

**OHIO**

**House**

**of**

**Representatives**

**JOURNAL**

TUESDAY, JUNE 24, 2003

## SIXTY-EIGHTH DAY

Hall of the House of Representatives, Columbus, Ohio  
**Tuesday, June 24, 2003 at 11:00 o'clock a.m.**

The House met pursuant to adjournment.

Prayer was offered by Reverend Leon Troy of the Second Baptist Church in Columbus, Ohio, followed by the Pledge of Allegiance to the Flag.

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

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

The Elyria High School girls track team received H. R. No. 99, presented by Representative Martin-57th district.

Jim Boyle, a guest of Representative Jerse-7th district.

Dr. Michael E. Dantley and Jerron Gray, guests of Representative Barrett-32nd district and Representative Yates-33rd district.

Students and staff of the Ohio Center for Law Related Education summer program, guests of Representative Faber-77th district and others.

John Detrick, Sheryl Leffel, Mike Chaston, and Carol Milson, guests of Representative Kearns-72nd district, Representative DeWine-70th district, and Representative Widener-84th district.

Kelly Long, a guest of Representative Gilb-76th district.

Melinda Otte, a guest of Representative Wagner-81st district.

**INTRODUCTION OF BILLS**

The following bills were introduced:

**H. B. No. 231**-Representatives Niehaus, Seitz, McGregor, Barrett, Kearns, Husted, Setzer, Collier, Webster, Carano, Allen, Aslanides, Carmichael, Strahorn, Daniels.

To amend sections 319.281, 521.01, 3709.085, 3709.09, 3709.091, 4736.01, 5302.30, and 6111.04 and to enact sections 3718.01 to 3718.11 and 3718.99 of the Revised Code to revise the definition of "household sewage treatment system" for purposes of the regulation of those systems by boards of health, to require the Public Health Council to adopt rules governing those systems, to create the Household Sewage Treatment System Technical Advisory Committee to review and approve new systems, to require the transferor of real property that is served by a household sewage treatment system to provide operation and maintenance information on the system at the same time that the transferor provides a real property disclosure form, and to establish other requirements governing household sewage treatment systems.

**H. B. No. 232**-Representatives Young, Grendell, Hagan, Collier, Willamowski, McGregor, Martin, Brinkman, Setzer, Aslanides, Gilb, Strahorn, Kearns, Faber, Flowers, Seaver, Husted, Wolpert.

To amend sections 3109.03 and 3109.04 and to enact section 3109.043 of the Revised Code to ensure that court orders and decrees that allocate parental rights and responsibilities with respect to the care of and access to children provide for substantial equality between the parents except where clear and convincing evidence shows that substantial equality would be harmful to the children and to provide for better enforcement of shared parenting orders and decrees.

**H. B. No. 233**-Representatives Harwood, Yates, Fessler, Ujvagi, Otterman, Hoops, Reidelbach, Redfern, Seitz, McGregor, T. Patton, Willamowski, Hartnett, Perry, Williams, Domenick, Kearns, Boccieri, Schaffer, Allen, S. Patton, Carano, Oelslager, Distel, Cirelli, Strahorn, Key, Woodard, Barrett.

To amend sections 153.59, 153.591, 3911.16, and 3911.17 of the Revised Code to remove the terms "colored persons" and "Negroes" from the Revised Code and to broaden the application of the existing prohibition against discrimination in the sale and cost of life insurance to include all races.

Said bills were considered the first time.

On motion of Representative Cates, the House recessed.

The House met pursuant to recess.

#### CONSIDERATION OF SENATE AMENDMENTS

The Senate amendments to **Sub. H. B. No. 152**-Representative Reinhard, et al., were taken up for consideration.

**Sub. H. B. No. 152**-Representatives Reinhard, Aslanides, Setzer, Niehaus, Gibbs, Distel, C. Evans, Schlichter, Faber, Carmichael, Widener, Walcher, Blasdel, Buehrer, Callender, Carano, Cates, Clancy, Collier, Core, Daniels, DeBose, DeWine, Fessler, Flowers, Hagan, Hartnett, Harwood, Hollister, Hoops, Hughes, Husted, Kearns, Key, McGregor, S. Patton, T. Patton, Peterson, Raga, Schmidt, Schneider, Seaver, Seitz, J. Stewart, Taylor, Webster, Wolpert. -Senators Mumper, Carnes, Austria, DiDonato, Prentiss, Schuring, Wachtmann, Armbruster, Blessing, Harris, Stivers, Spada, White, Jacobson.

