

OHIO

House

of

Representatives

JOURNAL

WEDNESDAY, OCTOBER 19, 2005

ONE HUNDRED FIRST DAY
Hall of the House of Representatives, Columbus, Ohio
Wednesday, October 19, 2005 at 1:30 o'clock p.m.

The House met pursuant to adjournment.

Prayer was offered by Pastor Jim Lillbridge of the Indian Run United Methodist Church in Dublin, 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 Husted prior to the commencement of business:

Marco Patton and Jessie Gunn Jr., guests of Representative Beatty-27th district.

Chad Crumbaker, a guest of Representative Oelslager-51st district.

Students of Perry Middle School, guests of Representative Cassell-63rd district.

Judge Thomas Gysegem, a guest of Representative Law-64th district.

Lieutenant David Pixley, a guest of Representative Dolan-98th district.

INTRODUCTION OF BILLS

The following bills were introduced:

H. B. No. 389-Representatives Setzer, Yuko, McGregor, J., Wagoner, Fende, Hartnett, Widowfield, Patton, S., Webster, Allen, DeGeeter.

To amend sections 4511.07, 4511.071, 4511.22, 4511.25, 4511.31, 4511.39, 4511.52, 4511.53, 4511.55, 4511.56, and 4511.711 of the Revised Code to revise certain laws as they relate to bicycle operation.

H. B. No. 390-Representatives Taylor, Brinkman, Brown, Gibbs, Gilb, Hood, Kilbane, Trakas.

To enact sections 5733.112, 5739.161, 5741.161, 5747.133, and 5751.091 of the Revised Code to establish a statute of limitations for the collection of corporation franchise, sales and use, income, and commercial activity taxes.

H. B. No. 391-Representatives Taylor, Allen, DeGeeter, Hughes, Mason, Willamowski, Woodard.

To amend sections 1517.11, 1531.26, 5747.03, and 5747.113 and to enact sections 3701.032, 5751.052, and 5751.082 of the Revised Code to allow certain taxpayers to use their tax returns to make contributions in support of

the Prostate Cancer Cure Corporation DBA the One in Six Foundation.

H. B. No. 392-Representatives Buehrer, Fessler, Reidelbach, Brinkman, Hagan, Law, Latta, Faber, Schneider, Seitz, Uecker, Schaffer, Taylor, Oelslager, Trakas, Gilb, Hood, Bulp, Hoops.

To amend sections 4731.22 and 4731.281 and to enact section 3701.79 of the Revised Code to require physicians to complete and submit to the Department of Health an individual abortion report for each abortion performed.

H. B. No. 393-Representatives Patton, S., Evans, C., Schlichter, Cassell, McGregor, J., Allen, Gilb, Yuko, Combs, Beatty, Hartnett, Key, Woodard, Widowfield, Redfern, Ujvagi, Driehaus, Miller, DeBose, Flowers, Distel, Carano, Hughes, Reidelbach, Trakas, Law, Hood, Smith, S., Harwood, Strahorn, Wolpert, Boccieri, Oelslager, Willamowski, Skindell, Book, Brown, Otterman.

To enact section 5.2231 of the Revised Code to designate September 22 as "Emancipation Day."

H. B. No. 394-Representatives Sayre, Hartnett, Garrison, Healy, Boccieri, Williams.

To amend section 6101.39 of the Revised Code to modify the procedure by which the board of directors of a conservancy district may amend the official plan of the district.

Said bills were considered the first time.

The following joint resolution was introduced:

H. J. R. No. 11-Representative Gilb.

To amend Section 5a of Article XII of the Constitution of Ohio to specify that revenue arising from any tax on or relating to motor vehicle fuel or receipts from the sale or other disposition of such fuel shall be devoted to highway and highway-related purposes regardless of the form of the tax.

Said joint resolution was considered the first time.

CONSIDERATION OF SENATE AMENDMENTS

The Senate amendments to **Sub. H. B. No. 140**-Representative Carmichael, et al., were taken up for consideration.

Sub. H. B. No. 140-Representatives Carmichael, D. Stewart, Setzer, T. Patton, Barrett, Beatty, Blasdel, Brown, Buehrer, Carano, Cassell, Chandler,

Coley, DeGeeter, Domenick, D. Evans, Faber, Harwood, Hughes, Key, McGregor, Otterman, Perry, Seaver, Seitz, Yuko, Trakas. -Senators Austria, Mumper, Niehaus, Schuler.

To amend section 4301.252 and to enact section 4303.251 of the Revised Code to authorize the Liquor Control Commission to issue an order allowing a permit holder to pay a forfeiture rather than have the holder's permit revoked and to authorize entities involved in the manufacture or distribution of beer or intoxicating liquor to conduct consumer product instruction, or provide sample servings of their products, at a retail permit holder's premises without having to obtain a retail liquor permit.

