

**OHIO**

**House**

**of**

**Representatives**

**JOURNAL**

TUESDAY, JANUARY 15, 2008

ONE HUNDRED TWENTY-SEVENTH DAY  
Hall of the House of Representatives, Columbus, Ohio  
**Tuesday, January 15, 2008, 11:00 o'clock a.m.**

The House met pursuant to adjournment.

Prayer was offered by Representative Jon Peterson-2nd district, 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 Hilliard Davidson High School boys soccer team received H. R. No. 109, presented by Representative Wolpert-23rd district.

Les and Ellen Spaeth, guests of Representative Schneider-35th district.

### INTRODUCTION OF BILLS

The following bills were introduced:

**H. B. No. 431**-Representative Patton.

Cosponsors: Representatives Flowers, Lundy, Brown, Hughes, Harwood, Yuko, Skindell, Setzer, Strahorn, Fessler.

To amend sections 742.38, 4123.57, and 4123.68 of the Revised Code to provide that a firefighter or emergency medical services worker who is disabled as a result of cancer or certain contagious or infectious diseases is presumed for purposes of the laws governing workers' compensation and the Ohio Police and Fire Pension Fund to have incurred the disease while performing official duties as a firefighter or emergency medical services worker.

**H. B. No. 432**-Representatives Stewart, D., McGregor, J.

Cosponsors: Representatives Brown, Evans, Flowers, Foley, Heard, Skindell, Strahorn, Yates, Yuko.

To enact sections 4112.31, 4112.32, and 4112.33 of the Revised Code to establish a New African Immigrants Commission to advocate for the development and implementation of policies and programs to address the needs of the State's sub-Saharan African population.

**H. B. No. 433**-Representative Zehringer.

Cosponsors: Representatives Huffman, Hughes, Flowers, Hagan, J., Skindell, Dyer, Harwood.

To amend section 5747.01 of the Revised Code to exempt from the personal

income tax up to \$10,000 in state and federal government retirement benefits for taxable years beginning in 2010 and thereafter.

**H. B. No. 434**-Representative Gardner.  
Cosponsor: Representative Wagoner.

To authorize the conveyance of state-owned real estate located in Wood County.

**H. B. No. 435**-Representatives White, DeBose.

To amend section 107.12 of the Revised Code to reform the Governor's Office of Faith-Based and Community Initiatives.

Said bills were considered the first time.

### CONSIDERATION OF SENATE AMENDMENTS

The Senate amendments to **Sub. H. B. No. 169**-Representative Wagner, et al., were taken up for consideration.

**Sub. H. B. No. 169**-Representative Wagner.  
Cosponsors: Representatives Evans, McGregor, J., Latta, Stebelton, Chandler, Yuko, Collier, Fessler, Wolpert, Lundy, Hagan, R., Mallory, Otterman, Heard, Williams, B., Schindel, DeBose, Celeste, Zehringer, Budish, Domenick, Dyer, Flowers, Foley, Harwood, Hughes, Koziura, Letson, Miller, Stewart, D., Stewart, J., Wagoner. Senators Niehaus, Schaffer, Miller, D., Morano, Fedor, Harris, Kearney, Mason, Mumper, Spada.

To amend section 3734.13 and to enact sections 3734.91, 3734.911, 3734.912, 3734.913, 3734.914, and 3734.915 of the Revised Code to establish requirements governing the disposal and collection of used lead-acid batteries.

The yeas and nays were taken and resulted - yeas 91, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Adams	Aslanides	Bacon	Barrett
Batchelder	Beatty	Blessing	Bolon
Book	Brady	Brinkman	Carmichael
Celeste	Chandler	Coley	Collier
Combs	Core	Daniels	DeBose
DeGeeter	DeWine	Distel	Dodd
Dolan	Domenick	Driehaus	Dyer
Evans	Fende	Fessler	Flowers
Foley	Gardner	Garrison	Gerberry
Gibbs	Goodwin	Goyal	Hagan J.
Hagan R.	Harwood	Heard	Hite
Hottinger	Huffman	Hughes	Jones
Koziura	Letson	Luckie	Lundy

McGregor J.	McGregor R.	Mecklenborg	Miller
Oelslager	Okey	Otterman J.	Patton
Peterson	Raussen	Redfern	Reinhard
Sayre	Schindel	Schlichter	Schneider
Setzer	Skindell	Stebelton	Stewart D.
Stewart J.	Strahorn	Sykes	Szollosi
Uecker	Ujvagi	Wachtmann	Wagner
Wagoner	Webster	White	Widener
Widowfield	Williams B.	Williams S.	Wolpert
Yuko	Zehringer		Husted-91.

The Senate amendments were concurred in.

