

**OHIO**

**House**

**of**

**Representatives**

**JOURNAL**

WEDNESDAY, OCTOBER 26, 2005

## ONE HUNDRED FOURTH DAY

Hall of the House of Representatives, Columbus, Ohio  
**Wednesday, October 26, 2005 at 1:30 o'clock p.m.**

The House met pursuant to adjournment.

Prayer was offered by Aaron Kemple of the West Broad Street Church of Christ in Columbus, Ohio, followed by the Pledge of Allegiance to the Flag.

The journal of yesterday was read and approved.

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

Senior citizens from the city of Independence, guests of Representative Trakas-17th district.

Tony Wagener, Mike Rejent, Johnnie Lewis, and Niki Messmore, guests of Representative Wagoner-46th district.

Delegates of the Hungarian government, guests of Representative Ujvagi-47th district.

Kate Litle, Casey Carlise, Betsy Stapleton, Chelsea Ford, Marissa Lopez, and Abe Jacob, guests of Representative Buehrer-74th district.

Megan Devlan, a guest of Representative Gilb-76th district.

**INTRODUCTION OF BILLS**

The following bills were introduced:

**H. B. No. 398**-Representatives Skindell, Miller, Yuko, Widowfield, Fende, Woodard, Key, Hughes, Williams, Smith, S., Brown, Reidelbach, Strahorn, Hartnett, Harwood.

To enact section 4905.89 of the Revised Code to create the Council on Sustainable Energy Development and specify its duties.

**H. B. No. 399**-Representatives Skindell, Allen, Key, Reidelbach, Fessler, Williams, McGregor, J., Hood, Sykes, Hartnett, Miller, Koziura, Stewart, D., Strahorn, Perry, Barrett, Harwood, Carano, Boccieri, Gilb, Brown, Cassell, Buehrer, Yuko, DeGeeter, Woodard, Willamowski, Faber, Fende, Schaffer, Hughes, Book, Mason, Oelslager, Healy, Otterman, Smith, S., Distel, Mitchell, Chandler, Redfern, Sayre, Garrison, Domenick, DeBose, Beatty, Patton, S., Driehaus, Ujvagi, Brinkman.

To amend section 5751.01 of the Revised Code to exempt from the commercial activity tax proceeds received from sales of take-out food, wholesale sales of food, items purchased by resellers of food for use in

business, or retail sales of packaging containing food.

**H. B. No. 400**-Representatives McGregor, J., Aslanides, Cassell, Fende, Carano, Wolpert, Webster.

To amend sections 303.02, 303.14, 519.02, 519.14, 1513.30, 1514.01, 1514.04, 1514.05, 1514.06, 1514.09, 1514.11, 1514.99, and 5749.02 and to enact sections 315.09, 1514.011, 1514.051, 1514.40 to 1514.47, 1514.50, 1561.011, 1563.01, 1565.01, 1567.01, and 1571.011 of the Revised Code to revise the distribution of revenues from the severance tax on industrial minerals, to exempt industrial minerals mining operations from the state mine safety laws and instead provide for the adoption of federal mine safety requirements for those operations, to revise the zoning laws concerning industrial minerals mining, and to make other changes governing the mining of industrial minerals.

**H. B. No. 401**-Representatives Law, Flowers, Coley, Uecker, Patton, S..

To amend sections 505.38, 737.08, 737.22, 3737.66, 4765.01, 4765.04, 4765.49, and 4765.55 of the Revised Code to provide for the adoption of rules governing firefighter training.

Said bills were considered the first time.

### CONSIDERATION OF SENATE AMENDMENTS

The Senate amendments to **Sub. H. B. No. 104**-Representative Martin, et al., were taken up for consideration.

**Sub. H. B. No. 104**-Representatives Martin, McGregor, Trakas, Wagoner, C. Evans, Perry, Seitz, Coley, Core, Harwood, Allen, Beatty, Blessing, Bulp, Buehrer, Carano, Cassell, Collier, DeBose, DeGeeter, Distel, Dolan, Domenick, Faber, Fende, Fessler, Flowers, Gibbs, Gilb, Hughes, Kearns, Latta, Mason, Miller, Oelslager, Otterman, S. Patton, T. Patton, Raussen, Reidelbach, Reinhard, Sayre, Schaffer, Schneider, Seaver, Setzer, Skindell, G. Smith, S. Smith, D. Stewart, J. Stewart, Strahorn, Williams. -Senators Clancy, Austria, Grendell, Zurz, Dann, Jordan, Mallory, Goodman, Jacobson, Mumper, Schuring, Niehaus, Harris, Padgett, Carey, Schuler, Gardner, Miller, Fedor, Brady.