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

The yeas and nays were taken and resulted - yeas 94, nays 1, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Beatty
Blasdel	Blessing	Boccieri	Book
Brinkman	Brown	Bubp	Buehrer
Calvert	Carano	Carmichael	Cassell
Chandler	Coley	Collier	Combs
Core	Daniels	DeBose	DeGeeter
DeWine	Distel	Dolan	Domenick
Driehaus	Evans C.	Evans D.	Faber
Fende	Fessler	Flowers	Garrison
Gibbs	Gilb	Hagan	Hartnett
Harwood	Healy	Hood	Hoops
Hughes	Key	Kilbane	Koziura
Latta	Law	Martin	Mason
McGregor J.	McGregor R.	Miller	Mitchell
Oelslager	Otterman	Patton T.	Perry
Peterson	Raga	Rausen	Redfern
Reidelbach	Reinhard	Sayre	Schaffer
Schlichter	Schneider	Seaver	Seitz
Skindell	Smith G.	Smith S.	Stewart D.
Stewart J.	Strahorn	Trakas	Uecker
Ujvagi	Wagner	Wagoner	Walcher
Webster	White	Widener	Widowfield
Willamowski	Williams	Wolpert	Woodard
Yuko			Husted-94.

Representative Yates voted in the negative-1.

The Senate amendments were concurred in.

The Senate amendments to **Am. Sub. H. B. No. 234**-Representative Wolpert, et al., were taken up for consideration.

Sub. H. B. No. 234-Representatives Wolpert, Kearns, C. Evans, D. Evans, Beatty, Miller, Brown, Distel, S. Smith, Widowfield, Trakas, Boccieri, Hood, Allen, D. Stewart, Law, Uecker, Barrett, Book, Calvert, Carano, Cassell, Chandler, Combs, DeBose, Dolan, Domenick, Flowers, Hartnett, Harwood,

Healy, Hoops, Hughes, Key, Koziura, Mason, McGregor, Otterman, T. Patton, Perry, Schneider, Seaver, G. Smith, J. Stewart, Ujvagi, White, Williams, Yuko. -Senators Cates, Niehaus, Mumper, Grendell, Clancy, Coughlin, Goodman, Padgett, Austria, Harris.

To amend sections 3501.17, 3501.22, 3501.27, 3503.16, 3509.02, 3509.03, 3509.031, 3509.04, 3509.05, 3509.06, 3509.07, 3509.08, 3511.02, 3511.04, 3511.09, 3599.12, 3599.21, and 4109.06 and to enact sections 3509.022, 3509.09, and 3511.13 of the Revised Code to permit a board of elections, in conjunction with a board of education, the governing authority of a community school, or the chief administrator of a nonpublic school, to establish a program permitting certain high school seniors to serve as precinct officers on the day of an election, and to revise the law governing absent voter's ballots and armed service absent voter's ballots.

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

The yeas and nays were taken and resulted - yeas 60, nays 36, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Blasdel	Blessing	Brinkman
Bubp	Buehrer	Calvert	Carmichael
Coley	Collier	Combs	Core
Daniels	DeWine	Dolan	Evans C.
Evans D.	Faber	Fessler	Flowers
Gibbs	Gilb	Hagan	Hood
Hoops	Hughes	Kilbane	Latta
Law	Martin	McGregor J.	McGregor R.
Oelslager	Otterman	Patton T.	Peterson
Raga	Rausen	Reidelbach	Reinhard
Schaffer	Schlichter	Schneider	Seaver
Seitz	Setzer	Smith G.	Stewart J.
Trakas	Uecker	Wagner	Wagoner
Walcher	Webster	White	Widener
Widowfield	Willamowski	Wolpert	Husted-60.

Those who voted in the negative were: Representatives

Allen	Barrett	Beatty	Bocchieri
Book	Brown	Carano	Cassell
Chandler	DeBose	DeGeeter	Distel
Domenick	Driehaus	Fende	Garrison
Hartnett	Harwood	Healy	Key
Koziura	Mason	Miller	Mitchell
Perry	Redfern	Sayre	Skindell
Smith S.	Stewart D.	Strahorn	Ujvagi
Williams	Woodard	Yates	Yuko-36.

The Senate amendments were concurred in.

Representative Wolpert moved to amend the title as follows:

Remove the names: "Allen, Barrett, Bocchieri, Book, Brown, Carano,

Cassell, Chandler, Distel, Key, Koziura, Mason, Miller, Otterman, Ujvagi, Williams, Yuko."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

REPORTS OF STANDING AND SELECT COMMITTEES AND BILLS FOR SECOND CONSIDERATION

Representative Yates submitted the following report:

The standing committee on Ways and Means to which was referred **H. B. No. 70**-Representative C. Evans, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: NAT'L GUARD RESERVE - HOMESTEAD TAX EXEMPTION

Representative Kilbane moved to amend the title as follows:

Add the names: "Kilbane, Gibbs, Driehaus, Gilb, Hartnett, Latta, Schaffer, Seitz, Skindell."

