power, and its construction of its language should be followed."[27]

Bulletin of the General Assembly

The *Bulletin* of the General Assembly is a useful tool in identifying the content and history of each bill introduced in either house. It provides the title and a progress report on each bill. The *Bulletin* lists the bills in numerical order and also includes a subject matter index of all bills to assist in locating legislation related to a specific topic. Each entry includes the names of the sponsors, the title of the bill, the committees to which the bill has been referred, and the actions taken in committee and on the floor of each house in which the bill is

Legislative History Source	Information Contained in Source	Usefulness of Source Information	Legal Significance
Bulletin	Provides the title and actions taken on every bill introduced in either house of the General Assembly	Provides date of action for every action taken on a bill and a citation to the relevant page in the House or Senate *Journal*	Significant in checking internal legislative history of an act including determining compliance with enactment requirements of Ohio Constitution and legislative intent based on the title

considered. Each entry also shows whether a bill has been amended, substituted for, or vetoed and whether an emergency clause has been added. If the bill has passed, the *Bulletin* will show the vote in each house and the effective date. For every action taken, the *Bulletin* gives the date of the action and a citation to the relevant page in the House or Senate *Journal*. The *Bulletin* also includes tables of the Ohio Constitution and Revised Code sections affected by all bills and by enacted bills, as well as lists of bills introduced by House and Senate sponsors. However, the *Bulletin* may not update a bill's title if the title has been amended during the legislative process. A *Bulletin* is published at the end of each General Assembly. Between these publications, the LSC Status Report of Legislation (more fully explained below) provides much of the information later published in the *Bulletin*. See Appendix E for an example of a page from the *Bulletin*.

Digest of Enactments *(replaced Summary of Enactments published through 1994)*

The Ohio Legislative Service Commission (LSC) publishes a *Digest of Enactments* twice during the biennial term of a General Assembly. Each *Digest* provides a synopsis of all bills that have been enacted since the publication of the preceding *Digest*. The entries are organized by subject area. Each entry notes the bill number, sponsors, and effective date of the act. Beginning with the 124th (2001-2002) General Assembly, the *Digests* include tables showing the sections of the Revised Code enacted, amended, or repealed by each act. Before then, this information was given in the individual entry for each bill. The body of each entry is a short summary of the act, usually indicating the general purpose and effect of the act's various provisions. The entries in a *Digest* are based on final analyses

Legislative History Source	Information Contained in Source	Usefulness of Source Information	Legal Significance
Digest of Enactments	Summarizes all bills that have been enacted since the publication of the preceding *Digest*	For each act, notes the bill number, sponsors, and effective date of, and the sections of the Revised Code enacted, amended, or repealed by, the act along with a short summary of the act	Indicates the general purpose and effect of an act's various provisions

prepared by LSC staff after a bill is enacted. Final Analyses, in turn, are based on bill analyses (explained below) prepared earlier for legislative committees and floor sessions by LSC staff members. The Ohio Supreme Court several times has cited entries from the *Digest* or its predecessor, the *Summary of Enactments*, as evidence of legislative intent.[28] See Appendix F for an example of a page from the *Digest*.

Bill analyses

A bill analysis is a detailed narrative description of a bill that indicates differences between the bill and existing law and may point out problems with the bill, such as internal inconsistencies or possible constitutional problems. Typically, the LSC first prepares an analysis when a bill is referred to a committee, although individual members of the General Assembly may request special analyses before then. The LSC updates a bill analysis for floor sessions and committee hearings as the bill moves through the legislative process. Each analysis contains (1) a heading consisting of the bill number, the version of the bill being analyzed, and the bill's sponsors, (2) brief statements summarizing the bill in the form of dot points, (3) a content and operation section that describes the bill in much greater detail, and (4) the bill's legislative history in terms of actions taken during the legislative process.

An analysis is easier to understand than the bill itself because it is written in narrative style and organized by topic. Bill analyses do not present arguments for or against a bill or discuss any political implications of passing or defeating a bill. However, because they contain an impartial and nonpartisan description of a bill's contents, they are useful in understanding a bill. The Ohio Supreme Court has stated that although analyses are not controlling,

Legislative History Source	Information Contained in Source	Usefulness of Source Information	Legal Significance
Bill Analysis	Detailed narrative description of a bill	Indicates changes to existing law a bill is proposing to make and may point out problems with the bill; lists actions taken on a bill during the legislative process	Describes in detail the content and operation of a bill

"we may refer to them when we find them helpful and objective."[29] See Appendix G for an example of the first page from a bill analysis.

Fiscal notes & local impact statements

A fiscal note and local impact statement provide impartial fiscal information concerning the likely monetary impact of a bill on state and local government operations.[30] The fiscal note provides an estimate of a bill's revenue or expenditure implications for the state. It includes an estimate of the amount by which the bill would increase or decrease state revenues or expenditures and any other information considered necessary to explain the effect of the bill. The LSC fiscal staff first prepares a fiscal note prior to a vote on a bill in the first committee and updates it for a floor vote in the first house and further updates it before any committee and floor votes in the second house.

A local impact statement provides the most accurate dollar estimate possible of the net additional cost, if any, of a bill to school districts, counties, townships, or municipal corporations from any new or expanded program or service that these political subdivisions would be required to perform or administer under the bill. LSC prepares a local impact statement for any bill that is introduced and referred to committee and that could result in a net additional cost to these political subdivisions. As a matter of practice, LSC prepares the fiscal note and local impact statement for a particular bill together in one document. See Appendix H for an example of the first and second pages of a combined fiscal note and local impact statement.

Legislative History Source	Information Contained in Source	Usefulness of Source Information	Legal Significance
Fiscal note & local impact statement	Detailed fiscal analysis of likely monetary impact of bill on state and local government	Indicates likely revenue or expenditure implications for a bill	Estimates fiscal rather than legal impact of a bill

Synopses

LSC prepares three different types of synopses--committee amendment synopses, substitute bill comparative synopses, and conference committee synopses. These are highly specialized documents prepared by LSC staff members at certain

Legislative History Source	Information Contained in Source	Usefulness of Source Information	Legal Significance
Synopsis of committee amendments	Contains a brief description of substantive amendments adopted by a legislative committee in the second house	Provides a quick reference and summary of amendments by a House or Senate committee	All synopses serve as a source of legislative intent behind committee changes to a bill
Substitute bill comparative synopsis	Contains a brief description of the substantive differences between a substitute bill adopted by a House committee and the preceding version of the bill	Provides a quick reference and summary of changes appearing in a substitute bill Prepared only for the House	
Conference committee synopsis	Contains a description of the recommendations of a conference committee	Provides a quick reference and summary of recommendations made by a conference committee Required only for the House but also distributed to the Senate	

stages of the legislative process in accordance with mandates to LSC contained in the Rules of the House of Representatives and the Senate. Committee amendment synopses are prepared for both the Senate and the House of Representatives;[31] substitute bill comparative synopses and conference committee synopses are prepared only for the House of Representatives, as the Senate has not similarly mandated their preparation.[32] However, conference committee synopses are routinely distributed to the Senate.