To amend sections 1345.51 and 1347.01 and to enact sections 1347.12, 1349.19, 1349.191, and 1349.192 of the Revised Code to require a state agency, an agency of a political subdivision, or a person, including a business entity that does business in Ohio, to contact individuals residing in Ohio if unencrypted or unredacted personal information about those individuals that is included in computerized data owned or licensed by the agency, person, or business entity is accessed and acquired by unauthorized persons and causes

or reasonably is believed will create a material risk of the commission of the offense of identity fraud or other fraud to the individual, and to authorize the Attorney General to investigate and enforce compliance with the requirements.

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

The yeas and nays were taken and resulted - yeas 96, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Beatty
Blasdel	Blessing	Bocchieri	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 S.	Patton T.
Perry	Peterson	Raga	Raussen
Reidelbach	Reinhard	Sayre	Schaffer
Schlichter	Schneider	Seitz	Setzer
Skindell	Smith G.	Smith S.	Stewart D.
Stewart J.	Strahorn	Taylor	Trakas
Uecker	Ujvagi	Wagner	Wagoner
Walcher	Webster	White	Widener
Widowfield	Willamowski	Williams	Wolpert
Woodard	Yates	Yuko	Husted-96.

The Senate amendments were concurred in.

The Senate amendments to **Am. Sub. H. B. No. 203**-Representative Raga, et al., were taken up for consideration.

**Am. Sub. H. B. No. 203**-Representatives Raga, Kearns, DeWine, Flowers, Wagoner, Calvert, T. Patton, Allen, Strahorn, Gilb, Chandler, Faber, White, S. Smith, Barrett, Beatty, DeBose, Fessler, G. Smith, Harwood, Hoops, Otterman, Reidelbach, Schneider, Webster, Carmichael, Cassell, C. Evans, D. Evans, Hagan, Hughes, Key, Law, Martin, Schlichter, Setzer, Taylor, S. Patton, Williams. -Senators Clancy, Austria, Coughlin, Dann, Grendell, Harris, Padgett, Roberts, Schuler, Schuring, Zurz, Spada, Gardner.

To amend sections 3707.26 and 4736.01 and to enact sections 117.102, 3313.473, 3314.15, and 3701.93, 3701.931, 3701.932, 3701.933, 3701.934,

3701.935, and 3701.936 of the Revised Code with respect to inspections of public and nonpublic school buildings by boards of health, to require the Director of Health to establish the School Health and Safety Network to coordinate school inspections, and to include school safety and sanitary inspections within the practice of environmental health for registered sanitarians.

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

The yeas and nays were taken and resulted - yeas 94, nays 2, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Beatty
Blasdel	Blessing	Bocchieri	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	Hoops	Hughes	Key
Kilbane	Koziura	Latta	Law
Martin	Mason	McGregor J.	McGregor R.
Miller	Mitchell	Oelslager	Otterman
Patton S.	Patton T.	Perry	Peterson
Raga	Raussen	Reidelbach	Reinhard
Sayre	Schaffer	Schlichter	Schneider
Seitz	Setzer	Skindell	Smith G.
Smith S.	Stewart D.	Stewart J.	Strahorn
Taylor	Trakas	Uecker	Ujvagi
Wagner	Wagoner	Walcher	Webster
White	Widener	Widowfield	Willamowski
Williams	Wolpert	Woodard	Yates
Yuko			Husted-94.

Representatives Brinkman and Hood voted in the negative-2.

The Senate amendments were concurred in.

