

OHIO

House

of

Representatives

JOURNAL

CORRECTED VERSION
TUESDAY, DECEMBER 12, 2006

ONE HUNDRED THIRTY-NINTH DAY
Hall of the House of Representatives, Columbus, Ohio
Tuesday, December 12, 2006 at 11:00 o'clock a.m.

The House met pursuant to adjournment.

Prayer was offered by Reverend Doug Peterson of the Sandusky Alliance Church in Sandusky, 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:

The St. Paul High School volleyball team received House Resolution No. 254, presented by Representative D. White-58th district.

The Hilliard Davidson High School football team received House Resolution No. 283, presented by Representative Wolpert-23rd district.

Women from the Dublin Red Hat Seniors Club, guests of Representatives Wolpert-23rd district, Hughes-22nd district, Peterson-2nd district, Core-83rd district.

Sandy White, wife of Representative D. White-58th district.

David Patton, brother of Representative S. Patton-60th district.

Darla Dunlap, a guest of Representative S. Patton-60th district.

Philip and Helen Hall, guests of Representative D. Evans-71st district.

Sandy Evans, wife of Representative D. Evans-71st district.

Terry and Donna Thatcher, guests of Representative Wagner-81st district.

Jessie Reinhart and John Smith, guests of Representative Book-89th district.

INTRODUCTION OF BILLS

The following bills were introduced:

H. B. No. 702-Representatives Reinhard, Schlichter.

To amend sections 125.834, 1327.50, 1327.61, 5733.01, 5733.98, and 5747.98 and to enact sections 5733.47, 5747.76, and 5747.77 of the Revised Code to establish a biodiesel, blended biodiesel, and E85 blend fuel quality testing program; to establish renewable fuel usage requirements for fueling facilities owned or operated by the state; and to authorize tax credits against the corporation franchise and income taxes for the sale of E85 blend fuel, and against the income tax for the sale of renewable fuels.

H. B. No. 703-Representatives Brown, Williams, Barrett, Strahorn, Fende, Yuko, Boccieri, Chandler, Perry, Otterman, Redfern.

To amend section 3313.671 and to enact sections 3701.36, 3701.361, and 3701.362 of the Revised Code to require that girls entering the sixth grade be vaccinated against the human papillomavirus (HPV) and to create the HPV Immunization Advisory Committee.

H. B. No. 704-Representative Wolpert.

To amend section 3302.03 of the Revised Code to revise the law regarding determining and reporting school district and school building academic performance ratings.

Said bills were considered the first time.

CONSIDERATION OF SENATE AMENDMENTS

The Senate amendments to **Sub. H. B. No. 56**-Representative Raussen, et al., were taken up for consideration.

Sub. H. B. No. 56-Representatives Raussen, Seitz, Brinkman, McGregor, D. Evans, Fessler, Aslanides, Reidelbach, Gilb, Buehrer, Hood, Daniels, Taylor, Martin, Gibbs, Faber, Raga, Blessing, Schneider, Uecker, Bulp, J. Stewart, Schaffer, Webster, Key, Law, Widowfield, Calvert, Coley, Collier, Flowers, Hughes, T. Patton, Peterson, Seaver, Setzer, Trakas, Yates. -Senators Armbruster, Jacobson.

To amend section 2921.13 and to enact sections 4511.092, 4511.093, and 4511.094 of the Revised Code to establish conditions for the use of a traffic law photo-monitoring device to detect certain traffic law violations.

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

12/12/06

The Honorable Jon A. Husted, Speaker
The Ohio House of Representatives
Columbus, Ohio

Speaker Husted,

Pursuant to House Rule No. 57, I respectfully request that I be excused from voting on the Senate amendments to **Sub. H. B. No. 56**-Representative Raussen, et al., because it might be construed that I have an interest in the legislation.

Sincerely yours,

/s/ JOYCE BEATTY
JOYCE BEATTY
State Representative
27th House District

The request was granted.

The yeas and nays were taken and resulted - yeas 67, nays 30, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Barrett	Blasdel	Blessing
Book	Brinkman	Bubp	Buehrer
Calvert	Carano	Carmichael	Cassell
Coley	Collier	Combs	Core
Daniels	DeBose	DeGeeter	DeWine
Dolan	Evans C.	Evans D.	Faber
Fende	Fessler	Flowers	Garrison
Gibbs	Gilb	Hagan	Hartnett
Healy	Hood	Hoops	Hughes
Kilbane	Law	Martin	McGregor J.
McGregor R.	Oelslager	Patton T.	Peterson
Raga	Raussen	Reidelbach	Reinhard
Schaffer	Schlichter	Schneider	Seaver
Seitz	Setzer	Smith G.	Stewart J.
Taylor	Trakas	Uecker	Wagoner
Webster	White D.	White J.	Widener
Widowfield	Wolpert		Husted-67.

Those who voted in the negative were: Representatives

Bocchieri	Brown	Chandler	Distel
Domenick	Driehaus	Foley	Harwood
Key	Koziura	Latta	Luckie
Mason	Mitchell	Otterman	Patton S.
Perry	Redfern	Sayre	Skindell
Smith S.	Stewart D.	Strahorn	Sykes
Ujvagi	Wagner	Williams	Woodard
Yates			Yuko-30.

The Senate amendments were concurred in.

Representative Raussen moved to amend the title as follows:

Remove the name: "Yates."

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

Representative Chandler submitted the following report:

The standing committee on Local and Municipal Government and Urban

Revitalization to which was referred **H. B. No. 187**-Representative Buehrer, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: CIVIL SERVICE REFORM

Representative Wolpert moved to amend the title as follows:

Add the names: "Daniels, Combs, Wagner."

THOM COLLIER	KATHLEEN CHANDLER
JEFF WAGNER	LORRAINE M. FENDE
JIM ASLANIDES	BRIAN G. WILLIAMS
JOHN DOMENICK	COURTNEY COMBS
JIM MCGREGOR	DAVID DANIELS
JOHN J. WHITE	LARRY L. WOLPERT
TOM BRINKMAN	JOSEPH W. UECKER
DANNY R. BUBP	PETER S. UJVAGI

The following members voted "NO"

MIKE MITCHELL	KENNY YUKO
---------------	------------

The report was agreed to.

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

Representative Carano submitted the following report:

The standing committee on Education to which was referred **H. B. No. 671**-Representative Webster, et al., having had the same under consideration, reports it back with the following amendment and recommends its passage when so amended.

RE: SCHOOL DISTRICT TREASURERS

Representative Webster moved to amend the title as follows:

Add the name: "Reidelbach."

Representative Webster moved to amend as follows:

In line 331, delete "or"; after "2013" insert ", 2014, or 2015, but not longer than five years after the beginning date of that term"

The motion was agreed to and the bill so amended.

STEVE REINHARD	JOHN SCHLICHTER
ARLENE J. SETZER	SHAWN N. WEBSTER
KENNETH A. CARANO	JAMES M. HOOPS
BRIAN G. WILLIAMS	CLYDE EVANS
MARY TAYLOR	JEFF WAGNER
LINDA S. REIDELBACH	RONALD HOOD
L. GEORGE DISTEL	JENNIFER GARRISON

KATHLEEN CHANDLER
DIANA M. FESSLER

CATHERINE L. BARRETT

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. 685**-Representative Faber, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: REVISE RULE MAKING

Representative Buehrer moved to amend the title as follows:

Add the names: "Reinhard, Patton, T., Buehrer."

JIM CARMICHAEL
ARLENE J. SETZER
JOSEPH W. UECKER
CHARLES R. BLASDEL

STEPHEN BUEHRER
STEVE REINHARD
THOMAS F. PATTON
LARRY L. FLOWERS

The following members voted "NO"

DAN STEWART
T. TODD BOOK
MIKE FOLEY

MIKE MITCHELL
WILLIAM J. HARTNETT

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. 690**-Representative Seitz, having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: IMPLEMENT SECTION 34a, ARTICLE II, STATE CONSTITUTION

STEPHEN BUEHRER
JIM CARMICHAEL
ARLENE J. SETZER
CHARLES R. BLASDEL

JOSEPH W. UECKER
STEVE REINHARD
LARRY L. FLOWERS

The following members voted "NO"

DAN STEWART
WILLIAM J. HARTNETT

T. TODD BOOK
MIKE FOLEY

THOMAS F. PATTON

MIKE MITCHELL

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. C. R. No. 52**-Representative Peterson, et al., having had the same under consideration, reports it back and recommends its adoption.

RE: CHRONIC OBSTRUCTIVE PULMONARY DISEASE
AWARENESS DAY - NOVEMBER 15

STEPHEN BUEHRER

JIM CARMICHAEL

STEVE REINHARD

LARRY L. FLOWERS

MIKE MITCHELL

WILLIAM J. HARTNETT

MIKE FOLEY

JOSEPH W. UECKER

THOMAS F. PATTON

ARLENE J. SETZER

DAN STEWART

T. TODD BOOK

CHARLES R. BLASDEL

The report was agreed to.

The concurrent resolution 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 **Am. S. B. No. 330**-Senator Schuler, et al., having had the same under consideration, reports it back and recommends its passage.

RE: OCTOBER - GERMAN HERITAGE MONTH

Representative Buehrer moved to amend the title as follows:

Add the name: "Representative Stewart, D.."

STEPHEN BUEHRER

JIM CARMICHAEL

THOMAS F. PATTON

ARLENE J. SETZER

DAN STEWART

T. TODD BOOK

MIKE FOLEY

JOSEPH W. UECKER

CHARLES R. BLASDEL

STEVE REINHARD

LARRY L. FLOWERS

MIKE MITCHELL

WILLIAM J. HARTNETT

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. 171**-Senators Coughlin, Zurz, having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: AKRON MUNI COURT JURISDICTION

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

The report was agreed to.

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

Representative Williams submitted the following report:

The standing committee on Finance and Appropriations to which was referred **H. B. No. 699**-Representative Calvert, having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: CAPITAL APPROPRIATIONS

Representative Calvert moved to amend the title as follows:

Add the names: "Peterson, Flowers, McGregor, J., Hartnett, Chandler, Stewart, D., Skindell, Patton, S., Ujvagi."

