

OHIO

House

of

Representatives

JOURNAL

TUESDAY, MARCH 28, 2006

ONE HUNDRED SIXTIETH DAY
Hall of the House of Representatives, Columbus, Ohio
Tuesday, March 28, 2006 at 4:00 o'clock p.m.

The House met pursuant to adjournment.

The journal of yesterday was read and approved.

INTRODUCTION OF BILLS

The following bills were introduced:

H. B. No. 549-Representatives Combs, Latta, McGregor, J., Fende, Blasdel, Chandler, Setzer, Domenick, Fessler.

To amend sections 2950.01, 2950.11, 2950.12, and 2950.13 of the Revised Code to provide notice to a long-term care facility and its residents when a registered sex offender indicates an intent to reside or registers an address within the facility's specified geographical notification area.

H. B. No. 550-Representatives Perry, Brown, Ujvagi.

To amend sections 102.02, 3501.02, 3505.03, 3505.04, 3505.33, 3505.38, 3513.04, 3513.052, 3513.10, 3517.092, 3517.10, 3517.102, 3517.103, 3517.104, 3517.108, 3517.109, 3517.13, 4901.04, and 4911.17, to enact new sections 4901.02 and 4901.021 and sections 3513.2510, 4901.022, 4901.023, 4901.024, and 4901.025, and to repeal sections 4901.02, 4901.021, and 4901.07 of the Revised Code to provide for the election on a nonpartisan ballot, rather than the appointment, of Public Utilities Commissioners.

H. B. No. 551-Representatives Latta, Fende, Setzer, Wolpert, Law, McGregor, J., Evans, D., Seitz, Hughes, Bubp, Yuko, Willamowski, Aslanides, Schaffer, Otterman, Combs, Evans, C., Oelslager, Reidelbach, Webster.

To amend section 5502.52 of the Revised Code to prohibit a person from making a false report that results in the implementation of the statewide emergency alert program or a local or regional emergency alert program.

H. B. No. 552-Representatives Driehaus, Fende, Evans, C., Boccieri, Cassell, Williams, Garrison, Seitz, Skindell, Hoops, Beatty, Distel, Sykes, Hughes, Allen, Yuko, Evans, D., Combs, Stewart, D., Domenick, Harwood, Mason, DeGeeter, Redfern, Key, Brown, Sayre, Hartnett.

To amend section 3313.616 of the Revised Code to grant high school diplomas to women who left high school to support their families or the war effort during World War II, the Korean Conflict, or the Vietnam Conflict.

Said bills were considered the first time.

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

Representative Harwood submitted the following report:

The standing committee on Judiciary to which was referred **Sub. S. B. No. 17**-Senator Spada, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: CHILD ABUSE-CLERGY REPORT MODIFY STATUTE OF LIMITATIONS

Representative Willamowski moved to amend the title as follows:

Add the name: "Representative Willamowski."

JOHN R. WILLAMOWSKI	LOUIS W. BLESSING
TIMOTHY O. SCHAFFER	BILL COLEY
MATTHEW J. DOLAN	RANDY LAW
DANNY R. BUBP	

The following members voted "NO"

CLAUDETTE J. WOODARD	TIMOTHY J. DEGEETER
SANDRA STABILE HARWOOD	

The report was agreed to.

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

Representative Harwood submitted the following report:

The standing committee on Judiciary to which was referred **Sub. S. B. No. 262**-Senator Goodman, et al., having had the same under consideration, recommends its re-referral to the committee on Rules and Reference.

RE: POST CONVICTION DNA TESTING

JOHN R. WILLAMOWSKI	LOUIS W. BLESSING
SANDRA STABILE HARWOOD	TIMOTHY J. DEGEETER
CLAUDETTE J. WOODARD	DANNY R. BUBP
MATTHEW J. DOLAN	BILL COLEY
TIMOTHY O. SCHAFFER	RANDY LAW

The report was agreed to.

The bill was ordered to be engrossed and rereferred to the committee on Rules and Reference.

Representative Hartnett submitted the following report:

The standing committee on Ways and Means to which was referred **H. B. No. 149**-Representative Calvert, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: REHABILITATE HISTORIC BUILDINGS-TAX CREDIT

Representative Kilbane moved to amend the title as follows:

Add the names: "Gibbs, Seitz, Gilb, Collier, Schaffer, Kilbane, Hagan."

