

**OHIO**

**House**

**of**

**Representatives**

**JOURNAL**

WEDNESDAY, DECEMBER 13, 2006

TWO HUNDRED FORTIETH DAY  
Hall of the House of Representatives, Columbus, Ohio  
**Wednesday, December 13, 2006 at 1:30 o'clock p.m.**

The House met pursuant to adjournment.

Prayer was offered by David Cummings of the Painter Creek Church of the Brethren in Painter Creek, 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:

Major Thomas M. Markovich received House Resolution 282, presented by Representatives Boccieri-61st district and Carano-59th district.

Rick Kitchen received House Resolution 285, presented by Representative Widener-84th district.

Colleen Grady, a guest of Representative T. Patton-18th district.

Jim and Judy Scarrett, guests of Representative D. Evans-71st district.

Deborah Newcomb, Lauren Davis, Lisa Hawkins, Jared and Greg Jacobs, guests of Representative Distel-99th district.

### INTRODUCTION OF BILLS

The following bills were introduced:

**H. B. No. 705**-Representatives Fende, Skindell, Foley, Williams, Garrison, Domenick, Mason, Brown, Koziura, Otterman, DeBose, Beatty, Driehaus, Stewart, D., Carano, Sykes, Key, Healy, Yates, Ujvagi, Luckie.

To amend sections 101.34 and 102.08 and to enact section 102.11 of the Revised Code to require members of the General Assembly, the Governor, the Lieutenant Governor, the Attorney General, the Secretary of State, the Treasurer of State, and the Auditor of State to obtain ethics instruction provided by the appropriate ethics commission, and to require the Office of the Legislative Inspector General and the Legislative Service Commission to study the feasibility of requiring all state employees to obtain ethics instruction.

**H. B. No. 706**-Representative Peterson.

To amend sections 5111.20, 5111.222, 5111.231, 5111.24, 5111.242, 5111.244, and 5111.254, to enact new section 5111.25 and sections 5111.224 and 5111.245, and to repeal sections 5111.25 and 5111.265 of the Revised

Code regarding the Medicaid reimbursement system for nursing facilities.

Said bills were considered the first time.

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

Representative Smith, S. submitted the following report:

The standing committee on Health to which was referred **H. B. No. 32**-Representative Trakas, et al., having had the same under consideration, reports it back and recommends its passage.

RE: NO PRESCRIPTION MEDS WITHOUT PARENTAL AUTHORITY

- |                     |                        |
|---------------------|------------------------|
| JAMES T. RAUSSEN    | SANDRA STABILE HARWOOD |
| EARL MARTIN         | ROBERT J. OTTERMAN     |
| SHAWN N. WEBSTER    | JOHN WIDOWFIELD        |
| LINDA S. REIDELBACH | LARRY L. FLOWERS       |
| CHRIS REDFERN       | COURTNEY COMBS         |
| JON M. PETERSON     | MICHELLE G. SCHNEIDER  |
| LANCE T. MASON      | EDNA BROWN             |
| MICHAEL DEBOSE      | CATHERINE L. BARRETT   |

The following members voted "NO"

- |                |                  |
|----------------|------------------|
| JAMES M. HOOPS | SHIRLEY A. SMITH |
| KEITH L. FABER | JOHN J. WHITE    |
| ROSS MCGREGOR  |                  |

The report was agreed to.

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

Representative Smith, S. submitted the following report:

The standing committee on Health to which was referred **Sub. S. B. No. 116**-Senator Spada, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: HEALTH INSURANCE - BIOLOGICALLY BASED MENTAL ILLNESS

Representative White, J. moved to amend the title as follows:

Add the names: "Representatives Redfern, Schneider, Smith, S., Peterson, Mason, Brown, Otterman, Barrett."

- |                       |                  |
|-----------------------|------------------|
| JAMES M. HOOPS        | SHAWN N. WEBSTER |
| MICHELLE G. SCHNEIDER | JON M. PETERSON  |

CHRIS REDFERN  
LARRY L. FLOWERS  
ROBERT J. OTTERMAN  
CATHERINE L. BARRETT  
EDNA BROWN  
JOHN J. WHITE

JOHN WIDOWFIELD  
SHIRLEY A. SMITH  
SANDRA STABILE HARWOOD  
MICHAEL DEBOSE  
LANCE T. MASON  
COURTNEY COMBS

The following members voted "NO"

KEITH L. FABER  
JAMES T. RAUSSEN  
LINDA S. REIDELBACH

ROSS MCGREGOR  
EARL MARTIN

The report was agreed to.

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

Representative Smith, S. submitted the following report:

The standing committee on Health to which was referred **Sub. S. B. No. 126**-Senators Wachtmann, Stivers, having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: COUNTY HOSPITALS MODIFY GOVERNING LAWS

JAMES T. RAUSSEN  
JAMES M. HOOPS  
KEITH L. FABER  
ROSS MCGREGOR  
JOHN J. WHITE  
CHRIS REDFERN  
ROBERT J. OTTERMAN  
EDNA BROWN  
LANCE T. MASON  
SHAWN N. WEBSTER  
JOHN WIDOWFIELD

EARL MARTIN  
SANDRA STABILE HARWOOD  
JON M. PETERSON  
LARRY L. FLOWERS  
MICHELLE G. SCHNEIDER  
SHIRLEY A. SMITH  
CATHERINE L. BARRETT  
COURTNEY COMBS  
LINDA S. REIDELBACH  
MICHAEL DEBOSE

The report was agreed to.

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

Representative DeGeeter submitted the following report:

The standing committee on Criminal Justice to which was referred **Sub. S. B. No. 137**-Senator Goodman, et al., having had the same under consideration, reports it back and recommends its passage.

RE: CHILD ABUSE - FAIL TO REPORT - INCREASE PENALTY

Representative Latta moved to amend the title as follows:

Add the names: "Representatives Latta, Gilb, Evans, D., Hughes."

DAVID R. EVANS  
MIKE GILB  
TYRONE K. YATES  
WILLIAM J. SEITZ  
KENNY YUKO  
JOSEPH W. UECKER  
JEANINE PERRY  
DANNY R. BUBP

ROBERT E. LATTA  
TIMOTHY J. DEGEETER  
LANCE T. MASON  
ANNIE L. KEY  
WILLIAM J. HEALY  
STEPHEN BUEHRER  
JIM HUGHES

The following member voted "NO"

RONALD HOOD

The report was agreed to.

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

Representative DeGeeter submitted the following report:

The standing committee on Criminal Justice to which was referred **Sub. S. B. No. 245**-Senator Cates, et al., having had the same under consideration, reports it back and recommends its passage.

RE: PUB INDENCY - PENALTY/PREV SEX OFFENSE - BAIL

Representative Latta moved to amend the title as follows:

Add the names: "Representatives Latta, Evans, D., Gilb, Healy."

RONALD HOOD  
ROBERT E. LATTA  
MIKE GILB  
TIMOTHY J. DEGEETER  
LANCE T. MASON  
WILLIAM J. HEALY  
JOSEPH W. UECKER

JEANINE PERRY  
DAVID R. EVANS  
JIM HUGHES  
TYRONE K. YATES  
KENNY YUKO  
DANNY R. BUBP  
STEPHEN BUEHRER

The following members voted "NO"

ANNIE L. KEY

WILLIAM J. SEITZ

The report was agreed to.

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

Representative Smith, S. submitted the following report:

The standing committee on Health to which was referred **Sub. S. B. No. 246**-Senator Schuring, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: CHIROPRACTORS - ACUPUNCTURE

JAMES T. RAUSSEN  
JOHN J. WHITE  
EARL MARTIN  
SHIRLEY A. SMITH  
MICHELLE G. SCHNEIDER  
JON M. PETERSON  
JOHN WIDOWFIELD  
EDNA BROWN  
CATHERINE L. BARRETT  
SANDRA STABILE HARWOOD

JAMES M. HOOPS  
CHRIS REDFERN  
ROBERT J. OTTERMAN  
KEITH L. FABER  
LARRY L. FLOWERS  
COURTNEY COMBS  
LANCE T. MASON  
MICHAEL DEBOSE  
ROSS MCGREGOR

The following members voted "NO"

SHAWN N. WEBSTER                      LINDA S. REIDELBACH

The report was agreed to.