### REPORTS OF CONFERENCE COMMITTEES

Representative Wagoner submitted the following report:

The Committee of Conference to which the matters of difference between the two houses were referred on Am. Sub. H.B. 122, Rep. Wagoner - et al., having had the same under consideration, recommends to the respective houses as follows:

The bill as passed by the Senate with the following amendments:

In lines 18 and 509, after "3770.072," insert "3770.073, 3770.10,"

In line 19, delete "sections" and insert "section"; delete "and 3770.074"

In line 62, after the first underlined comma insert "in the case of a claim for a lottery prize award made by one or more beneficial owners using a trust."

In line 63, delete "that" and insert "each such"

In line 64, delete "that" and insert "such a"

In line 92, delete "The" and insert "Any"

In line 93, after "sections" insert "that is made confidential by division (A)(1) of this section"

In line 95, after the second "the" insert "applicable"

In line 96, delete ", notarized"

In line 136, after "(1)" insert "No right of any prize winner, as defined in section 3770.10 of the Revised Code, to a prize award shall be assignable except as follows: when the payment is to be made to the executor or administrator, or the trustee of a trust, of the estate of a winning ticket holder; when the award of a prize is disputed, any person may be awarded a prize award to which another has claimed title, pursuant to the order of a court of competent jurisdiction; when a person is awarded a prize award to which another has claimed title, pursuant to the order of a federal bankruptcy court under Title 11 of the United States Code; or as provided in sections 3770.10 to 3770.14 of the Revised Code."

(2)(a)"

In line 137, after "award" insert "with a remaining unpaid balance of less than one hundred thousand dollars"; strike through "assignable,"

In line 138, strike through the first "or"

In line 139, strike through the first comma; strike through "as follows:"

In line 140, strike through "; when"

Strike through lines 141 through 147

In line 148, strike through "United States Code;" and insert "or"

In line 149, reinsert "or"; delete the first underlined comma; delete ", or 3770.074"

In line 150, strike through everything after "Code"

In line 151, strike through "Revised Code"

In line 152, strike through "(2)" and insert "(b) No right of any prize winner, as defined in section 3770.10 of the Revised Code, to a prize award with an unpaid balance of one hundred thousand dollars or more shall be subject to garnishment, attachment, execution, withholding, or deduction except as"

follows: as provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 3123.06 of the Revised Code; when the director is to make a payment pursuant to section 3770.071 or 3770.073 of the Revised Code; or pursuant to the order of a court of competent jurisdiction located in this state in a proceeding in which the state lottery commission is a named party, in which case the garnishment, attachment, execution, withholding, or deduction pursuant to the order shall be subordinate to any payments to be made pursuant to section 3119.80, 3119.81, 3121.02, 3121.03, 3123.06, 3770.071, or 3770.073 of the Revised Code.

(3) The state lottery commission may adopt and amend rules pursuant to Chapter 119. of the Revised Code as necessary to implement division (D) of this section, to provide for payments from prize awards subject to garnishment, attachment, execution, withholding, or deduction, and to comply with any applicable requirements of federal law.

(4) Upon making payments from a prize award as required by division (D) of this section, the director and the state lottery commission are discharged from all further liability for those payments, whether they are made to an executor, administrator, trustee, judgment creditor, or another person, or to the prize winner, as defined in section 3770.10 of the Revised Code.

(5)"

In line 172, after "to" insert "a provision of"

In line 173, after "section" insert "other than a provision of division (D) of this section"

Delete lines 333 through 432 and insert:

**"Sec. 3770.073.** (A) If a person is entitled to a lottery prize award and is indebted to the state for the payment of any tax, workers' compensation premium, unemployment contribution, payment in lieu of unemployment contribution, certified claim under section 131.02 or 131.021 of the Revised Code, lottery sales receipts held in trust on behalf of the state lottery commission as described in division (G)(2) of section 3770.05 of the Revised Code, or charge, penalty, or interest arising from these debts and the amount of the prize money or the cost of goods or services awarded as a lottery prize award is five thousand dollars or more, the director of the state lottery commission, or the director's designee, shall do either of the following:

(1) If the prize award will be paid in a lump sum, deduct from the prize award and pay to the attorney general an amount in satisfaction of the debt and pay any remainder to that person. If the amount of the prize award is less than the amount of the debt, the entire amount of the prize award shall be deducted and paid in partial satisfaction of the debt.