- | | |
|----------------------|---------------------|
| BOB GIBBS | THOM COLLIER |
| WILLIAM J. HARTNETT | PETER S. UJVAGI |
| STEVE L. DRIEHAUS | TYRONE K. YATES |
| LOUIS W. BLESSING | TIMOTHY O. SCHAFFER |
| ROBERT E. LATTA | MICHAEL J. SKINDELL |
| JOHN P. HAGAN | MIKE GILB |
| SALLY CONWAY KILBANE | WILLIAM J. SEITZ |
| MARY TAYLOR | |

The report was agreed to.

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

Representative Distel submitted the following report:

The standing committee on Commerce and Labor to which was referred **H. B. No. 150**-Representative Gibbs, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: JUNK YARDS/SECONDHAND DEALERS - PENALTIES

Representative Schaffer moved to amend the title as follows:

Add the names: "Collier, Distel, Miller, Cassell, Schaffer."

- | | |
|---------------------|------------------|
| TIMOTHY O. SCHAFFER | TOM BRINKMAN |
| THOM COLLIER | COURTNEY COMBS |
| CHRIS WIDENER | L. GEORGE DISTEL |
| DALE MILLER | KENNY YUKO |
| TIMOTHY J. CASSELL | RONALD HOOD |
| WILLIAM J. SEITZ | JIM MCGREGOR |

SALLY CONWAY KILBANE

DAN STEWART

The report was agreed to.

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

Representative Distel submitted the following report:

The standing committee on Commerce and Labor to which was referred **Am. S. B. No. 144**-Senator Schuler, et al., having had the same under consideration, reports it back with the following amendment and recommends its passage when so amended.

RE: FOREIGN REAL ESTATE APPRAISERS - TEMPORARY REGISTRATION

Representative Schaffer moved to amend the title as follows:

Add the names: "Representatives Seitz, Collier, Cassell, Distel, Schaffer."

Representative Schaffer moved to amend as follows:

In line 207, after "temporary" insert "recognition of a"

In line 219, strike through "temporary certificate or license,"; after "to" insert ", or recognize on a temporary basis an appraiser from another state that is"

In line 235, strike through "temporary certificate or license,"

In line 236, after "person" insert ", or recognize on a temporary basis an appraiser from another state."

The motion was agreed to and the bill so amended.

TIMOTHY O. SCHAFFER
THOM COLLIER
RONALD HOOD
DALE MILLER
WILLIAM J. SEITZ
TIMOTHY J. CASSELL
DAN STEWART

TOM BRINKMAN
COURTNEY COMBS
CHRIS WIDENER
KENNY YUKO
JIM MCGREGOR
SALLY CONWAY KILBANE
L. GEORGE DISTEL

The report was agreed to.

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

MOTIONS AND RESOLUTIONS

Representative Carmichael moved that majority party members asking leave to be absent or absent the week of Tuesday, October 18, 2005, be excused, so long as a written request is on file in the majority leadership offices.

The motion was agreed to.

Representative Driehaus moved that minority party members asking leave to be absent or absent the week of Tuesday, October 18, 2005, be excused, so long as a written request is on file in the minority leadership offices.

The motion was agreed to.

BILLS FOR THIRD CONSIDERATION

H. B. No. 367-Representatives Calvert, Buehrer, Coley, Flowers, Dolan, McGregor, J., Martin, Stewart, J., Faber, Evans, C., Wagoner, Schlichter.

To amend Section 209.18.03 of Am. Sub. H.B. 66 of the 126th General Assembly to exempt the Division of Wildlife from making payments into the Department of Natural Resources' Central Support Indirect Fund, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Miller moved to amend as follows:

In line 6, delete "Section" and insert "Sections 209.18 and"

Between lines 7 and 8, insert:

"Sec. 209.18. DNR DEPARTMENT OF NATURAL RESOURCES

General Revenue Fund			
GRF 725-401	Wildlife-GRF Central Support	\$ 1,000,000	\$ 1,000,000
		\$ 1,315,000	\$ 1,365,000
GRF 725-404	Fountain Square Rental Payments - OBA	\$ 1,025,300	\$ 1,092,000
GRF 725-407	Conservation Reserve Enhancement Program	\$ 1,000,000	\$ 1,000,000
GRF 725-413	OPFC Lease Rental Payments	\$ 18,699,100	\$ 20,962,800
GRF 725-423	Stream and Ground Water Gauging	\$ 311,910	\$ 311,910
GRF 725-425	Wildlife License Reimbursement	\$ 646,319	\$ 646,319
GRF 725-456	Canal Lands	\$ 332,859	\$ 332,859
GRF 725-502	Soil and Water Districts	\$ 9,836,436	\$ 9,836,436
GRF 725-903	Natural Resources General Obligation Debt Service	\$ 25,866,000	\$ 24,359,100
GRF 727-321	Division of Forestry	\$ 8,541,511	\$ 8,541,511
GRF 728-321	Division of Geological Survey	\$ 1,630,000	\$ 1,630,000