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

Representative Woodard submitted the following report:

The standing committee on Insurance to which was referred **Am. S. B. No. 279**-Senator Stivers, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: INSURANCE GUARANTY ASSN. - LIMIT CLAIM LIABILITY

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

Add the names: "Representatives Smith, G., Daniels, Evans, D., Faber, Gibbs, Patton, T., Raussen, Wolpert."

GEOFFREY C. SMITH  
JOSEPH KOZIURA  
LARRY L. WOLPERT  
BOB GIBBS  
STEVE L. DRIEHAUS  
JAMES T. RAUSSEN  
EARL MARTIN  
MATTHEW J. DOLAN  
THOMAS F. PATTON  
DAN WHITE  
LOUIS W. BLESSING

KEITH L. FABER  
DAVID DANIELS  
DAVID R. EVANS  
T. TODD BOOK  
JOHN A. BOCCIERI  
JEANINE PERRY  
JIM HUGHES  
CATHERINE L. BARRETT  
ARLENE J. SETZER  
CHRIS WIDENER

The report was agreed to.

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

Representative Distel submitted the following report:

The standing committee on Agriculture and Natural Resources to which

was referred **Am. S. B. No. 393**-Senator Mumper, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

Representative Aslanides moved to amend the title as follows:

Add the names: "Representatives Aslanides, Domenick, Gibbs, Schlichter, Widener, Distel, McGregor, J., Core, Reinhard."

- |                  |                   |
|------------------|-------------------|
| JIM ASLANIDES    | MATTHEW J. DOLAN  |
| ARLENE J. SETZER | JENNIFER GARRISON |
| BOB GIBBS        | JOHN SCHLICHTER   |
| CHRIS WIDENER    | L. GEORGE DISTEL  |
| JOHN DOMENICK    | JIM MCGREGOR      |
| CLYDE EVANS      | JEFF WAGNER       |
| ALLAN R. SAYRE   | ANTHONY CORE      |
| STEVE REINHARD   | TYRONE K. YATES   |

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 House Bills be considered for the second time and referred to the following committees for consideration:

**H.B. No. 700 - Representative Blasdel**

TO REQUIRE SCHOOL BOARDS TO ESTABLISH ALTERNATIVE RETIREMENT PLANS FOR TEACHERS AND SCHOOL EMPLOYEES.  
To the committee on Financial Institutions, Real Estate and Securities

**H.B. No. 701 - Representative Strahorn, et al**

TO MODIFY THE METHOD OF ADJUSTING THE PER-PUPIL FORMULA AMOUNT FOR SCHOOL DISTRICTS FROM YEAR TO YEAR.

To the committee on Finance and Appropriations

- |                     |                    |
|---------------------|--------------------|
| JON A. HUSTED       | CHARLES E. CALVERT |
| JIM CARMICHAEL      | BILL COLEY         |
| ANTHONY CORE        | KEVIN DEWINE       |
| LARRY L. FLOWERS    | JOHN SCHLICHTER    |
| ARLENE J. SETZER    | GEOFFREY C. SMITH  |
| JOYCE BEATTY        | KENNETH A. CARANO  |
| TIMOTHY J. DEGEETER | WILLIAM J. HEALY   |
| JOSEPH KOZIURA      | 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 House 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 House 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. 284 - Representatives Aslanides, Reinhard**

HONORING FRED L. DAILEY FOR HIS SERVICE TO THE STATE OF OHIO.

Add the names: Core, DeWine, Flowers, Schlichter

**H.R. No. 285 - Representative Widener**

HONORING RICK KITCHEN AS TEACHER OF THE YEAR.

Add the names: Schlichter, Flowers

**H.R. No. 286 - Representative Widener**

HONORING SAM BORCHERS ON WINNING THE 2006 DIVISION III STATE CROSS COUNTRY CHAMPIONSHIP.

**H.R. No. 287 - Speaker Husted, Representatives Beatty, Aslanides, Barrett, Blasdel, Blessing, Bocchieri, Book, Brinkman, Brown, Bulp, Buehrer, Calvert, Carano, Carmichael, Cassell, Chandler, Coley, Collier, Combs, Core, Daniels, DeBose, DeGeeter, DeWine, Distel, Dolan, Domenick, Driehaus, C. Evans, D. Evans, Fende, Fessler, Flowers, Foley, Garrison, Gibbs, Gilb, Hagan, Hartnett, Harwood, Healy, Hood, Hoops, Hughes, Key, Kilbane, Koziura, Latta, Law, Luckie, Martin, Mason, J. McGregor, R. McGregor, Mitchell, Oelslager, Otterman, S. Patton, T. Patton, Perry, Peterson, Raga, Raussen, Redfern, Reidelbach, Reinhard, Sayre, Schaffer, Schlichter, Schneider, Seaver, Seitz, Setzer, Skindell, G. Smith, S. Smith, D. Stewart, J. Stewart, Strahorn, Sykes, Taylor, Trakas, Uecker, Ujvagi, Wagner, Wagoner, Webster, D. White, J. White, Widener, Widowfield, Willamowski, Williams, Wolpert, Woodard, Yates, Yuko**

HONORING REPRESENTATIVE KEITH FABER FOR HIS SERVICE TO THE OHIO HOUSE OF REPRESENTATIVES.

**H.R. No. 288 - Speaker Husted, Representatives Beatty, Aslanides, Barrett, Blasdel, Blessing, Bocchieri, Book, Brinkman, Brown, Bulp, Buehrer, Calvert, Carano, Carmichael, Cassell, Chandler, Coley, Collier, Combs, Core, Daniels, DeBose, DeGeeter, DeWine, Distel, Dolan,**

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

HONORING LAURA CLEMENS AS THE 2006-2007 PRESIDENT OF THE AMERICAN SOCIETY OF LEGISLATIVE CLERKS AND SECRETARIES.

**H.R. No. 289 - Representative Faber**

HONORING THE ST. HENRY HIGH SCHOOL FOOTBALL TEAM FOR WINNING THE 2006 DIVISION V STATE CHAMPIONSHIP.

Add the names: DeWine

/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. S. B. No. 305**-Senators Stivers, Goodman, Dann, Kearney, Wachtmann. -Representative McGregor, J..

To amend sections 3731.01, 3731.02, 3731.09, 3731.12, and 3781.03 and to enact sections 3731.04, 3737.831, and 3781.112 of the Revised Code to modify requirements applied to differing types of hotels, to require the State Fire Code to include a provision directing the Fire Marshal to issue permits for temporary membrane structures, tents, and canopies located on state property or used for an event sponsored by a state agency, unless the Fire Marshal directs that the permit be obtained from a local fire code official, to clarify the authority of local governing officials concerning sewerage systems, and to allow certain medical facilities to use delayed-egress doors and electronic doors, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 94, 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
Flowers	Foley	Garrison	Gibbs
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	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	Yates
Yuko			Husted-94.

The bill passed.

Representative Schaffer moved to amend the title as follows:

Add the names: "Book, Combs, Domenick, Evans, C., Flowers, Patton, T., Schaffer, Wagoner, Yuko."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**Sub. H. B. No. 71**-Representatives J. Stewart, Martin, Hartnett, Seitz, Faber, Seaver, Reidelbach, White, Taylor, D. Evans, Bubp, Barrett, C. Evans, Latta, Perry, Ujvagi, Carano, Coley, G. Smith, Wagoner, T. Patton, Hagan, Gibbs, Widener.