CHARLES E. CALVERT	TOM RAGA
JON M. PETERSON	SYLVESTER D. PATTON
KATHLEEN CHANDLER	ROSS MCGREGOR
MARK D. WAGONER	CLYDE EVANS
KEITH L. FABER	KEVIN DEWINE
TYRONE K. YATES	FRED STRAHORN
BARBARA A. SYKES	DAN STEWART
MATTHEW J. DOLAN	EARL MARTIN
JIMMY STEWART	JOHN SCHLICHTER
SHAWN N. WEBSTER	JAMES M. HOOPS
ANTHONY CORE	BRIAN G. WILLIAMS
LARRY L. FLOWERS	PETER S. UJVAGI
JAMES PETER TRAKAS	WILLIAM J. HARTNETT
MICHELLE G. SCHNEIDER	JIM MCGREGOR
THOMAS F. PATTON	BILL COLEY

The report was agreed to.

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

Representative Healy reported for the Rules and Reference Committee recommending that the following Senate Bills be considered for the second

time and referred to the following committees for consideration:

Sub. S.B. No. 155 - Senator Clancy, et al

TO CREATE A TAX CREDIT FOR INDIVIDUALS WHO INVEST IN STATE-CERTIFIED MOTION PICTURE PRODUCTIONS AND TO CREATE THE OHIO MEDIA PRODUCTION ADVISORY COMMITTEE TO PREPARE A REPORT ABOUT AND MAKE RECOMMENDATIONS FOR THE GROWTH OF THE ELECTRONIC MEDIA PRODUCTION INDUSTRY THROUGHOUT THE STATE.

To the committee on Finance and Appropriations

Sub. S.B. No. 311 - Senator Gardner, et al

TO AMEND SECTION 6 OF SUB. H.B. 115 OF THE 126TH GENERAL ASSEMBLY TO ESTABLISH THE OHIO CORE CURRICULUM, TO RESTRUCTURE ADMISSION REQUIREMENTS AND REMEDIAL COURSES IN STATE UNIVERSITIES, AND TO IMPLEMENT OTHER INITIATIVES TO ENHANCE SECONDARY AND POST-SECONDARY EDUCATION IN OHIO AND TO MAKE AN APPROPRIATION.

To the committee on Education

Am. S.B. No. 337 - Senator Kearney, et al

TO CREATE "HISTORICALLY BLACK FRATERNITY-SORORITY" LICENSE PLATES.

To the committee on Transportation, Public Safety and Homeland Security

S.B. No. 384 - Senator Schuler, et al

TO CREATE CIVIL AIR PATROL LICENSE PLATES.

To the committee on Transportation, Public Safety and Homeland Security

JON A. HUSTED
JIM CARMICHAEL
ANTHONY CORE
LARRY L. FLOWERS
ARLENE J. SETZER
LARRY L. WOLPERT
KENNETH A. CARANO
JOSEPH KOZIURA
CHRIS REDFERN

CHARLES E. CALVERT
BILL COLEY
KEVIN DEWINE
JOHN SCHLICHTER
GEOFFREY C. SMITH
JOYCE BEATTY
TIMOTHY J. DEGEETER
ROBERT J. OTTERMAN

Representative Blasdel 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 all Senate Bills contained in the report of the committee on Rules and Reference.

The motion was agreed to without objection.

The report was agreed to.

Said Senate Bills 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. 282 - Representatives Bocchieri, Carano

HONORING MAJOR THOMAS M. MARKOVICH ON RECEIVING THE DISTINGUISHED FLYING CROSS.

Add the names: Otterman, Coley, Calvert

H.R. No. 283 - Representative Wolpert

HONORING THE HILLIARD DAVIDSON HIGH SCHOOL FOOTBALL TEAM FOR WINNING THE 2006 DIVISION I STATE CHAMPIONSHIP.

Add the names: Beatty, G. Smith, Flowers

/s/ JON A. HUSTED

Jon A. Husted, Chairman

Representative Blasdel 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.

BILLS FOR THIRD CONSIDERATION

Sub. H. B. No. 187-Representatives Buehrer, Uecker, Hagan, Gilb, Martin, Evans, D., Aslanides, Seaver, Schaffer, Daniels, Combs, Wagner.

To amend sections 9.84, 119.12, 124.01, 124.03, 124.04, 124.07, 124.09, 124.11, 124.133, 124.134, 124.14, 124.15, 124.20, 124.22, 124.23, 124.26, 124.27, 124.271, 124.30, 124.31, 124.32, 124.321, 124.322, 124.323, 124.324, 124.325, 124.326, 124.327, 124.33, 124.34, 124.341, 124.38, 124.383, 124.384, 124.385, 124.386, 124.388, 124.40, 124.44, 124.45, 124.46, 124.48, 302.202, 325.19, 329.02, 329.021, 1513.03, 1513.34, 4111.03, 4112.01, 5107.52, 5119.09, 5155.03, and 5703.17, to enact sections 124.12 and 124.141, and to repeal section 124.311 of the Revised Code to implement recommendations of the Civil Service Review Commission and to make other changes to the civil service laws, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Buehrer moved to amend as follows:

In line 3593, strike through "within twenty days of the"

In line 3594, strike through "final date"; strike through "of the revised rating key or answer inspection date"

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

The motion was agreed to without objection.

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

The yeas and nays were taken and resulted - yeas 73, nays 25, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Barrett	Blasdel	Blessing
Book	Brinkman	Bubp	Buehrer
Calvert	Carmichael	Chandler	Coley
Collier	Combs	Core	Daniels
DeBose	DeGeeter	DeWine	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	McGregor J.
McGregor R.	Perry	Peterson	Raga
Rausen	Reidelbach	Reinhard	Sayre
Schaffer	Schlichter	Schneider	Seaver
Seitz	Setzer	Taylor	Trakas
Uecker	Ujvagi	Wagner	Wagoner
Webster	White D.	White J.	Widener
Widowfield	Williams	Wolpert	Woodard
			Husted-73.

Those who voted in the negative were: Representatives

Beatty	Bocieri	Brown	Carano
Cassell	Distel	Foley	Key
Luckie	Mason	Mitchell	Oelslager
Otterman	Patton S.	Patton T.	Redfern
Skindell	Smith G.	Smith S.	Stewart D.
Stewart J.	Strahorn	Sykes	Yates
			Yuko-25.

The bill passed.

Representative Buehrer moved to amend the title as follows:

Add the names: "Blasdel, Blessing, Bubp, Calvert, Collier, Core, Dolan, Faber, Flowers, Gibbs, Hood, Law, Peterson, Raga, Rausen, Reidelbach, Reinhard, Schneider, Seitz, Setzer, Wagoner, Webster, White, D., White, J., Wolpert."

The report was agreed to.

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

Sub. H. B. No. 403-Representatives Fessler, Reidelbach, Seitz, McGregor, J., Peterson, Brown, Allen, Strahorn, Barrett, Distel, Cassell, Kilbane, Yuko, Hood, Combs.

To amend sections 1705.03, 1705.04, 1705.53, 1785.01, 1785.02, 1785.03,

3701.881, 3902.22, 4723.16, 4729.161, 4731.226, 4731.65, 4732.28, 4734.17, 4755.01 to 4755.13, 4755.40 to 4755.43, 4755.45 to 4755.48, 4755.50 to 4755.52, 4755.56, 4755.61 to 4755.66, and 4755.99; to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 4755.01 (4755.04), 4755.02 (4755.05), 4755.03 (4755.01), 4755.04 (4755.02), 4755.05 (4755.06), 4755.06 (4755.07), 4755.07 (4755.08), 4755.08 (4755.09), 4755.09 (4755.10), 4755.10 (4755.11), 4755.11 (4755.12), 4755.12 (4755.13), and 4755.13 (4755.03); to enact new section 4755.44 and sections 4755.031, 4755.411, 4755.412, 4755.421, 4755.431, 4755.441, 4755.451, 4755.482, and 4755.511; and to repeal sections 4755.44 and 4755.49 of the Revised Code to make changes to the occupational therapy, physical therapy, and athletic trainers licensing laws, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Fessler moved to amend as follows:

In line 2198, delete the underlined period

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

The motion was agreed to without objection.

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

The yeas and nays were taken and resulted - yeas 98, nays 0, as follows:

Those who voted in the affirmative were: Representatives

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	Foley	Garrison
Gibbs	Gilb	Hagan	Hartnett
Harwood	Healy	Hood	Hoops
Hughes	Key	Kilbane	Koziura
Latta	Law	Luckie	Martin
Mason	McGregor J.	McGregor R.	Mitchell
Oelslager	Otterman	Patton S.	Patton T.
Perry	Peterson	Raga	Raussen
Redfern	Reidelbach	Reinhard	Sayre
Schaffer	Schlichter	Schneider	Seaver
Seitz	Setzer	Skindell	Smith G.
Smith S.	Stewart D.	Stewart J.	Strahorn
Sykes	Taylor	Trakas	Uecker
Ujvagi	Wagner	Wagoner	Webster
White D.	White J.	Widener	Widowfield
Williams	Wolpert	Woodard	Yates
Yuko			Husted-98.

The bill passed.

Representative Fessler moved to amend the title as follows:

Add the names: "Book, Carano, Chandler, DeBose, Domenick, Evans, C., Hagan, Key, Luckie, Mitchell, Otterman, Perry, Raussen, Widener, Williams."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Sub. H. B. No. 468-Representatives Hagan, Miller, Skindell, Chandler, Ujvagi, Evans, C., Williams, McGregor, R., McGregor, J., Flowers, Trakas, Strahorn.