GRF 729-321	Office of Information Technology	\$ 440,895	\$ 440,895
GRF 730-321	Division of Parks and Recreation	\$ 37,874,841	\$ 39,874,841
GRF 731-321	Office of Coastal Management	\$ 259,707	\$ 259,707
GRF 733-321	Division of Water	\$ 3,257,619	\$ 3,207,619
GRF 736-321	Division of Engineering	\$ 3,118,703	\$ 3,118,703
GRF 737-321	Division of Soil and Water	\$ 4,074,788	\$ 4,074,788
GRF 738-321	Division of Real Estate and Land Management	\$ 2,291,874	\$ 2,291,874
GRF 741-321	Division of Natural Areas and Preserves	\$ 3,009,505	\$ 3,009,505
GRF 744-321	Division of Mineral Resources Management	\$ 3,068,167	\$ 3,068,167
TOTAL GRF	General Revenue Fund	\$ 126,285,534 \$ <u>126,600,534</u>	\$ 129,059,034 \$ <u>129,424,034</u>
General Services Fund Group			
155 725-601	Departmental Projects	\$ 3,135,821	\$ 3,011,726
157 725-651	Central Support Indirect	\$ 6,528,675	\$ 6,528,675
204 725-687	Information Services	\$ 4,676,627	\$ 4,676,627
206 725-689	REALM Support Services	\$ 475,000	\$ 475,000
207 725-690	Real Estate Services	\$ 64,000	\$ 64,000
223 725-665	Law Enforcement Administration	\$ 2,096,225	\$ 2,096,225
227 725-406	Parks Projects Personnel	\$ 175,000	\$ 110,000
4D5 725-618	Recycled Materials	\$ 50,000	\$ 50,000
4S9 725-622	NatureWorks Personnel	\$ 472,648	\$ 307,648
4X8 725-662	Water Resources Council	\$ 125,000	\$ 125,000
430 725-671	Canal Lands	\$ 797,582	\$ 847,582
508 725-684	Natural Resources Publications	\$ 157,792	\$ 157,792
510 725-631	Maintenance - State-owned Residences	\$ 260,849	\$ 260,849
516 725-620	Water Management	\$ 2,442,956	\$ 2,459,120
635 725-664	Fountain Square Facilities Management	\$ 3,182,223	\$ 3,190,223
697 725-670	Submerged Lands	\$ 542,011	\$ 542,011
TOTAL GSF	General Services Fund Group	\$ 25,182,409	\$ 24,902,478
Federal Special Revenue Fund Group			
3B3 725-640	Federal Forest	\$ 150,000	\$ 150,000

		Pass-Thru			
3B4	725-641	Federal Flood	\$	350,000	\$ 350,000
		Pass-Thru			
3B5	725-645	Federal Abandoned Mine Lands	\$	14,310,497	\$ 14,307,666
3B6	725-653	Federal Land and Water Conservation Grants	\$	5,000,000	\$ 5,000,000
3B7	725-654	Reclamation - Regulatory	\$	2,107,292	\$ 2,107,291
3P0	725-630	Natural Areas and Preserves - Federal	\$	315,000	\$ 315,000
3P1	725-632	Geological Survey - Federal	\$	479,651	\$ 479,651
3P2	725-642	Oil and Gas-Federal	\$	362,933	\$ 367,912
3P3	725-650	Coastal Management - Federal	\$	1,592,923	\$ 1,607,686
3P4	725-660	Water - Federal	\$	419,766	\$ 420,525
3R5	725-673	Acid Mine Drainage Abatement/Treatment	\$	2,225,000	\$ 2,225,000
3Z5	725-657	REALM-Federal	\$	1,578,871	\$ 1,578,871
328	725-603	Forestry Federal	\$	1,813,827	\$ 2,228,081
332	725-669	Federal Mine Safety Grant	\$	258,102	\$ 258,102
TOTAL FED Federal Special Revenue Fund Group			\$	30,963,862	\$ 31,395,785
State Special Revenue Fund Group					
4J2	725-628	Injection Well Review	\$	93,957	\$ 79,957
4M7	725-631	Wildfire Suppression	\$	100,000	\$ 100,000
4U6	725-668	Scenic Rivers Protection	\$	407,100	\$ 407,100
<u>5BV</u>	<u>725-683</u>	<u>Soil and Water Districts</u>	<u>\$</u>	<u>1,850,000</u>	<u>\$ 1,850,000</u>
5B3	725-674	Mining Regulation	\$	28,850	\$ 28,850
5BV	725-683	Soil and Water Districts	\$	1,850,000	\$ 1,850,000
5P2	725-634	Wildlife Boater Angler Administration	\$	4,200,000	\$ 3,500,000
509	725-602	State Forest	\$	2,291,664	\$ 2,591,664
511	725-646	Ohio Geological Mapping	\$	549,310	\$ 549,310
512	725-605	State Parks Operations	\$	26,814,288	\$ 26,814,288
512	725-680	Parks Facilities Maintenance	\$	2,576,240	\$ 2,576,240
514	725-606	Lake Erie Shoreline	\$	612,075	\$ 657,113
518	725-643	Oil and Gas Permit Fees	\$	2,674,377	\$ 2,674,378
518	725-677	Oil and Gas Well Plugging	\$	1,200,000	\$ 1,200,000
521	725-627	Off-Road Vehicle Trails	\$	143,490	\$ 143,490