To amend sections 307.204, 505.266, 903.01, 903.02, 903.04, 903.07, 903.08, 903.09, 903.10, 903.16, 903.20, 6111.03, 6111.04, and 6111.44 and to enact sections 903.081, 903.082, and 903.25 of the Revised Code to revise the statutes governing animal feeding facilities.

The question being, "Shall the Senate amendments be concurred in?"

The yeas and nays were taken and resulted - yeas 94, nays 5, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Beatty
Blasdel	Bocchieri	Book	Brinkman
Brown	Buehrer	Callender	Calvert
Carano	Carmichael	Cates	Chandler
Cirelli	Clancy	Collier	Core
Daniels	DeBose	DePiero	DeWine
Distel	Domenick	Evans C.	Evans D.
Faber	Fessler	Flowers	Gibbs
Gilb	Grendell	Hagan	Hartnett
Harwood	Hollister	Hoops	Hughes
Husted	Jerse	Jolivette	Kearns
Key	Kilbane	Koziura	Latta
Martin	Mason	McGregor	Niehaus
Oelslager	Olman	Otterman	Patton S.
Patton T.	Perry	Peterson	Price
Raga	Rausen	Redfern	Reidelbach
Reinhard	Schaffer	Schlichter	Schmidt
Schneider	Seaver	Seitz	Setzer
Sferra	Smith G.	Smith S.	Stewart D.
Stewart J.	Strahorn	Sykes	Taylor
Trakas	Wagner	Walcher	Webster
White	Widener	Widowfield	Willamowski
Williams	Wilson	Wolpert	Woodard
Young			Householder-94.

Representatives Driehaus, Miller, Skindell, Ujvagi, and Yates voted in the negative-5.

The Senate amendments were concurred in.

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

Representative Harwood submitted the following report:

The standing committee on Juvenile and Family Law to which was referred **Sub. S. B. No. 4**-Senator Spada, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: MRDD TASK FORCE RECOMMENDATIONS

Representative Gilb moved to amend the title as follows:

Add the names: "Reidelbach, Widowfield, Book, Gilb, Harwood."

SANDRA STABILE HARWOOD  
TODD BOOK  
SHIRLEY A. SMITH  
LINDA REIDELBACH  
LANCE T. MASON

BRYAN C. WILLIAMS  
KATHLEEN WALCHER  
MIKE GILB  
JOHN R. WILLAMOWSKI  
NANCY P. HOLLISTER

## JOHN WIDOWFIELD

The report was agreed to.

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

Representative Yates submitted the following report:

The standing committee on Ways and Means to which was referred **Sub. S. B. No. 37**-Senator Blessing, having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: TAX EXTENSIONS FOR MILITARY PERSONNEL

Representative Kilbane moved to amend the title as follows:

Add the names: "Representatives Kilbane, Latta, Carano, McGregor."

BARBARA A. SYKES  
WILLIAM J. HARTNETT  
TOM NIEHAUS  
ROBERT E. LATTA  
KENNETH A. CARANO  
MIKE GILB  
JIM MCGREGOR  
THOM COLLIER

TYRONE K. YATES  
PETER S. UJVAGI  
MICHAEL J. SKINDELL  
SALLY CONWAY KILBANE  
MARY TAYLOR  
TIMOTHY O. SCHAFFER  
CHARLES R. BLASDEL  
EDWARD JERSE

The following member voted "NO"

TOM BRINKMAN

The report was agreed to.

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

Representative Chandler submitted the following report:

The standing committee on Economic Development and Technology to which was referred **H. B. No. 1**-Representative T. Patton, having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: R & D/TECHNOLOGY INVESTMENTS - ENCOURAGE

Representative Collier moved to amend the title as follows:

Add the names: "Collier, C. Evans, Aslanides, Brown, Chandler, Distel, Gibbs, Gilb, Hagan, Harwood, Price, Schaffer, Schlichter, Skindell, J. Stewart, Strahorn, Sykes, Taylor, Walcher, Wolpert."