To amend sections 127.16, 2921.13, 5110.01, 5110.02, 5110.05, 5110.08, 5110.09, 5110.12, 5110.13, 5110.16, 5110.17, 5110.18, 5110.19, 5110.21, 5110.23, 5110.29, 5110.32, 5110.33, 5110.35, 5110.352, 5110.353, 5110.354, 5110.38, 5110.39, 5110.55, 5110.56, 5110.57, 5110.58, and 5110.59; to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 5110.05 (5110.14), 5110.07 (5110.16), 5110.08 (5110.17), 5110.09 (5110.18), 5110.12 (5110.20), 5110.13 (5110.21), 5110.16 (5110.22), 5110.17 (5110.23), 5110.18 (5110.24), 5110.19 (5110.25), 5110.21 (5110.27), 5110.23 (5110.54), 5110.29 (5110.11), 5110.32 (5110.42), 5110.33 (5110.43), and 5110.39 (5110.13); to enact new sections 5110.03, 5110.05, 5110.07, 5110.08, 5110.09, 5110.10, 5110.12, 5110.15, 5110.19, 5110.26, 5110.28, 5110.29, 5110.32, and 5110.39 and sections 5110.021, 5110.04, 5110.30, and 5110.31; and to repeal sections 5110.03, 5110.10, 5110.11, 5110.14, 5110.15, 5110.22, 5110.25, 5110.26, 5110.27, 5110.28, and 5110.351 of the Revised Code to modify the Ohio's Best Rx Program; and to amend sections 127.16, 173.06, 173.062, 173.99, 2921.13, 5110.01, 5110.02, 5110.021, 5110.03, 5110.04, 5110.05, 5110.07, 5110.08, 5110.09, 5110.10, 5110.11, 5110.12, 5110.13, 5110.14, 5110.15, 5110.16, 5110.17, 5110.18, 5110.19, 5110.20, 5110.21, 5110.22, 5110.23, 5110.24, 5110.25, 5110.26, 5110.27, 5110.28, 5110.29, 5110.30, 5110.31, 5110.32, 5110.35, 5110.352, 5110.353, 5110.354, 5110.36, 5110.37, 5110.38, 5110.39, 5110.40, 5110.42, 5110.43, 5110.45, 5110.47, 5110.54, 5110.55, 5110.56, 5110.57, 5110.58, and 5110.59; to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 173.062 (173.061), 5110.01 (173.71), 5110.02 (173.72), 5110.021 (173.721), 5110.03 (173.73), 5110.04 (173.731), 5110.05 (173.732), 5110.07 (173.74), 5110.08 (173.741), 5110.09 (173.742), 5110.10 (173.75), 5110.11 (173.751), 5110.12 (173.752), 5110.13 (173.753), 5110.14 (173.76), 5110.15 (173.77), 5110.16 (173.771), 5110.17 (173.772), 5110.18 (173.773), 5110.19 (173.78), 5110.20 (173.79), 5110.21 (173.791), 5110.22 (173.80), 5110.23 (173.801), 5110.24 (173.802), 5110.25 (173.803), 5110.26 (173.81), 5110.27 (173.811), 5110.28 (173.812), 5110.29 (173.813), 5110.30 (173.814), 5110.31 (173.815), 5110.32 (173.82), 5110.35 (173.83), 5110.352 (173.831), 5110.353 (173.832), 5110.354 (173.833), 5110.36 (173.84), 5110.37 (173.722), 5110.38 (173.724), 5110.39 (173.861), 5110.40

(173.723), 5110.42 (173.85), 5110.43 (173.86), 5110.45 (173.87), 5110.46 (173.871), 5110.47 (173.872), 5110.48 (173.873), 5110.49 (173.874), 5110.50 (173.875), 5110.51 (173.876), 5110.54 (173.88), 5110.55 (173.89), 5110.56 (173.891), 5110.57 (173.892), 5110.58 (173.90), and 5110.59 (173.91); and to repeal sections 173.061, 173.07, 173.071, 173.072, and 5110.99 of the Revised Code on July 1, 2007, to eliminate the prescription drug component of the Golden Buckeye Card Program and to transfer the Ohio's Best Rx Program to the Department of Aging, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Hagan moved to amend as follows:

In line 1477, strike through "(F)" and insert "(G)"

In line 2978, delete "(F)" and insert "(G)"

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

The motion was agreed to without objection.

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

The yeas and nays were taken and resulted - yeas 96, nays 1, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Barrett	Beatty	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	Foley	Garrison	Gibbs
Gilb	Hagan	Hartnett	Harwood
Healy	Hood	Hoops	Hughes
Key	Kilbane	Koziura	Latta
Law	Luckie	Mason	McGregor J.
McGregor R.	Mitchell	Oelslager	Otterman
Patton S.	Patton T.	Perry	Peterson
Raga	Raussen	Redfern	Reidelbach
Reinhard	Sayre	Schaffer	Schlichter
Schneider	Seaver	Seitz	Setzer
Skindell	Smith G.	Smith S.	Stewart D.
Stewart J.	Strahorn	Sykes	Taylor
Trakas	Uecker	Ujvagi	Wagner
Wagoner	Webster	White D.	White J.
Widener	Widowfield	Williams	Wolpert
Woodard	Yates	Yuko	Husted-96.

Representative Blasdel voted in the negative-1.

The bill passed.

Representative Hagan moved to amend the title as follows:

Add the names: "Barrett, Beatty, Brown, Cassell, DeBose, DeGeeter, Distel, Domenick, Evans, D., Fende, Fessler, Foley, Garrison, Hartnett, Healy, Hughes, Key, Luckie, Mason, Otterman, Patton, S., Perry, Reidelbach, Sayre, Seaver, Smith, G., Smith, S., Stewart, D., Stewart, J., Wagner, White, D., White, J., Widener, Yates, Yuko."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Am. H. B. No. 671-Representatives Webster, Oelslager, Gilb, Peterson, Hughes, Seitz, McGregor, R., Hartnett, McGregor, J., Setzer, Reidelbach.

To amend sections 3313.22, 3313.24, 3313.31, 3319.01, and 3319.04 of the Revised Code to revise the laws on the employment of school district and educational service center treasurers, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

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

Those who voted in the affirmative were: Representatives

Aslanides	Barrett	Beatty	Blasdel
Boccieri	Book	Brinkman	Brown
Bubp	Buehrer	Calvert	Carano
Carmichael	Cassell	Chandler	Coley
Combs	Core	Daniels	DeBose
DeGeeter	DeWine	Distel	Dolan
Domenick	Driehaus	Evans C.	Evans D.
Faber	Fende	Fessler	Flowers
Foley	Garrison	Gibbs	Gilb
Hagan	Hartnett	Harwood	Healy
Hood	Hoops	Hughes	Key
Kilbane	Koziura	Latta	Law
Luckie	Martin	Mason	McGregor J.
McGregor R.	Mitchell	Oelslager	Otterman
Patton S.	Patton T.	Perry	Peterson
Raga	Rausen	Redfern	Reidelbach
Reinhard	Sayre	Schaffer	Schlichter
Schneider	Seaver	Seitz	Setzer
Skindell	Smith G.	Smith S.	Stewart D.
Stewart J.	Strahorn	Sykes	Taylor
Trakas	Uecker	Ujvagi	Wagner
Wagoner	Webster	White D.	White J.
Widener	Widowfield	Williams	Wolpert
Woodard	Yates	Yuko	Husted-96.

The bill passed.

Representative Webster moved to amend the title as follows:

Add the names: "Barrett, Book, Brown, Carano, Chandler, Coley, Combs, Domenick, Evans, C., Evans, D., Flowers, Luckie, Otterman, Patton, T., Perry, Schaffer, Schneider, Seaver, Williams, Wolpert."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Sub. H. B. No. 690-Representative Seitz.

To amend sections 4111.01, 4111.02, 4111.03, 4111.04, 4111.08, 4111.09, and 4111.10 and to enact section 4111.14 of the Revised Code to implement Section 34a, Article II, of the Constitution of the State of Ohio, to terminate the provisions of section 4111.08 of the Revised Code, as amended by this act, on January 1, 2010 by repealing section 4111.08 of the Revised Code, 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?"

The yeas and nays were taken and resulted - yeas 94, nays 3, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Barrett	Beatty	Blasdel
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	Flowers
Foley	Garrison	Gibbs	Gilb
Hagan	Hartnett	Harwood	Healy
Hood	Hoops	Hughes	Key
Kilbane	Koziura	Latta	Law
Luckie	Martin	Mason	McGregor J.
McGregor R.	Mitchell	Otterman	Patton S.
Patton T.	Perry	Peterson	Raga
Raussen	Redfern	Reidelbach	Reinhard
Sayre	Schaffer	Schlichter	Schneider
Seaver	Seitz	Setzer	Skindell
Smith G.	Smith S.	Stewart D.	Strahorn
Sykes	Taylor	Trakas	Uecker
Ujvagi	Wagner	Wagoner	Webster
White D.	White J.	Widener	Widowfield
Williams	Wolpert	Woodard	Yates
Yuko			Husted-94.

Representatives Fessler, Oelslager, and Stewart J. voted in the negative-3.

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?"

Representative Beatty moved to amend as follows:

In line 10, after "4111.04," insert "4111.05, 4111.06,"

In line 11, delete the first "and"; after "4111.10" insert ", and 4111.13 of the Revised Code"; delete "and section 4111.14 of"

In line 12, delete "the Revised Code be enacted"

Delete lines 13 through 572 and insert:

"Sec. 4111.01. As used in sections 4111.01 to 4111.17 of the Revised Code:

(A) "Wage" means compensation due to an employee by reason of employment, payable in legal tender of the United States or checks on banks convertible into cash on demand at full face value, subject to the deductions, charges, or allowances permitted by rules of the director of commerce under section 4111.05 of the Revised Code. "Wage" includes an employee's commissions of which the employee's employer keeps a record, but does not include gratuities, except as provided by rules issued under section 4111.05 of the Revised Code.

"Wage" also includes the reasonable cost to the employer of furnishing to an employee board, lodging, or other facilities, if the board, lodging, or other facilities are customarily furnished by the employer to the employer's employees. The cost of board, lodging, or other facilities shall not be included as part of wage to the extent excluded therefrom under the terms of a bona fide collective bargaining agreement applicable to the employee.

(B) "Employ" ~~means to suffer or to permit to work~~ has the same meaning as in the "Fair Labor Standards Act," 29 U.S.C. 203.

(C) "Employer" ~~means the state of Ohio, its instrumentalities, and its political subdivisions and their instrumentalities, any individual, partnership, association, corporation, business trust, or any person or group of persons, acting in the interest of an employer in relation to an employee, but does not include an employer whose annual gross volume of sales made for business done is less than one hundred fifty thousand dollars, exclusive of excise taxes at the retail level which are separately stated~~ has the same meaning as in the "Fair Labor Standards Act," 29 U.S.C. 203, and includes the state and every political subdivision of the state.

(D)(1) "Employee" ~~means any individual employed by an employer but~~ has the same meaning as in the "Fair Labor Standards Act," 29 U.S.C. 203, and, except as otherwise specified in division (D)(2) of this section, includes an employee who is exempt under the "Fair Labor Standards Act," 29 U.S.C. 213.

(2) "Employee" does not include:

(1) ~~Any~~ (a) An individual employed by the United States in or about the property of an employer or individual's residence on a casual basis;

(b) Employees of a solely family-owned and -operated business who are family members of an owner of that business.