522	725-656	Natural Areas Checkoff Funds	\$	1,550,670	\$	1,550,670
526	725-610	Strip Mining Administration Fee	\$	1,932,492	\$	1,932,492
527	725-637	Surface Mining Administration	\$	2,312,815	\$	2,322,702
529	725-639	Unreclaimed Land Fund	\$	623,356	\$	631,257
531	725-648	Reclamation Forfeiture	\$	2,061,861	\$	2,062,237
532	725-644	Litter Control and Recycling	\$	7,100,000	\$	7,100,000
586	725-633	Scrap Tire Program	\$	1,000,000	\$	1,000,000
615	725-661	Dam Safety	\$	365,223	\$	365,223
TOTAL SSR State Special Revenue Fund Group			\$	60,487,768	\$	60,136,971
Clean Ohio Fund Group						
061	725-405	Clean Ohio Operating	\$	155,000	\$	155,000
TOTAL CLF Clean Ohio Fund Group			\$	155,000	\$	155,000
Wildlife Fund Group						
015	740-401	Division of Wildlife Conservation	\$	49,447,500	\$	50,447,500
815	725-636	Cooperative Management Projects	\$	120,449	\$	120,449
816	725-649	Wetlands Habitat	\$	966,885	\$	966,885
817	725-655	Wildlife Conservation Checkoff Fund	\$	5,000,000	\$	5,000,000
818	725-629	Cooperative Fisheries Research	\$	1,500,000	\$	1,500,000
819	725-685	Ohio River Management	\$	128,584	\$	128,584
TOTAL WLF Wildlife Fund Group			\$	57,163,418	\$	58,163,418
Waterways Safety Fund Group						
086	725-414	Waterways Improvement	\$	3,792,343	\$	3,792,343
086	725-418	Buoy Placement	\$	52,182	\$	52,182
086	725-501	Waterway Safety Grants	\$	137,867	\$	137,867
086	725-506	Watercraft Marine Patrol	\$	576,153	\$	576,153
086	725-513	Watercraft Educational Grants	\$	366,643	\$	366,643
086	739-401	Division of Watercraft	\$	20,027,909	\$	20,086,681
5AW725-682		Watercraft Revolving Loans	\$	3,000,000	\$	1,000,000
TOTAL WSF Waterways Safety Fund Group			\$	27,953,097	\$	26,011,869

Holding Account Redistribution Fund Group			
R17 725-659	Performance Cash Bond	\$ 374,263	\$ 374,263
	Refunds		
R43 725-624	Forestry	\$ 2,500,000	\$ 1,500,000
TOTAL 090 Holding Account			
	Redistribution Fund Group	\$ 2,874,263	\$ 1,874,263
Accrued Leave Liability Fund Group			
4M8 725-675	FOP Contract	\$ 20,844	\$ 20,844
TOTAL ALF Accrued Leave			
	Liability Fund Group	\$ 20,844	\$ 20,844
TOTAL ALL BUDGET			
	FUND GROUPS	\$ <u>331,086,195</u>	\$ <u>331,719,662</u>
		\$ <u>331,401,195</u>	\$ <u>332,084,662</u> "

In line 22, delete "Section" and insert "Sections 209.18 and"

In line 23, delete "is" and insert "are"

After line 23, insert:

"Section 3. Sections 1 and 2 of this act, and the items of law of which those sections are composed, are not subject to the referendum. Therefore, under Ohio Constitution, Article II, Section 1d and section 1.471 of the Revised Code, such sections, and the items of law of which such sections are composed, go into immediate effect when this act becomes law."