JIM ASLANIDES  
CLYDE EVANS  
THOM COLLIER

JOHN P. HAGAN  
KATHLEEN WALCHER  
SANDRA STABILE HARWOOD

FRED STRAHORN  
 L. GEORGE DISTEL  
 MICHAEL J. SKINDELL  
 KATHLEEN CHANDLER  
 EDNA BROWN  
 BARBARA A. SYKES  
 BOB GIBBS  
 LARRY L. WOLPERT  
 JOHN SCHLICHTER

MARY TAYLOR  
 TIMOTHY O. SCHAFFER  
 DAVID DANIELS  
 STEVE REINHARD  
 LARRY PRICE  
 MIKE GILB  
 JEANINE PERRY  
 JIMMY STEWART

The report was agreed to.

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

On motion of Representative Cates, the House recessed.

The House met pursuant to recess.

### BILLS FOR THIRD CONSIDERATION

**Sub. H. B. No. 11**-Representatives Jerse, Redfern, Allen, Raga, Miller, Widowfield, S. Patton, Hartnett, Kearns, Seitz, Oelslager, D. Stewart, Hollister, Strahorn, Boccieri, Sykes, Perry, Oلمان, DePiero, Hagan, Otterman, Raussen, Sferra, Price, Carano, Ujvagi, Koziura, Seaver, Domenick, Yates, G. Smith, Cirelli, Fessler, DeBose, Reidelbach, Barrett, Harwood, Schneider, Blasdel, Hoops, Taylor, White.

To amend section 5104.011 and to enact sections 2919.223, 2919.224, 2919.225, 2919.226, and 2919.227 of the Revised Code to create the offenses of misrepresentation by a child day-care provider, failure of a child day-care center to disclose the death or serious injury of a child, and failure of a type A or type B family day-care home to disclose the death or serious injury of a child, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 99, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Beatty
Blasdel	Boccieri	Book	Brinkman
Brown	Buehrer	Callender	Calvert
Carano	Carmichael	Cates	Chandler
Cirelli	Clancy	Collier	Core
Daniels	DeBose	DePiero	DeWine
Distel	Domenick	Driehaus	Evans C.
Evans D.	Faber	Fessler	Flowers
Gibbs	Gilb	Grendell	Hagan
Hartnett	Harwood	Hollister	Hoops
Hughes	Husted	Jerse	Jolivette

Kearns	Key	Kilbane	Koziura
Latta	Martin	Mason	McGregor
Miller	Niehaus	Oelslager	Olman
Otterman	Patton S.	Patton T.	Perry
Peterson	Price	Raga	Raussen
Redfern	Reidelbach	Reinhard	Schaffer
Schlichter	Schmidt	Schneider	Seaver
Seitz	Setzer	Sferra	Skindell
Smith G.	Smith S.	Stewart D.	Stewart J.
Strahorn	Sykes	Taylor	Trakas
Ujvagi	Wagner	Walcher	Webster
White	Widener	Widowfield	Willamowski
Williams	Wilson	Wolpert	Woodard
Yates	Young		Householder-99.

The bill passed.

Representative Jerse moved to amend the title as follows:

Add the names: "Beatty, Book, Carmichael, Cates, Chandler, Collier, Daniels, Distel, Driehaus, C. Evans, D. Evans, Faber, Flowers, Gilb, Grendell, Hughes, Jolivette, Key, Kilbane, Mason, McGregor, Niehaus, T. Patton, Schaffer, Schmidt, Setzer, Skindell, S. Smith, Trakas, Wilson, Woodard."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**Am. H. B. No. 179**-Representatives Wolpert, McGregor, DeWine, C. Evans, Carano, Schmidt, Flowers, Aslanides, D. Evans, Gibbs, Allen, Seitz, Beatty, Harwood, Book, Schlichter, Willamowski, Grendell, Latta.

To amend section 2913.02 of the Revised Code to permit a suspension of the driver's licenses of certain repeat offenders of theft by causing a motor vehicle to leave the premises of a retail gasoline establishment without full payment for gasoline dispensed into the motor vehicle's fuel tank or another container and to declare that those sections in the Revised Code that regulate theft of gasoline in certain circumstances are general laws, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 99, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Beatty
Blasdel	Bocchieri	Book	Brinkman
Brown	Buehrer	Callender	Calvert
Carano	Carmichael	Cates	Chandler
Cirelli	Clancy	Collier	Core
Daniels	DeBose	DePiero	DeWine
Distel	Domenick	Driehaus	Evans C.