~~(2) Any individual employed as a baby-sitter in the employer's home, or a live-in companion to a sick, convalescing, or elderly person whose principal duties do not include housekeeping;~~

~~(3) Any individual engaged in the delivery of newspapers to the consumer;~~

~~(4) Any individual employed as an outside salesperson compensated by commissions or in a bona fide executive, administrative, or professional capacity as such terms are defined by the "Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 U.S.C.A. 201, as amended;~~

~~(5) Any employee employed in agriculture if the employee is employed by an employer who did not, during any calendar quarter during the preceding calendar year, use more than five hundred worker-days of agricultural labor, or if the employee is the parent, spouse, child, or other member of the employer's immediate family;~~

~~(6) Any individual who works or provides personal services of a charitable nature in a hospital or health institution for which compensation is not sought or contemplated;~~

~~(7) A member of a police or fire protection agency or student employed on a part-time or seasonal basis by a political subdivision of this state;~~

~~(8) Any individual in the employ of a camp or recreational area for children under eighteen years of age and owned and operated by a nonprofit organization or group of organizations described in Section 501 (c)(3) of the "Internal Revenue Code of 1954," and exempt from income tax under Section 501 (a) of that code;~~

~~(9) Any individual employed directly by the house of representatives or directly by the senate.~~

(E) "Occupation" means any occupation, service, trade, business, industry, or branch or group of industries or employment or class of employment in which individuals are employed.

(F) "Solely family-owned and -operated business" means a business that is owned in its entirety and operated by an individual business owner or the business owner's family members.

(G) "Family members" means the parents, siblings, children, or grandchildren of an individual business owner.

Sec. 4111.02. ~~(A) Every employer and employers with less than one hundred fifty thousand dollars gross annual sales shall pay each of the employer's employees at a wage rate of not less than the wage rate specified in the "Fair Labor Standards Act," 29 U.S.C. 206, as now or hereafter amended;~~

~~beginning on the effective date of this amendment, except as otherwise provided in~~Section 34a of Article II, Ohio Constitution, which is one of the following:

(1) Beginning on January 1, 2007, six dollars and eighty-five cents per hour;

(2) On and after January 1, 2008, the wage rate as adjusted annually in accordance with division (B) of this section.

~~(B) Every employer shall pay each employee in agriculture~~Not later than the thirtieth day of September of each year, beginning in 2007, the director of commerce shall adjust the wage rate specified in division (A) of this section by the rate of inflation, as specified in Section 34a of Article II, Ohio Constitution, calculated from August of the preceding year to August of the year in which the adjustment is made, according to the consumer price index for all urban wage earners and clerical workers, or its successor index, as prepared by the bureau of labor statistics of the United States department of labor.

~~(C) Employers shall pay employees at a wage rate not less than the wage rate described in division (A) of this section. This provision does not apply to any employee employed in agriculture if the employee: (1)(a) is employed as a hand harvest laborer and is paid on a piece rate basis in an operation which has been, and is customarily and generally recognized as having been, paid on a piece rate basis in the region of employment, (b) commutes daily from the employee's permanent residence to the farm on which the employee is so employed, and (c) has been employed in agriculture less than thirteen weeks during the preceding calendar year, or (2)(a) is sixteen years of age or under, is employed as a hand harvest laborer, and is paid on a piece rate basis in an operation which has been, and is customarily and generally recognized as having been paid on a piece rate basis in the region of employment, (b) is employed on the same farm as the employee's parent or person standing in the place of the employee's parent, and (c) is paid at the same piece rate as employees over age sixteen are paid on the same farm. Such employees shall be paid no less than two dollars and eighty cents per hour~~specified in the "Fair Labor Standards Act," 29 U.S.C. 206, as required by Section 34a of Article II, Ohio Constitution to the following employees:

(1) Employees of employers with annual gross receipts equal to the following:

(a) Beginning on January 1, 2007, two hundred fifty thousand dollars or less for the preceding calendar year;

(b) On and after January 1, 2008, an amount the director adjusts in accordance with Section 34a of Article II, Ohio Constitution.

(2) Employees under the age of sixteen.

~~(D) For any employee engaged in an occupation in which the employee customarily and regularly receives tips from patrons or others, the employer shall pay the wage rate specified for tipped employees in the "Fair~~

~~Labor Standards Act," 29 U.S.C. 203, as now or hereafter amended in Section 34a of Article II, Ohio Constitution, which is less than, but not less than half, the wage rate specified in division (A) or (B) of this section, as applicable, if the employee's tips combined with the employee's wages are equal to or greater than the applicable wage rate for all hours worked.~~

Sec. 4111.03. (A) An employer shall pay an employee for overtime at a wage rate of one and one-half times the employee's wage rate for hours worked in excess of forty hours in one workweek, ~~in the manner and methods provided in and~~ subject to the exemptions of section 7 and section 13 of the "Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 U.S.C.A. 207, 213, as amended.

Any employee employed in agriculture shall not be covered by the overtime provision of this section.

(B) For the purposes of this section, the number of hours worked by a county employee in any one workweek shall be deemed to include, in addition to hours actually worked, all periods in an active pay status.

(C) If a county employee elects to take compensatory time off in lieu of overtime pay, for any overtime worked, such compensatory time may be granted by the employee's administrative superior, on a time and one-half basis, at a time mutually convenient to the employee and the administrative superior within one hundred eighty days after the overtime is worked.

(D) A county appointing authority with the exception of the county department of job and family services may, by rule or resolution as is appropriate, indicate the authority's intention not to be bound by division (B) or (C) of this section, and to adopt a different policy for the calculation and payment of overtime that is embodied in those divisions. Upon adoption, the alternative policy prevails. Prior to the adoption of an alternative overtime policy, the county appointing authority with the exception of the county department of job and family services shall give a written notice of the alternative policy to each employee at least ten days prior to the effective date of the policy.

Sec. 4111.04. ~~The director of commerce may:~~

(A) ~~Investigate~~The director of commerce, or one of the director's designated representatives, may investigate and ascertain the wages of persons employed in any occupation in the state;~~after receiving a complaint made by an employee, a person acting on behalf of an employee, or any other interested party, or upon the director's own motion.~~

(B) ~~Enter~~The director, or the director's designated representative, may enter and inspect the place of business or employment of any employer for the purpose of inspecting any books, registers, payrolls, or other records of the employer that in any way relate to the question of wages, hours, and other conditions of employment of any employees, and may question the employees for the purpose of ascertaining whether Section 34a of Article II, Ohio Constitution, and sections 4111.01 to 4111.17 of the Revised Code, and the rules

adopted thereunder, have been and are being obeyed. In conducting an inspection of the records of an employer, the director shall make every effort to coordinate the inspection with those conducted by the federal agency responsible for enforcement of the "Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 U.S.C.A. 201, as amended. If the federal agency has completed an audit or examination of the employer's records within the sixty days prior to the date the director notifies the employer of the director's intent to examine the employer's records, the director shall accept in lieu of the director's own inspection, a report from the federal agency that the employer is in compliance with the federal act, unless the director has reasonable grounds for believing that the report is inaccurate or incomplete for the purposes of sections 4111.01 to 4111.13 of the Revised Code, or that events occurring since the audit give the director reasonable grounds for believing that a violation of sections 4111.01 to 4111.13 of the Revised Code has occurred.

(C) In the event the director is prohibited by any employer from carrying out the intent of this section, the director may ~~apply to any court of common pleas having jurisdiction of that employer or the place of employment under issue subpoenas and compel attendance of witnesses and production of papers, books, accounts, payrolls, documents, records, and testimony relating and relevant to the director's investigation, for an order directing compliance with this section. Failure of the employer to obey the order of the court may be punished by said court as a contempt thereof.~~

(D) The director and the director's designated representatives, shall keep an employee's name confidential unless disclosure is necessary to resolution of a complaint and the employee consents to disclosure.

Sec. 4111.05. The director of commerce shall adopt rules in accordance with Chapter 119. of the Revised Code as the director considers appropriate to carry out the purposes of Section 34a of Article II, Ohio Constitution, and sections 4111.01 to 4111.17 of the Revised Code. The rules may be amended from time to time ~~and may include, but are not limited to, rules defining and governing apprentices, their number, proportion, and length of service; bonuses and special pay for special or extra work; permitted deductions or charges to employees for board, lodging, apparel, or other facilities or services customarily furnished by employers to employees; inclusion of ascertainable gratuities in wages paid; allowances for unascertainable gratuities or for other special conditions or circumstances which may be usual in particular employer-employee relationships; and the method of computation or the period of time over which wages may be averaged to determine whether the minimum wage or overtime rate has been paid~~ as needed.

Sec. 4111.06. In order to prevent curtailment of opportunities for employment, to avoid undue hardship, and to safeguard the minimum wage rates under sections 4111.01 to 4111.17 of the Revised Code, the director of commerce shall adopt rules under section 4111.05 of the Revised Code, permitting employment in any occupation at wages lower than the wage rates applicable under sections 4111.01 to 4111.17 of the Revised Code, of

individuals whose earning capacity is impaired by physical or mental ~~deficiencies or injuries~~ disabilities. The rules shall provide for licenses to be issued authorizing employment at the wages of specific individuals or groups of employees, or by specific employers or groups of employers, pursuant to the rules. The rules shall not conflict with the "Americans with Disabilities Act of 1990," 104 Stat. 328, 42 U.S.C.A. 12111, et seq.

Sec. 4111.08. ~~Every employer subject to sections 4111.01 to 4111.17 of the Revised Code, or to any rule adopted thereunder, shall make and keep at the time of hire, provide an employee the employer's name, address, telephone number, and other contact information and update such information when it changes. An employer shall maintain a record of the name, address, occupation, pay rate, hours worked for each day worked, and each amount paid an employee for a period of not less than three years a record of the name, address, and occupation of each of the employer's employees, the rate of pay and the amount paid each pay period to each employee, the hours worked each day and each work week by the employee, and other information as the director of commerce prescribes by rule as necessary or appropriate for the enforcement of sections 4111.01 to 4111.17 of the Revised Code, or of the rules thereunder, including three years following the last date the employee was employed. Records may shall be opened for inspection or copying by the director at any reasonable time. An employer shall provide an employee or a person acting on behalf of an employee a copy of the employee's payroll records upon request. An employer shall verify that a person acting on behalf of an employee, who is requesting records on that employee's behalf, is making the request with the employee's express written consent.~~

Sec. 4111.09. Every employer subject to sections 4111.01 to 4111.17 of the Revised Code, or to any rules issued thereunder, shall keep a summary of the sections, approved by the director of commerce, and copies of any applicable rules issued thereunder, or a summary of the rules, posted in a conspicuous and accessible place in or about the premises wherein any person subject thereto is employed. The summary described in this division shall be available on the web site of the department of commerce and updated annually pursuant to Section 34a of Article II, Ohio Constitution. Employees or employers shall be furnished copies of the summaries and rules by the state, on request, without charge.