In line 1 of the title, delete "Section" and insert "Sections 209.18 and"

In line 5 of the title, after "Fund" insert ", and to make an appropriation"

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

Representative Flowers moved that the motion be laid on the table.

The question being, "Shall the motion to amend be laid on the table?"

The yeas and nays were taken and resulted - yeas 58, nays 38, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Blasdel	Blessing	Bubp
Buehrer	Calvert	Carmichael	Coley
Collier	Combs	Core	Daniels
DeWine	Dolan	Evans C.	Evans D.
Faber	Fessler	Flowers	Gibbs
Gilb	Hagan	Hood	Hoops
Hughes	Kilbane	Latta	Law
Martin	McGregor J.	McGregor R.	Oelslager
Patton T.	Peterson	Raga	Rausen
Reidelbach	Reinhard	Schaffer	Schlichter
Schneider	Seaver	Seitz	Setzer
Smith G.	Stewart J.	Trakas	Uecker
Wagner	Wagoner	Walcher	Webster
White	Widener	Widowfield	Willamowski
Wolpert			Husted-58.

Those who voted in the negative were: Representatives

Allen	Barrett	Beatty	Bocchieri
Book	Brinkman	Brown	Carano
Cassell	Chandler	DeBose	DeGeeter
Distel	Domenick	Driehaus	Fende
Garrison	Hartnett	Harwood	Healy
Key	Koziura	Mason	Miller
Mitchell	Otterman	Perry	Redfern
Sayre	Skindell	Smith S.	Stewart D.
Strahorn	Ujvagi	Williams	Woodard
Yates			Yuko-38.

The motion to amend was laid on the table.

The question recurring, "Shall the bill pass?"

Representative Redfern moved to amend as follows:

In line 6, after "**1.**" insert "That section 1505.07 of the Revised Code be amended to read as follows:

Sec. 1505.07. (A) Subject to the ~~limitation~~limitations set forth in division (B) of this section and in section 1505.08 of the Revised Code, the director of natural resources, with the approval of the director of environmental protection, the attorney general, and the governor, may issue permits and make leases to parties making application for permission to take and remove sand, gravel, stone, and other minerals or substances from and under the bed of Lake Erie, either upon a royalty or rental basis, as ~~the director of natural resources~~ determines to be best for the state. Permits shall be issued for terms of not less than one year nor more than ten years, and leases shall be for a term of years or until the economic extraction of the mineral or other substance covered thereby has been completed. Such taking and removal shall be within certain fixed boundaries that do not conflict with the rights of littoral owners. Upon request from the holder of a permit, it shall be canceled, but in the case of any permit or lease, any equipment or buildings owned by the permittee or lessee shall be held as security by the director of natural resources for payment of all rentals or royalties due the state at the time of cancellation.

(B) The director of natural resources shall not issue any permit or make any lease under division (A) of this section to take or remove oil or natural gas from and under the bed of Lake Erie.

(C) No person shall remove sand, gravel, stone, or other minerals or substances from and under the bed of Lake Erie without first obtaining a permit or lease therefor from the director.

(D) The director of ~~natural resources~~ may, in accordance with Chapter 119. of the Revised Code, adopt, amend, and rescind rules for the administration, implementation, and enforcement of this section.

Section 2. That existing section 1505.07 of the Revised Code is hereby

repealed.

Section 3."

In line 22, delete "2." and insert "4."

In line 1 of the title, after "amend" insert "section 1505.07 of the Revised Code and to amend"

In line 5 of the title, after "Fund" insert "and to ban the taking or removal of oil or natural gas from and under the bed of Lake Erie"

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

Representative Flowers moved that the motion be laid on the table.

The question being, "Shall the motion to amend be laid on the table?"

The yeas and nays were taken and resulted - yeas 57, nays 39, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Blasdel	Blessing	Bubp
Buehrer	Calvert	Carmichael	Coley
Collier	Combs	Core	Daniels
DeWine	Dolan	Evans C.	Evans D.
Faber	Fessler	Flowers	Gibbs
Gilb	Hagan	Hood	Hoops
Kilbane	Latta	Law	Martin
McGregor J.	McGregor R.	Oelslager	Peterson
Raga	Rausen	Reidelbach	Reinhard
Schaffer	Schlichter	Schneider	Seaver
Seitz	Setzer	Smith G.	Stewart J.
Strahorn	Trakas	Uecker	Wagner
Wagoner	Walcher	Webster	White
Widener	Widowfield	Willamowski	Wolpert
			Husted-57.

Those who voted in the negative were: Representatives

Allen	Barrett	Beatty	Bocchieri
Book	Brinkman	Brown	Carano
Cassell	Chandler	DeBose	DeGeeter
Distel	Domenick	Driehaus	Fende
Garrison	Hartnett	Harwood	Healy
Hughes	Key	Koziura	Mason
Miller	Mitchell	Otterman	Patton T.
Perry	Redfern	Sayre	Skindell
Smith S.	Stewart D.	Ujvagi	Williams
Woodard	Yates		Yuko-39.