Evans D.	Faber	Fessler	Flowers
Gibbs	Gilb	Grendell	Hagan
Hartnett	Harwood	Hollister	Hoops
Hughes	Husted	Jerse	Jolivette
Kearns	Key	Kilbane	Koziura
Latta	Martin	Mason	McGregor
Miller	Niehaus	Oelslager	Olman
Otterman	Patton S.	Patton T.	Perry
Peterson	Price	Raga	Rausen
Redfern	Reidelbach	Reinhard	Schaffer
Schlichter	Schmidt	Schneider	Seaver
Seitz	Setzer	Sferra	Skindell
Smith G.	Smith S.	Stewart D.	Stewart J.
Strahorn	Sykes	Taylor	Trakas
Ujvagi	Wagner	Walcher	Webster
White	Widener	Widowfield	Willamowski
Williams	Wilson	Wolpert	Woodard
Yates	Young		Householder-99.

The bill passed.

Representative Wolpert moved to amend the title as follows:

Add the names: "Barrett, Boccieri, Buehrer, Carmichael, Cates, Chandler, Cirelli, Clancy, Collier, Daniels, DeBose, Domenick, Gilb, Hagan, Hoops, Hughes, Jerse, Jolivette, Kearns, Key, Koziura, Niehaus, Olman, Price, Reidelbach, Schaffer, Schneider, Seaver, G. Smith, S. Smith, D. Stewart, J. Stewart, Taylor, Ujvagi, Wagner, Walcher, Widener, Williams, Wilson, Woodard, Young."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**Sub. S. B. No. 11**-Senators Goodman, Blessing, Hottinger, Harris, Jacobson, Randy Gardner, Coughlin, Carey, Prentiss, Spada, Herington, Schuring, Stivers, Dann, Brady, Carnes, Miller, Nein, Roberts, Schuler, Austria. -Representatives Latta, Seitz, Brown, Willamowski, Gilb, Collier.

To amend sections 109.573, 2953.21, and 2953.23 and to enact sections 2953.71 to 2953.83 of the Revised Code to establish a mechanism and procedures for the DNA testing of certain inmates serving a prison term for a felony or under a sentence of death, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 99, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Beatty
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Blasdel	Bocchieri	Book	Brinkman
Brown	Buehrer	Callender	Calvert
Carano	Carmichael	Cates	Chandler
Cirelli	Clancy	Collier	Core
Daniels	DeBose	DePiero	DeWine
Distel	Domenick	Driehaus	C. Evans
D. Evans	Faber	Fessler	Flowers
Gibbs	Gilb	Grendell	Hagan
Hartnett	Harwood	Hollister	Hoops
Hughes	Husted	Jerse	Jolivette
Kearns	Key	Kilbane	Koziura
Latta	Martin	Mason	McGregor
Miller	Niehaus	Oelslager	Olman
Otterman	S. Patton	T. Patton	Perry
Peterson	Price	Raga	Rausen
Redfern	Reidelbach	Reinhard	Schaffer
Schlichter	Schmidt	Schneider	Seaver
Seitz	Setzer	Sferra	Skindell
G. Smith	S. Smith	D. Stewart	J. Stewart
Strahorn	Sykes	Taylor	Trakas
Ujvagi	Wagner	Walcher	Webster
White	Widener	Widowfield	Willamowski
Williams	Wilson	Wolpert	Woodard
Yates	Young		Householder-99.

The bill passed.

Representative Latta moved to amend the title as follows:

Add the names: "Allen, Barrett, Beatty, Bocchieri, Brinkman, Buehrer, Carano, Carmichael, Cates, Chandler, Cirelli, Clancy, Daniels, DeBose, DePiero, Domenick, Driehaus, C. Evans, D. Evans, Fessler, Flowers, Gibbs, Hagan, Harwood, Hoops, Jolivette, Kearns, Key, Mason, McGregor, Miller, Niehaus, Oelslager, Olman, Otterman, T. Patton, Price, Redfern, Schlichter, Schmidt, Schneider, Sferra, G. Smith, D. Stewart, J. Stewart, Sykes, Walcher, White, Woodard, Yates."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

On motion of Representative Cates, the House recessed.