A committee amendment synopsis is a brief descriptive document that summarizes any substantive amendments adopted by a legislative standing committee hearing a bill in the second house. It is made available to each member of the first house

when that house votes on the question of concurrence in the second house's amendments. The synopsis does not present a detailed explanation of the amendments nor does it contain a description of any floor amendments adopted subsequent to the committee report that could have modified or even negated committee action on the bill.

The second type of synopsis is the substitute bill comparative synopsis. LSC prepares these synopses when a substitute bill is accepted by a House committee or subcommittee for consideration. The synopsis briefly summarizes each substantive difference between the substitute bill and the preceding version of the bill. Similarly, the LSC fiscal note includes a synopsis that summarizes the difference in fiscal impact between the substitute bill and the preceding version of the bill.

The conference committee synopsis is the third type of synopsis. Before the House of Representatives votes on a conference committee report, unless otherwise ordered by a majority of the House members, LSC prepares a synopsis summarizing the recommendations of the conference committee report. See Appendices I, J, and K for examples of synopses.

LSC Status Report of Legislation

The LSC publishes its Status Report of Legislation, formerly called the Status Sheet, in paper format once a week while the legislature is in session and less often during non-session periods. LSC updates the Status Report daily for purposes of presentation of its information on the LSC web site. The Status Report lists for each bill the bill number and primary sponsor or sponsors, gives the date of any House and Senate action, and provides a brief subject matter description of and certain other pertinent information. The Status Report is useful in determining where a particular piece of legislation is in the legislative process. Also, by

Legislative History Source	Information Contained in Source	Usefulness of Source Information	Legal Significance
LSC Status Report of Legislation	Provides actions and date of those actions taken on every bill introduced in either house of the General Assembly	Provides current information on legislative actions taken on every bill introduced in either house of the General Assembly	Significant in checking internal legislative history of an act

determining the date of any legislative action with respect to a bill in the Status Report, one then can go to the House or Senate *Journal* for that date to find some additional information relevant to that action. See Appendix L for an example of a page from the LSC Status Report.

LSC bill files

The LSC Library staff preserves the bill files of all Ohio bills in a combination of microform and digital formats. A bill file typically includes various versions of the bill, bill-related documents such as analyses, synopses, and fiscal notes, and printed testimony distributed at committee hearings. The LSC Library provides copies of the microfilmed bill files for each General Assembly to the Ohio Historical Society several years after the end of that General Assembly.

Committee notebooks

Each legislative committee keeps a notebook with information pertaining to the committee's meetings. Notebooks typically include attendance sheets, records of votes, brief minutes, and printed testimony. The House and Senate clerks retain committee notebooks for a time after the end of a General Assembly and then send them to the Ohio Historical Society.

Reports from news media and legislative information services

Newspapers, large-market television and radio stations, and specialized political information services report on legislative activities. Two specialized services, Gongwer's *Ohio Report* and Rotunda Inc.'s *Hannah Report*, provide a large amount of information on governmental affairs, including detailed coverage of legislative committee hearings and floor sessions. Both are available online to subscribers.

Video archives of floor sessions

Floor sessions of the House and Senate, which include debates on bills and resolutions on which the full house is scheduled to vote, are shown live online by the Ohio Channel, a service of Ohio Government Telecommunications and Ohio's public broadcasting stations (www.ohiochannel.org). The Ohio Channel maintains video archives of all floor sessions beginning with the 122nd (1997-1998) General Assembly.

Citations

[1] This guide supersedes the version written in 1998 (Volume 122, Issue 5) by Mike Franczak, Eric Vendel, and Michael Griffaton. That version built on Information Bulletin 1985-1, *A Guide to Legislative History in Ohio*, which was prepared by David M. Gold (with Marcia A. Cooper as Editorial Associate) in February 1985.

[2] *State ex. rel. Francis v. Sours* (1944), 143 Ohio St. 120, 124.

[3] R.C. 1.49.

[4] *Id.*

[5] Arthur C. Wang, Comment, "Legislative History in Washington," 7 *University of Puget Sound Law Review* 571, n. 3 (1983-1984).

[6] Black's Law Dictionary 919 (8th ed. 2004).

[7] See, *e.g.*, *Trustees v. White* (1891), 48 Ohio St. 577.

[8] *State v. Dickinson* (1971), 28 Ohio St.2d 65, 67.

[9] *Caldwell v. State* (1926), 115 Ohio St. 458, 466 (legislative intent can be "reflected in the action of the Legislature during the pendency of the bill, after its introduction, and before final passage."); see also *State ex. rel. Gareau v. Stillman* (1969), 18 Ohio St.2d 63; *State ex. rel. Shafer v. Ohio Turnpike Comm.* (1953), 159 Ohio St. 581.

[10] *Meeks v. Papadopulous* (1980), 62 Ohio St.2d 187, 191.

[11] *Thomas v. Sun Furniture Co.* (1978), 61 Ohio App.2d 78.

[12] R.C. 149.091.

[13] Laws that are of a general and permanent nature are codified in the Revised Code (R.C. 1.01). R.C. 103.131 requires the LSC Director, as "codifier of the laws," to examine all laws of a "general and permanent nature" and to provide Revised Code section numbers "if there is no sectional numbering on the act or if such numbering is not in conformity with the Revised Code." Laws that are not of a general and permanent nature are not codified in the Revised Code; thus, they are termed uncodified law. For a discussion of uncodified law as a source of legislative history, see "*Declarations of legislative intent*" on page 7.

[14] *Laws of Ohio* also contains the title of an act. The title is not part of the substantive law and can never be employed to defeat the text of an act. See *Wachendorf v. Shaver* (1948), 149 Ohio St. 231, 243; *Commercial Credit Co. v. Schreyer* (1929), 120 Ohio St. 568, 574. However, "[w]hile the title is not part of the substantive law, it is proper to look to the title to ascertain the legislative purpose and intent." *Schreyer*, 120 Ohio St. at 574. An act's title is not offered in either of the two privately published versions of the Revised Code.

[15] R.C. 1.49(D).

[16] The title, chapter, and section headings as found in any edition of the Revised Code constitute no part of the law. R.C. 1.01. However, under the Revised Statutes and the General Code, code headings were regarded as parts of each statute and indicative of legislative intent. *Harris v. State* (1897), 57 Ohio St. 92; G.C. § 13765 (1910).

[17] R.C. 1.53.

[18] Unlike the detailed committee reports of Congress, in Ohio, the committee reports on bills contain only the text of amendments or substitute bills as passed by the committee along with the roll call vote of committee members for recommendation for passage of the bill to the

house.

[19] Even when an amendment is set forth in the *Journals*, it often is difficult to ascertain the effect of the amendment solely by examining the text of the amendment. In Ohio legislative practice, bills are usually amended by "blind amendments." A "blind amendment" or "amendment by reference" is an amendment that shows strikethroughs and insertions by command only (*e.g.*, "In line 100, after '(4)' insert '(a)' "), and does not present the text of the section being amended unless that section is being added to the bill under consideration. To fully understand the impact of an amendment, a researcher must have the correct version of the bill being amended in addition to the text of the actual amendment.