The motion to amend was laid on the table.

The question recurring, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 86, nays 10, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Blasdel	Blessing
Boccieri	Book	Brown	Bubp
Buehrer	Calvert	Carano	Carmichael
Cassell	Chandler	Coley	Collier
Combs	Core	Daniels	DeBose
DeGeeter	DeWine	Distel	Dolan
Domenick	Driehaus	Evans C.	Evans D.
Faber	Fende	Fessler	Flowers
Garrison	Gibbs	Gilb	Hagan
Hartnett	Harwood	Healy	Hood
Hoops	Hughes	Kilbane	Koziura
Latta	Law	Martin	Mason
McGregor J.	McGregor R.	Miller	Oelslager
Patton T.	Perry	Peterson	Raga
Raussen	Redfern	Reidelbach	Reinhard
Sayre	Schaffer	Schlichter	Schneider
Seaver	Seitz	Setzer	Skindell
Smith G.	Stewart D.	Stewart J.	Strahorn
Trakas	Uecker	Wagner	Wagoner
Walcher	Webster	White	Widener
Widowfield	Willamowski	Williams	Wolpert
Woodard			Husted-86.

Those who voted in the negative were: Representatives

Barrett	Beatty	Brinkman	Key
Mitchell	Otterman	Smith S.	Ujvagi
Yates			Yuko-10.

The bill passed.

Representative Calvert moved to amend the title as follows:

Add the names: "Aslanides, Blessing, Book, Cassell, Chandler, Evans, D., Garrison, Gibbs, Gilb, Hagan, Hoops, Latta, Patton, T., Reidelbach, Sayre, Schaffer, Smith, G., Widener, Willamowski."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Sub. S. B. No. 19-Senators Schuler, Wachtmann, Mumper, Clancy, Hagan, Goodman, Austria, Roberts, Padgett, Niehaus. -Representative Willamowski.

To amend sections 2317.02 and 4117.14 of the Revised Code to make the testimonial privilege against disclosure of certain communications applicable to critical incident stress management (CISM) team members, to create a testimonial privilege between employee-assistance program personnel and program clients, and to reenact the provision of law designating the Controlling Board as the legislative body authorized to reject recommendations of a fact-finding panel, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Harwood moved to amend as follows:

In line 11, delete "sections" and insert "section"; delete "and 4117.14"

Delete lines 451 through 743

In line 744, delete "sections" and insert "section"; delete "and 4117.14"

In line 745, delete "are" and insert "is"

In line 1 of the title, delete "sections" and insert "section"; delete "and 4117.14"

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

In line 7 of the title, delete everything after "clients"

Delete lines 8 and 9 of the title

In line 10 of the title, delete everything before the period

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

Representative Flowers moved that the motion be laid on the table.

The question being, "Shall the motion to amend be laid on the table?"

The yeas and nays were taken and resulted - yeas 53, nays 43, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Blasdel	Blessing	Bubp
Buehrer	Calvert	Carmichael	Coley
Collier	Combs	Core	Daniels
DeWine	Dolan	Evans D.	Faber
Fessler	Flowers	Gibbs	Gilb
Hagan	Hood	Hoops	Kilbane
Latta	Law	Martin	McGregor J.
McGregor R.	Peterson	Raga	Rausen
Reidelbach	Reinhard	Schaffer	Schlichter
Schneider	Seaver	Seitz	Setzer
Smith G.	Trakas	Uecker	Wagner
Wagoner	Walcher	Webster	White
Widener	Widowfield	Willamowski	Wolpert
			Husted-53.

Those who voted in the negative were: Representatives

Allen	Barrett	Beatty	Bocchieri
Book	Brinkman	Brown	Carano
Cassell	Chandler	DeBose	DeGeeter
Distel	Domenick	Driehaus	Evans C.
Fende	Garrison	Hartnett	Harwood
Healy	Hughes	Key	Koziura
Mason	Miller	Mitchell	Oelsluger
Otterman	Patton T.	Perry	Redfern
Sayre	Skindell	Smith S.	Stewart D.

Stewart J.
Woodard

Strahorn
Yates

Ujvagi

Williams
Yuko-43.

The motion to amend was laid on the table.