The House met pursuant to recess.

Representative Cates moved that House Rule No. 64 pertaining to bills with an appropriations clause, and House Rule 65 pertaining to bills being placed on the calendar, be suspended and that Sub. H. B. No. 1 be brought up for consideration the third time.

The motion was agreed to.

**Sub. H. B. No. 1**-Representatives T. Patton, Collier, C. Evans, Aslanides, Brown, Chandler, Distel, Gibbs, Gilb, Hagan, Harwood, Price, Schaffer, Schlichter, Skindell, J. Stewart, Strahorn, Sykes, Taylor, Walcher, Wolpert.

To amend sections 122.15, 122.151, 122.152, 122.154, 122.171, 166.01, 166.02, 166.08, 166.11, 166.13, 166.14, 166.16, 5733.98, and 5747.98 and to enact sections 166.17 to 166.21, 184.04, 5733.352, and 5747.331 of the Revised Code and to amend Sections 41 and 41.15 of Am. Sub. H.B. 94 of the 124th General Assembly, as subsequently amended, to increase the dollar amount that may be invested in technology and revise the eligibility requirements for, and increase the maximum amount of, technology investment tax credits that may be issued; to create the Ohio Research Commercialization Grant Program; to increase the maximum amount of obligations that may be issued to fund economic development programs; to move the Innovation Ohio Loan Fund into the State Treasury; to create the Research and Development Loan Fund, and authorize the Director to make loans from that Fund and issue obligations for research and development projects; to grant tax credits for qualified research and development loan payments; to extend the maximum term of, and to change the job retention requirements for, the job retention tax credit; to grant a tax credit to corporations operating call centers to offset future changes in the corporation franchise tax law; and to make an appropriation, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative J. Stewart moved to amend as follows:

Between lines 146 and 147, insert:

"(M) 'Distressed area' has the same meaning as in section 122.23 of the Revised Code."

In line 175, after "enterprise" insert "or in an Ohio entity located in a distressed area".

In line 176, after "any" insert "other"; delete everything after "entity".

In line 177, delete "enterprise".

In line 266, after "enterprise" insert "or in an Ohio entity located in a distressed area".

In line 272, after "enterprise" insert "or in an Ohio entity located in a distressed area".

In line 321, after "enterprise" insert "or in an Ohio entity located in a distressed area".

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

The yeas and nays were taken and resulted - yeas 98, nays 1, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Beatty
Blasdel	Bocchieri	Book	Brown

Buehrer	Callender	Calvert	Carano
Carmichael	Cates	Chandler	Cirelli
Clancy	Collier	Core	Daniels
DeBose	DePiero	DeWine	Distel
Domenick	Driehaus	Evans C.	Evans D.
Faber	Fessler	Flowers	Gibbs
Gilb	Grendell	Hagan	Hartnett
Harwood	Hollister	Hoops	Hughes
Husted	Jerse	Jolivette	Kearns
Key	Kilbane	Koziura	Latta
Martin	Mason	McGregor	Miller
Niehaus	Oelslager	Olman	Otterman
Patton S.	Patton T.	Perry	Peterson
Price	Raga	Raussen	Redfern
Reidelbach	Reinhard	Schaffer	Schlichter
Schmidt	Schneider	Seaver	Seitz
Setzer	Sferra	Skindell	Smith G.
Smith S.	Stewart D.	Stewart J.	Strahorn
Sykes	Taylor	Trakas	Ujvagi
Wagner	Walcher	Webster	White
Widener	Widowfield	Willamowski	Williams
Wilson	Wolpert	Woodard	Yates
Young			Householder-98.

Representative Brinkman voted in the negative-1.

The motion was agreed to and the bill so amended.

The question being, "Shall the bill as amended pass?"

Representative Ujvagi moved to amend as follows:

In line 2014, after the second "of" insert "or legislative authorities of special districts in".