(2) If the prize award will be paid in annual installments, on the date the initial installment payment is due, deduct from that installment and pay to the attorney general an amount in satisfaction of the debt and, if necessary to collect the full amount of the debt, do the same for any subsequent annual installments,

at the time the installments become due and owing to the person, until the debt is fully satisfied.

(B) If a person entitled to a lottery prize award owes more than one debt, any debt subject to section 5739.33 or division (G) of section 5747.07 of the Revised Code shall be satisfied first.

(C) Except as provided in section 131.021 of the Revised Code, this section applies only to debts that have become final.

**Sec. 3770.10.** As used in sections 3770.07 and 3770.10 to 3770.14 of the Revised Code:

(A) "Court of competent jurisdiction" means either the general division or the probate division of the court of common pleas of the county in which the prize winner or transferor resides, or, if the prize winner or transferor is not a resident of this state, either the general division or the probate division of the court of common pleas of Franklin county or a federal court having jurisdiction over the lottery prize award.

(B) "Discounted present value" means the present value of the future payments of a lottery prize award that is determined by discounting those payments to the present, using the most recently published applicable federal rate for determining the present value of an annuity as issued by the United States internal revenue service and assuming daily compounding.

(C) "Independent professional advice" means the advice of an attorney, a certified public accountant, an actuary, or any other licensed professional adviser if all of the following apply:

(1) The prize winner has engaged the services of the licensed professional adviser to render advice concerning the legal and other implications of a transfer of the lottery prize award.

(2) The licensed professional adviser is not affiliated in any manner with or compensated in any manner by the transferee of the lottery prize award.

(3) The compensation of the licensed professional adviser is not affected by whether or not a transfer of a lottery prize award occurs.

(D) "Prize winner" means any person that holds the right to receive all or any part of a lottery prize award as a result of being any of the following:

(1) A person who is a claimant under division (A) of section 3770.07 of the Revised Code;

(2) A person who is entitled to a prize award and who is under a legal disability as described in division (B) of section 3770.07 of the Revised Code;

(3) A person who was awarded a prize award to which another has claimed title by a federal bankruptcy court order or other court order referred to in division (D)~~(4)~~ of section 3770.07 of the Revised Code;



(4) A person who is receiving payments upon the death of a prize winner as provided in division (D)~~(Z)~~ of section 3770.07 of the Revised Code.

(E) "Transfer" means any form of sale, assignment, or redirection of payment of all or any part of a lottery prize award for consideration.

(F) "Transfer agreement" means an agreement that is complete and valid, and that provides for the transfer of all or any part of a lottery prize award from a transferor to a transferee. A transfer agreement is incomplete and invalid unless the agreement contains both of the following:

(1) A statement, signed by the transferor under penalties of perjury, that the transferor irrevocably agrees that the transferor is subject to the tax imposed by Chapter 5733. or 5747. of the Revised Code with respect to gain or income which the transferor will recognize in connection with the transfer. If the transferor is a pass-through entity, as defined in section 5733.04 of the Revised Code, each investor in the pass-through entity shall also sign under penalties of perjury a statement that the investor irrevocably agrees that the investor is subject to the tax imposed by Chapter 5733. or 5747. of the Revised Code with respect to gain or income which the transferor and the investor will recognize in connection with the transfer.

(2) A statement, signed by the transferee, that the transferee irrevocably agrees that the transferee is subject to the withholding requirements imposed by division (C) of section 3770.072 of the Revised Code and that the transferee is subject to the tax imposed by Chapter 5733. or 5747. of the Revised Code with respect to gain or income which the transferee will recognize in connection with lottery prize awards to be received as a result of the transfer. If the transferee is a pass-through entity, as defined in section 5733.04 of the Revised Code, each investor in the pass-through entity shall also sign under penalties of perjury a statement setting forth that the investor irrevocably agrees that the investor is subject to the withholding requirements imposed by division (C) of section 3770.072 of the Revised Code and is subject to the tax imposed by Chapter 5733. or 5747. of the Revised Code with respect to gain or income which the transferee and the investor will recognize in connection with lottery prize awards to be received as a result of the transfer.

(G) "Transferee" means a party acquiring or proposing to acquire all or any part of a lottery prize award through a transfer.

(H) "Transferor" means either a prize winner or a transferee in an earlier transfer whose interest is acquired by or is sought to be acquired by a transferee or a new transferee through a transfer."