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

Representative Harwood submitted the following report:

The standing committee on Judiciary to which was referred **H. B. No. 129**-Representatives Evans, Book, et al., having had the same under consideration, recommends its re-referral to the committee on Rules and Reference.

RE: PILOT PROGRAM - CERTAIN COUNCILS/BOARD - MEET BY  
MEANS OF TELECOMMUNICATION

MATTHEW J. DOLAN	KEVIN BACON
LARRY L. FLOWERS	LOUIS W. BLESSING
RON GERBERRY	MIKE FOLEY
MICHAEL J. SKINDELL	MARK D. OKEY
SANDRA STABILE HARWOOD	BILL COLEY
MARK D. WAGONER	ARMOND BUDISH

The report was agreed to.

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

Representative Harwood submitted the following report:

The standing committee on Judiciary to which was referred **Sub. S. B. No. 157**-Senator Buehrer, et al., having had the same under consideration, reports it back with the following amendment and recommends its passage when so amended.

RE: PARENT - NOMINATE GUARDIAN FOR INCOMPETENT  
ADULT CHILD

Representative Blessing moved to amend the title as follows:

Add the names: "Representatives Blessing, Coley, Harwood, Okey,

Flowers, Bacon."

Representative Blessing moved to amend as follows:

Delete lines 555 through 567

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

In line 7 of the title, delete ", and to declare an emergency"

The motion was agreed to and the bill so amended.

MATTHEW J. DOLAN  
LARRY L. FLOWERS  
MIKE FOLEY  
MARK D. OKEY  
BILL COLEY  
LOUIS W. BLESSING

KEVIN BACON  
RON GERBERRY  
MICHAEL J. SKINDELL  
SANDRA STABILE HARWOOD  
MARK D. WAGONER  
ARMOND BUDISH

The report was agreed to.

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

Representative Chandler submitted the following report:

The standing committee on Local and Municipal Government and Urban Revitalization to which was referred **H. B. No. 244**-Representative Brinkman, having had the same under consideration, reports it back with the following amendments and recommends its passage when so amended.

RE: CABLE RELOCATION

Representative Wolpert moved to amend the title as follows:

Add the names: "Flowers, Mallory, Uecker, Chandler, Wagner."

Representative Brinkman moved to amend as follows:

In line 48, delete " 515.06" and insert " 515.16"

The motion was agreed to and the bill so amended.

Representative Brinkman moved to amend as follows:

In line 201, after the underlined period insert " Nothing in this section otherwise alters township liability under Chapter 2744. of the Revised Code."

In line 281, after the underlined period insert " Nothing in this section otherwise alters township liability under Chapter 2744. of the Revised Code."

The motion was agreed to and the bill so amended.

JEFF WAGNER  
COURTNEY COMBS  
JIM MCGREGOR  
KATHLEEN CHANDLER  
JENNIFER BRADY  
LORRAINE M. FENDE

LARRY L. WOLPERT  
ARLENE J. SETZER  
TOM BRINKMAN  
DALE MALLORY  
KENNY YUKO  
LINDA S. BOLON

JOSEPH W. UECKER  
LARRY L. FLOWERS

TED CELESTE  
BRUCE W. GOODWIN

The report was agreed to.

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

### MOTIONS AND RESOLUTIONS

Representative Schneider moved that majority party members asking leave to be absent or absent the week of Tuesday, January 15, 2008, be excused, so long as a written request is on file in the majority leadership offices.

The motion was agreed to.

Representative Strahorn moved that minority party members asking leave to be absent or absent the week of Tuesday, January 15, 2008, be excused, so long as a written request is on file in the minority leadership offices.

The motion was agreed to.

### BILLS FOR THIRD CONSIDERATION

**Am. H. B. No. 295**-Representative Wagoner.

Cosponsors: Representatives Ujvagi, Szollosi, Peterson, Latta, Stebelton, Brown, Uecker, Chandler, McGregor, J., Combs, Celeste, Yuko, Fende, Mallory, Bolon.

To amend sections 133.20 and 307.041 of the Revised Code to require that the amount spent by counties on energy conservation measures be unlikely to exceed the amount saved in energy and operating costs over the average system life of the measures, and to require that financed measures be paid for within the lesser of their average system life or thirty years, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 92, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Adams	Aslanides	Bacon	Barrett
Batchelder	Beatty	Blessing	Bolon
Book	Brady	Brinkman	Brown
Carmichael	Celeste	Chandler	Coley
Collier	Combs	Core	Daniels
DeBose	DeGeeter	DeWine	Distel
Dodd	Dolan	Domenick	Driehaus
Dyer	Evans	Fende	Fessler
Flowers	Foley	Gardner	Garrison
Gerberry	Gibbs	Goodwin	Goyal
Hagan J.	Hagan R.	Harwood	Heard

Hite	Hottinger	Huffman	Hughes
Jones	Koziura	Letson	Luckie
Lundy	McGregor J.	McGregor R.	Mecklenborg
Miller	Oelslager	Okey	Otterman J.
Patton	Peterson	Raussen	Redfern
Reinhard	Sayre	Schindel	Schlichter
Schneider	Setzer	Skindell	Stebelton
Stewart D.	Stewart J.	Strahorn	Sykes
Szollosi	Uecker	Ujvagi	Wachtmann
Wagner	Wagoner	Webster	White
Widener	Widowfield	Williams B.	Williams S.
Wolpert	Yuko	Zehringer	Husted-92.