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

The yeas and nays were taken and resulted - yeas 95, nays 4, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Beatty
Blasdel	Bocieri	Book	Brown
Buehrer	Callender	Calvert	Carano
Carmichael	Cates	Chandler	Cirelli
Clancy	Collier	Core	Daniels
DeBose	DePiero	DeWine	Distel
Domenick	Driehaus	Evans C.	Evans D.
Faber	Fessler	Flowers	Gibbs
Gilb	Hagan	Hartnett	Harwood
Hollister	Hoops	Hughes	Husted
Jerse	Jolivette	Kearns	Key
Kilbane	Koziura	Latta	Martin
Mason	McGregor	Miller	Niehaus
Oelslager	Olman	Otterman	Patton S.
Patton T.	Perry	Price	Raga
Raussen	Redfern	Reidelbach	Reinhard
Schaffer	Schlichter	Schmidt	Schneider

Seaver	Seitz	Setzer	Sferra
Skindell	Smith G.	Smith S.	Stewart D.
Stewart J.	Strahorn	Sykes	Taylor
Ujvagi	Wagner	Walcher	Webster
White	Widener	Widowfield	Willamowski
Williams	Wilson	Wolpert	Woodard
Yates	Young		Householder-95.

Representatives Brinkman, Grendell, Peterson, and Trakas voted in the negative-4.

The motion was agreed to and the bill so amended.

The question recurring, "Shall the bill as amended pass?"

The yeas and nays were taken and resulted - yeas 95, nays 4, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Beatty
Blasdel	Bocchieri	Book	Brown
Buehrer	Callender	Calvert	Carano
Carmichael	Cates	Chandler	Cirelli
Clancy	Collier	Core	Daniels
DeBose	DePiero	DeWine	Distel
Domenick	Driehaus	Evans C.	Evans D.
Faber	Flowers	Gibbs	Gilb
Grendell	Hagan	Hartnett	Harwood
Hoops	Hughes	Husted	Jerse
Jolivette	Kearns	Key	Koziura
Latta	Martin	Mason	McGregor
Miller	Niehaus	Oelslager	Olman
Otterman	Patton S.	Patton T.	Perry
Peterson	Price	Raga	Rausen
Redfern	Reidelbach	Reinhard	Schaffer
Schlichter	Schmidt	Schneider	Seaver
Seitz	Setzer	Sferra	Skindell
Smith G.	Smith S.	Stewart D.	Stewart J.
Strahorn	Sykes	Taylor	Trakas
Ujvagi	Wagner	Walcher	Webster
White	Widener	Widowfield	Willamowski
Williams	Wilson	Wolpert	Woodard
Yates	Young		Householder-95.

Representatives Brinkman, Fessler, Hollister, and Kilbane voted in the negative-4.

The bill passed.

Representative T. Patton moved to amend the title as follows:

Add the names: "Barrett, Book, Calvert, Carano, Cates, DeBose, DeWine, Domenick, Flowers, Hartnett, Hughes, Jolivette, Key, Martin, Mason, Miller, Niehaus, Oelslager, Olman, Otterman, S. Patton, Reidelbach, Schmidt, Seaver, Seitz, Setzer, G. Smith, S. Smith, D. Stewart, Trakas, White, Widener, Woodard, Yates."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Representative Cates moved that House Rule 65, pertaining to bills being placed on the calendar, be suspended and that **Sub. S. B. No. 37**-Senator Blessing, et al. be taken up for immediate consideration the third time.

The motion was agreed to without objection.

**Am. Sub. S. B. No. 37**-Senator Blessing. -Representatives Kilbane, Latta, Carano, McGregor, Cates, S. Patton, T. Patton, J. Stewart.

To amend sections 165.09, 902.11, 2915.01, 4505.06, 4981.20, 5721.31, 5739.01, 5739.02, 5739.03, 5739.11, and 5741.02 of the Revised Code to clarify who pays the sales or use tax on packaging material used in highway transportation for hire, to clarify when the transfer of motion picture films is a sale, and to clarify who is to receive notice of delinquent property tax certificates, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative S. Patton moved to amend as follows:

In lines 9 and 2430, after "4981.20," insert "5721.31,".