Sec. 4111.10. ~~(A) Any employer who pays any employee~~ If the director of commerce, the attorney general, or a court of competent jurisdiction finds that an employer paid less than wages to which the employee is entitled under Section 34a of Article II, Ohio Constitution, and sections 4111.01 to 4111.17 of the Revised Code, is liable the employer shall pay, within thirty days of that finding, to the employee affected for, the full amount of the wage rate, less any amount actually paid to the employee by the employer, plus an amount equal to two times the amount of back wages, and for any associated costs and reasonable attorney's fees as may be allowed by the court. Any agreement between the employee and the employer to work for less than the wage rate, or to waive any right, procedure, or remedy allowed under Section 34a of Article II, Ohio

Constitution, or this chapter as a condition of employment, is no defense to an action and shall be considered involuntary, unconscionable, and against public policy.

~~(B) At the written request of any employee paid less than the wages to which the employee is entitled under sections 4111.01 to 4111.17 of the Revised Code, the director of commerce may take an assignment of a wage claim in trust for the assigning employee and may bring any legal action necessary to collect the claim. The employer shall pay the costs and reasonable attorney's fees allowed by the court.~~

Sec. 4111.13. (A) No employer shall hinder or delay the director of commerce in the performance of the director's duties in the enforcement of Section 34a of Article II, Ohio Constitution, and sections 4111.01 to 4111.17 of the Revised Code, or refuse to admit the director to any place of employment, or fail to make, keep, and preserve any records as required under that law or those sections, or falsify any of those records, or refuse to make them accessible to the director upon demand, or refuse to furnish them or any other information required for the proper enforcement of that law or those sections to the director upon demand, or fail to post a summary of that law and those sections or a copy of any applicable rules as required by section 4111.09 of the Revised Code. Each day of violation constitutes a separate offense.

(B) No employer shall discharge or in any other manner ~~discriminate or retaliate~~ against any employee ~~because the employee has made~~ for doing, or retaliate against any person for assisting an employee in doing, any of the following:

(1) Exercising any right under this chapter or Section 34a of Article II, Ohio Constitution;

(2) Making any complaint to the employee's employer, or to the director, that the employee has not been paid wages in accordance with Section 34a of Article II, Ohio Constitution, and sections 4111.01 to 4111.17 of the Revised Code, or because the employee has made;

(3) Making any complaint or is about to cause to be instituted instituting any proceeding under or related to that law or those sections, or because the employee has testified or is about to testify;

(4) Testifying in any proceeding.

If an employer violates this division, the director or a court of competent jurisdiction shall assess the employer a fine in an amount sufficient to compensate the employee and deter future violations but not less than one hundred fifty dollars for each day the violation continued.

(C) No employer shall pay or agree to pay wages at a rate less than the rate applicable under Section 34a of Article II, Ohio Constitution, and sections 4111.01 to 4111.17 of the Revised Code. Each week or portion thereof for which the employer pays any employee less than the rate applicable under that law or

those sections constitutes a separate offense as to each employer.

(D) No employer shall otherwise violate Section 34a of Article II, Ohio Constitution, and sections 4111.01 to 4111.17 of the Revised Code, or any rule adopted thereunder. Each day of violation constitutes a separate offense."

In line 574, after "4111.04," insert "4111.05, 4111.06,"; delete "and"; after "4111.10" insert ", and 4111.13 and section 4111.07"

In line 576, after "3." delete the balance of the line

Delete lines 577 through 637 and insert "This act is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety. The reason for such necessity is to ensure timely and proper implementation of Section 34a of Article II, Ohio Constitution. Therefore, this act shall go into immediate effect."

In line 1 of the title, after "4111.04," insert "4111.05, 4111.06,"

In line 2 of the title, delete the first "and"; after "4111.10" insert ", and 4111.13"; delete "enact" and insert "repeal"

In line 3 of the title, delete "4111.14" and insert "4111.07"

In line 5 of the title, delete everything after "Ohio"

Delete lines 6 and 7 of the title

In line 8 of the title, delete everything before "and"

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 59, nays 39, 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	Patton T.	Peterson	Raga
Raussen	Reidelbach	Reinhard	Schaffer
Schlichter	Schneider	Seaver	Seitz
Setzer	Smith G.	Stewart J.	Taylor
Trakas	Uecker	Wagner	Wagoner
Webster	White D.	White J.	Widener
Widowfield	Wolpert		Husted-59.

Those who voted in the negative were: Representatives

Barrett	Beatty	Boccieri	Book
Brown	Carano	Cassell	Chandler
DeBose	DeGeeter	Distel	Domenick
Driehaus	Fende	Foley	Garrison
Hartnett	Harwood	Healy	Key
Koziura	Luckie	Mason	Mitchell
Otterman	Patton S.	Perry	Redfern
Sayre	Skindell	Smith S.	Stewart D.
Strahorn	Sykes	Ujvagi	Williams
Woodard	Yates		Yuko-39.

The motion to amend was laid on the table.

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

Representative Book moved to amend as follows:

Between lines 544 and 545, insert:

"(4) Any agreement between an employee and employer to work for less than the wage rate specified in Section 34a of Article II, Ohio Constitution, is no defense to an action under this section."

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

The yeas and nays were taken and resulted - yeas 97, nays 0, as follows:

Those who voted in the affirmative were: Representatives

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.	Fende	Fessler
Flowers	Foley	Garrison	Gibbs
Gilb	Hagan	Hartnett	Harwood
Healy	Hood	Hoops	Hughes
Key	Kilbane	Koziura	Latta
Law	Luckie	Martin	Mason
McGregor J.	McGregor R.	Mitchell	Oelslager
Otterman	Patton S.	Patton T.	Perry
Peterson	Raga	Raussen	Redfern
Reidelbach	Reinhard	Sayre	Schaffer
Schlichter	Schneider	Seaver	Seitz
Setzer	Skindell	Smith G.	Smith S.
Stewart D.	Stewart J.	Strahorn	Sykes
Taylor	Trakas	Uecker	Ujvagi
Wagner	Wagoner	Webster	White D.
White J.	Widener	Widowfield	Williams
Wolpert	Woodard	Yates	Yuko
			Husted-97.

The motion was agreed to and the bill so amended.

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

Representative Stewart, D. moved to amend as follows:

In line 296, after "chapter" insert "except that both of the following shall be considered employees:

(a) Individuals employed in domestic service employment to provide companionship services for individuals who, because of age or infirmity, are unable to care for themselves;

(b) Members of police or fire protection agencies"

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 55, nays 43, 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	Kilbane	Latta	Law
Martin	McGregor J.	McGregor R.	Peterson
Raga	Raussen	Reidelbach	Reinhard
Schaffer	Schlichter	Schneider	Seaver
Seitz	Setzer	Smith G.	Taylor
Trakas	Uecker	Wagner	Wagoner
Webster	White D.	White J.	Widener
Widowfield	Wolpert		Husted-55.

Those who voted in the negative were: Representatives

Barrett	Beatty	Bocchieri	Book
Brown	Carano	Cassell	Chandler
DeBose	DeGeeter	Distel	Domenick
Driehaus	Fende	Foley	Garrison
Hartnett	Harwood	Healy	Hughes
Key	Koziura	Luckie	Mason
Mitchell	Oelslager	Otterman	Patton S.
Patton T.	Perry	Redfern	Sayre
Skindell	Smith S.	Stewart D.	Stewart J.
Strahorn	Sykes	Ujvagi	Williams
Woodard	Yates		Yuko-43.

The motion to amend was laid on the table.

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

On motion of Representative Blasdel, the House recessed.

The House met pursuant to recess.

Representative Flowers moved to amend as follows:

In line 582, delete everything after the period

In line 583, before "Amendment" insert:

"(B) The proponents of the Ohio Fair Minimum Wage"

Delete lines 621 through 627

In line 628, delete "6" and insert "5"

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

In line 8 of the title, delete everything after "Code"

In line 9 of the title, delete "emergency"

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

The yeas and nays were taken and resulted - yeas 57, nays 40, 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.
Patton T.	Peterson	Raga	Rausen
Reidelbach	Reinhard	Schaffer	Schlichter
Schneider	Seaver	Setzer	Smith G.
Stewart J.	Taylor	Trakas	Uecker
Wagner	Wagoner	Webster	White D.
White J.	Widener	Widowfield	Wolpert
			Husted-57.

Those who voted in the negative were: Representatives

Barrett	Beatty	Bocchieri	Book
Brown	Carano	Cassell	Chandler
DeBose	DeGeeter	Distel	Domenick
Driehaus	Fende	Foley	Garrison
Hartnett	Harwood	Healy	Key
Koziura	Luckie	Mason	Mitchell
Oelslager	Otterman	Patton S.	Perry
Redfern	Sayre	Seitz	Skindell
Smith S.	Stewart D.	Strahorn	Sykes
Ujvagi	Williams	Yates	Yuko-40.

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 55, nays 42, 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	Kilbane	Latta	Law
Martin	McGregor J.	McGregor R.	Peterson
Raga	Raussen	Reidelbach	Reinhard
Schaffer	Schlichter	Schneider	Seaver
Seitz	Setzer	Smith G.	Taylor
Trakas	Uecker	Wagner	Wagoner
Webster	White D.	White J.	Widener
Widowfield	Wolpert		Husted-55.

Those who voted in the negative were: Representatives

Barrett	Beatty	Bocchieri	Book
Brown	Carano	Cassell	Chandler
DeBose	DeGeeter	Distel	Domenick
Driehaus	Fende	Foley	Garrison
Hartnett	Harwood	Healy	Hughes
Key	Koziura	Luckie	Mason
Mitchell	Oelslager	Otterman	Patton S.
Patton T.	Perry	Redfern	Sayre
Skindell	Smith S.	Stewart D.	Stewart J.
Strahorn	Sykes	Ujvagi	Williams
Yates			Yuko-42.

The bill passed.

Representative Seitz moved to amend the title as follows:

Add the names: "Brinkman, Combs, Evans, D., Flowers, Gibbs, Hood, Martin, Reidelbach, Schneider, Setzer, Webster."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Sub. H. B. No. 694-Representatives DeWine, Calvert, Trakas, Peterson, McGregor, R., Dolan, Webster, Raga, Flowers, Martin, Evans, C..

To amend sections 3517.13 and 3517.992 and to enact sections 109.96 and 3517.093 of the Revised Code to limit solicitations of and political contributions by owners and certain family members of owners of businesses that are seeking or that have been awarded public contracts and to require the Attorney General to review and approve executive agency contracts for more than one million dollars, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Strahorn moved that **Sub. H. B. No. 694**-Representative DeWine, et al., be rereferred to the committee on Elections and Ethics.