STEVE L. DRIEHAUS
BOB GIBBS
CHARLES R. BLASDEL
WILLIAM J. SEITZ
MIKE GILB
LOUIS W. BLESSING

WILLIAM J. HARTNETT
SALLY CONWAY KILBANE
THOM COLLIER
TIMOTHY O. SCHAFFER
ROBERT E. LATTA
JOHN P. HAGAN

The following members voted "NO"

MICHAEL J. SKINDELL

FRED STRAHORN

The report was agreed to.

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

Representative Hartnett submitted the following report:

The standing committee on Ways and Means to which was referred **Sub. S. B. No. 269**-Senator Amstutz, et al., having had the same under consideration, reports it back with the following amendment and recommends its passage when so amended.

RE: USE TAX EXEMPTION - ITEM DONATED TO CHARITY

Representative Kilbane moved to amend the title as follows:

Add the names: "Representatives Seitz, Latta, Gilb, Schaffer, Gibbs, Strahorn, Collier, Hagan, Kilbane."

Representative Blasdel moved to amend as follows:

In line 121, after "held" insert "for sale"

In line 122, after "charge" insert "or other compensation"

The motion was agreed to and the bill so amended.

THOM COLLIER
WILLIAM J. SEITZ
MIKE GILB
JOHN P. HAGAN
FRED STRAHORN
WILLIAM J. HARTNETT

TIMOTHY O. SCHAFFER
ROBERT E. LATTA
LOUIS W. BLESSING
MICHAEL J. SKINDELL
STEVE L. DRIEHAUS
BOB GIBBS

SALLY CONWAY KILBANE

CHARLES R. BLASDEL

The report was agreed to.

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

Representative Woodard submitted the following report:

The standing committee on Insurance to which was referred **S. B. No. 268**-Senator Stivers, et al., having had the same under consideration, reports it back and recommends its passage.

RE: ADOPT INTERSTATE INSURANCE PRODUCT REGULATION COMPACT

Representative Smith, G. moved to amend the title as follows:

Add the names: "Representatives Smith, G., Daniels, Evans, D., Faber, Hughes, Koziura, Patton, T., Perry, Setzer, Wolpert."

JAMES T. RAUSSEN
DAVID DANIELS
JOSEPH KOZIURA
ARLENE J. SETZER
DAVID R. EVANS
T. TODD BOOK
CATHERINE L. BARRETT
KEITH L. FABER
JOHN A. BOCCIERI
EARL MARTIN

GEOFFREY C. SMITH
MATTHEW J. DOLAN
LARRY L. WOLPERT
CHRIS WIDENER
BOB GIBBS
JEANINE PERRY
THOMAS F. PATTON
JIM HUGHES
JOHN J. WHITE
STEVE L. DRIEHAUS

The report was agreed to.

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

Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has concurred in the adoption of the following concurrent resolution:

H. C. R. No. 39 - Representative Blasdel

To designate the twenty-ninth day of April of each year as "Dale Earnhardt Day" in Ohio.

Attest:

David A. Battocletti,
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:

Am. Sub. H. B. No. 23 - Representatives Reidelbach, Wolpert, Wagner, Flowers, McGregor, Faber, Hood, Calvert, Taylor, Seitz, Raga, Schaffer, Fessler, White, Combs, Brinkman, Allen, Webster, Barrett, Hartnett, DeGeeter, Gilb, Brown, Otterman, Collier, Aslanides, Latta, Buehrer, Distel, C. Evans, Hagan, Hoops, Law, Miller, Perry, Schneider, Seaver, Setzer, Strahorn, Williams Senators Schuring, Prentiss, Zurz, Roberts, Fedor, Hottinger, Austria, Jacobson, Harris, Amstutz, Cates, Clancy, Dann, Gardner, Goodman, Kearney, Miller, R., Niehaus, Schuler, Wachtmann, Grendell