In line 1 of the title, after "3770.072," insert "3770.073, 3770.10,"

In line 2 of the title, delete "sections" and insert "section"; delete the second "and"

In line 3 of the title, delete "3770.074"

In line 13 of the title, delete everything after "that" and insert "amounts"

In line 15 of the title, delete "specified procedure," and insert "court order, to require unpaid lottery sales receipts to be deducted from lottery prize awards,"

Managers on the Part of the  
House of Representatives

/S/ MARK D. WAGONER, JR.  
MARK D. WAGONER, JR.  
  
/S/ JIM CARMICHAEL  
JIM CARMICHAEL  
  
/S/ WILLIAM J. HARTNETT  
WILLIAM J. HARTNETT

Managers on the Part of the  
Senate

/S/ KEVIN J. COUGHLIN  
KEVIN J. COUGHLIN  
  
/S/ JEFFRY ARMBRUSTER  
JEFFRY ARMBRUSTER  
  
/S/ MARK MALLORY  
MARK MALLORY

The question being, "Shall the report of the committee of Conference be agreed to?"

The yeas and nays were taken and resulted - yeas 96, nays 0, 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 S.	Patton T.
Perry	Peterson	Raga	Rausen
Reidelbach	Reinhard	Sayre	Schaffer
Schlichter	Schneider	Seitz	Setzer
Skindell	Smith G.	Smith S.	Stewart D.
Stewart J.	Strahorn	Taylor	Trakas
Uecker	Ujvagi	Wagner	Wagoner
Walcher	Webster	White	Widener
Widowfield	Willamowski	Williams	Wolpert
Woodard	Yates	Yuko	Husted-96.

The report of the committee of Conference was agreed to.

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

Representative Distel submitted the following report:

The standing committee on Commerce and Labor to which was referred **H. B. No. 82**-Representative Hughes, having had the same under consideration, reports it back with the following amendment and recommends its passage when so amended.

RE: CHANGE TITLE OF INDUSTRIAL HYGIENIST

Representative Schaffer moved to amend as follows:

Delete lines 36 through 47

In line 51, reinsert "or"

In line 52, delete "Certified Health Physicist" or "Registered"

In line 53, delete "Radiation Protection Technologist,"

In line 54, reinsert "or"; delete "CHP," or "RRPT"

Delete line 57

In line 58, delete "radiation protection technologists"

Delete lines 77 through 83

In line 85, reinsert "and"; delete ", the practice"

In line 86, delete "of health physics, or"

In line 90, reinsert "or"; delete ", Certified"

In line 91, delete "Health Physicist or Registered Radiation Protection Technologist"

In line 93, delete ", the practice of health physics,"

In line 100, delete ", the practice of health physics,"

In line 106, delete "the American board of health physics or the"

In line 107, delete "national registry of radiation protection technologists"

In line 2 of the title, delete "make changes"

Delete line 3 of the title

In line 4 of the title, delete "titles in" and insert "change the professional title "Industrial Hygienist in Training" to "Certified Associate Industrial Hygienist" with respect to"; delete "occupational safety or"

The motion was agreed to and the bill so amended.

THOM COLLIER  
SALLY CONWAY KILBANE  
COURTNEY COMBS

CHRIS WIDENER  
RONALD HOOD  
L. GEORGE DISTEL

DALE MILLER  
 KENNY YUKO  
 DAN STEWART  
 TIMOTHY O. SCHAFFER

JIM MCGREGOR  
 TIMOTHY J. CASSELL  
 WILLIAM J. SEITZ  
 TOM BRINKMAN

The report was agreed to.

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

Representative Stewart, D. submitted the following report:

The standing committee on State Government to which was referred **H. B. No. 158**-Representative Seitz, et al., having had the same under consideration, reports it back with the following amendment and recommends its passage when so amended.

RE: "SIMULCAST INSTANT HORSE RACE WAGERING"

Representative Blasdel moved to amend the title as follows:

Add the name: "Stewart, D.."

Representative Blasdel moved to amend as follows:

In line 848, after the underlined period insert "A permit holder shall design and operate the instant racing system so that no person is able to fast-forward the last ten seconds of any simulcast."