To amend sections 145.30, 145.301, 3307.751, 3309.021, and 5505.25 of the Revised Code to permit a member of the Public Employees Retirement System, State Teachers Retirement System, School Employees Retirement System, or State Highway Patrol Retirement System to purchase military service credit for duty in the Ohio National Guard or reserves, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

12/13/06

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. 71**-Representative J. Stewart, et al., because it might be construed that I have an interest in the legislation.

Sincerely yours,

/s/ DANNY R. BUBP  
DANNY R. BUBP  
State Representative  
88th House District

The request was granted.

The yeas and nays were taken and resulted - yeas 92, nays 1, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Barrett	Beatty	Blasdel
Blessing	Bocchieri	Book	Brinkman
Brown	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	Hagan
Hartnett	Harwood	Healy	Hood
Hoops	Hughes	Key	Kilbane
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	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	Yates	Yuko	Husted-92.

Representative Koziura voted in the negative-1.

The bill passed.

Representative Stewart, J. moved to amend the title as follows:

Add the names: "Blessing, Brown, Calvert, Cassell, Chandler, Collier, Combs, Core, DeBose, Distel, Domenick, Driehaus, Fende, Flowers, Garrison, Hughes, Key, Luckie, Mason, McGregor, J., Oelslager, Otterman, Sayre, Schaffer, Schlichter, Schneider, Stewart, D., Webster, Widowfield, Williams, Yuko."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**Sub. H. B. No. 443**-Representatives Uecker, Aslanides, McGregor, J., Domenick, Setzer.

To amend sections 123.04, 303.14, 307.37, 519.14, 1501.011, 1501.02, 1501.07, 1501.23, 1501.32, 1502.01, 1502.03, 1502.12, 1504.02, 1506.04, 1507.01, 1510.04, 1511.021, 1513.01, 1513.02, 1513.07, 1513.071, 1513.08, 1513.13, 1513.16, 1513.17, 1513.18, 1513.181, 1513.29, 1513.30, 1513.37, 1514.01, 1514.03, 1514.04, 1514.05, 1514.06, 1514.09, 1514.11, 1514.99, 1515.10, 1515.211, 1517.02, 1517.10, 1517.11, 1520.02, 1520.03, 1520.05, 1520.07, 1521.01, 1521.04, 1521.05, 1521.06, 1521.061, 1521.062, 1521.064, 1521.13, 1521.14, 1521.18, 1521.19, 1521.99, 1531.01, 1531.02, 1531.04, 1531.06, 1531.10, 1531.20, 1531.27, 1531.99, 1533.07, 1533.08, 1533.09, 1533.10, 1533.11, 1533.12, 1533.131, 1533.171, 1533.42, 1533.632, 1533.68, 1533.86, 1533.882, 1533.99, 1541.03, 1541.05, 1541.40, 1547.05, 1547.08, 1547.51, 1547.54, 1547.541, 1547.99, 1548.02, 1567.35, 2923.35, 2933.43, 4115.04, and 5749.02; to enact sections 303.141, 519.141, 1513.075, 1513.081, 1513.171, 1513.182, 1513.371, 1514.011, 1514.051, 1514.40 to 1514.47, 1514.50, 1515.093, 1548.031, 1548.032, 1561.011, 1563.01, 1565.01, 1567.01, 1571.011, 2305.041, 5577.081, and 5749.11; and to repeal sections 1502.11, 1513.10, 1521.08, and 1533.78 of the Revised Code to revise the statutes governing the Department of Natural Resources; to make changes to the law governing coal mining, including increasing the severance tax on coal and revising the distribution of revenue from that tax; to make changes to the law governing the mining of industrial minerals, including revising zoning provisions related to such mining; and to make other changes, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Aslanides moved to amend as follows:

In line 49, delete "2923.35, 2933.43,"

In line 50, after "519.141," insert "1501.45,"

Between lines 926 and 927, insert:

**"Sec. 1501.45. (A) As used in this section:**

**(1) "Forfeiture laws" means provisions that are established in Title XXIX**

of the Revised Code and that govern the forfeiture and disposition of certain property that is seized pursuant to a law enforcement investigation.

(2) "Law enforcement division" means the division of forestry, the division of natural areas and preserves, the division of wildlife, the division of parks and recreation, or the division of watercraft in the department of natural resources.

(3) "Law enforcement fund" means a fund created in this section.

(B) Except as otherwise provided in this section and notwithstanding any provision of the Revised Code that is not in Title XV of the Revised Code to the contrary, the forfeiture laws apply to a law enforcement division that substantially conducts an investigation that results in the ordered forfeiture of property and also apply to the involved forfeiture of property, and the law enforcement division shall comply with those forfeiture laws. Accordingly, the portion of the forfeiture laws that authorizes certain proceeds from forfeited property to be distributed to the law enforcement agency that substantially conducted the investigation that resulted in the seizure of the subsequently forfeited property apply to the law enforcement divisions. If a law enforcement division is eligible to receive such proceeds, the proceeds shall be deposited into the state treasury to the credit of the applicable law enforcement fund.

(C) There are hereby created in the state treasury the division of forestry law enforcement fund, the division of natural areas and preserves law enforcement fund, the division of wildlife law enforcement fund, the division of parks and recreation law enforcement fund, and the division of watercraft law enforcement fund. The funds shall consist of proceeds from forfeited property that are deposited in accordance with this section. The funds shall be used by the applicable law enforcement division for law enforcement purposes specified in the forfeiture laws; however, a law enforcement division shall not use such funds to pay the salaries of its employees or to provide for any other remuneration of personnel.

(D) If the forfeiture laws conflict with any provisions that govern forfeitures and that are established in another section of Title XV of the Revised Code, the provisions established in the other section of Title XV apply."

In line 1557, after "(8)" delete the balance of the line

Delete lines 1558 through 1577

In line 1578, delete "(9)"

In line 1593, delete "and"; after "(5)" insert an underlined comma; after "and" insert ", (8),"; after "(B)" insert ", and (J)"

Between lines 1796 and 1797, insert:

"(J) If this state becomes covered by a state programmatic general permit issued by the United States army corps of engineers for the discharge of dredged or fill material into the waters of the United States by operations that conduct

surface and underground coal mining and reclamation operations and the restoration of abandoned mine lands, the chief may establish programs and adopt rules and procedures designed to implement the terms, limitations, and conditions of the permit. The purpose of the programs, rules, and procedures shall be to enable the state to reduce or eliminate duplicative state and federal project evaluation, simplify the regulatory approval process, provide environmental protection for aquatic resources that is equivalent to federal protection, and satisfy the requirements of the United States army corps of engineers regulatory program under which the permit is issued and that is established under section 404 of the "Federal Water Pollution Control Act," 86 Stat. 48 (1972), 33 U.S.C. 1344, as amended by the "Clean Water Act of 1977," 91 Stat. 1600, 33 U.S.C. 1344; section 10 of the "Rivers and Harbors Act of 1899," 30 Stat. 1151, 33 U.S.C. 403; and section 103 of the "Marine Protection, Research, and Sanctuaries Act of 1972," 86 Stat. 1055, 33 U.S.C. 1413."

Between lines 2419 and 2420, insert:

"(8) In the case of the issuance of a permit that involves a conflict of results obtained under section 1513.075 of the Revised Code between the various methods of calculating potential acidity and neutralization potential for purposes of assessing the potential for acid mine drainage to occur at a mine site, the permit shall include provisions for monitoring and record keeping to identify the creation of unanticipated acid water at the mine site. If the monitoring detects the creation of acid water at the site, the permit shall impose on the permittee additional requirements regarding mining practices and site reclamation to prevent the discharge of acid mine drainage from the mine site."

In lines 2555, 2556, 2565, 2568, and 2571, delete "shall" and insert "may"

In line 3749, after the underlined period insert "Prior to the close of the fiscal quarter in which the tax credit certificate is issued, the chief shall certify to the tax commissioner the amount of the credit and the identity of the recipient."