[20] The Ohio Constitution requires that every bill be considered by each house on three different days unless two-thirds of the members of the house considering the bill vote to suspend the rules. (Ohio Constitution Article II, Section 15.) Unless concurrence is required due to changes made by the second house, third consideration would constitute a final vote in the Senate or House of Representatives for a particular bill.

[21] See, *e.g.*, *State ex. rel. Shafer v. Ohio Turnpike Comm.* (1953), 159 Ohio St. 581; *Toledo v. Pub. Util. Comm.* (1939), 135 Ohio St. 57; *State ex. rel. Fosdick v. Perrysburg* (1863), 14 Ohio St. 472.

[22] *State ex. rel. Peters v. McCollister* (1841), 11 Ohio 46, 56.

[23] See *Ritzman v. Campbell* (1915), 93 Ohio St. 246, 263 (an enrolled act that has been properly enacted must "be considered to be what it purports to be, and not under any circumstances subject to impeachment as to its contents or the mode of passage").

[24] See, *e.g.*, *Ritzman v. Campbell* (1915), 93 Ohio St. 246; *Fordyce v. Godman* (1870), 20 Ohio St. 1; *State ex. rel. Loomis v. Moffit* (1832), 5 Ohio 359.

[25] See note 13.

[26] See User's Guide to Baldwin's Ohio Revised Code Annotated (2004), at xxxvii-xxxix, and User's Guide to Page's Code (1992), at 29.

[27] *State ex. rel. Moore Oil Co. v. Dauben* (1919), 99 Ohio St. 406, 412-413; see also *State ex. rel. Fostoria Daily Review Co. v. Fostoria Hosp. Ass'n* (1988), 40 Ohio St.3d 10; *Oakar v. Ohio Dept. of Mental Retardation* (Cuyahoga Cty. 1993), 88 Ohio App.3d 332; *In re McCrary* (Madison Cty. 1991), 75 Ohio App. 3d 601; *State v. Goodnight* (Cuyahoga Cty. 1977), 52 Ohio App.2d 333; *In re Guardianship of Crum* (Franklin Cty. Probate 1991), 61 Ohio Misc. 2d 596.

[28] See *Felton v. Felton* (1997), 79 Ohio St.3d 34; *Meeks v. Papadopulos* (1980), 62 Ohio St.2d 187; *State ex. rel. Cincinnati Bell, Inc. v. Indus. Comm'n* (1978), 55 Ohio St.2d 89; *Weiss v. Porterfield* (1971), 27 Ohio St.2d 117.

[29] *Meeks v. Papadopulos* (1980), 62 Ohio St.2d 187, 191. See also *State ex rel. Cincinnati Enquirer v. Jones-Kelley* (2008) 118 Ohio St.3d 81; *R.K.E. Trucking, Inc. v. Zaino* (2003) 98 Ohio St.3d 495; *State v. American Dynamic Agency, Inc.* (1982), 70 Ohio St.2d 41; *State ex. rel. Consolidation Coal Co. v. Indus. Comm'n* (1980), 62 Ohio St. 147.

[30] R.C. 103.14 and 103.143.

[31] Rule 46 of the Senate (Senate *Journal*, February 18, 2009) and Rule 68 of the House of Representatives (House *Journal*, January 28, 2009).

[32] Rule 39 (substitute bill synopses) and Rule 68 (conference committee synopses) of the House of Representatives (House *Journal*, January 28, 2009).

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Legislative Information Sources*

Information	*Location*	*Phone*
Floor Sessions of the General Assembly	The Ohio Channel from Ohio Government Telecommunications Statehouse, Room 013	(614) 728-9814
Today's Session	Live in the House and Senate Chambers, in the Statehouse, or on selected public television stations **or** www.ohiochannel.org	
Prior Sessions	Video Archive at www.ohiochannel.org	
***Journals* of the House and Senate**		
Current General Assembly and preceding General Assembly (daily versions)	LSC Bill Room Statehouse, Ground Level	(614) 466-9745
Current General Assembly and some past General Assemblies (daily versions)	www.legislature.state.oh.us/Journals.cfm	
All other General Assemblies (bound versions)	Ohio Legislative Service Commission Library Vern Riffe Center, 77 S. High St., 9th Floor	(614) 466-5312
Bills		
Current General Assembly and preceding General Assembly	LSC Bill Room Statehouse, Ground Level	(614) 466-9745
Current General Assembly (all versions) and several preceding General Assemblies	www.legislature.state.oh.us/search.cfm	
Past General Assemblies	Ohio Legislative Service Commission Library Vern Riffe Center, 77 S. High St., 9th Floor	(614) 466-5312
Joint and Concurrent Resolutions		
Current General Assembly and preceding General Assembly	LSC Bill Room Statehouse, Ground Level	(614) 466-9745
Current General Assembly and several preceding General Assemblies	www.legislature.state.oh.us/search.cfm	
Past General Assemblies	Ohio Legislative Service Commission Library Vern Riffe Center, 77 S. High St., 9th Floor	(614) 466-5312

* Certain locations listed here are intended for use by legislators and legislative staff. Others should consult "Legislative Information Sources Available to the Public" at www.lsc.state.oh.us/publications.html (Legislative Information Guides link).

Appendix A

Legislative Information Sources (cont.)

Information	*Location*	*Phone*
Simple Resolutions		
Current General Assembly and several preceding General Assemblies	www.legislature.state.oh.us/search.cfm	
Past General Assemblies from the 112th through the 125th General Assemblies	Generally unavailable	
Past General Assemblies through the 111th General Assembly	Ohio Legislative Service Commission Library Vern Riffe Center, 77 S. High St., 9th Floor	(614) 466-5312
Acts *(also known as Session Laws)*		
Current and the preceding General Assembly	LSC Bill Room Statehouse, Ground Level	(614) 466-9745
Current and several preceding General Assemblies, but without signatures or indications of full or line-item vetoes	www.legislature.state.oh.us/search.cfm	
Laws of Ohio		
All General Assemblies (bound compilation of Session Laws)	Ohio Legislative Service Commission Library Vern Riffe Center, 77 S. High St., 9th Floor **Reference copies for use in library**	(614) 466-5312
Bill Analyses		
Current General Assembly	Ohio Legislative Service Commission Vern Riffe Center, 77 S. High St., 8th Floor Reception Desk	(614) 466-8734
Current and preceding General Assembly	LSC Bill Room Statehouse, Ground Level	(614) 466-9745
Current and several preceding General Assemblies	www.lsc.state.oh.us (Bill Documents link)	
Past General Assemblies beginning with the 104th General Assembly	Ohio Legislative Service Commission Library Vern Riffe Center, 77 S. High St., 9th Floor	(614) 466-5312
Fiscal Notes and Local Impact Statements		
Current General Assembly	Ohio Legislative Service Commission Vern Riffe Center, 77 S. High St., 8th Floor Reception Desk	(614) 466-8734
Current General Assembly and preceding General Assembly	LSC Bill Room Statehouse, Ground Level	(614) 466-9745
Current General Assembly and several preceding General Assemblies	www.lsc.state.oh.us (Bill Documents link)	
Other General Assemblies	Ohio Legislative Service Commission Library Vern Riffe Center, 77 S. High St., 9th Floor	(614) 466-5312

Legislative Information Sources (cont.)