Between lines 903 and 904, insert:

" **Sec. 5721.31.** (A) After receipt of a duplicate of the delinquent land list compiled under section 5721.011 of the Revised Code, or a delinquent land list compiled previously under that section, for a county having a population of at least two hundred thousand according to the most recent federal decennial census, the county treasurer may select from the list parcels of delinquent land the lien against which the county treasurer may attempt to transfer by the sale of tax certificates under sections 5721.30 to 5721.41 of the Revised Code. The county treasurer may select only those eligible parcels for which taxes, assessments, penalties, interest, and charges have not yet been paid or for which a valid delinquent tax contract under section 323.31 of the Revised Code is not in force. Each certificate shall contain the same information as is required to be contained in the delinquent land list. The county treasurer shall compile a separate list, the list of parcels selected for tax certificate sales, including the same information as is required to be included in the delinquent land list.

Upon compiling the list of parcels selected for tax certificate sales, the county treasurer may conduct a title search for any parcel on the list.

(B)(1) When tax certificates are to be sold under section 5721.32 of the Revised Code with respect to parcels, the county treasurer shall send written notice by certified or registered mail to either the owner of record or all interested parties discoverable through a title search, or both, or each parcel on the list. A notice to an owner shall be sent to the owner's last known tax

mailing address. The notice shall inform the owner or interested parties that a tax certificate will be offered for sale on the parcel, and that the owner or interested parties may incur additional expenses as a result of the sale.

(2) When tax certificates are to be sold under section 5721.33 of the Revised Code with respect to parcels, the county treasurer, at least sixty days prior to the date of sale of such tax certificates, shall send written notice of the sale by certified or registered mail, or both, to the last known tax-mailing address of the record owner of the property or parcel ~~and~~ or to all parties with an interest in the property that has been recorded in the property records of the county pursuant to section 317.08 of the Revised Code, ~~the~~ or to such owner and all such parties. The notice shall state that a tax certificate will be offered for sale on the parcel, and that the owner or interested parties may incur additional expenses as a result of the sale.

(C) The county treasurer shall advertise the sale of tax certificates under section 5721.32 of the Revised Code in a newspaper of general circulation in the county, once a week for two consecutive weeks. The advertisement shall include the date, the time, and the place of the public auction, descriptions of the parcels, and the names of the owners of record of the parcels.

(D) After the county treasurer has compiled the list of parcels selected for tax certificate sales but before a tax certificate respecting a parcel is sold, if the owner of record of the parcel pays to the county treasurer in cash the full amount of delinquent taxes, assessments, penalties, interest, and charges then due and payable or enters into a valid delinquent tax contract under section 323.31 of the Revised Code to pay that amount, the owner of record of the parcel also shall pay a fee in an amount prescribed by the treasurer to cover the administrative costs of the treasurer under this section respecting the parcel and credited to the tax certificate administration fund.

(E) A tax certificate administration fund shall be created in the county treasury of each county selling tax certificates under sections 5721.30 to 5721.41 of the Revised Code. The fund shall be administered by the county treasurer, and used solely for the purposes of sections 5721.30 to 5721.41 of the Revised Code. Any fee received by the treasurer under sections 5721.30 to 5721.41 of the Revised Code shall be credited to the fund, except the bidder registration fee under division (B) of section 5721.32 of the Revised Code and the county prosecuting attorney's fee under division (B)(3) of section 5721.37 of the Revised Code.

(F) The county treasurers of more than one county may jointly conduct a regional sale of tax certificates under section 5721.32 of the Revised Code. A regional sale shall be held at a single location in one county, where the tax certificates from each of the participating counties shall be offered for sale at public auction. Before the regional sale, each county treasurer shall advertise the sale for the parcels in the treasurer's county as required by division (C) of this section. At the regional sale, tax certificates shall be sold on parcels from one county at a time, with all of the certificates for the next county are offered

for sale.

(G) The tax commissioner shall prescribe the form of the tax certificate under this section, and county treasurers shall use the form prescribed by the commissioner."

In line 2 of the title, after "4981.20," insert "5721.31,".

In line 5 of the title, delete "and" and insert a comma.

In line 7 of the title, after "sale" insert ", and to clarify who is to receive notice of delinquent property tax certificates".

The motion was agreed to and the bill so amended.

The question being, "Shall the bill as amended pass?"