To amend sections 303.02, 309.09, 503.29, 504.04, 504.15, 519.02, 1901.182, 1901.31, 1907.012, 1907.20, 2151.022, 2152.02, 2505.08, 2506.01, 2506.02, 2506.03, 2506.04, 2907.01, and 4301.25, to amend, for the purpose of adopting a new section number as indicated in parentheses, section 503.29 (503.53), to enact new sections 503.51 and 503.52 and sections 2506.05, 2506.06, 2506.07, 2506.08, 2907.38, and 2907.39, and to repeal sections 503.51, 503.52, 503.53, 503.54, 503.55, 503.56, 503.57, 503.58, 503.59, 503.65, and 503.99 of the Revised Code to grant townships full authority to exercise all powers of local self-government regarding the operation of adult entertainment establishments and to adopt by resolution and enforce within their limits any local police, sanitary, and similar regulations regarding the operation of adult entertainment establishments that are not in conflict with general laws; to require the prosecuting attorney, upon the request of any township that has adopted any resolution of that nature and on behalf of the township, to prosecute and defend on behalf of the township in the trial and argument of any challenge to the validity of the resolution or to prosecute and defend on behalf of the township actions for injunction or nuisance abatement regarding violations of the resolution; to create an expedited appeal from orders, adjudications, or decisions denying an application for, or suspending or revoking, a license or permit to locate or operate such an establishment; to create an expedited appeal in any case in which a court determines there is a threat of restraint of protected expression; and to create the offenses of permitting unlawful operation of viewing booths depicting sexual conduct, permitting a juvenile on the premises of an adult entertainment establishment, and use by a juvenile of false information to enter an adult entertainment establishment.

As a substitute bill with the following additional amendments, in which the concurrence of the House is requested:

In line 146, after the underlined period insert "If the challenge to the

validity of the resolution is before a federal court, the prosecuting attorney may request the attorney general to assist the prosecuting attorney in prosecuting and defending the challenge and, upon the prosecuting attorney's making of such a request, the attorney general shall assist the prosecuting attorney in performing that service if the resolution was drafted in accordance with legal guidance provided by the attorney general as described in division (B)(2) of section 503.52 of the Revised Code. The attorney general shall provide this assistance without charge to the township for which the service is performed. If a township adopts a resolution without the legal guidance of the attorney general, the attorney general is not required to provide assistance as described in this division to a prosecuting attorney."

In line 280, after "(B)" insert "(1)"

Between lines 285 and 286, insert:

"(2) Upon the request of any township, the attorney general shall provide legal guidance and assistance to the township in developing, formulating, and drafting a resolution regarding the operation of adult entertainment establishments of a type described in division (A) of this section. The attorney general shall provide this service without charge to the township for which the service is performed."

Between lines 357 and 358, insert:

"If a prosecuting attorney is prosecuting and defending a challenge to the validity of a resolution of a township pursuant to a request made pursuant to division (E)(1)(c) of this section and if the challenge is before a federal court, the prosecuting attorney may request the attorney general to assist the prosecuting attorney in prosecuting and defending the challenge, and, upon the prosecuting attorney's making of such a request, the attorney general shall assist the prosecuting attorney in performing that service if the resolution was drafted in accordance with legal guidance provided by the attorney general as described in division (B)(2) of this section. The attorney general shall provide this assistance without charge to the township for which the service is performed. If a township adopts a resolution without the legal guidance of the attorney general, the attorney general is not being required to provide assistance as described in this division to a prosecuting attorney."

Attest:

David A. Battocletti,
Clerk.

The Senate amendments were laid over under the Rule.

Message from the Senate

Mr. Speaker:

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

Am. Sub. S. B. No. 265 - Senators Spada, Carey, Mumper, Niehaus, Amstutz, Armbruster, Clancy, Stivers, Goodman, Harris, Wachtmann

To amend section 3704.03 of the Revised Code to make changes in the Air Pollution Control Law regarding the costs of compliance with rules, permits to install, air quality monitoring, and best available technology.

Attest:

David A. Battocletti,
Clerk.

Said bill was considered the first time.

Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has concurred in the House amendments to:

Sub. S. B. No. 148 - Senator Hottinger- et al.

Attest:

David A. Battocletti,
Clerk.

On motion of Representative Carmichael, the House recessed.

The House met pursuant to recess.

Representative Healy reported for the Rules and Reference Committee recommending that the following House Bills and Senate Bill be considered for the second time and referred to the following committees for consideration:

H.B. No. 543 - Representative Peterson

TO ADD ONE JUDGE TO THE DELAWARE MUNICIPAL COURT.

To the committee on Judiciary

H.B. No. 544 - Representative Gibbs, et al

TO ELIMINATE DESTINATION-BASED SOURCING FOR IN-STATE

VENDORS, TO PERMIT REMOTE SELLERS TO CHOOSE TO SOURCE A SALE MADE TO AN IN-STATE CONSUMER UNDER THE DESTINATION-BASED SOURCING REQUIREMENTS OR PAY A UNIFORM TAX ON THAT SALE, AND TO ELIMINATE THE TEMPORARY COMPENSATION PLAN FOR ASSISTING VENDORS THAT COMPLY WITH SUCH SOURCING REQUIREMENTS.