Information	*Location*	*Phone*
Synopses of Committee Amendments		
Current General Assembly and preceding General Assembly	LSC Bill Room Statehouse, Ground Level	(614) 466-9745
Current General Assembly and several preceding General Assemblies	www.lsc.state.oh.us (Bill Documents link)	
Past General Assemblies	Ohio Legislative Service Commission Library Vern Riffe Center, 77 S. High St., 9th Floor	(614) 466-5312
Comparative Synopses of Substitute Bills	Ohio Legislative Service Commission Library Vern Riffe Center, 77 S. High St., 9th Floor	(614) 466-5312
Conference Committee Synopses		
Current General Assembly and preceding General Assembly	LSC Bill Room Statehouse, Ground Level	(614) 466-9745
Current General Assembly and several preceding General Assemblies	www.lsc.state.oh.us (Bill Documents link)	
Past General Assemblies	Ohio Legislative Service Commission Library Vern Riffe Center, 77 S. High St., 9th Floor	(614) 466-5312
Status Report of Legislation		
Current General Assembly	LSC Bill Room Statehouse, Ground Level	(614) 466-9745
Current and several preceding General Assemblies	www.lsc.state.oh.us	
Past General Assemblies beginning with 112th General Assembly	Ohio Legislative Service Commission Library Vern Riffe Center, 77 S. High St., 9th Floor	(614) 466-5312
Digest of Enactments		
Beginning with 121st General Assembly	Ohio Legislative Service Commission Library Vern Riffe Center, 77 S. High St., 9th Floor	(614) 466-5312
Beginning with 122nd General Assembly	www.lsc.state.oh.us (Publications link)	
Bulletin		
Past General Assemblies beginning with 82nd General Assembly	Ohio Legislative Service Commission Library Vern Riffe Center, 77 S. High St., 9th Floor	(614) 466-5312

Legislative Information Sources (cont.)

Information	*Location*	*Phone*
Committee Notebooks (may contain meeting agendas, brief minutes, and testimony)		
Current General Assembly	Committee Chairpersons' Offices	
Preceding General Assembly	House Clerk's Office Statehouse, 2nd Floor	(614) 466-3357
	Senate Clerk's Office Statehouse, 2nd Floor	(614) 466-4900
Other General Assemblies	Ohio Historical Society Library Archives 1982 Velma Avenue Columbus, OH 43221 (I-71, 17th Avenue (#111) exit)	(614) 297-2510
Committees and Committee Chairperson Lists		
House and Senate	LSC Bill Room Statehouse, Ground Level	(614) 466-9745
House	House Clerk's Office Statehouse, 2nd Floor **or** www.house.state.oh.us (Committees link)	(614) 466-3357
Senate	Senate Clerk's Office Statehouse, 2nd Floor **or** www.ohiosenate.gov (Committees link)	(614) 466-4900
Committee Schedules		
House and Senate	www.legislature.state.oh.us/today.cfm (House or Senate Committee schedule links) **or** LSC Bill Room Statehouse, Ground Level	(614) 466-9745
House	House Clerk's Office Statehouse, 2nd Floor	(614) 466-3357
Senate	Senate Clerk's Office Statehouse, 2nd Floor	(614) 466-4900

Legislative Information Sources (cont.)

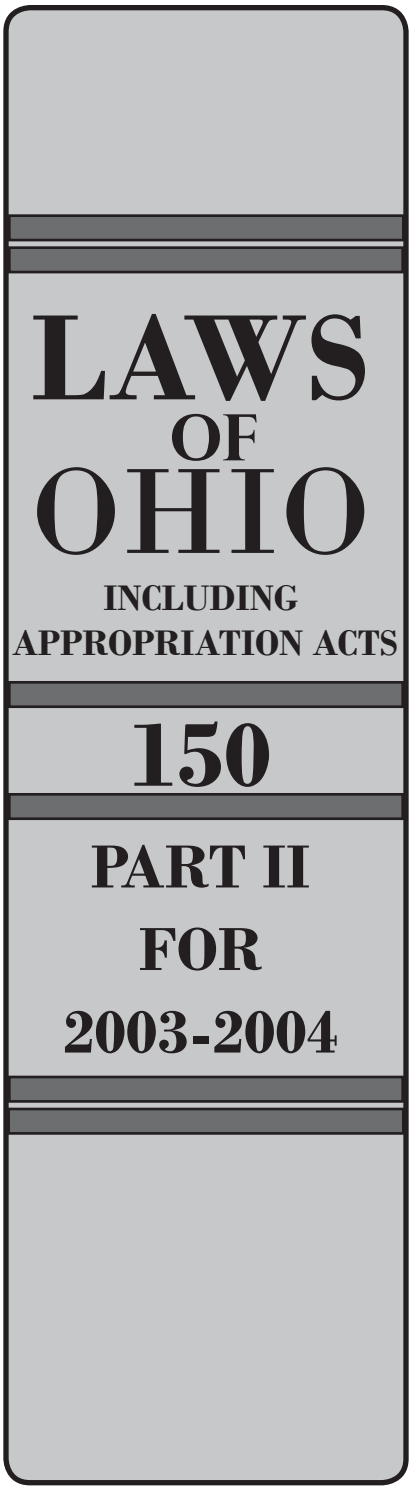
Information	*Location*	*Phone*
Calendar, Legislative		
House and Senate	www.legislature.state.oh.us/today.cfm (House or Senate Calendar links) **or** LSC Bill Room Statehouse, Ground Level	 (614) 466-9745
House	House Clerk's Office Statehouse, 2nd Floor	(614) 466-3357
Senate	Senate Clerk's Office Statehouse, 2nd Floor	(614) 466-4900
Roster of the Senate and House of Representatives		
Current General Assembly (House only)	House Clerk's Office Statehouse, 2nd Floor	(614) 466-3357
Current and past General Assemblies beginning with 78th General Assembly for the House; only the 78th-124th General Assemblies for the Senate	Ohio Legislative Service Commission Library Vern Riffe Center, 77 S. High St., 9th Floor	(614) 466-5312
Biographical and Contact Information for Legislators		
Current General Assembly: House	www.house.state.oh.us (Member Quick Search link)	
Current General Assembly: Senate	www.ohiosenate.gov (Senators link)	
Current and past General Assemblies	Ohio Legislative Service Commission Library Vern Riffe Center, 77 S. High St., 9th Floor	(614) 466-5312
	Ohio Government Directory Ohio Trucking Association 50 W. Broad St., Suite 1111 Columbus, OH 43215	1-888-382-1574 (614) 221-5375 Fax (614) 221-3717
Legislative Information Office		
Current session legislative information for members of the public; messages taken for legislators	Toll-Free Number (Ohio only)	(800) 282-0253 (614) 466-8842
Note: Legislators should call LSC with research and bill draft requests		(614) 466-3615