The question recurring, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 63, nays 33, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Blasdel	Blessing
Boccieri	Brinkman	Bubp	Buehrer
Calvert	Carano	Carmichael	Coley
Collier	Combs	Core	Daniels
DeBose	DeWine	Dolan	Domenick
Evans C.	Evans D.	Faber	Fessler
Flowers	Garrison	Gibbs	Gilb
Hagan	Hartnett	Harwood	Hood
Hoops	Kilbane	Latta	Law
Martin	McGregor J.	McGregor R.	Peterson
Raga	Rausen	Reidelbach	Reinhard
Schaffer	Schlichter	Schneider	Seaver
Seitz	Setzer	Smith G.	Trakas
Uecker	Wagner	Wagoner	Walcher
Webster	White	Widener	Widowfield
Willamowski	Wolpert		Husted-63.

Those who voted in the negative were: Representatives

Barrett	Beatty	Book	Brown
Cassell	Chandler	DeGeeter	Distel
Driehaus	Fende	Healy	Hughes
Key	Koziura	Mason	Miller
Mitchell	Oelslager	Otterman	Patton T.
Perry	Redfern	Sayre	Skindell
Smith S.	Stewart D.	Stewart J.	Strahorn
Ujvagi	Williams	Woodard	Yates
			Yuko-33.

The bill passed.

Representative Willamowski moved to amend the title as follows:

Add the names: "Blessing, Calvert, Flowers, Schneider, Seitz, Setzer, Webster."

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

passed the following bill in which the concurrence of the House is requested:

Sub. S. B. No. 53 - Senators Carey, Zurz, Harris, Jacobson, Padgett, Clancy, Grendell, Fedor, Miller, Austria, Goodman, Schuring, Amstutz, Cates, Coughlin, Gardner, Hottinger, Armbruster, Brady, Dann, Fingerhut, Hagan, Jordan, Mallory, Mumper, Niehaus, Prentiss, Roberts, Schuler, Spada, Wilson

To amend sections 109.60, 2151.022, 2152.02, 2919.22, 2925.01, 2925.04, 2925.041, 2925.14, 2925.52, and 4301.61 and to enact sections 2927.30, 2927.31, 2927.32, 2927.33, 2933.33, 3715.05, and 3715.06 of the Revised Code to govern pseudoephedrine sales in Ohio.

Attest:

David A. Battocletti,
Clerk.

Said bill was considered the first time.

MESSAGE FROM THE SPEAKER

Pursuant to Ohio Revised Code section 173.03(A), the Speaker hereby appoints Representative Chandler to the Ohio Advisory Council for the Aging.

MESSAGE FROM THE SPEAKER

Pursuant to House Rules 13, 28, and 30, the Speaker hereby makes the following changes to the House Retirement and Pensions Subcommittee:

Remove Representative Mason; appoint Representative D. Stewart.

Appoint Representative Healy as the ranking minority member.

CLERK'S NOTATION

October 19, 2005

Although we support the provisions of Substitute House Bill 234 as passed by the House, as well as the amendments adopted by the Senate that allow no-fault, no-excuse absentee voting, we protest the decision of the Ohio House to concur with HB 234 because:

1. As passed by the Senate, HB 234 violates the Article II, Section 15(D) of the Ohio Constitution, which provides, in pertinent part, "No bill shall contain more than one subject."

2. Senate amendments to HB 234 unfairly and perhaps unlawfully burdens the right to vote by requiring absentee voters to produce identification which they may not have;

3. The timing of the vote on HB 234, less than three weeks before Ohio voters will be asked to amend the Constitution to include a substantially similar proposal, appears to be calculated to undermine voter support for the ballot initiative.

We are pleased that the Ohio House of Representatives has finally adopted a measure to allow no-fault, no excuse absentee voting. We simply protest the undue burdens on voting and the process.

CHRIS REDFERN
CATHERINE L. BARRETT
JOHN A. BOCCIERI
EDNA BROWN
TIMOTHY J. CASSELL
MICHAEL DEBOSE
L. GEORGE DISTEL
STEVE L. DRIEHAUS
JENNIFER GARRISON
SANDRA STABILE HARWOOD
ANNIE L. KEY
LANCE T. MASON
MIKE MITCHELL
JEANINE PERRY
MICHAEL J. SKINDELL
DAN STEWART
PETER S. UJVAGI
CLAUDETTE J. WOODARD
KENNY YUKO

DIXIE J. ALLEN
JOYCE BEATTY
T. TODD BOOK
KENNETH A. CARANO
KATHLEEN CHANDLER
TIMOTHY J. DEGEETER
JOHN DOMENICK
LORRAINE M. FENDE
WILLIAM J. HARTNETT
WILLIAM J. HEALY
JOSEPH KOZIURA
DALE MILLER
ROBERT J. OTTERMAN
ALLAN R. SAYRE
SHIRLEY A. SMITH
FRED STRAHORN
BRIAN G. WILLIAMS
TYRONE K. YATES

On motion of Representative Blasdel, the House adjourned until Thursday, October 20, 2005 at 11:00 o'clock a.m.

Attest:

LAURA P. CLEMENS,
Clerk.