To the committee on Ways and Means

H.B. No. 545 - Representative Hughes, et al

TO INCREASE THE PENALTY FOR IMPORTUNING AND REQUIRE A MANDATORY ONE-YEAR PRISON TERM FOR THE OFFENSE.

To the committee on Criminal Justice

H.B. No. 546 - Representative Dolan, et al

TO AUTHORIZE THE STATE RACING COMMISSION TO ENTER INTO THE NATIONAL RACING COMPACT IN ORDER TO PROVIDE FOR THE LICENSURE AND REGULATION OF INDIVIDUALS INVOLVED IN THE HORSE RACING INDUSTRY IN THE COMPACT STATES IN A SPECIFIED MANNER, TO CHANGE THE DEFINITION OF "OHIO FOALED HORSE," TO SPECIFY THAT A THOROUGHBRED MARE MAY LEAVE OHIO FOR BREEDING PURPOSES WITH THE COMMISSION'S PERMISSION AND IF THE MARE RETURNS IMMEDIATELY AFTER THAT ACTIVITY, AND TO REQUIRE THAT ALL INVESTMENT EARNINGS ON CASH BALANCES IN THE OHIO THOROUGHBRED RACE FUND BE CREDITED TO THE FUND.

To the committee on State Government

H.B. No. 547 - Representative T. Patton

TO REQUIRE RAIL OWNERS AND OPERATORS TO SECURE RAIL FACILITIES AND EQUIPMENT FROM THE THREAT OF TERRORISM THROUGH THE DEVELOPMENT OF A VULNERABILITY ASSESSMENT, AN INFRASTRUCTURE PROTECTION PROGRAM, AND PROPER COMMUNICATION WITH PUBLIC AUTHORITIES AND TO PROVIDE CIVIL PENALTIES FOR NONCOMPLIANCE BY A RAIL OWNER OR OPERATOR.

To the committee on Civil and Commercial Law

H.B. No. 548 - Representative Hughes, et al

TO GRANT TAX CREDITS TO BUSINESSES THAT PROVIDE INTERNSHIPS TO STUDENTS ATTENDING OHIO'S COLLEGES AND UNIVERSITIES AND THAT HIRE FORMER INTERNS.

To the committee on Ways and Means

Sub. S.B. No. 265 - Senator Spada, et al

TO MAKE CHANGES IN THE AIR POLLUTION CONTROL LAW REGARDING STATUTORY CONSTRUCTION, THE COSTS OF COMPLIANCE WITH RULES, PERMITS TO INSTALL, AIR QUALITY MONITORING, AND BEST AVAILABLE TECHNOLOGY.

To the committee on Economic Development and Environment

JON A. HUSTED
 CHARLES E. CALVERT
 ANTHONY CORE
 LARRY L. FLOWERS
 JOHN SCHLICHTER
 GEOFFREY C. SMITH
 JOYCE BEATTY
 TIMOTHY J. DEGEETER
 ROBERT J. OTTERMAN

CHARLES R. BLASDEL
 JIM CARMICHAEL
 KEVIN DEWINE
 TOM RAGA
 ARLENE J. SETZER
 LARRY L. WOLPERT
 KENNETH A. CARANO
 JOSEPH KOZIURA

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

The motion was agreed to without objection.

The report was agreed to.

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

MOTIONS AND RESOLUTIONS

Representative Healy reported for the Rules and Reference Committee recommending that the following House Resolutions be read by title only and approved:

H.R. No. 173 - Representatives Raussen, Barrett, Coley, Raga, Schneider
 HONORING THE MOUNT NOTRE DAME HIGH SCHOOL GIRLS
 VARSITY BASKETBALL TEAM ON WINNING THE 2006 DIVISION I
 STATE CHAMPIONSHIP.

Add the name: G. Smith

H.R. No. 176 - Representative Widener
 HONORING THE JONATHAN ALDER HIGH SCHOOL GIRLS
 BASKETBALL TEAM AS THE 2006 DIVISION III STATE CHAMPION.

Add the names: Core, G. Smith

/s/ JON A. HUSTED

Jon A. Husted, Chair

Representative Carmichael moved that the Rules and Reference Committee Report on resolutions be agreed to and that the resolutions contained therein be approved.

The motion was agreed to.