Appendix B

LAWS OF OHIO VOLUME NUMBERS / GENERAL ASSEMBLY / ENACTMENT YEAR CONVERSION CHART

Laws of Ohio Volume Number	General Assembly	Enactment years
125	100	1953 - 1954
126	101	1955 - 1956
127	102	1957 - 1958
128	103	1959 - 1960
129	104	1961 - 1962
130	105	1963 - 1964
131	106	1965 - 1966
132	107	1967 - 1968
133	108	1969 - 1970
134	109	1971 - 1972
135	110	1973 - 1974
136	111	1975 - 1976
137	112	1977 - 1978
138	113	1979 - 1980
139	114	1981 - 1982
140	115	1983 - 1984
141	116	1985 - 1986
142	117	1987 - 1988
143	118	1989 - 1990
144	119	1991 - 1992
145	120	1993 - 1994
146	121	1995 - 1996
147	122	1997 - 1998
148	123	1999 - 2000
149	124	2001 - 2002
150	125	2003 - 2004
151	126	2005 - 2006
152	127	2007 - 2008
153	128	2009 - 2010

SPINE OF *LAWS OF OHIO* AND FIRST PAGE OF H.B. 143 CONTAINED THEREIN



2772

(125th General Assembly)
(Substitute House Bill Number 143)

AN ACT

To amend sections 907.01, 907.02, 907.03, 907.04, 907.07, 907.08, 907.081, 907.09, 907.10, 907.12, 907.13, 907.15, 907.16, and 907.31, to enact new section 907.14, and to repeal section 907.14 of the Revised Code to revise the law governing the labeling and sale of seed.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 907.01, 907.02, 907.03, 907.04, 907.07, 907.08, 907.081, 907.09, 907.10, 907.12, 907.13, 907.15, 907.16, and 907.31 be amended and new section 907.14 of the Revised Code be enacted to read as follows:

Sec. 907.01. As used in sections 907.01 to 907.17 of the Revised Code:

(A) "Advertisement" means any representation, other than that on a label, disseminated in any manner or by any means.

(B) "Agricultural seed" means the seed of grass, native grass, forage, cereal, field and fiber crops, any other kinds of seed commonly recognized in this state as agricultural or field seed, lawn seed, and mixtures or blends of such seed.

(C) "Certifying agency" means an agency authorized by the laws of a state or a foreign country to certify officially seed, tubers for seeding purposes, or plants for varietal identification or for other factors and, in the case of seed, an agency determined by the United States secretary of agriculture to follow procedures and standards of seed certification comparable to those generally followed by seed certifying agencies ~~which~~ that are members of the association of official seed certifying agencies.

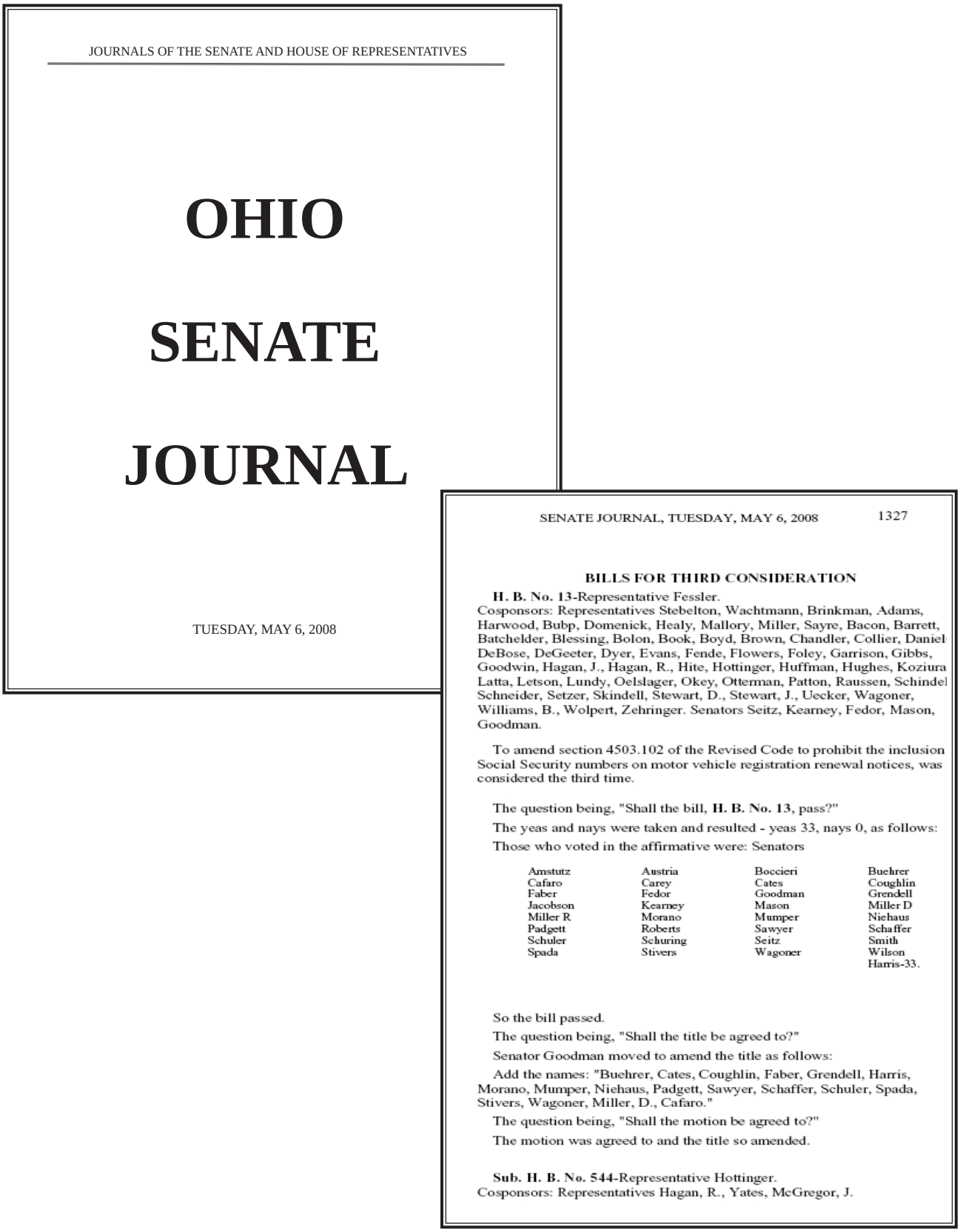
(D) "Germination" means the emergence and development from seed embryos of those structures ~~which~~ that indicate the capability of producing normal seedlings under ordinarily favorable conditions as determined by methods prescribed by rules of the association of official seed analysts.

(E) "Hard seed" means seed ~~which~~ that, because of impermeability, does not absorb moisture or germinate, but remains hard during the period of germination prescribed for that particular kind of seed.