The motion was agreed to and the bill so amended.

DAN STEWART  
 THOMAS F. PATTON  
 JOSEPH W. UECKER  
 KATHY L. WALCHER  
 JIM CARMICHAEL

CHARLES R. BLASDEL  
 MIKE MITCHELL  
 LARRY L. FLOWERS  
 WILLIAM J. HARTNETT

The following members voted "NO"

STEPHEN BUEHRER

ARLENE J. SETZER

The report was agreed to.

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

Representative Book submitted the following report:

The standing committee on Civil and Commercial Law to which was referred **H. B. No. 279**-Representative Hughes, having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: HANDGUN IDENTIFICATION - PROHIBIT ALTERATION

Representative Seitz moved to amend the title as follows:

Add the names: "Seitz, Coley, Willamowski, Core, Mason."

WILLIAM J. SEITZ	MARK D. WAGONER
JOHN R. WILLAMOWSKI	ROBERT E. LATTA
ANTHONY CORE	W. SCOTT OELSLAGER
BILL COLEY	T. TODD BOOK
SANDRA STABILE HARWOOD	JOYCE BEATTY
LANCE T. MASON	

The report was agreed to.

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

Representative Book submitted the following report:

The standing committee on Civil and Commercial Law to which was referred **Am. Sub. S. B. No. 167**-Senator Grendell, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: EMINENT DOMAIN - MORATORIUM/STUDY

Representative Seitz moved to amend the title as follows:

Add the names: "Representatives Seitz, Harwood, Wagoner, Willamowski, Latta, Core, Oelslager, Coley, Book, Beatty, Mason."

WILLIAM J. SEITZ	MARK D. WAGONER
JOHN R. WILLAMOWSKI	ROBERT E. LATTA
ANTHONY CORE	W. SCOTT OELSLAGER
BILL COLEY	T. TODD BOOK
SANDRA STABILE HARWOOD	JOYCE BEATTY
LANCE T. MASON	

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 **H. B. No. 380**-Representative Miller, et al., having had the same under consideration, recommends its re-referral to the committee on Rules and Reference.

RE: ADULT PROTECTIVE SERVICES - FUNDING TO ODJFS

SALLY CONWAY KILBANE	CHARLES R. BLASDEL
TOM BRINKMAN	MARY TAYLOR
TIMOTHY O. SCHAFFER	WILLIAM J. SEITZ
ROBERT E. LATTA	MIKE GILB
JOHN P. HAGAN	MICHAEL J. SKINDELL
FRED STRAHORN	STEVE L. DRIEHAUS
WILLIAM J. HARTNETT	BOB GIBBS

PETER S. UJVAGI

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 25, 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 25, 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

**Sub. H. B. No. 150**-Representatives Gibbs, McGregor, J., Ujvagi, Evans, C., Kearns, Williams, Hagan, Reidelbach, Collier, Distel, Miller, Cassell, Schaffer.

To amend sections 4737.10 and 4737.99 of the Revised Code to require a junk yard owner's license to be suspended if the owner fails to make required changes or improvements to the owner's junk yard, to restrict the junk yard owner's activities during the suspension, and to increase the tax that may be imposed on an owner who does not make the required changes or improvements, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Gibbs moved to amend as follows:

In line 76, after "the" insert "sheriff, township police officer or constable, or the chief of the police shall send notice of that noncompliance to the"

In line 78, after "located" insert ". After receiving the notice of noncompliance, the chief executive officer or county auditor, as appropriate,"

In line 83, delete "The" and insert:

"(E) An owner whose license is suspended pursuant to division (D) of this section may appeal the suspension in accordance with Chapter 2506. of the Revised Code.

At any time during the ninety days in which an owner's license is

suspended, the owner may apply to the sheriff, township police officer or constable, or the chief of the police to have the junk yard inspected. If, after the inspection, the sheriff, township police officer or constable, or the chief of the police determines that the junk yard conforms to the requirements of sections 4737.01 to 4737.12 of the Revised Code, the sheriff, township police officer or constable, or the chief of the police, as appropriate, shall send notice of that compliance to the chief executive officer of the municipality or the county auditor of the county in which the licensee's junk yard is located. After receiving the notice of compliance, the chief executive officer or the county auditor, as appropriate, shall remove the suspension and reinstate the owner's license.