On motion of Representative Carmichael, the House recessed.

The House met pursuant to recess.

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:

Am. Sub. H. B. No. 530 - Representatives Calvert, Coley, Allen, Aslanides, Collier, Combs, Dolan, Evans, C., Evans, D., Flowers, Hagan, Law, Martin, McGregor, R., Peterson, Schneider, Seitz, Setzer, Webster, White, Widowfield
Senators Carey, Harris, Spada

To amend sections 9.41, 9.901, 101.543, 107.40, 109.57, 109.572, 113.09, 113.11, 113.12, 117.45, 117.46, 117.47, 117.48, 120.36, 120.52, 120.521, 120.53, 121.37, 122.17, 122.171, 122.72, 122.73, 122.74, 122.90, 124.09, 124.11, 124.134, 124.135, 124.137, 124.138, 124.139, 124.14, 124.151, 124.152, 124.18, 124.181, 124.182, 124.321, 124.324, 124.327, 124.382, 124.384, 124.386, 124.387, 124.389, 124.391, 124.82, 124.821, 124.823, 124.84, 124.87, 125.21, 126.07, 126.21, 126.22, 131.01, 131.02, 131.33, 133.01, 133.04, 133.06, 133.12, 133.18, 141.08, 141.10, 145.70, 173.14, 173.39, 173.391, 173.41, 184.20, 319.301, 340.021, 742.57, 901.23, 927.39, 927.40, 927.41, 927.42, 955.011, 955.16, 955.43, 1309.102, 1309.520, 1309.521, 1317.07, 1321.02, 1333.11, 1333.82, 1523.02, 1901.31, 1901.311, 1901.32, 1901.33, 2151.357, 2152.44, 2305.2341, 2503.20, 2913.01, 2913.02, 2921.321, 2923.46, 2925.44, 2933.43, 3109.14, 3301.0714, 3302.021, 3307.32, 3309.68, 3310.03, 3310.06, 3310.08, 3310.16, 3311.057, 3313.29, 3313.372, 3313.61, 3313.64, 3313.6410, 3313.813, 3314.02, 3314.03, 3314.08, 3314.26, 3314.35, 3314.36, 3315.01, 3317.01, 3317.015, 3317.02, 3317.021, 3317.022, 3317.024, 3317.029, 3317.0216, 3317.03, 3317.051, 3317.053, 3317.06, 3317.07, 3317.082, 3317.11, 3317.19, 3318.052, 3318.37, 3319.17, 3323.091, 3323.13, 3323.20, 3353.02, 3354.10, 3357.10, 3358.06, 3362.01, 3365.02, 3375.121, 3381.15, 3381.17, 3517.152, 3701.041, 3701.341, 3701.65, 3705.242, 3734.57, 3735.67, 3745.114, 3769.087, 3901.383, 3901.3814, 3905.43, 3917.04, 4109.01, 4109.02, 4109.06, 4117.01, 4123.444, 4301.01, 4303.17, 4303.181, 4303.182, 4303.29, 4731.22, 4731.281, 4781.04, 4905.79, 5101.93, 5111.011, 5111.0112, 5111.061, 5111.081, 5111.11, 5111.151, 5111.161, 5111.162, 5111.20, 5111.222, 5111.231, 5111.244, 5111.27, 5111.31, 5111.88, 5111.882, 5111.889, 5111.8811, 5111.8812, 5112.08, 5112.18, 5112.31, 5115.04, 5119.16, 5123.0413, 5123.196, 5123.36, 5139.50, 5505.27, 5531.10, 5577.99, 5703.21, 5703.57, 5705.03, 5705.091, 5705.19, 5705.195, 5705.34, 5709.08, 5709.081, 5709.40, 5709.42, 5709.43, 5709.73, 5709.74, 5709.75, 5709.78, 5709.79, 5709.80, 5711.01, 5725.221, 5727.06, 5727.85, 5729.05, 5733.01, 5733.352, 5733.56, 5733.98, 5735.27, 5739.011, 5739.026, 5739.211, 5741.031, 5743.025, 5743.03, 5743.04, 5743.05, 5743.08, 5743.081, 5743.12, 5743.13, 5743.15, 5743.18, 5743.33, 5743.34, 5743.35, 5745.01, 5747.01, 5747.012, 5747.05, 5747.056, 5747.11, 5747.331, 5748.01, 5748.02, 5751.01, 5751.011,