(F) "Hermetically sealed" means that the container used does not allow

Appendix D

COVER AND A SAMPLE PAGE FROM THE OHIO SENATE *JOURNAL*



JOURNALS OF THE SENATE AND HOUSE OF REPRESENTATIVES

OHIO

SENATE

JOURNAL

TUESDAY, MAY 6, 2008

SENATE JOURNAL, TUESDAY, MAY 6, 2008 1327

BILLS FOR THIRD CONSIDERATION

H. B. No. 13-Representative Fessler.
Cosponsors: Representatives Stebelton, Wachtmann, Brinkman, Adams, Harwood, Bubp, Domenick, Healy, Mallory, Miller, Sayre, Bacon, Barrett, Batchelder, Blessing, Bolon, Book, Boyd, Brown, Chandler, Collier, Daniel DeBose, DeGeeter, Dyer, Evans, Fende, Flowers, Foley, Garrison, Gibbs, Goodwin, Hagan, J., Hagan, R., Hite, Hottinger, Huffman, Hughes, Koziura Latta, Letson, Lundy, Oelslager, Okey, Otterman, Patton, Raussen, Schindel Schneider, Setzer, Skindell, Stewart, D., Stewart, J., Uecker, Wagoner, Williams, B., Wolpert, Zehringer. Senators Seitz, Kearney, Fedor, Mason, Goodman.

To amend section 4503.102 of the Revised Code to prohibit the inclusion Social Security numbers on motor vehicle registration renewal notices, was considered the third time.

The question being, "Shall the bill, **H. B. No. 13**, pass?"

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

Those who voted in the affirmative were: Senators

Amstutz	Austria	Boccieri	Buehrer
Cafaro	Carey	Cates	Coughlin
Faber	Fedor	Goodman	Grendell
Jacobson	Kearney	Mason	Miller D
Miller R	Morano	Mumper	Niehaus
Padgett	Roberts	Sawyer	Schaffer
Schuler	Schuring	Seitz	Smith
Spada	Stivers	Wagoner	Wilson
			Harris-33.

So the bill passed.

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

Senator Goodman moved to amend the title as follows:

Add the names: "Buehrer, Cates, Coughlin, Faber, Grendell, Harris, Morano, Mumper, Niehaus, Padgett, Sawyer, Schaffer, Schuler, Spada, Stivers, Wagoner, Miller, D., Cafaro."

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

The motion was agreed to and the title so amended.

Sub. H. B. No. 544-Representative Hottinger.
Cosponsors: Representatives Hagan, R., Yates, McGregor, J.

SAMPLE PAGE FROM THE *BULLETIN*

2005

H.B NO. 203 — REPRESENTATIVES RAGA - KEARNS - DEWINE - FLOWERS - WAGONER - CALVERT - T. PATTON - ALLEN - STRAHORN - GILB - CHANDLER - FABER - WHITE - S. SMITH - BARRETT - BEATTY - DEBOSE - FESSLER - G. SMITH - HARWOOD - HOOPS - OTTERMAN - REIDELBACH - SCHNEIDER - WEBSTER - CARMICHAEL - CASSELL - C. EVANS - D. EVANS - HAGAN - HUGHES - KEY - LAW - MARTIN - SCHLICHTER - SETZER - TAYLOR - S. PATTON - WILLIAMS - SENATORS CLANCY - AUSTRIA - COUGHLIN - DANN - GRENDELL - HARRIS - PADGETT - ROBERTS - SCHULER - SCHURING - ZURZ - SPADA - GARDNER.

To amend sections 3707.26 and 4736.01 and to enact sections 117.102, 3313.473, 3314.15, and 3701.93, 3701.931, 3701.932, 3701.933, 3701.934, 3701.935, and 3701.936 of the Revised Code with respect to inspections of public and nonpublic school buildings by boards of health, to require the Director of Health to establish the School Health and Safety Network to coordinate school inspections, and to include school safety and sanitary inspections within the practice of environmental health for registered sanitarians.

4-19. H.	Introduced — p. 681
4-21. H.	To committee — Health — p. 707
6- 2. H.	Reported. Substitute bill — p. 907
6-14. H.	Third Consideration — p. 960
6-14. H.	Passed — p. 960
	Vote-yeas 89, nays 6
6-15. S.	Received from the House — p. 859
6-21. S.	To committee — Health, Human Services and Aging — p. 870
10-20. S.	Reported. Substitute bill — p. 1653
10-25. S.	Third Consideration — p. 1661
10-25. S.	Amended — p. 1661
10-25. S.	Passed — p. 1661
	Vote-yeas 30, nays 1
10-26. H.	Taken up — p. 1792
10-26. H.	Concurred in Senate amendments — p. 1793
	Vote-yeas 94, nays 2
12-16. 0.	To Governor
12-19.	Approved by Governor
	Effective date March 21, 2006

H.B NO. 204 — REPRESENTATIVES LATTA - TRAKAS - MCGREGOR - C. EVANS - GIBBS - WAGONER - ALLEN - FESSLER - HARTNETT - WALCHER - CHANDLER - UJVAGI - LAW - D. EVANS - KEARNS - WILLIAMS - SEAVER - HUGHES - ASLANIDES - HARWOOD - SCHAFFER.

To enact section 4503.531 of the Revised Code to create "Operation Iraqi Freedom" license plates.

4-19. H.	Introduced — p. 682
4-21. H.	To committee — Transportation, Public Safety & Homeland Security — p. 707

Appendix F

SAMPLE PAGE FROM THE *DIGEST OF ENACTMENTS*

H.B. 163

Reps. **Widener, McGregor, Wagner, C. Evans, Setzer, Kearns, Oelslager, Widowfield, Seaver, Schaffer, Latta, Wagoner, Reidelbach, Webster, D. Evans, Hughes, Willamowski, Calvert, Cassell, Domenick, Flowers, R. McGregor, T. Patton, Perry, G. Smith**

Sens. **Dann, Grendell, Zurz, Carey**

Effective date: October 12, 2006

Authorizes a court that is sentencing an offender convicted of a drug abuse offense or imposing disposition on a delinquent child for committing an act that would be a drug abuse offense if committed by an adult to order the offender or child to reimburse involved law enforcement agencies for the costs of tests that determined that a substance involved in the offense contained a controlled substance.

Specifies that no court can order a delinquent child or offender under the provisions described above to pay the costs of tests performed on a substance if the results of the tests do not indicate that the substance tested contained any controlled substance.

Am. H.B. 214

Reps. **Hughes, Combs, C. Evans, Latta, McGregor, Seitz, Setzer, Cassell, Domenick, Harwood, Oelslager, Patton, T., Reidelbach, Smith, G., Wagoner**

Effective date: June 30, 2006

Modifies a private citizen's authority to file an affidavit charging an offense.

Retains the authority of a private citizen to file an affidavit charging an offense with the judge of a court of record, a prosecuting attorney or other attorney charged by law with prosecuting offenses, or a magistrate (reviewing officials), but specifies that the purpose of the filing is for review to determine if the prosecutor should file a complaint.