The yeas and nays were taken and resulted - yeas 93, nays 6, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Beatty
Blasdel	Boccieri	Book	Brown
Buehrer	Callender	Calvert	Carano
Carmichael	Cates	Chandler	Cirelli
Clancy	Collier	Core	Daniels
DeBose	DeWine	Distel	Domenick
Driehaus	C. Evans	D. Evans	Flowers
Gibbs	Gilb	Hagan	Hartnett
Harwood	Hollister	Hoops	Hughes
Husted	Jerse	Jolivette	Kearns
Key	Kilbane	Koziura	Latta
Martin	Mason	McGregor	Miller
Niehaus	Oelslager	Olman	Otterman
S. Patton	T. Patton	Perry	Peterson
Price	Raga	Raussen	Redfern
Reidelbach	Reinhard	Schaffer	Schlichter
Schmidt	Schneider	Seaver	Seitz
Setzer	Sferra	Skindell	G. Smith
S. Smith	D. Stewart	J. Stewart	Strahorn
Sykes	Taylor	Trakas	Ujvagi
Wagner	Walcher	Webster	White
Widener	Widowfield	Willamowski	Williams
Wilson	Wolpert	Woodard	Yates

Householder-93.

Representatives Brinkman, DePiero, Faber, Fessler, Grendell, and Young voted in the negative-6.

The bill passed.

Representative Kilbane moved to amend the title as follows:

Add the names: "Cates, S. Patton, T. Patton, J. Stewart."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

## Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has agreed to the report of the Committee of Conference on matters of difference between the two houses on

**Am. Sub. H.B. No. 95** - Representatives Calvert, et al.

Attest:

Matthew T. Schuler,  
Clerk

## Message from the Senate

Mr. Speaker

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

**Sub. H. B. No. 23** - Representatives Wolpert, Fessler, Carano, McGregor, Perry, Husted, Calvert, Setzer, Flowers, J. Stewart, Seitz, D. Evans, Webster, Miller, Williams, Reidelbach, Ujvagi, Latta, Grendell, Distel, Widener, Boccieri, Kilbane, Allen, Beatty, Brown, Cirelli, Clancy, Daniels, DeBose, Domenick, C. Evans, Harwood, Hughes, Jolivette, Kearns, Oelslager, Otterman, S. Patton, T. Patton, Price, Schmidt, Schneider, D. Stewart, Strahorn, Taylor Senators Spada, Armbruster, Austria, Carey, Robert Gardner, Mumper, Nein, Prentiss, Schuler, Stivers, Randy Gardner, White, Roberts, Amstutz, Hagan

To amend sections 4725.18 and 4733.11 of the Revised Code to permit the State Board of Optometry to license optometrists licensed by another state or a Canadian province regardless of whether the other state or province similarly licenses holders of Ohio licenses and to clarify education requirements in the engineers and surveyors licensing law.

Attest:

Matthew T. Schuler,  
Clerk

## Message from the Senate

Mr. Speaker:

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

**Sub. H. B. No. 137** - Representatives G. Smith, Book, Hughes, Setzer, Gibbs, Olman, Wolpert, D. Evans, T. Patton, Fessler, Brown, Callender, Calvert, Carano, Daniels, C. Evans, Faber, Flowers, Hartnett, Jolivette, Kearns, McGregor, Redfern, Reidelbach, Schmidt, Schneider, Skindell, J. Stewart, Willamowski Senators Prentiss, Stivers

To amend sections 1731.01, 1731.03, 3909.09, and 3909.15, to enact new sections 3909.05 and 3927.03 and section 3905.421, and to repeal sections 3909.05 and 3927.03 of the Revised Code relative to the appointment of agents by foreign insurance companies doing business in Ohio, vehicle protection product warranties, and the sponsorship of small employer health care alliances by organizations comprised of health care providers or insurance agents.

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

Attest: Matthew T. Schuler,  
Clerk

The Senate amendments were laid over under the Rule.

#### MESSAGE FROM THE SPEAKER

The Speaker of the House of Representatives, on June 23, 2003, signed the following:

**Am. Sub. S. B. No. 51** - Senator Blessing, et al.

**Am. Sub. H. B. No. 95** - Representative Calvert, et al.

On motion of Representative Cates, the House adjourned until Wednesday, June 25, 2003 at 1:30 o'clock p.m.

Attest: LAURA P. CLEMENS,  
Clerk.