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

The yeas and nays were taken and resulted - yeas 39, nays 58, as follows:

Those who voted in the affirmative were: Representatives

Barrett	Beatty	Boccieri	Book
Brown	Carano	Cassell	Chandler
DeBose	DeGeeter	Distel	Domenick
Driehaus	Fende	Foley	Garrison
Hartnett	Harwood	Healy	Hood
Key	Koziura	Luckie	Mason
Mitchell	Otterman	Patton S.	Perry
Redfern	Sayre	Skindell	Smith S.
Stewart D.	Strahorn	Sykes	Ujvagi
Williams	Yates		Yuko-39.

Those who voted in the negative 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	Hoops
Hughes	Kilbane	Latta	Law
Martin	McGregor J.	McGregor R.	Oelsluger
Patton T.	Peterson	Raga	Rausen
Reidelbach	Reinhard	Schaffer	Schlichter
Schneider	Seaver	Seitz	Setzer
Smith G.	Stewart J.	Taylor	Trakas
Uecker	Wagner	Wagoner	Webster
White D.	White J.	Widener	Widowfield
Wolpert			Husted-58.

The motion was not agreed to.

The question recurring, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 63, nays 34, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Blasdel	Blessing	Boccieri
Brinkman	Bubp	Buehrer	Calvert
Carmichael	Coley	Collier	Combs
Core	Daniels	DeWine	Dolan
Evans C.	Evans D.	Faber	Fessler
Flowers	Garrison	Gibbs	Gilb
Hagan	Harwood	Hood	Hoops
Hughes	Kilbane	Latta	Law
Martin	Mason	McGregor J.	McGregor R.

Oelslager	Patton T.	Peterson	Raga
Raussen	Reidelbach	Reinhard	Schaffer
Schlichter	Schneider	Seaver	Seitz
Setzer	Smith G.	Stewart J.	Taylor
Trakas	Uecker	Wagner	Wagoner
Webster	White D.	White J.	Widener
Widowfield	Wolpert		Husted-63.

Those who voted in the negative were: Representatives

Barrett	Beatty	Book	Brown
Carano	Cassell	Chandler	DeBose
DeGeeter	Distel	Domenick	Driehaus
Fende	Foley	Hartnett	Healy
Key	Koziura	Luckie	Mitchell
Otterman	Patton S.	Perry	Redfern
Sayre	Skindell	Smith S.	Stewart D.
Strahorn	Sykes	Ujvagi	Williams
Yates			Yuko-34.

The bill passed.

Representative DeWine moved to amend the title as follows:

Add the names: "Aslanides, Coley, Evans, D., Hagan, Hughes, Law, Oelslager, Patton, T., Reidelbach, Schaffer, Seaver, Setzer, Wagoner, White, J., Widener, Widowfield."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Sub. H. B. No. 699-Representatives Calvert, Peterson, Flowers, McGregor, J., Hartnett, Chandler, Stewart, D., Skindell, Patton, S., Ujvagi.

To amend sections 3.21, 3.23, 5.10, 9.37, 101.15, 101.34, 101.72, 101.83, 101.92, 107.40, 121.62, 122.17, 122.171, 126.11, 131.02, 133.021, 133.07, 133.08, 133.20, 151.01, 151.09, 151.10, 151.40, 152.09, 152.18, 152.19, 152.21, 152.24, 152.26, 154.02, 154.20, 164.04, 169.13, 176.05, 307.695, 333.02, 333.04, 340.03, 340.09, 340.12, 715.70, 715.81, 1520.02, 1702.01, 1702.08, 1702.11, 1702.17, 1702.19, 1702.20, 1702.22, 1702.27, 1702.38, 1702.39, 1702.42, 1702.58, 2301.02, 2305.26, 2329.07, 2701.06, 3317.013, 3317.022, 3317.029, 3317.0217, 3317.03, 3383.01, 3383.07, 3706.01, 3770.05, 3770.073, 3905.36, 3931.07, 4115.04, 4121.121, 4503.068, 4710.02, 4728.03, 4722.14, 4763.03, 4763.05, 4763.06, 4919.76, 5107.12, 5111.88, 5115.06, 5119.071, 5119.611, 5120.03, 5123.08, 5139.02, 5502.62, 5537.01, 5537.02, 5537.03, 5537.10, 5537.17, 5537.24, 5537.26, 5537.27, 5537.28, 5701.11, 5709.87, 5725.31, 5727.84, 5729.07, 5733.42, 5739.01, 5739.09, 5741.101, 5747.39, 5748.01, 5751.01, 5751.011, 5751.033, 5910.03, and 5919.31; to enact sections 153.74, 184.191, 3333.34, 5709.083, 5713.051, 5748.021, and 5748.081 of the Revised Code; to amend Section 206.09.84 of Am. Sub. H.B. 66 of the 126th General Assembly, as subsequently amended,

and to amend Section 206.09.84 of Am. Sub. H.B. 66 of the 126th General Assembly, for the purpose of codifying it as section 3310.41 of the Revised Code; to amend Section 22.07 of Am. Sub. H.B. 16 of the 126th General Assembly; to amend Sections 203.12.06, 203.24, 203.57, 203.81, 206.33, 206.66.06, 209.54, 209.63.03, 209.63.30, and 209.93 of Am. Sub. H.B. 66 of the 126th General Assembly; to amend Sections 203.27, 203.99, 209.63, and 212.30 of Am. Sub. H.B. 66 of the 126th General Assembly, as subsequently amended; to amend Sections 243.10 and 287.20 of Am. Sub. H.B. 530 of the 126th General Assembly; to amend the version of section 5502.62 of the Revised Code that is scheduled to take effect April 1, 2007; and to repeal Section 4 of Sub. H.B. 139 of the 126th General Assembly to make capital and other appropriations and to provide authorization and conditions for the operation of state programs, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

12/12/06

The Honorable Jon A. Husted, Speaker
The Ohio House of Representatives
Columbus, Ohio
Speaker Husted,

Pursuant to House Rule No. 57, I respectfully request that I be excused from voting on **Sub. H. B. No. 699**-Representative Calvert, et al., because it might be construed that I have an interest in the legislation.

Sincerely yours,

/s/ MARY TAYLOR
MARY TAYLOR
State Representative
43rd House District

The request was granted.

Representative Coley moved to amend as follows:

In line 56, after "4115.04," insert "4116.01, 4116.02, 4116.04,"

Between lines 9170 and 9171, insert:

"Sec. 4116.01. As used in sections 4116.01 to 4116.04 of the Revised Code:

(A) "Public authority" means any officer, board, or commission of the

state, or any political subdivision of the state, or any institution supported in whole or in part by public funds, authorized to enter into a contract for the construction of a public improvement or to construct a public improvement by the direct employment of labor. ~~"Public authority" shall not mean any municipal corporation that has adopted a charter under sections three and seven of article XVIII of the Ohio constitution, unless the specific contract for a public improvement includes state funds appropriated for the purposes of that public improvement.~~

(B) "Construction" means all of the following:

(1) Any new construction ~~of any public improvement~~ performed by other than full-time employees who have completed their probationary periods in the classified service of a public authority;

(2) Any reconstruction, enlargement, alteration, repair, remodeling, renovation, or painting ~~of any public improvement~~ performed by other than full-time employees who have completed their probationary period in the classified civil service of a public authority;

(3) Construction on any project, facility, or project facility to which section 122.452, 122.80, 165.031, 166.02, 1551.13, 1728.07, or 3706.042 of the Revised Code applies.

(C) "Construct," "constructed," or "constructing" means to perform or having performed construction.

(D) "Public improvement" means all buildings, roads, streets, alleys, sewers, ditches, sewage disposal plants, water works, and other structures or works constructed by a public authority or by any person who, pursuant to a contract with a public authority, constructs any structure or work for a public authority. When a public authority rents or leases a newly constructed structure within six months after completion of its construction, all work performed on that structure to suit it for occupancy by a public authority is a "public improvement."

~~(D)~~(E) "Interested party," with respect to a particular public improvement, means all of the following:

(1) Any person who submits a bid for the purpose of securing the award of a contract for the public improvement;

(2) Any person acting as a subcontractor of a person mentioned in division ~~(D)~~(E)(1) of this section;

(3) Any association having as members any of the persons mentioned in division ~~(D)~~(E)(1) or (2) of this section;

(4) Any employee of a person mentioned in division ~~(D)~~(E)(1), (2), or (3) of this section;

(5) Any individual who is a resident of the jurisdiction of the public

authority for whom products or services for a public improvement are being procured or for whom work on a public improvement is being performed.

Sec. 4116.02. A public authority, when ~~engaged in procuring products or services, awarding contracts, or overseeing procurement or construction for constructing a public improvements, improvement using any state money,~~ shall ensure that bid specifications issued by the public authority for the proposed public improvement, and any subsequent contract or other agreement for the public improvement to which the public authority and a contractor or subcontractor are direct parties, do not require a contractor or subcontractor to do any of the following:

(A) ~~Enter into agreements with any labor organization on the public improvement;~~

(B) ~~Enter into any agreement that requires the employees of that contractor or subcontractor to do either of the following as a condition of employment or continued employment:~~

~~(1) Become members of or affiliated with a labor organization;~~

~~(2) Pay dues or fees to a labor organization neither require nor prohibit any person who submits a bid on a public improvement project to enter into or adhere to agreements with one or more labor organizations, on the same or other related construction projects, or otherwise discriminate against any person who submits a bid on a public improvement project based on that person's decision to enter into or adhere to agreements or to refrain from entering into or adhering to agreements with one or more labor organizations on the same or other related construction projects.~~

As used in this section, "state money" means appropriations made by the general assembly; grants of money made by a state agency, authority, or instrumentality that are not repaid in any form; and bonds issued by a state agency, authority, or instrumentality.

Sec. 4116.04. (A) An interested party may file a complaint against a contracting public authority alleging a violation of section 4116.02 ~~or 4116.03~~ of the Revised Code within two years after the date on which the contract is signed for the public improvement in the court of common pleas of the county in which the public improvement is performed. The performance of the contract forms the basis of the allegation of a violation. The court in which the complaint is filed shall hear and decide the case and, upon a finding that a violation has occurred, shall void the contract and make any orders that will prevent further violations.

The Rules of Civil Procedure govern all actions under this section. Any determination of a court under this section is subject to appellate review.