5751.032, 5751.04, 5751.05, 5751.051, 5751.10, 5751.20, 5751.21, 5751.22, 5751.53, 5923.05, and 6121.02; to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 117.45 (126.35), 117.46 (126.36), 117.47 (126.37), 117.48 (126.38), 173.41 (173.394), 5101.93 (5111.178), 5111.081 (5111.942), 5111.082 (5111.081), 5111.083 (5111.082), 5111.084 (5111.083), and 5111.085 (5111.084); to enact new sections 3325.12, 3365.11, and 5111.18 and sections 124.392, 131.022, 173.27, 307.761, 333.01, 333.02, 333.03, 333.04, 333.05, 333.06, 333.07, 3310.11, 3310.12, 3314.18, 3323.143, 3701.046, 3701.79, 4303.207, 4503.105, 5111.0116, 5111.0117, 5111.0118, 5111.101, 5111.163, 5111.8813, 5111.8814, 5111.8815, 5111.8816, 5111.8817, 5111.941, 5111.943, 5112.311, 5123.37, 5123.371, 5123.372, 5123.373, 5123.374, 5123.375, 5502.261, 5531.101, 5701.11, 5705.211, 5725.222, 5725.98, 5729.101, 5729.102, 5729.98, 5743.021, 5743.321, 5748.011, and 5919.19; and to repeal sections 124.822, 124.92, 3325.12, 3325.17, 3365.11, 4732.04, and 5111.18 of the Revised Code; to amend Section 3 of Sub. H.B. 11 of the 126th General Assembly; to amend Sections 203.09, 203.12, 203.12.12, 203.45, 203.51, 203.54, 203.66, 203.69, 203.84, 203.87, 203.99.01, 203.99.30, 203.99.48, 206.03, 206.09, 206.09.12, 206.09.15, 206.09.21, 206.09.27, 206.09.36, 206.09.39, 206.09.42, 206.09.61, 206.09.63, 206.09.66, 206.09.84, 206.16, 206.42, 206.42.09, 206.48, 206.66, 206.66.22, 206.66.23, 206.66.36, 206.66.64, 206.66.66, 206.66.84, 206.66.85, 206.66.91, 206.67.15, 206.67.21, 206.99, 209.04, 209.06.06, 209.06.09, 209.09.06, 209.09.18, 209.15, 209.18, 209.18.09, 209.24, 209.30, 209.33, 209.36, 209.45, 209.63, 209.63.42, 209.64.60, 209.72, 209.75, 209.78.03, 209.81, 209.90.06, 212.03, 212.24, 212.27, 212.30, 212.33, 557.12, and 612.36.03 of Am. Sub. H.B. 66 of the 126th General Assembly; to amend Sections 23 and 23.01 of Am. Sub. S.B. 189 of the 125th General Assembly; to amend Sections 19.01, 20.01, 22.04, 23.12, and 23.45 of Am. Sub. H.B. 16 of the 126th General Assembly, as subsequently amended; to amend Sections 203.06.06 and 203.06.24 of Am. Sub. H.B. 68 of the 126th General Assembly, as subsequently amended; to amend Section 22 of Am. Sub. S.B. 189 of the 125th General Assembly, as subsequently amended; to repeal Section 5 of Am. Sub. S.B. 234 of the 125th General Assembly; and to repeal Sections 315.03 and 557.09.09 of Am. Sub. H.B. 66 of the 126th General Assembly to make capital reappropriations for the biennium ending June 30, 2008, to make certain supplemental and capital appropriations and to provide authorization and conditions for the operation of state programs.

As a substitute bill with the following additional amendments, in which the concurrence of the House is requested:

In line 134, after "3705.242," insert "3718.02,"

Between lines 19852 and 19853, insert:

"Sec. 3718.02. (A) Not ~~later~~sooner than ~~one year after the effective date~~

~~of this section~~ July 1, 2007, the public health council, in accordance with Chapter 119. of the Revised Code, shall adopt, and subsequently may amend and rescind, rules of general application throughout the state to administer this chapter. Rules adopted under division (A) of this section shall do at least all of the following:

(1) Require that the appropriate board of health approve or disapprove the use of a sewage treatment system if it is not connected to a sanitary sewerage system;

(2) Require that a board of health conduct a site evaluation for any proposed installation of a sewage treatment system;

(3) Prescribe standards for the siting, design, installation, operation, monitoring, maintenance, and abandonment of household sewage treatment systems that may be used in this state. The standards shall include at a minimum all of the following:

(a) Soil absorption specifications;

(b) Specifications for discharging systems that do not conflict with provisions related to the national pollutant discharge elimination system permit program established in section 6111.03 of the Revised Code and rules adopted under it;

(c) Requirements for the maintenance of a system according to the manufacturer's instructions, if available;

(d) Requirements and procedures under which a person may demonstrate the required maintenance of a system in lieu of having an inspection conducted when an inspection otherwise is required.