Modifies a private citizen's authority to file an affidavit charging an offense with the clerk of a court of record so that the private citizen may file the affidavit with the clerk only before or after the normal business hours of the reviewing officials if the clerk's office is open at those times, and requires the clerk to forward the affidavit to a reviewing official when the official's normal business hours resume.

FIRST PAGE FROM A BILL ANALYSIS

Bill Analysis

Legislative Service Commission

H.B. 16

127th General Assembly

(As Introduced)

Reps. Chandler, J. McGregor, Evans, Dodd, Hite, Lundy, Seitz, Okey, Collier, Yuko, Koziura, Bolon, Skindell, Domenick

BILL SUMMARY

- Creates an income tax refund "check-off" contribution for the benefit of the Ohio Historical Society.

CONTENT AND OPERATION

Income tax refund contribution for Ohio Historical Society

(R.C. 149.308 and 5747.113)

The bill authorizes taxpayers who are due a refund of overpaid Ohio income tax to specify that all or a part of the refund be paid to the Ohio Historical Society. Contributions are to be credited to the Ohio Historical Society Income Tax Contribution Fund, a fund created by the bill. The Society must use money in the fund in furtherance of its public functions as provided in R.C. 149.30 to 149.31 and other laws (summarized below). In addition to income tax refund contributions, the fund may accept direct contributions.

Currently, there are three income tax refund contributions or "check-offs": one for the benefit of the Natural Areas and Preserves Fund; one for the benefit of the Nongame and Endangered Wildlife Fund; and one for the benefit of the Military Injury Relief Fund. The Natural Areas and Preserves Fund and the Nongame and Endangered Wildlife Fund are administered by the Department of Natural Resources. The Military Injury Relief Fund is administered by the Department of Job and Family Services for the benefit of military personnel injured while serving under Operation Iraqi Freedom or Operating Enduring Freedom (Afghanistan).

Appendix H

FIRST AND SECOND PAGES OF A COMBINED FISCAL NOTE AND LOCAL IMPACT STATEMENT

Fiscal Note & Local Impact Statement

127th General Assembly of Ohio

Ohio Legislative Service Commission
77 South High Street, 9th Floor, Columbus, OH 43215-6136 ✧ Phone: (614) 466-3615
✧ *Internet Web Site:* http://www.lsc.state.oh.us/

BILL: **Sub. S.B. 171** DATE: **April 14, 2008**

STATUS: **As Passed by the Senate** SPONSOR: **Sen. Stivers**

LOCAL IMPACT STATEMENT REQUIRED: **No — Minimal cost**

CONTENTS: **Makes certain changes to the Pawnbrokers Law and the Secondhand Dealers Law**

State Fiscal Highlights

STATE FUND	FY 2009	FY 2010	FUTURE YEARS
General Revenue Fund			
Revenues	Potential negligible gain	Potential negligible gain	Potential negligible gain
Expenditures	- 0 -	- 0 -	- 0 -
Victims of Crime/Reparations Fund (Fund 402)			
Revenues	Potential negligible gain	Potential negligible gain	Potential negligible gain
Expenditures	- 0 -	- 0 -	- 0 -

Note: The state fiscal year is July 1 through June 30. For example, FY 2009 is July 1, 2008 – June 30, 2009.

- As a result of the potential for additional criminal prosecutions brought about by the additional requirements in the bill, the state may gain a negligible amount of revenue to the GRF and the Victims of Crime/Reparations Fund (Fund 402).

Local Fiscal Highlights

LOCAL GOVERNMENT	FY 2008	FY 2009	FUTURE YEARS
Counties and Municipalities			
Revenues	Potential minimal gain from fines, court costs, or fees	Potential minimal gain from fines, court costs, or fees	Potential minimal gain from fines, court costs, or fees
Expenditures	Potential increase in administrative and adjudication costs	Potential increase in administrative and adjudication costs	P… a…
Townships			
Revenues	Potential minimal gain from fees	Potential minimal gain from fees	Poten…
Expenditures	Potential minimal increase in administrative costs	Potential minimal increase in administrative costs	Potent… a…

Note: For most local governments, the fiscal year is the calendar year. The school district fiscal year is Ju…

- ***Purchase and sale records.*** Redaction requirements for certain purchase and sal… metal dealers requested by police and subsequently requested by persons claiming … would likely not be a significant financial burden to law enforcement agencies. T…

administrative costs (mainly for personnel) may be created to perform the redactions, the cost would depend on how often local law enforcement agencies requested records, the agency's records retention schedule, and the manner in which the records are received. The bill provides for law enforcement agencies to charge a fee for providing these records.

- ***Local criminal justice costs.*** Violators of a new penalty or many of the new provisions in the bill would be subject to first-degree misdemeanor charges or fines between $25 and $1,000 and the costs of prosecution under current law, depending on the violation. The new penalty and requirements in the bill could lead to more prosecutions and convictions. This means that local prosecution and adjudication costs may increase. However, fine and/or court cost revenue would most likely offset some of the local prosecution or adjudication expenses. Fine proceeds remain in the county of prosecution.

Detailed Fiscal Analysis

Overview

This bill makes certain changes to the Pawnbrokers Law and the Secondhand Dealers Law. Primarily, the bill modifies the Secondhand Dealers Law to define a "scrap metal dealer" as a person who purchases or receives scrap metal and defines "special purchase article" as a list of equipment or materials such as beer kegs, cable, and wire used in utility service, certain grave or memorial markers, guard rails, roadway signage, grocery carts, and so on. The bill requires scrap metal dealers to keep more stringent records, such as certain purchase or sale records and specific records for special purchase articles, in a manner specified by the bill. The bill requires the records to be open for inspection by local law enforcement as well as the Director of Public Safety or the Director's designee. The bill would appear to have three primary impacts on local government, which are discussed below.

Purchase and sale records

The bill requires scrap metal dealers to provide purchase and sale records to any local law enforcement or Department of Public Safety personnel that request them. The Ohio Association of Chiefs of Police noted that most agencies would likely only inspect the records at the scrap yard, indicating that such records requests by law enforcement would be infrequent or no different than current practice. However, if there was a substantial increase in thefts in a particular area, the law enforcement agency may request that the records be sent to them temporarily or until the theft activity lessens.

The bill allows a person who claims to own a stolen article that may be identified in the purchase and sale records and that provides proof of having filed a stolen property report to request those records, but the law enforcement agency must redact information revealing the name of the seller, the price paid for any article the dealer purchased, or the estimated value of any article the dealer received.

The redaction requirement would likely not be a significant financial burden to law enforcement agencies. For instance, some police departments, such as the Columbus Police Department, have dedicated Public Records Units that exclusively handle public records requests. Though some additional costs (mainly for personnel) may be created, the particular

SAMPLE PAGE FROM A SYNOPSIS OF COMMITTEE AMENDMENTS

Synopsis of House Committee Amendments*

Legislative Service Commission

Sub. S.B. 171

127th General Assembly

(H. State Government and Elections)

Removes from the Senate version all provisions dealing with pawnbrokers.