In line 3874, delete "Upon receipt of the"

Delete line 3875

In line 3876, delete "from the fund in an amount equal to the insufficiency."

In line 3877, delete ", in the amount authorized by the board,"

In line 3880, delete "board shall not"

In line 3881, delete "authorize the expenditure of and the"

In line 3960, delete "five" and insert "seven"

In line 3964, delete "one" and insert "two"

In line 3969, delete "and"

In line 3972, after "Code" insert ", and one shall be a representative of the

public"

In line 3974, delete the second "two" and insert "three"

In line 3975, delete "one" and insert "two"

In line 4009, after "(2)" delete the balance of the line

Delete lines 4010 through 4012

In line 4013, delete "(3)"

In line 4015, delete "(4)" and insert "(3)"

In line 4020, delete "(5)" and insert "(4)"

In line 4028, delete "(6)" and insert "(5)"

In line 4031, delete "(7)" and insert "(6)"

In line 4037, delete "(8)" and insert "(7)"

In line 4042, delete "(9)" and insert "(8)"

Delete lines 9233 through 10486

In line 10609, delete "equal to" and insert "at least"

In line 10613, after "ton" insert ". Not later than thirty days after the close of a fiscal biennium, the chief of the division of mineral resources management shall certify to the tax commissioner the amount of the balance of the reclamation forfeiture fund as of the close of the fiscal biennium. Any necessary adjustment of the rate levied shall take effect on the first day of the following January and shall remain in effect during the calendar biennium that begins on that date"

In line 10703, delete "from an area"

In line 10707, after "years" insert ". Not later than thirty days after the close of a fiscal year, the chief shall certify to the tax commissioner the identity of any permittees who accordingly no longer are required to pay the tax levied under division (A)(8) of this section"

In line 10716, after the underlined period delete the balance of the line

Delete lines 10717 through 10720

In line 10728, after "(B)" delete the balance of the line

Delete lines 10729 through 10750

In line 10751, delete "(C)"

In line 10770, delete "2923.35, 2933.43,"

In line 10804, after "6." insert "Section 5749.02 of the Revised Code as amended by this act shall take effect on April 1, 2007.

**Section 7.**"

In line 19 of the title, delete "2923.35, 2933.43,"

In line 21 of the title, after "519.141," insert "1501.45,"

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

The yeas and nays were taken and resulted - yeas 87, nays 6, as follows:

Those who voted in the affirmative were: Representatives

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	Flowers
Foley	Garrison	Gibbs	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	Raussen
Redfern	Reidelbach	Reinhard	Sayre
Schaffer	Schlichter	Schneider	Seitz
Setzer	Smith G.	Stewart D.	Strahorn
Sykes	Taylor	Trakas	Uecker
Ujvagi	Wagner	Wagoner	Webster
White D.	White J.	Widener	Widowfield
Williams	Wolpert		Husted-87.

Representatives Brinkman, Hood, Skindell, Stewart J., Yates, and Yuko voted in the negative-6.

The motion was agreed to and the bill so amended.

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

Representative Sayre moved to amend as follows:

In line 5421, delete "If a surface mining operation is not"

Delete line 5422

In line 5423, delete "United States department of labor, the" and insert "The"

In line 5425, delete "two inspections" and insert "one inspection"; delete "the" and insert "a surface mining"

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

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

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

The yeas and nays were taken and resulted - yeas 53, nays 40, as follows:

Those who voted in the affirmative were: Representatives

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

Those who voted in the negative were: Representatives

Barrett	Beatty	Bocchieri	Book
Brinkman	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.	Stewart J.	Strahorn	Sykes
Ujvagi	Williams	Yates	Yuko-40.

The motion to amend was laid on the table.

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

The yeas and nays were taken and resulted - yeas 76, nays 18, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Barrett	Blasdel	Blessing
Bocchieri	Book	Brown	Bubp
Buehrer	Calvert	Carano	Carmichael
Coley	Collier	Combs	Core
Daniels	DeBose	DeGeeter	DeWine
Distel	Driehaus	Evans C.	Evans D.
Faber	Flowers	Garrison	Gibbs
Hagan	Hartnett	Harwood	Healy
Hoops	Hughes	Kilbane	Koziura
Latta	Law	Martin	McGregor J.
McGregor R.	Oelslager	Otterman	Patton T.
Perry	Peterson	Raga	Rausen
Redfern	Reidelbach	Reinhard	Sayre
Schaffer	Schlichter	Schneider	Seitz
Setzer	Smith G.	Smith S.	Stewart D.
Stewart J.	Strahorn	Taylor	Trakas
Uecker	Ujvagi	Wagner	Wagoner
Webster	White D.	White J.	Widener

Widowfield Williams Wolpert Husted-76.

Those who voted in the negative were: Representatives

Beatty	Brinkman	Cassell	Chandler
Dolan	Domenick	Fende	Foley
Hood	Key	Luckie	Mason
Mitchell	Patton S.	Skindell	Sykes
Yates			Yuko-18.

The bill passed.

Representative Uecker moved to amend the title as follows:

Add the names: "Book, Carmichael, Combs, Flowers, Seitz."

Remove the name: "Domenick."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**H. B. No. 560**-Representatives Evans, C., Law, Harwood, Combs, Domenick, Reidelbach, Cassell, Perry, McGregor, J., Bulp, Setzer, Patton, S., Stewart, J., Latta, Garrison, Boccieri, Carano, Chandler, Collier, Fende, Uecker.

To amend sections 505.85 and 505.87 and to enact section 505.871 of the Revised Code to allow townships to remove junk motor vehicles from public and private property and to borrow money to pay for that removal of junk motor vehicles and for other debris from private property, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Evans, C. moved to amend as follows:

In line 92, delete "seven" and insert "fourteen"

In line 102, delete "seven" and insert "fourteen"

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 Brinkman moved to amend as follows:

In line 7, delete the first "and" and insert a comma; after "505.87" insert ", 515.04, 515.05, 515.08, 515.11, 515.12, and 515.15"

In line 8, delete "section" and insert "sections"; after "505.871" insert "and 515.16"

Between lines 155 and 156, insert:

"**Sec. 515.04.** The township fiscal officer shall fix a day, not more than thirty days from the date of notice to the board of township trustees, for the hearing of ~~the~~ petition provided for ~~by~~under section 515.02 ~~or~~ 515.16 of the Revised Code. The township fiscal officer shall prepare and deliver to any of the petitioners a notice in writing directed to the ~~lot and land owners~~landowners and to the corporations, either public or private, affected by the improvement. The notice shall set forth the substance, pendency, and prayer of the petition and the time and place of the hearing on it.

A copy of the notice shall be served upon each ~~lot or land owner~~landowner or left at the ~~lot or land owner's~~landowner's usual place of residence, and upon an officer or agent of each corporation having its place of business in the district or area described in the petition, at least fifteen days before the date set for the hearing. On or before the day of the hearing, the person serving the notice shall make return on it, under oath, of the time and manner of service and shall file the return with the township fiscal officer.

The township fiscal officer shall give the notice to each nonresident ~~lot or land owner~~landowner, by publication once, in a newspaper published in and of general circulation in the county in which the district or area described in the petition is situated, at least two weeks before the day set for hearing. The notice shall be verified by affidavit of the printer or other person knowing the fact and shall be filed with the township fiscal officer on or before the day of hearing. No further notice of the petition or the proceedings under it shall thereafter be required.