The rules also shall require that a system that has been or is sited or installed prior to or on the effective date of the rules and that is operating on that date shall be deemed approved unless the system is declared to be a public health nuisance by a board of health.

(4) Prescribe procedures for notification to boards of health of the approval of a sewage treatment system or components of a system by the director of health under section 3718.04 of the Revised Code;

(5) Prescribe criteria and procedures under which boards of health shall issue installation and operation permits for sewage treatment systems. The rules shall require as a condition of an installation permit that the installer of a system must warrant that the system was installed in accordance with all applicable rules and design requirements. In addition, the rules shall require a board of health, not later than sixty days after the issuance of an installation permit, to certify to the director on a form provided by the director that the permit was issued.

(6) Require a board of health to inspect a sewage treatment system not later than eighteen months after its installation to ensure that the system is operating properly. The rules shall require a board of health, not later than sixty

days after the inspection, to certify to the director on a form provided by the director that the inspection was performed.

(7) Require a board of health to register installers, service providers, and septage haulers that perform work within the health district; prescribe criteria and procedures for the registration; and prescribe criteria for a demonstration of competency as a part of the registration;

(8) Prescribe requirements for the collection, transportation, disposal, and land application of domestic septage in this state from a sewage treatment system;

(9) Require boards of health to maintain records that are determined necessary to ascertain compliance with this chapter and the rules adopted under it;

(10) Require a board of health and the manufacturer of a sewage treatment system, when possible, to provide instructions for the operation and maintenance of the system. The rules shall authorize the instructions to be posted on the department of health's web site and the manufacturer's web site. In addition, the rules shall require a board of health and a manufacturer to provide a copy of the operation and maintenance instructions, if available, when a board of health or a manufacturer receives a written request for instructions.

(11) Prescribe criteria for the provision of written evidence of compliance with rules pertaining to household sewage treatment for purposes of sections 711.05 and 711.10 of the Revised Code;

(12) Prescribe minimum criteria and procedures under which boards of health may establish household sewage treatment district management programs for the purpose of providing a responsive approach toward preventing or solving sewage treatment problems resulting from household sewage treatment systems within the districts established under the program. For purposes of division (A)(12) of this section, a board of health may enter into a contract with any entity to administer a household sewage treatment district management program.

(13) Prescribe standards for the siting, design, installation, operation, monitoring, maintenance, and abandonment of small flow on-site sewage treatment systems that may be used in this state.

The council may adopt other rules under division (A) of this section that it determines are necessary to implement this chapter and to protect the public health and welfare.

At least sixty days prior to adopting a rule under division (A) of this section, the council shall provide boards of health and any other interested parties an opportunity to comment on the rule.

(B) In accordance with section 3709.20 or 3709.21 of the Revised Code, as applicable, and subject to review by and approval of the director under division (C) of section 3718.05 of the Revised Code, a board of health may

adopt rules necessary for the public health providing for more stringent standards governing household sewage treatment systems, installers, service providers, or septage haulers than those established in rules of the public health council adopted under division (A) of this section. A board that intends to adopt such rules shall notify the department of health of the rules at least ninety days prior to the proposed date of adoption. The director shall approve or disapprove any such proposed rule within ninety days after receiving notice of it under this division. If the director fails to approve or disapprove a proposed rule within ninety days after receiving notice of it, the proposed rule shall be deemed approved."

In line 35287, after "3705.242," insert "3718.02,"

Between lines 44047 and 44048, insert:

"**Section** ____ . The requirement in section 3718.02 of the Revised Code as it results from this act that rules be adopted not sooner than July 1, 2007, supersedes the requirement in the section as it resulted from Sub. H.B. 231 of the 125th General Assembly that the rules be adopted not later than May 6, 2006."

In line 31 of the title, after "3705.242," insert "3718.02,"

In line 27445, after the underlined question mark insert "This levy will permit variable annual growth in revenue up to (amount specified by school district) per cent for the duration of the levy."