(B) If, pursuant to this section, a court finds a violation of section 4116.02 ~~or 4116.03~~ of the Revised Code, the court may award reasonable attorney's fees, court costs, and any other fees incurred in the course of the civil action to the prevailing plaintiff."

In line 14918, after "4115.04," insert "4116.01, 4116.02, 4116.04,"

In line 14924, after "5919.31" insert "and section 4116.03"

In line 14 of the title, after "4115.04," insert "4116.01, 4116.02, 4116.04,"

In line 24 of the title, after "5748.081" insert "; to repeal section 4116.03"

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

Representative Skindell 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 48, nays 48, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Barrett	Beatty	Bocchieri
Book	Brown	Carano	Cassell
Chandler	DeBose	DeGeeter	DeWine
Distel	Domenick	Driehaus	Fende
Flowers	Foley	Garrison	Hartnett
Harwood	Healy	Hughes	Key
Kilbane	Koziura	Luckie	Mason
McGregor J.	Mitchell	Oelslager	Otterman
Patton S.	Patton T.	Perry	Redfern
Sayre	Skindell	Smith S.	Stewart D.
Strahorn	Sykes	Trakas	Ujvagi
Widener	Williams	Yates	Yuko-48.

Those who voted in the negative were: Representatives

Blasdel	Blessing	Brinkman	Bubp
Buehrer	Calvert	Carmichael	Coley
Collier	Combs	Core	Daniels
Dolan	Evans C.	Evans D.	Faber
Fessler	Gibbs	Gilb	Hagan
Hood	Hoops	Latta	Law
Martin	McGregor R.	Peterson	Raga
Raussen	Reidelbach	Reinhard	Schaffer
Schlichter	Schneider	Seaver	Seitz
Setzer	Smith G.	Stewart J.	Uecker
Wagner	Wagoner	Webster	White D.
White J.	Widowfield	Wolpert	Husted-48.

The motion to amend was not laid on the table.

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

On motion of Representative Driehaus, the House recessed.

The House met pursuant to recess.

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

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

Those who voted in the affirmative were: Representatives

Blasdel	Blessing	Brinkman	Bubp
Buehrer	Calvert	Carmichael	Coley
Collier	Combs	Core	Daniels
Dolan	Evans C.	Evans D.	Faber
Fessler	Gibbs	Hagan	Hood
Latta	Law	Martin	Peterson
Raga	Rausen	Reidelbach	Reinhard
Schaffer	Schlichter	Schneider	Seaver
Seitz	Setzer	Smith G.	Uecker
Wagner	Webster	White D.	White J.
Widowfield	Wolpert		Husted-43.

Those who voted in the negative were: Representatives

Aslanides	Barrett	Beatty	Bocchieri
Book	Brown	Carano	Cassell
Chandler	DeBose	DeGeeter	DeWine
Distel	Domenick	Driehaus	Fende
Flowers	Foley	Garrison	Hartnett
Harwood	Healy	Hoops	Hughes
Key	Kilbane	Koziura	Luckie
Mason	McGregor J.	McGregor R.	Mitchell
Oelslager	Otterman	Patton S.	Patton T.
Perry	Redfern	Sayre	Skindell
Smith S.	Stewart D.	Stewart J.	Strahorn
Sykes	Trakas	Ujvagi	Wagoner
Widener	Williams	Woodard	Yates
			Yuko-53.

The motion to amend was not agreed to.

The question recurring, "Shall the bill pass?"

Representative Flowers moved to amend as follows:

In line 16529, delete "\$210,000" and insert "\$100,000"

In line 16530, delete "\$100,000" and insert "\$210,000"

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

The motion was agreed to without objection.

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

Representative Hood moved to amend as follows:

In line 9170, after "Code" insert ";

(6) Public improvements that are constructed using any state money

Between lines 9170 and 9171, insert:

"(C) A public authority shall not pay the prevailing rate of wages required under this chapter for any public improvement that is constructed using state money.

(D) For purposes of this section, "state money" means appropriations made by the general assembly, grants of money made by a public authority that are not repaid in any form, loans of money made by a public authority that are required to be repaid in some form, and bonds issued by a public authority."

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

The yeas and nays were taken and resulted - yeas 30, nays 66, as follows:

Those who voted in the affirmative were: Representatives

Blessing	Brinkman	Bubp	Buehrer
Calvert	Coley	Collier	Core
Daniels	Evans D.	Faber	Gibbs
Gilb	Hagan	Hood	Law
Peterson	Raussen	Reidelbach	Reinhard
Schaffer	Schneider	Seaver	Setzer
Smith G.	Uecker	Wagner	Webster
White J.			Widowfield-30.

Those who voted in the negative were: Representatives

Aslanides	Barrett	Beatty	Blasdel
Boccieri	Book	Brown	Carano
Carmichael	Cassell	Chandler	Combs
DeBose	DeGeeter	DeWine	Distel
Dolan	Domenick	Driehaus	Evans C.
Fende	Flowers	Foley	Garrison
Hartnett	Harwood	Healy	Hoops
Hughes	Key	Kilbane	Koziura
Latta	Luckie	Martin	Mason
McGregor J.	McGregor R.	Mitchell	Oelslager
Otterman	Patton S.	Patton T.	Perry
Raga	Redfern	Sayre	Schlichter
Seitz	Skindell	Smith S.	Stewart D.
Stewart J.	Strahorn	Sykes	Trakas
Ujvagi	Wagoner	White D.	Widener
Williams	Wolpert	Woodard	Yates
Yuko			Husted-66.

The motion to amend was not agreed to.

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

Representative Brinkman moved to amend as follows:

Delete lines 15446 and 15446a

In line 15528, delete "\$54,121,000" and insert "\$52,121,000"

In line 15529, delete "\$54,121,000" and insert "\$52,121,000"

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

Representative Barrett 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 84, nays 12, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Barrett	Beatty	Blasdel
Boccieri	Book	Brown	Buehrer
Calvert	Carano	Carmichael	Cassell
Chandler	Collier	Combs	Core
Daniels	DeBose	DeGeeter	DeWine
Distel	Dolan	Domenick	Driehaus
Evans C.	Evans D.	Faber	Fende
Flowers	Foley	Garrison	Gibbs
Gilb	Hagan	Hartnett	Harwood
Healy	Hoops	Hughes	Key
Kilbane	Koziura	Latta	Luckie
Martin	Mason	McGregor J.	McGregor R.
Mitchell	Oelslager	Otterman	Patton S.
Patton T.	Perry	Peterson	Raga
Rausen	Redfern	Reinhard	Sayre
Schaffer	Schlichter	Schneider	Seaver
Seitz	Setzer	Skindell	Smith G.
Smith S.	Stewart D.	Stewart J.	Strahorn
Sykes	Trakas	Ujvagi	Wagoner
White D.	White J.	Widener	Williams
Wolpert	Woodard	Yates	Yuko-84.

Those who voted in the negative were: Representatives

Brinkman	Bubp	Coley	Fessler
Hood	Law	Reidelbach	Uecker
Wagner	Webster	Widowfield	Husted-12.

The motion to amend was laid on the table.

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

Representative Skindell moved to amend as follows:

In line 59, delete "5120.03,"

Delete lines 10408 through 10440

In line 14920, delete "5120.03,"

In line 17 of the title, delete "5120.03,"

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 50, nays 46, 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.	Fessler	Flowers	Gibbs
Gilb	Hagan	Hood	Hoops
Kilbane	Latta	Law	Martin
McGregor R.	Peterson	Raga	Raussen
Reidelbach	Reinhard	Schaffer	Schneider
Seaver	Seitz	Setzer	Smith G.
Stewart J.	Uecker	Wagner	Wagoner
Webster	White D.	White J.	Widowfield
Wolpert			Husted-50.

Those who voted in the negative were: Representatives

Barrett	Beatty	Bocchieri	Book
Brown	Carano	Cassell	Chandler
DeBose	DeGeeter	Distel	Domenick
Driehaus	Faber	Fende	Foley
Garrison	Hartnett	Harwood	Healy
Hughes	Key	Koziura	Luckie
Mason	McGregor J.	Mitchell	Oelslager
Otterman	Patton S.	Patton T.	Perry
Redfern	Sayre	Schlichter	Skindell
Stewart D.	Strahorn	Sykes	Trakas
Ujvagi	Widener	Williams	Woodard
Yates			Yuko-46.

The motion to amend was laid on the table.

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

Representative Faber moved to amend as follows:

In line 9170, after "Code" insert ";

(6) Public improvements that are undertaken by, or under contract for, a political subdivision of the state, the total overall project cost of which is estimated to be less than seven hundred fifty thousand dollars"

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

Representative Daniels moved to amend the amendment as follows:

In line 4 of 126HB699-HF0410/JF, delete "seven" and insert "four"

In line 5 of 126HB 699-HF0410/JF, delete "fifty"; after "dollars" insert " . Beginning on January 1, 2008, the director of commerce shall adjust that amount annually according to the average increase or decrease for each of the two years immediately preceding the adjustment as set forth in the United States department of commerce, bureau of the census implicit price deflator for construction"

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

The yeas and nays were taken and resulted - yeas 57, nays 40, as follows:

Those who voted in the affirmative were: Representatives

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

Those who voted in the negative were: Representatives

Barrett	Beatty	Blessing	Bocchieri
Book	Brown	Calvert	Carano
Cassell	Chandler	DeBose	DeGeeter
Distel	Domenick	Driehaus	Fende
Foley	Garrison	Harwood	Healy
Hood	Hughes	Key	Luckie
Mason	McGregor J.	Mitchell	Oelslager
Patton S.	Patton T.	Perry	Redfern
Sayre	Skindell	Smith S.	Stewart D.
Stewart J.	Sykes	Williams	Woodard-40.

The motion to amend the amendment was agreed to.

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

Representative Driehaus 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 47, nays 50, as follows:

Those who voted in the affirmative were: Representatives

Barrett	Beatty	Bocchieri	Book
Brown	Carano	Cassell	Chandler
DeBose	DeGeeter	DeWine	Distel
Domenick	Driehaus	Fende	Foley
Garrison	Hartnett	Harwood	Healy
Hughes	Key	Kilbane	Koziura
Luckie	Mason	McGregor J.	McGregor R.
Mitchell	Oelslager	Otterman	Patton S.
Patton T.	Perry	Redfern	Sayre
Skindell	Smith S.	Stewart D.	Strahorn
Sykes	Ujvagi	Wagoner	Williams
Woodard	Yates		Yuko-47.