**Sec. 515.05.** At the time and place specified in the notice for hearing on a petition ~~for the lighting of streets and public ways~~, as provided ~~by~~for under section 515.04 ~~or~~ 515.16 of the Revised Code, the board of township trustees shall meet and hear any and all proof offered by any of the parties affected by ~~such~~the improvement requested in the petition, and by other persons competent to testify. ~~Such~~The board shall go over and along ~~such~~the streets and public ways included in the area described in the petition, and, by ~~actual view thereof~~actually viewing those streets and public ways and of the premises along and adjacent ~~thereto~~to them and to be ~~lighted or benefited thereby~~by the improvement, ~~the board~~ shall determine the necessity of the improvement. The board may find that the improvement will result in general as well as special benefits. The board may adjourn from time to time and to such place as necessity requires.

**Sec. 515.08. (A)** On accepting a bid for artificial lighting and bond as provided by section 515.07 of the Revised Code, the board of township trustees shall enter into a contract with the successful bidder for the furnishing of ~~such~~the lights according to the specifications. The contract shall not be for a longer term than ten years. ~~The~~

Except as otherwise provided in this division and division (D) of this section, the cost and expenses of furnishing and maintaining ~~such~~the lights; and of the proceedings in relation ~~thereto~~to the artificial lighting shall be paid from a

fund raised by special assessments against the lots and lands in the district ~~which that~~ are benefited by ~~such the~~ lighting, ~~provided, if. If~~ the board finds that the lighting will result in general as well as special benefits ~~there, it~~ may cause to be paid from the general fund of the township treasury ~~such that~~ portion of the cost and expenses, except interest on unpaid assessments, as is found to represent the value of the general ~~benefit~~ benefits.

~~Such~~ (B) The assessments shall not be in excess of the special benefits resulting from ~~such the~~ lighting, ~~they~~ shall be paid and collected in equal semiannual installments, shall be equal in number to twice the number of years for which the contract is made, and ~~they~~ shall be paid and collected in the same manner and at the same times that taxes are paid and collected. Any ~~such~~ assessment in the amount of five dollars or less, or with an unpaid balance of five dollars or less, shall be paid in full, and not in installments, at the time the first or next installment would otherwise become due and payable. ~~Such~~

The assessments may be made and levied by any one of the following methods:

~~(A)~~ (1) By a percentage of the tax value of the property assessed;

~~(B)~~ (2) In proportion to the benefits ~~which that~~ may result from the lighting;

~~(C)~~ (3) By the foot frontage of the property bounding and abutting upon the streets; or public ways so lighted;

~~(D)~~ (4) In an equal amount against each benefited lot, ~~this. This~~ amount ~~to~~ shall be determined by dividing the total cost per semiannual installment by the number of benefited lots in the district.

(C) The board of township trustees, by resolution, may provide for the payment of interest on unpaid assessments, which shall be treated as part of the costs and expenses of furnishing and maintaining the lights. The resolution shall specify the rate of interest, which shall be based on the fair market rate that would have been borne by securities issued in anticipation of the collection of the assessments if such securities had been issued.

(D) After the levy of ~~such special assessment~~ assessments, under this section, the board ~~may of township trustees~~, at any time during any year in which installments ~~thereof of the assessments~~ become due, ~~pay may cause to be paid~~ out of the general fund of the township the full amount of the contract price for that year, provided ~~such that~~ amount does not exceed the aggregate amount of the installments due for that year.

**Sec. 515.11. (A)** The board of township trustees shall certify to the county auditor the boundaries of the district in which lights are to be erected, and, when requested to do so by the board, the auditor shall apportion the valuation for taxation of any lot or parcel of land lying partly within and partly without the district.

(B) The board ~~shall of township trustees~~, by resolution, shall assess

against the benefited lots and parcels of land in the district, in accordance with section 515.08 of the Revised Code, ~~such~~ the portion of the costs of furnishing and maintaining the lights, for the period of the contract and the proceedings in relation ~~thereto to the artificial lighting~~, as does not exceed the special benefits resulting from the lighting, and shall certify ~~such~~ those costs to the county auditor. The auditor shall annually place upon the tax duplicate, for collection in semiannual installments as provided in that section, the two installments of the assessment for that year, which installments, together with any interest on unpaid assessments imposed under that section, shall be paid and collected as provided in that section.

(C) If the number of lights to be furnished and maintained in a district under any such contract is increased; pursuant to section 515.09 of the Revised Code, the board of township trustees shall make ~~such~~ additional assessments as ~~are~~ necessary to pay the cost of furnishing and maintaining the additional number of lights. If the cost of providing the lights increases, the board may make ~~such~~ additional assessments as ~~are~~ necessary to pay the additional cost of the lights. The additional assessments shall be made, certified, and collected in the same manner as an original assessment, but shall be only for the unexpired portion of the term of the contract.

(D) The assessments referred to in this section and any interest on unpaid assessments, when collected, shall go into the township treasury and shall be used by the board of township trustees only for the purpose for which they were levied and collected.

**Sec. 515.12.** (A) All officers shall receive for services performed under ~~sections 515.01 to 515.11 of the Revised Code~~ this chapter the same fees allowed for other similar services.

The township fiscal officer shall receive for the fiscal officer's services the sum of fifty cents from each ~~lot or land owner~~ landowner for whom a notice is prepared and the sum of fifty cents for each annual assessment certified to the county auditor.

All payments for the services of township officials shall be included in the cost of the lighting district or requested relocation and assessed against the property. The compensation shall be in addition to all other compensation provided by law.

(B) The board of township trustees ~~may~~, by resolution, may employ additional personnel in place of the township fiscal officer to prepare and certify notices for each ~~lot or land owner~~ landowner and shall pay a reasonable sum not to exceed fifty cents for each ~~lot or land owner~~ landowner for whom a notice is prepared and a reasonable sum not to exceed fifty cents for each annual assessment certified to the county auditor. The actual cost of the additional personnel shall be assessed proportionately against each ~~lot or land owner~~ landowner and shall be included in the cost of the lighting district or requested relocation.

**Sec. 515.15.** (A) A board of township trustees may contract with any ~~corporation, company, partnership, association,~~ municipal corporation, or person that owns overhead cables, wires, and appurtenant equipment on a street or right-of-way located within the township for the relocation of the overhead cables, wires, and appurtenant equipment underground. Unless a pre-existing arrangement provides otherwise ~~or,~~ the parties to the contract agree otherwise, or the relocation is requested by petition under section 515.16 of the Revised Code, the township shall pay the cost of the relocation as provided in the contract. A proceeding for the relocation may be combined with a proceeding for the furnishing of new street lighting facilities or ~~other another~~ street improvement.

Any ~~corporation, company, partnership, association,~~ municipal corporation, or person with which the board of township trustees contracts for the relocation of overhead cables, wires, and appurtenant equipment underground shall identify and consult with the owner of ~~such~~ the cables, wires, and appurtenant equipment during the planning of the relocation, and shall notify the owner at least twenty-four hours in advance of beginning the relocation.

(B) A board of township trustees ~~may,~~ by resolution, may adopt and enforce regulations requiring owners of property abutting a street in which overhead wires, cables, and appurtenant equipment supplying a utility service have been relocated underground and service connections have been provided to the street, right-of-way, or property line, to install underground wires, cables, or conduits from the street or right-of-way to the buildings or other structures on the property to which the utility service is supplied. The township may pay the cost incurred in installing underground wires, cables, or conduits from the street or right-of-way to the buildings or other structures on the property to which the utility service is supplied.

(C) For the purpose of relocating overhead wires, cables, and appurtenant equipment and installing underground wires, cables, conduits, and appurtenant equipment, a township may enter upon any private land to examine or survey lines for the wires, cables, conduits, and appurtenant equipment and may appropriate as much land as is necessary for the relocation and installation.

**Sec. 515.16.** (A) Any person may file a petition with the township fiscal officer requesting the board of township trustees to relocate underground any overhead cables, wires, and appurtenant equipment on streets or rights-of-way in an unincorporated area of the township. The petition shall specify the metes and bounds of the area to be included in the relocation project and shall be signed by at least seventy-five per cent of the landowners in the specified area whose land either abuts the streets or rights-of-way or otherwise would be specially benefited by the project.