In line 31647, reinsert "In the case of a licensed issued"

In line 31648, reinsert "to a manufacturer,"

In line 31649, reinsert "upon the manufacturer's removal from the directory"

In line 31650, reinsert all before the period; after "Code" insert ", such manufacturer shall not be permitted to sell cigarettes in this state other than to a licensed cigarette wholesaler for sale outside this state. Such a manufacturer shall provide documentation to the commissioner evidencing that the cigarettes are legal for sale in another state"; reinsert the period

Attest:

David A. Battocletti,
Clerk.

The Senate amendments were laid over under the Rule.

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:

Am. Sub. H. B. No. 46 - Representatives Schaffer, McGregor, J., Fessler, Taylor, Reidelbach, Martin, Aslanides, Blessing, Brinkman, Buehrer, Cassell, Chandler, Collier, Combs, Core, Dolan, Domenick, Evans, C., Evans, D., Faber, Flowers, Gilb, Hagan, Hughes, Law, Patton, T., Raussen, Sayre, Schneider, Seitz, Setzer, Smith, G., Trakas, Wagoner, White, Willamowski, Wolpert, Yuko, Coley Senators Armbruster, Carey, Cates, Clancy, Coughlin, Gardner, Goodman, Hottinger, Mumper, Niehaus, Schuler, Schuring, Spada

To amend section 9.833 and to enact section 305.172 of the Revised Code to permit political subdivisions to offer and make contributions to health savings accounts for employees.

With the following additional amendments, in which the concurrence of the House is requested:

In line 22, delete "subsidize premiums for" and insert "pay for or fund"

In line 25, after the underlined period, insert "A health savings account program may be a part of a self-insurance program."

In line 38, after "benefits" insert ", which may include a health savings account program."

In line 187, delete "subsidize premiums for" and insert "pay for or fund"

Attest:

David A. Battocletti,
Clerk.

The Senate amendments were laid over under the Rule.

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. 440 - Representatives Stewart, J., Martin, McGregor, J., Ujvagi, Yuko, Reinhard, Seitz, Uecker, Blasdel, Evans, C., Garrison, Hood, Reidelbach, Hagan, Brinkman, Blessing, Sayre, Bulp, Collier, Aslanides, Brown, Cassell, Chandler, Combs, DeBose, Domenick, Fende, Harwood, Hughes, Law, Otterman, Raussen, Schaffer, Strahorn, Taylor, Trakas, Wagner, Wolpert, Barrett, Boccieri, Book, Buehrer, Calvert, Carano, Carmichael,

Coley, Core, Daniels, Distel, Dolan, Driehaus, Evans, D., Faber, Flowers, Gibbs, Gilb, Hartnett, Healy, Key, Latta, Mason, McGregor, R., Miller, Mitchell, Oelslager, Patton, S., Patton, T., Perry, Peterson, Raga, Schlichter, Setzer, Smith, G., Stewart, D., Wagoner, Webster, White, Widener, Willamowski, Williams, Woodard, Yates, Beatty Senators Carey, Spada, Hottinger, Niehaus, Hagan, Fedor, Mumper, Amstutz, Armbruster, Dann, Harris, Kearney, Miller, R., Padgett, Roberts, Schuring, Schuler, Wilson, Zurz, Coughlin, Cates, Goodman

To amend section 3706.01 and to enact section 3706.101 of the Revised Code and to amend Section 203.27 of Am. Sub. H.B. 66 of the 126th General Assembly to revise the definition of "air quality facility" under the Air Quality Development Authority Law, to create the FutureGen Initiative Fund, and to make an appropriation.

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

Attest: David A. Battocletti,
Clerk.

The Senate amendments were laid over under the Rule.

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. 289 - Representatives White, Beatty, Barrett, Brown, Smith, S., Martin, Mason, Allen, DeBose, Domenick, Evans, C., Flowers, Harwood, Hughes, Key, McGregor, J., Oelslager, Schlichter, Skindell, Stewart, D., Strahorn, Yuko Senators Niehaus, Padgett, Hagan, Zurz, Kearney, Dann, Stivers

To amend section 121.37 and to enact section 121.374 of the Revised Code regarding the duties of the Ohio Family and Children First Cabinet Council and county family and children first councils.

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

Attest: David A. Battocletti,
Clerk.

The Senate amendments were laid over under the Rule.

On motion of Representative White, the House adjourned until Wednesday, March 29, 2006 at 11:00 o'clock a.m.

Attest:

LAURA P. CLEMENS,
Clerk.