Adds to the Senate version a prohibition against the sale or purchase of a plastic crate or tray used for the carrying of retail containers of milk or baked goods and that has embossed upon it a company logo and establishes a criminal penalty for violation of that prohibition.

Changes the Senate version to exempt from the bill's requirements and prohibitions, sales of catalytic converters transacted between a scrap metal dealer and a motor vehicle dealer.

Changes the Senate version to grant immunity from civil actions, including actions for defamation, libel, or slander, to law enforcement personnel in connection with their duties under the bill to compile a list of thieves and receivers of stolen property and to provide the list to scrap metal dealers.

Removes from the Senate version a provision preempting municipal regulation of scrap metal dealers and replaces it with a provision prohibiting municipal or local government regulation that is in conflict with the bill's provisions.

Adds businesses issued a vendor's license to collect the state sales tax to those businesses whose sales transactions with scrap metal dealers are exempt from the bill's requirements and prohibitions.

Establishes graded penalties for failure to comply with the bill's requirements and violation of its prohibitions.

Adds to the Senate version a severability clause.

Corrects technical errors in the Senate version.

* This synopsis does not address amendments that may have been adopted on the House floor.

Appendix J

SAMPLE PAGE FROM A SUBSTITUTE BILL COMPARATIVE SYNOPSIS

Sub. Bill Comparative Synopsis

Legislative Service Commission

H.B. 159

127th General Assembly

(H. Infrastructure, Homeland Security and Veterans Affairs)

Topic	Previous Version (As Introduced)	Accepted Sub. Version (LSC 127 0788-1)
"Support Our Troops" license plates	Created *(R.C. 4501.21(A) and (B)(25) and 4503.92)*	Same
Release of certain personal information by the BMV to an organization whose logo appears on a vehicle owner's license plate	Permits the organization to receive such information about a person who paid a contribution when the person obtained a special license plate that displays the organization's logo *(R.C. 4501.27(B)(2)(o))*	Same
"Pets" license plates	No provision	Requires contributions received from persons who obtain "Pets" license plates to be paid to the Ohio Pet Fund rather than to the Pets Program Funding Board *(R.C. 955.202 and 4501.21(B)(10))*
"Ohio National Guard Retired" license plates	No provision	Created *(R.C. 4503.481)*
"U.S. Paratrooper" license plates	No provision	Created *(R.C. 4503.547)*
"Civil Air Patrol" license plates	No provision	Created *(R.C. 4503.731)*
Marine Private Henry Kalinowski Memorial Highway	No provision	Designated, State Route 11 within Ashtabula County *(R.C. 5533.281)*
Corporal Brad D. Squires Memorial Highway	No provision	Designated, Interstate 71 within Middleburg Heights *(R.C. 5533.332)*

Conference Committee Synopsis

Legislative Service Commission

Sub. S.B. 171

127th General Assembly

The Conference Committee recommends the bill as passed by the House of Representatives with the following changes:

Topic	House Version	Senate Version	Conference Committee Recommendation
Municipal and local regulation of scrap metal dealers	Prohibits municipal or local regulation that is in conflict with the bill's provisions *(R.C. 4737.044)*.	Preempts municipal or local regulation of scrap metal dealers *(R.C. 4737.044)*.	Prohibits municipal or local regulation that is in conflict with the bill's provisions, but provides that no municipal corporation or other political subdivision can enact or enforce a regulation applicable to a scrap metal dealer that requires a scrap metal dealer to individually identify and retain any scrap metal purchased or received, a practice otherwise known as "tag and hold" *(R.C. 4737.044)*.

Appendix L

SAMPLE PAGE FROM THE LSC STATUS REPORT OF LEGISLATION

Status Report of Legislation - 127th GA

A - Amended F - Failed to Pass
R - Rereferred P - Postponed
S - Substitute V - Vetoed
* - Note

House Bill	Primary Sponsor(s)	Subject	House Action					Senate Action					Further Action			
			Introduced	Cmte. Assigned	Cmte. Report	Passed 3rd Consideration	Introduced	Cmte. Assigned	Cmte. Report	Passed 3rd Consideration	To Conf. Cmte.	Concurrence	Gov. Action	Effective Date
1	Setzer	School funding - reserve for Governor's reform plan	02/20/07	FA										
2	Webster	Regents advisory role - Governor appoints Chancellor	02/20/07	ED	03/21/07	03/21/07	03/22/07	ED	S 05/02/07	05/02/07		05/09/07	05/15/07	05/15/07
3	Latta	Estate tax - phase out/local continuation	02/20/07	WM										
4	Wolpert	Estate tax - reduce/local application	02/20/07	WM										
5	Gibbs	Eminent domain - General Assembly intent to reform law	02/20/07	JUD	S 06/07/07	06/13/07	06/14/07	SLG						
6	Stewart J	Children health insurance - raise income eligibility limit	02/20/07	FA										
7	Brinkman	Adoption - General Assembly's intention to reform and promote	02/20/07	HLT	S 05/15/08	05/20/08	05/20/08	HHA						
8	Hagan R.	State pension - forfeit if on-duty felony	02/20/07	SGE	S 06/12/07	06/14/07	06/19/07	JCR						
9	Carmichael	Farm machinery - road & highway operation	02/20/07	ISV	S 04/19/07	05/08/07	05/08/07	HT	06/26/07	06/27/07		06/27/07	07/19/07	10/18/07
10	Wolpert	County commissioners - fix jury compensation	02/20/07	JUD										
11	Setzer	Joint economic development districts - revise law	02/20/07	LGR	* R 05/15/07									
12	Fessler	Ohio National Guard Retired license plates	02/20/07	ISV										
13	Fessler	Vehicle registration renewal - no social security number	02/20/07	ISV	05/29/07	10/09/07	10/10/07	JCV	04/30/08	05/06/08		05/06/08	05/20/08	08/19/08
14	Hughes	Schools - permanent business tax reimbursement	02/20/07	FA										
15	Chandler	Human trafficking-revise law	02/20/07	JUD										
16	Chandler	Tax refund-contribute to Ohio Historical Society	02/20/07	WM										
17	Foley	State earned income tax credit	02/20/07	WM										
18	Carano	College/professional sports - allow brought-in liquor	02/20/07	SGE	03/27/07									
19	Carano	Epilepsy Awareness Month - November	02/20/07	SGE										
20	Carano	Mortgage broker/lender-promote renewal fee	02/20/07	FRS										
21	Fessler	Approach road service vehicle-slow for flashing light	02/20/07	ISV										
22	Williams B	Cruelty to animals-penalty/counsel child	02/20/07	CRJ										
23	DeBose	Security guard-"person of authority" if commit sexual battery/voyeurism	02/20/07	CRJ										

Reflects legislative action through 11/14/2008 Printed weekly during voting session periods. For more frequent updates, see Status Report of Legislation at www.lsc.state.oh.us. *Reported by Ohio Legislative Service Commission*