(B) The township fiscal officer shall give notice of the petition and a copy of it to the board of township trustees, schedule a hearing on the petition, and provide notice in the manner set forth in section 515.04 of the Revised Code. The board shall hear the petition in the manner set forth in section 515.05 of the Revised Code.

(C) If the board of township trustees decides in favor of the petition, it shall provide specifications for the relocation project and obtain an estimate of its cost. If the estimate is twenty-five thousand dollars or less, the board may contract for the project without competitive bidding. Otherwise, the board shall post, in three of the most conspicuous public places in the project area, a notice containing the project specifications and specifying a place and time, which shall not be less than thirty days from the date of the posting of the notices, where the board will receive bids on the project. The board may reject all bids and may accept the lowest and best bid that includes a guarantee required by section 153.54 of the Revised Code.

(D)(1) Except as provided in divisions (D)(2) and (6) of this section, the costs and expenses of the relocation project and related proceedings shall be paid by special assessments against the properties located in the project area that abut the streets or rights-of-way in question or that otherwise are specially benefited by the project. The assessments shall be made and levied in one of the following methods:

- (a) As a percentage of the tax value of the property;
- (b) In proportion to the special benefit resulting from the project;
- (c) By the foot frontage of the property abutting the streets or rights-of-way;
- (d) In an equal amount against each property.

(2) If the board of township trustees finds that the relocation project will result in general as well as special benefits, the board may pay from the township general fund a portion of the costs and expenses of the project, except interest on unpaid assessments, that represents the value of the general benefits. In no case shall assessments exceed the special benefits resulting from the project.

(3) The board of township trustees, by resolution, shall assess all lands abutting the streets or rights-of-way in the project area and lands otherwise specially benefited by the project. The resolution may allow the assessments to be paid over a number of years, but not more than ten years.

(4) The board of township trustees, by resolution, may provide for the payment of interest on unpaid assessments, which shall be treated as part of the costs and expenses of the relocation project. The resolution shall specify the rate of interest, which shall be based on the fair market rate that would have been borne by securities issued in anticipation of the collection of the assessments if such securities had been issued.

(5) The board of township trustees shall certify the assessments and interest on unpaid assessments, when applicable, to the county auditor. The auditor shall place the assessments and interest on unpaid assessments, when applicable, upon the tax duplicate and collect the assessments and interest in the same manner and at the same time that taxes are paid and collected. The collected assessments and collected interest shall be deposited into the township

general fund.

(6) During any year in which installment payments of the assessments are due, the board of township trustees, by resolution, may waive the payments for all the assessed lands and pay the aggregate amount of the assessments for that year out of the township general fund.

(E) The township shall not be liable for any service outages or other damage caused by the relocation project.

(F) Except the requirement that the township pay the costs for a relocation project, the provisions of section 515.15 of the Revised Code govern relocation projects requested by petition under this section."

In line 156, delete "and" and insert a comma; after "505.87" insert ", 515.04, 515.05, 515.08, 515.11, 515.12, and 515.15"

In line 1 of the title, delete the first "and" and insert a comma; after "505.87" insert ", 515.04, 515.05, 515.08, 515.11, 515.12, and 515.15"

In line 2 of the title, delete "section" and insert "sections"; after "505.871" insert "and 515.16"

In line 6 of the title, after "property" insert ", and to authorize townships to relocate underground overhead cables, wires, and appurtenant equipment upon petition, to pay for a relocation by assessing abutting and otherwise specially benefited properties, and to collect interest on unpaid assessments for an underground relocation project or an artificial lighting district project"

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

The yeas and nays were taken and resulted - yeas 51, nays 41, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Blessing	Brinkman	Bubp
Buehrer	Cassell	Coley	Collier
Core	Daniels	DeWine	Dolan
Domenick	Evans C.	Faber	Flowers
Foley	Garrison	Gibbs	Hagan
Hood	Hughes	Koziura	Latta
Law	Luckie	Martin	McGregor J.
McGregor R.	Oelslager	Otterman	Peterson
Raussen	Reidelbach	Reinhard	Schneider
Seitz	Setzer	Skindell	Smith G.
Stewart D.	Trakas	Uecker	Wagoner
Webster	White D.	White J.	Widener
Widowfield	Wolpert		Husted-51.

Those who voted in the negative were: Representatives

Barrett	Beatty	Blasdel	Bocchieri
Book	Brown	Calvert	Carano
Carmichael	Chandler	Combs	DeBose
DeGeeter	Distel	Driehaus	Evans D.

Fende	Hartnett	Harwood	Healy
Hoops	Key	Mason	Mitchell
Patton S.	Patton T.	Perry	Raga
Redfern	Sayre	Schaffer	Schlichter
Smith S.	Stewart J.	Strahorn	Sykes
Ujvagi	Wagner	Williams	Yates
			Yuko-41.

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 82, nays 10, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Beatty	Blessing	Bocchieri
Book	Brinkman	Brown	Bubp
Calvert	Carano	Carmichael	Cassell
Chandler	Coley	Collier	Combs
Core	Daniels	DeBose	DeGeeter
DeWine	Distel	Dolan	Domenick
Driehaus	Evans C.	Faber	Fende
Flowers	Foley	Garrison	Gibbs
Hartnett	Harwood	Hoops	Hughes
Key	Koziura	Latta	Law
Luckie	Martin	McGregor J.	McGregor R.
Mitchell	Oelslager	Otterman	Patton S.
Patton T.	Perry	Peterson	Raga
Raussen	Redfern	Reinhard	Sayre
Schaffer	Schlichter	Schneider	Seitz
Setzer	Skindell	Smith G.	Smith S.
Stewart D.	Stewart J.	Strahorn	Sykes
Trakas	Uecker	Ujvagi	Wagner
Wagoner	Webster	White D.	White J.
Widener	Widowfield	Williams	Wolpert
Yates			Husted-82.

Those who voted in the negative were: Representatives

Barrett	Blasdel	Buehrer	Evans D.
Hagan	Healy	Hood	Mason
Reidelbach			Yuko-10.

The bill passed.

Representative Evans, C. moved to amend the title as follows:

Add the names: "Coley, DeBose, Webster, White, D., Wolpert."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**Sub. H. B. No. 574**-Representatives Dolan, Collier, Law, Martin, Distel, DeGeeter, Perry, Wagoner, McGregor, J., Yuko, Williams, Skindell, Seitz,

Setzer, Flowers, Combs, Hagan, Taylor, Strahorn, DeBose, Stewart, J., Domenick, Chandler, Fende, Harwood.

To enact sections 1522.01, 1522.02, 1522.03, 1522.04, 1522.05, 1522.06, and 1522.07 of the Revised Code to ratify the Great Lakes-St. Lawrence River Basin Water Resources Compact and to establish related requirements, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Dolan moved to amend as follows:

In line 7, delete "and"; after "1522.07" insert ", and 1522.08"

Between lines 1548 and 1549, insert:

"Sec. 1522.08. (A) It is the intent and understanding of the general assembly that the enactment of the Great Lakes-St. Lawrence river basin water resources compact and its implementation in this state do not and shall not in any manner abrogate any private property rights established under the Revised Code or the common law of this state.

(B) It is the intent and understanding of the general assembly that the Great Lakes-St. Lawrence river basin water resources compact does not create any cause of action that may be brought against any person beyond those causes of action that are specifically authorized under Section 7.3 of the compact."

Between lines 1662 and 1663, insert:

"Section 4. If the state of Illinois, Indiana, Michigan, Minnesota, New York, or Wisconsin or the commonwealth of Pennsylvania fails to enact the Great Lakes-St. Lawrence River Basin Water Resources Compact not later than three years after the effective date of this section, Ohio reserves the right to reconsider its enactment of the Compact and, if necessary, repeal the Compact in its entirety."