(F)(1) An"

In line 84, delete "(E)" and insert "(2)"

In line 85, delete "ninety days in which" and insert "time that"

In line 87, delete "(F) At the expiration" and insert "(G) If an owner's license has not been reinstated under division (E) of this section prior to the end"

In line 92, delete "notify" and insert "send notice of that noncompliance to"

In line 94, delete "The" and insert "After receiving the notice of noncompliance, the"; delete "of the municipality"

In line 95, delete "then"

In line 115, delete "(E)" and insert "(F)(2)"

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

The yeas and nays were taken and resulted - yeas 94, nays 2, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Beatty
Blasdel	Blessing	Bocchieri	Book
Brown	Bubp	Buehrer	Calvert
Carano	Carmichael	Cassell	Chandler
Coley	Collier	Combs	Core
Daniels	DeBose	DeGeeter	DeWine
Distel	Dolan	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 S.	Patton T.	Perry	Peterson
Raga	Rausen	Reidelbach	Reinhard
Sayre	Schaffer	Schlichter	Schneider
Seitz	Setzer	Skindell	Smith G.
Smith S.	Stewart D.	Stewart J.	Strahorn
Taylor	Trakas	Uecker	Ujvagi

Wagner	Wagoner	Walcher	Webster
White	Widener	Widowfield	Willamowski
Williams	Wolpert	Woodard	Yates
Yuko			Husted-94.

Representatives Brinkman and Domenick voted in the negative-2.

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 94, nays 2, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Beatty
Blasdel	Blessing	Bocchieri	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	Hoops	Hughes	Key
Kilbane	Koziura	Latta	Law
Martin	Mason	McGregor J.	McGregor R.
Miller	Mitchell	Oelslager	Otterman
Patton S.	Patton T.	Perry	Peterson
Raga	Rausen	Reidelbach	Reinhard
Sayre	Schaffer	Schlichter	Schneider
Seitz	Setzer	Skindell	Smith G.
Smith S.	Stewart D.	Stewart J.	Strahorn
Taylor	Trakas	Uecker	Ujvagi
Wagner	Wagoner	Walcher	Webster
White	Widener	Widowfield	Willamowski
Williams	Wolpert	Woodard	Yates
Yuko			Husted-94.

Representatives Brinkman and Hood voted in the negative-2.

The bill passed.

Representative Gibbs moved to amend the title as follows:

Add the names: "Barrett, Blessing, Chandler, Combs, Schneider, Stewart, D., Willamowski."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**Sub. S. B. No. 167**-Senators Grendell, Zurz, Harris, Jacobson, Cates, Mallory, Brady, Amstutz, Armbruster, Carey, Dann, Gardner, Goodman, Miller, Roberts, Schuler, Schuring, Spada, Wachtmann, Wilson, Padgett, Austria, Clancy, Mumper, Hottinger, Niehaus, Jordan, Fedor, Coughlin.



-Representatives Seitz, Harwood, Wagoner, Willamowski, Latta, Core, Oelslager, Coley, Book, Beatty, Mason.

To establish, until December 31, 2006, a moratorium on the use of eminent domain by any entity of the state government or any political subdivision of the state to take, without the owner's consent, private property that is in an unblighted area when the primary purpose for the taking is economic development that will ultimately result in ownership of the property being vested in another private person, to create the Legislative Task Force to Study Eminent Domain and Its Use and Application in the State, and to declare an emergency, was taken up for consideration the third time.

The question being, "Shall the emergency clause stand as part of the bill?"