Those who voted in the negative were: Representatives

Aslanides	Blasdel	Blessing	Brinkman
Bubp	Buehrer	Calvert	Carmichael
Coley	Collier	Combs	Core
Daniels	Dolan	Evans C.	Evans D.
Faber	Fessler	Flowers	Gibbs
Gilb	Hagan	Hood	Hoops
Latta	Law	Martin	Peterson
Raga	Raussen	Reidelbach	Reinhard
Schaffer	Schlichter	Schneider	Seaver
Seitz	Setzer	Smith G.	Stewart J.
Trakas	Uecker	Wagner	Webster
White D.	White J.	Widener	Widowfield
Wolpert			Husted-50.

The motion to amend was not laid on the table.

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

The yeas and nays were taken and resulted - yeas 49, nays 48, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Blasdel	Blessing	Brinkman
Bubp	Buehrer	Calvert	Carmichael
Coley	Collier	Combs	Core
Daniels	Dolan	Evans C.	Evans D.
Faber	Fessler	Flowers	Gibbs
Gilb	Hagan	Hood	Hoops
Latta	Law	Martin	Peterson
Raga	Raussen	Reidelbach	Reinhard
Schaffer	Schlichter	Schneider	Seaver
Seitz	Setzer	Smith G.	Trakas
Uecker	Wagner	Webster	White D.
White J.	Widener	Widowfield	Wolpert
			Husted-49.

Those who voted in the negative were: Representatives

Barrett	Beatty	Boccieri	Book
Brown	Carano	Cassell	Chandler
DeBose	DeGeeter	DeWine	Distel
Domenick	Driehaus	Fende	Foley
Garrison	Hartnett	Harwood	Healy
Hughes	Key	Kilbane	Koziura
Luckie	Mason	McGregor J.	McGregor R.
Mitchell	Oelslager	Otterman	Patton S.
Patton T.	Perry	Redfern	Sayre
Skindell	Smith S.	Stewart D.	Stewart J.
Strahorn	Sykes	Ujvagi	Wagoner
Williams	Woodard	Yates	Yuko-48.

The motion was agreed to and the bill so amended.

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

The yeas and nays were taken and resulted - yeas 94, nays 3, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Barrett	Beatty	Blasdel
Blessing	Bocieri	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	Foley	Garrison	Gibbs
Gilb	Hagan	Hartnett	Harwood
Healy	Hoops	Hughes	Key
Kilbane	Koziura	Latta	Law
Luckie	Martin	Mason	McGregor J.
McGregor R.	Mitchell	Oelslager	Otterman
Patton S.	Patton T.	Perry	Peterson
Raga	Rausen	Redfern	Reidelbach
Reinhard	Sayre	Schaffer	Schlichter
Schneider	Seaver	Seitz	Setzer
Smith G.	Smith S.	Stewart D.	Stewart J.
Strahorn	Sykes	Trakas	Uecker
Ujvagi	Wagner	Wagoner	Webster
White D.	White J.	Widener	Widowfield
Williams	Wolpert	Woodard	Yates
Yuko			Husted-94.

Representatives Brinkman, Hood, and Skindell voted in the negative-3.

The bill passed.

Representative Calvert moved to amend the title as follows:

Add the names: "Carmichael, Collier, Combs, Core, Evans, C., Evans, D., Faber, Fende, Hagan, Koziura, Law, Mitchell, Reinhard, Schaffer, Seaver, Seitz, Setzer, White, J., Woodard."

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 President of the Senate has appointed as managers on the part of the Senate on matters of difference between the two Houses on:

Sub. H. B. No. 259 - Representative Wagner - et al.

Senators Jordan, Clancy and Kearney

Attest:

David A. Battocletti,
Clerk.

Message from the Senate

Mr. Speaker:

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

Am. S. B. No. 323 - Senators Spada, Stivers, Austria, Armbruster, Clancy, Jacobson, Niehaus, Coughlin, Goodman, Hagan, Kearney, Mumper, Miller, D., Harris, Roberts, Fedor, Prentiss

To amend sections 3734.13, 3745.01, and 3745.08 and to enact sections 3734.61 to 3734.65 of the Revised Code to prohibit the purchase of mercury or mercury-added measuring devices by schools, to prohibit the sale and distribution of mercury-containing thermometers, mercury-added novelties, and mercury-containing thermostats, to establish certain exceptions from the prohibitions, and to establish other requirements concerning mercury and certain mercury-containing products.

S. B. No. 380 - Senators Stivers, Harris, Dann, Miller, D., Clancy, Armbruster, Carey, Fedor, Goodman, Hagan, Kearney, Miller, R., Niehaus, Roberts, Wilson

To enact section 5533.75 of the Revised Code to designate a portion of Interstate Route 270 within Franklin County the "Bobby Rahal Expressway."

Attest:

David A. Battocletti,
Clerk.

Said bills were 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 passage of the following bill:

Sub. H. B. No. 371 - Representatives Buehrer, Trakas, Raussen, Gibbs, McGregor, J., Uecker, Reidelbach, Brinkman, Combs, Faber, White, Schaffer, Hagan, Wagoner, Hughes, Oelslager, Hood, Fessler, Fende, Allen, Perry,

Yuko, Bupp, Latta, Stewart, J., Martin, Beatty, Blessing, Boccieri, Book, Brown, Calvert, Carano, Cassell, Collier, Daniels, DeBose, DeGeeter, Distel, Dolan, Domenick, Evans, C., Evans, D., Flowers, Garrison, Gilb, Hartnett, Harwood, Healy, Key, Law, Mason, Otterman, Patton, T., Peterson, Raga, Redfern, Sayre, Schlichter, Schneider, Seaver, Seitz, Smith, G., Stewart, D., Wagner, Webster, Widowfield, Willamowski, Williams Senators Niehaus, Schuler, Cates, Clancy, Fedor, Grendell, Harris, Kearney, Mumper, Padgett, Stivers, Armbruster, Austria, Carey, Gardner, Hagan, Roberts

To create the Fuel Production Task Force to study opportunities for and barriers to increasing fuel production in this state.

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. H. B. No. 282 - Representatives Flowers, T. Patton, J. Stewart, Schlichter, Fende, Allen, Willamowski, Wagoner, McGregor, Miller, Schneider, Yuko, Kearns, Schaffer, C. Evans, Gilb, Setzer, Widener, Raga, Bupp, Skindell, DeWine, Carano, Blasdel, Martin, Barrett, Strahorn, Faber, Perry, Collier, D. Evans, Hughes, Oelslager, Harwood, Combs, Chandler, Buehrer, Wolpert, Williams, Cassell, Ujvagi, Brown, D. Stewart, S. Smith, S. Patton, Key, Law, Reinhard, Sayre, Uecker, Book, Carmichael, Core, DeGeeter, Distel, Dolan, Domenick, Fessler, Gibbs, Hagan, Healy, Kilbane, Latta, McGregor, R., Mitchell, Otterman, Peterson, Reed, Reidelbach, Seitz, Smith, G., Taylor, Trakas, White, Widowfield, Woodard, Beatty Senators Cates, Grendell, Armbruster, Schuring, Mumper, Miller, D., Fedor, Kearney, Austria, Carey, Clancy, Dann, Gardner, Goodman, Hagan, Harris, Jordan, Miller, R., Padgett, Schuler, Wachtmann, Niehaus, Prentiss, Zurz

To enact section 5.2233 of the Revised Code designating September 11 as "Ohio Public Safety Employee Day."

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:

Sub. H. B. No. 80 - Representatives Smith, G., Flowers, Hartnett, Calvert, Hagan, Stewart, D., Distel, Yuko, Cassell, Collier, Combs, Allen, Aslanides, Barrett, Blessing, Chandler, Daniels, DeBose, Domenick, Evans, C., Fende, Garrison, Hughes, Key, McGregor, J., Otterman, Patton, T., Schaffer, Schneider, Setzer, Skindell, Stewart, J., Strahorn, Uecker, Williams
Senators Fedor, Goodman, Harris, Hottinger, Jordan, Kearney, Miller, R., Mumper, Padgett, Spada, Stivers, Zurz, Miller, D., Hagan, Wilson, Armbruster, Cates

To enact sections 153.03 and 153.031 of the Revised Code to prohibit a state agency from awarding a public improvement contract unless its terms require the contractors and subcontractors to participate in a specified drug-free workplace program.

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 House amendments to:

Am. Sub. S. B. No. 5 - Senator Hottinger- et al.

Attest:

David A. Battocletti,
Clerk.

Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has adopted the following concurrent resolution in which the concurrence of the House is requested:

S. C. R. No. 33 - Senators Padgett, Carey, Harris, Armbruster, Schuler, Miller, D., Gardner, Mumper, Goodman, Fingerhut, Cates, Grendell, Kearney, Austria, Clancy, Coughlin, Fedor, Roberts, Wilson, Spada, Niehaus, Zurz

To urge the Congress of the United States to recognize the significance of the eastern states, including Ohio, in the preparation for, and return of, the Lewis and Clark Expedition by enacting legislation extending the Lewis and Clark National Historic Trail east to its origin at Monticello.

Attest:

David A. Battocletti,
Clerk.

Said concurrent resolution was referred to the committee on Rules and Reference under the Rule.

Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has adopted the following concurrent resolution in which the concurrence of the House is requested:

S. C. R. No. 35 - Senators Coughlin, Schuler, Hagan, Armbruster, Carey, Miller, R.

To designate November 15 as Chronic Obstructive Pulmonary Disease Awareness Day in Ohio.

Attest:

David A. Battocletti,
Clerk.

Said concurrent resolution was referred to the committee on Rules and Reference under the Rule.

Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has reconsidered the vote on

Sub. H.B. No. 347 - Representative Aslanides, et al.

and has passed the same, notwithstanding the objections of the Governor, three-fifths of the Senate agreeing thereto.

Attest: David A. Battocletti,
Clerk.

MESSAGE FROM THE SPEAKER

The Speaker hereby makes the following change to the Committee of Conference on Sub. H.B. No. 79 - Representative Raga, et al.,

Remove Representative Allen; appoint Representative Carano.

MESSAGE FROM THE SPEAKER

Pursuant to Ohio Revised Code Section 4781.02, the Speaker hereby re-appoints Evan Atkinson to the Ohio Manufactured Homes Commission.

MESSAGE FROM THE SPEAKER

The Speaker of the House of Representatives, on December 12, 2006, signed the following:

H. B. No. 236 - Representative White - et al.

Sub. S. B. No. 5 - Senator Hottinger - et al.

On motion of Representative Blasdel, the House adjourned until Wednesday, December 13, 2006 at 1:30 o'clock p.m.

Attest: LAURA P. CLEMENS,
Clerk.