In line 1663, delete "4" and insert "5"

In line 2 of the title, delete "and"; after "1522.07" insert ", and 1522.08"

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

The yeas and nays were taken and resulted - yeas 83, nays 8, 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
Flowers	Garrison	Gibbs	Hagan

Hartnett	Harwood	Healy	Hood
Hoops	Hughes	Koziura	Latta
Law	Luckie	Martin	McGregor J.
McGregor R.	Mitchell	Oelslager	Otterman
Patton S.	Perry	Peterson	Raga
Raussen	Redfern	Reidelbach	Reinhard
Sayre	Schaffer	Schlichter	Schneider
Seitz	Setzer	Smith G.	Stewart D.
Stewart J.	Trakas	Uecker	Ujvagi
Wagner	Wagoner	Webster	White D.
White J.	Widener	Widowfield	Williams
Wolpert	Yuko		Husted-83.

Representatives Foley, Key, Mason, Patton T., Skindell, Strahorn, Sykes, and Yates voted in the negative-8.

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 87, nays 5, 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.	Fende	Flowers
Foley	Garrison	Hagan	Hartnett
Harwood	Healy	Hoops	Hughes
Key	Koziura	Latta	Law
Luckie	Martin	Mason	McGregor J.
McGregor R.	Mitchell	Oelslager	Otterman
Patton S.	Perry	Peterson	Raga
Raussen	Redfern	Reidelbach	Reinhard
Sayre	Schaffer	Schlichter	Schneider
Seitz	Setzer	Skindell	Smith G.
Smith S.	Stewart D.	Stewart J.	Strahorn
Sykes	Uecker	Ujvagi	Wagner
Wagoner	Webster	White D.	White J.
Widener	Widowfield	Williams	Wolpert
Yates	Yuko		Husted-87.

Representatives Faber, Gibbs, Hood, Patton T., and Trakas voted in the negative-5.

The bill passed.

Representative Dolan moved to amend the title as follows:

Add the names: "Barrett, Beatty, Blessing, Book, Brown, Driehaus, Evans, C., Evans, D., Foley, Garrison, Hartnett, Hoops, Hughes, Key, Koziura,

Luckie, Mason, McGregor, R., Mitchell, Otterman, Schneider, Smith, G., Stewart, D., Ujvagi, Webster, White, D., White, J., Yates."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**Am. H. B. No. 583**-Representatives Peterson, Seitz, Yates, Stewart, J., Fende, Skindell, Collier, Brown, Carano, Cassell, Hughes, Otterman, Domenick, Strahorn, DeBose.

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, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 84, nays 5, 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
DeBose	DeGeeter	DeWine	Distel
Dolan	Domenick	Driehaus	Evans C.
Evans D.	Faber	Fende	Flowers
Foley	Garrison	Gibbs	Hartnett
Harwood	Healy	Hoops	Hughes
Key	Koziura	Latta	Law
Luckie	Mason	McGregor J.	McGregor R.
Mitchell	Oelslager	Otterman	Patton S.
Patton T.	Perry	Peterson	Raga
Raussen	Reinhard	Sayre	Schaffer
Schlichter	Schneider	Seitz	Setzer
Skindell	Smith G.	Smith S.	Stewart D.
Stewart J.	Strahorn	Sykes	Trakas
Uecker	Ujvagi	Wagoner	White D.
White J.	Widener	Widowfield	Williams
Wolpert	Yates	Yuko	Husted-84.

Representatives Hagan, Hood, Reidelbach, Wagner, and Webster voted in the negative-5.

The bill passed.

Representative Peterson moved to amend the title as follows:

Add the names: "Chandler, Evans, C., Foley, Hartnett, Koziura, Law,

Luckie, Mason, Mitchell, Patton, T., Sayre, Setzer, Stewart, D., Sykes, Ujvagi, Williams, Yuko."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Message from the Senate

Mr. Speaker:

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

**Sub. S. B. No. 281** - Senators Stivers, Padgett, Mumper, Goodman, Austria, Spada, Zurz

To amend sections 109.761, 109.802, 2921.51, 2929.13, 2929.14, and 2941.1414 to enact new section 109.803, and to repeal section 109.803 of the Revised Code to mandate up to 24 hours a year of continuing professional training for peace officers and state highway patrol troopers, to provide a mechanism for the granting for a calendar year because of emergency circumstances of an extension of the time within which a peace officer or trooper must complete the required minimum number of hours of training, to establish the method by which the Attorney General reimburses the costs of training programs for peace officers and troopers of public appointing authorities, to prohibit impersonating BCII investigators, to apply the increased penalties for aggravated vehicular homicide when the victim is a peace officer or when the victim is a BCII investigator, and to make an appropriation.

Attest:

David A. Battocletti,  
Clerk.

Said bill was considered the first time.

Message from the Senate

Mr. Speaker:

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

**Sub. H. B. No. 9** - Representatives Oelslager, Flowers, Buehrer, White, Trakas, Aslanides, Beatty, Blessing, Book, Carano, Cassell, Chandler, Collier, DeBose, Domenick, Evans, C., Evans, D., Fende, Fessler, Garrison, Hagan,

Hartnett, Harwood, Healy, Key, Law, Mason, McGregor, R., Otterman, Patton, T., Peterson, Redfern, Reidelbach, Sayre, Schneider, Seitz, Setzer, Skindell, Willamowski, Williams, Woodard, Yuko Senators Goodman, Schuring

To amend sections 149.011, 149.31, 149.38, 149.39, 149.41, 149.42, 149.43, 321.46, 2923.129, 3319.321, and 4123.88 and to enact sections 109.43, 149.411, and 149.412 of the Revised Code and to amend Section 1 of Sub. H.B. 101 of the 126th General Assembly to revise the Public Records Law, to create a library records commission in each public library and a special taxing district records commission in each special taxing district, to allow county treasurers to use certain public records training to satisfy part of their continuing education requirement, to extend the Local Government Public Notice Task Force until May 1, 2008, and to revise the records commissions laws.

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

Attest: David A. Battocletti,  
Clerk.

The Senate amendments were laid over under the Rule.

Message from the Senate

Mr. Speaker:

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

**Sub. H. B. No. 73** - Representatives Trakas, Kilbane, Latta, Gibbs, Blessing, Collier, Schaffer, Blasdel, Hagan, Brinkman, Gilb, Ujvagi, Taylor, Chandler, Combs, Domenick, Evans, C., Evans, D., Hartnett, Koziura, Oelslager, Patton, T., Peterson, Redfern, Reidelbach, Setzer, Smith, G. Senators Fingerhut, Goodman, Schuler, Austria, Amstutz, Dann, Cates, Clancy, Coughlin, Grendell, Hottinger, Jacobson, Jordan, Mumper, Prentiss, Spada, Stivers, Harris, Armbruster, Kearney, Schuring

To amend sections 5747.01, 5747.24, and 5748.01, and to repeal sections 5747.25 and 5748.011 of the Revised Code to increase the amount of time an individual may spend in Ohio before being presumed to be a resident for income tax purposes and to exempt from taxation military pay and allowances.

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

Attest: David A. Battocletti,  
Clerk.

The Senate amendments were laid over under the Rule.

Message from the Senate

Mr. Speaker:

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

**Sub. H. B. No. 141** - Representatives Willamowski, Aslanides, Combs, McGregor, J., Seitz, Perry, Hartnett, Faber, Barrett, Taylor, Gilb, Hagan, Reidelbach, Schaffer, Bulp, Domenick, Evans, C., Flowers, Latta, Otterman, Schneider, Setzer, Smith, G. Senators Kearney, Zurz, Carey, Harris, Jacobson, Spada, Padgett

To amend sections 149.43, 2921.24, 2921.25, and 4501.271 of the Revised Code to give parole officers, prosecuting attorneys in most cases, assistant prosecuting attorneys, and certain correctional and youth services employees the same options as peace officers with respect to confidentiality of certain personal information; to expand the materials excluded from the definition of "public record" to also include a photograph of a peace officer who holds a position or has an assignment that may include undercover or plain clothes positions or assignments as determined by the peace officer's appointing authority; and to eliminate the exclusion from the definition of "public record" that currently applies to a record that identifies a person's occupation as a peace officer, firefighter, or EMT and is not related to the Campaign Finance Law.