Representative Flowers moved to amend as follows:

In line 67, delete "with two"

In line 68, delete "members"

In line 69, delete "and one member appointed by" and insert "in consultation with"

In line 73, delete "with two members"

In line 74, delete "and one member appointed by" and insert "in consultation with"

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

The yeas and nays were taken and resulted - yeas 80, nays 14, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Beatty	Blasdel
Blessing	Brinkman	Brown	Bubp
Buehrer	Calvert	Carano	Carmichael
Cassell	Coley	Collier	Combs
Core	Daniels	DeWine	Distel
Dolan	Domenick	Evans C.	Evans D.
Faber	Fende	Fessler	Flowers
Garrison	Gibbs	Gilb	Hagan
Hartnett	Healy	Hood	Hoops
Hughes	Key	Kilbane	Koziura
Latta	Law	Martin	McGregor J.
McGregor R.	Miller	Mitchell	Oelslager
Otterman	Patton T.	Perry	Peterson
Raga	Rausen	Reidelbach	Reinhard
Schaffer	Schlichter	Schneider	Seitz
Setzer	Skindell	Smith G.	Stewart D.
Stewart J.	Taylor	Trakas	Uecker
Wagner	Wagoner	Walcher	Webster
White	Widener	Willamowski	Williams
Wolpert	Yates	Yuko	Husted-80.

Those who voted in the negative were: Representatives

Barrett	Boccieri	Book	Chandler
DeBose	DeGeeter	Driehaus	Harwood
Mason	Sayre	Strahorn	Ujvagi
Widowfield			Woodard-14.

The motion was agreed to and the bill so amended.

The question recurring, "Shall the emergency clause stand as part of the bill?"

The yeas and nays were taken and resulted - yeas 93, nays 2, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Beatty
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
Key	Kilbane	Koziura	Latta
Law	Martin	Mason	McGregor J.
McGregor R.	Miller	Mitchell	Oelslager
Otterman	Patton S.	Patton T.	Perry
Peterson	Raga	Raussen	Reidelbach
Reinhard	Sayre	Schaffer	Schlichter
Schneider	Seitz	Setzer	Skindell
Smith G.	Stewart D.	Stewart J.	Strahorn
Taylor	Trakas	Uecker	Ujvagi
Wagner	Wagoner	Walcher	Webster
White	Widener	Willamowski	Williams
Wolpert	Woodard	Yates	Yuko
			Husted-93.

Representatives Brinkman and Widowfield voted in the negative-2.

Having received a constitutional majority, the emergency clause stood as part of the bill.

The question being, "Shall the bill pass as an emergency measure?"

The yeas and nays were taken and resulted - yeas 95, nays 0, 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 S.	Patton T.
Perry	Peterson	Raga	Rausen
Reidelbach	Reinhard	Sayre	Schaffer
Schlichter	Schneider	Seitz	Setzer
Skindell	Smith G.	Stewart D.	Stewart J.
Strahorn	Taylor	Trakas	Uecker
Ujvagi	Wagner	Wagoner	Walcher
Webster	White	Widener	Widowfield
Williamowski	Williams	Wolpert	Woodard
Yates	Yuko		Husted-95.

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

Representative Gibbs moved to amend the title as follows:

Add the names: "Allen, Aslanides, Barrett, Blasdel, Blessing, Boccieri, Brinkman, Brown, Bubp, Buehrer, Calvert, Carano, Carmichael, Cassell, Chandler, Collier, Combs, Daniels, DeBose, DeGeeter, DeWine, Distel, Dolan, Domenick, Driehaus, Evans, C., Evans, D., Faber, Fende, Fessler, Flowers, Garrison, Gibbs, Gilb, Hagan, Hartnett, Healy, Hood, Hoops, Hughes, Key, Kilbane, Koziura, Law, Martin, McGregor, J., McGregor, R., Mitchell, Otterman, Patton, S., Patton, T., Perry, Peterson, Raga, Raussen, Reidelbach, Sayre, Schaffer, Schlichter, Setzer, Smith, G., Stewart, D., Stewart, J., Taylor, Uecker, Ujvagi, Wagner, Webster, White, Widener, Widowfield, Williams, Wolpert, Yates, Yuko."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

#### MESSAGE FROM THE SPEAKER

Pursuant to House Rules 13, 28, and 30, the Speaker hereby makes the following change to the House Civil and Commercial Law Committee:

Remove Representative Seitz as chair; appoint Representative Oelslager as chair.

MESSAGE FROM THE SPEAKER

The Speaker of the House of Representatives, on October 26, 2005, signed the following:

**S. B. No. 19** - Senator Schuler - et al.

On motion of Representative Blasdel, the House adjourned until Thursday, October 27, 2005 at 11:00 o'clock a.m.

Attest:

LAURA P. CLEMENS,  
Clerk.