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

Attest: David A. Battocletti,  
Clerk.

The Senate amendments were laid over under the Rule.

Message from the Senate

Mr. Speaker:

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

**Sub. H. B. No. 149** - Representatives Calvert, Raga, McGregor, J., Evans, C., Latta, Aslanides, Hartnett, Chandler, Oelslager, Gibbs, Seitz, Gilb, Collier, Schaffer, Kilbane, Hagan, Barrett, Blessing, Buehrer, Cassell, Combs, Core, DeBose, DeGeeter, Dolan, Evans, D., Faber, Fende, Flowers, Garrison, Healy, Hughes, Law, Martin, Mason, McGregor, R., Patton, T., Peterson, Reidelbach, Reinhard, Sayre, Schlichter, Schneider, Seaver, Setzer, Smith, G., Stewart, J., Trakas, Wagoner, Widener, Wolpert, Woodard, Yates, Yuko  
Senators Amstutz, Austria, Cates, Clancy, Coughlin, Fingerhut, Gardner, Grendell, Harris, Kearney, Miller, D., Mumper, Niehaus, Padgett, Roberts, Schuring, Stivers, Zurz, Hagan, Prentiss, Wilson, Fedor

To amend sections 5725.24, 5733.01, 5733.98, 5739.011, and 5747.98 and to enact sections 149.311, 5725.151, 5733.47, and 5747.76 of the Revised Code to authorize refundable tax credits for rehabilitating historic buildings and to exempt from the sales and use taxes property used to clean manufacturing equipment that produces dairy products.

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

Attest: David A. Battocletti,  
Clerk.

The Senate amendments were laid over under the Rule.

Message from the Senate

Mr. Speaker:

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

**Sub. H. B. No. 251** - Representatives Uecker, Kearns, Raga, McGregor, J., Martin, Schneider, Collier, Wagoner, Bulp, Law, Brown, Williams, Mason, Hagan, Stewart, J., Hartnett, Barrett, Blessing, Calvert, Carano, Cassell, Chandler, Domenick, Evans, C., Faber, Fende, Flowers, Garrison, Hughes, Miller, Mitchell, Oelslager, Otterman, Patton, T., Raussen, Reidelbach, Schlichter, Seitz, Setzer, Skindell, Smith, G., Stewart, D., Strahorn, Webster, Yates, Yuko  
Senators Niehaus, Goodman, Schuler, Wilson, Gardner, Kearney, Padgett, Fedor, Fingerhut

To amend sections 122.075, 123.011, 125.15, 125.834, 1510.04, 4905.90, 4928.01, 4928.57, 4928.58, 4928.61, 4928.62, and 4928.63 and to enact section 3345.69 of the Revised Code; to amend Section 203.99 of Am. Sub. H.B. 66 of the 126th General Assembly, as subsequently amended; to amend Section 203.99.45 of Am. Sub. H.B. 66 of the 126th General Assembly, as

subsequently amended; and to amend Section 235.30 of Am. Sub. H.B. 530 of the 126th General Assembly to specify certain energy efficiency and conservation standards relating to facility construction and leasing that the Office of Energy Services in the Department of Administrative Services must promulgate and with which state agencies must comply; to require certain additional duties, and additional cooperation between the Office and the Office of Energy Efficiency of the Department of Development, relating to state purchasing; to require boards of trustees of state institutions of higher education to adopt rules to carry out on- and off-campus building, energy efficiency and conservation guidelines developed by a committee of those institutions in consultation with the Office of Energy Services; to make other changes relative to energy programs; to increase the maximum amount that can be assessed to fund the Oil and Natural Gas Marketing Program; to change the Energy Efficiency Revolving Loan Program into an Advanced Energy Program; and to make an appropriation.

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

Attest: David A. Battocletti,  
Clerk.

The Senate amendments were laid over under the Rule.

Message from the Senate

Mr. Speaker:

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

**Sub. H. B. No. 293** - Representatives Kilbane, Miller, Trakas, McGregor, J., Wolpert, Evans, C., Reidelbach, Gilb, Faber, Cassell, Kearns, Hartnett, Carano, Boccieri, Healy, Buehrer, Aslanides, Barrett, Beatty, Blessing, Book, Brinkman, Brown, Bulp, Calvert, Chandler, Coley, Collier, Combs, DeBose, DeGeeter, DeWine, Distel, Dolan, Domenick, Evans, D., Fessler, Garrison, Gibbs, Hagan, Harwood, Hughes, Key, Koziura, Latta, Law, Martin, Mason, Oelslager, Otterman, Patton, T., Perry, Peterson, Raussen, Reed, Sayre, Schaffer, Schlichter, Schneider, Seitz, Setzer, Skindell, Smith, S., Stewart, D., Stewart, J., Strahorn, Taylor, Ujvagi, Wagoner, Webster, Williams, Woodard, Yates, Yuko Senators Schuler, Armbruster, Cates, Clancy, Grendell, Kearney, Miller, R., Mumper, Padgett, Spada, Miller, D., Roberts, Schuring, Zurz, Prentiss, Fedor

To amend sections 135.353 and 5739.01 and to enact sections 135.804, 135.805, 135.806, and 135.807 of the Revised Code to authorize boards of

county commissioners to establish property tax payment linked deposit programs to assist senior citizens and permanently and totally disabled citizens in paying property taxes on their homesteads, and to change who pays sales or use taxes when employment service personnel are supplied by the purchaser to a third party as an employment service.

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

Attest: David A. Battocletti,  
Clerk.

The Senate amendments were laid over under the Rule.

Message from the Senate

Mr. Speaker:

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

**Sub. H. B. No. 343** - Representatives Raga, Bulp, Evans, D., Key, Law, Widowfield, Barrett, Chandler, Collier, Combs, DeBose, DeWine, Domenick, Evans, C., Gilb, Harwood, Koziura, Oelslager, Patton, T., Setzer, Ujvagi, Wagoner, Webster, Williams Senators Schuring, Kearney, Fedor, Miller, D., Mumper, Niehaus, Cates, Fingerhut, Gardner, Hagan, Harris, Roberts, Spada, Wilson, Zurz, Clancy

To amend sections 4507.05, 4507.071, and 4511.81 of the Revised Code to place certain restrictions on the operation of motor vehicles by probationary license holders and temporary instruction permit holders who are less than 18 years of age, to require children who are between four and fifteen years of age to be restrained in either a child restraint system or an occupant restraining device when being transported in a motor vehicle, and to eliminate the nonresident exemption from the motor vehicle child restraint law.

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

Attest: David A. Battocletti,  
Clerk.

The Senate amendments were laid over under the Rule.

MESSAGE FROM THE SPEAKER

Pursuant to House Rules 13, 28, and 30, the Speaker hereby makes the following changes to the Education committee:

Remove Representatives Fessler, Taylor, Seaver, Hood, and Wagner;

Appoint Representatives Fowers, Carmichael, DeWine, Raga, and Schneider.

MESSAGE FROM THE SPEAKER

The Speaker of the House of Representatives, on December 13, 2006, signed the following:

**Sub. H. B. No. 80** - Representative Smith, G. - et al.

**Am. H. B. No. 282** - Representative Flowers - et al.

**Sub. H. B. No. 371** - Representative Buehrer - et al.

**Sub. H. B. No. 56** - Representative Raussen - et al.

On motion of Representative Blasdel, the House adjourned until Thursday, December 14, 2006 at 1:00 o'clock p.m.

Attest:

LAURA P. CLEMENS,  
Clerk.