The bill passed.

Representative Wagoner moved to amend the title as follows:

Add the names: "Bacon, Collier, Dyer, Evans, Flowers, Foley, Gardner, Garrison, Goyal, Hagan, R., Harwood, Hughes, Letson, Lundy, Otterman, J., Patton, Sayre, Setzer, Stewart, J., Williams, B., Williams, S., Zehringer."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

#### Message from the Speaker

January 15, 2008

The Honorable Jon Husted  
 Speaker of the House of Representatives  
 Riffe Center, 14th Floor  
 77 S. High Street  
 Columbus, OH 43215

Dear Speaker Husted:

This letter serves to inform you of my resignation as a member of the Ohio House of Representatives effective today, January 15, 2008.

I am accepting an appointment to the Ohio Senate for the 2nd Senate District. I ask that the Ohio House accept this letter of resignation.

Sincerely,

/s/ MARK WAGONER  
 Mark Wagoner  
 State Representative  
 46th House District

## Message from the Speaker

The Honorable Mark Wagoner  
Ohio House of Representatives  
77 South High Street  
Columbus, Ohio 43215-6111

Dear Representative Wagoner:

This is to acknowledge receipt and acceptance of your letter of resignation from the Ohio House of Representatives, effective January 15, 2008.

You have served your constituents well over the years and I am confident you will continue to do so as a member of the Ohio Senate.

Sincerely,

/s/ JON A. HUSTED

Jon A. Husted  
Speaker  
Ohio House of Representatives

Representative DeWine moved that the House revert to the sixth order of business, being motions and resolutions.

The motion was agreed to.

**MOTIONS AND RESOLUTIONS**

Representative DeWine moved that the following resolution be brought up for immediate adoption, read by title only, and spread upon the pages of the journal.

The motion was agreed to.

The question being on the adoption of the resolution, reading as follows:

**H. R. No. 119**-Speaker Husted.

Relative to the election of Barbara R. Sears to fill the vacancy in the membership of the House of Representatives created by the resignation of Mark Wagoner of the 46th House District.

*WHEREAS, Section 11 of Article II, Ohio Constitution provides for the filling of a vacancy in the membership of the House of Representatives by election by the members of the House of Representatives who are affiliated with the same political party as the person last elected to the seat which has become vacant; and*

*WHEREAS, Mark Wagoner of the 46th House District has resigned as a member of the House of Representatives of the 127th General Assembly effective*

January 15, 2008, thus creating a vacancy in the House of Representatives; therefore be it

RESOLVED, By the members of the House of Representatives who are affiliated with the Republican party that Barbara R. Sears, Republican, having the qualifications set forth in the Ohio Constitution and the laws of Ohio to be a member of the House of Representatives from the 46th House District, is hereby elected, effective January 15, 2008 pursuant to Section 11 of Article II, Ohio Constitution, as a member of the House of Representatives from the 46th House District, to fill the vacancy created by the unexpired portion of the term of said Mark Wagoner, ending on December 31, 2008; and be it further

RESOLVED, That a copy of this resolution be spread upon the pages of the Journal of the House of Representatives together with the yeas and nays of the members of the House of Representatives affiliated with the Republican party voting on the resolution, and that the Clerk of the House of Representatives shall certify the resolution and vote on its adoption to the Secretary of State.

The yeas and nays were taken and resulted - yeas 49, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Adams	Aslanides	Bacon	Batchelder
Blessing	Brinkman	Carmichael	Coley
Collier	Combs	Core	Daniels
DeWine	Dolan	Evans	Flowers
Gardner	Gibbs	Goodwin	Hagan J.
Hite	Hottinger	Huffman	Hughes
Jones	McGregor J.	McGregor R.	Mecklenborg
Oelslager	Patton	Peterson	Rausen
Reinhard	Schindel	Schlichter	Schneider
Setzer	Stebelton	Stewart J.	Uecker
Wachtmann	Wagner	Webster	White
Widener	Widowfield	Wolpert	Zehringer
			Husted-49.

The resolution was adopted.

Ms. Sears was escorted to the bar of the House by Representatives DeWine, Flowers, Carmichael, Schneider, Jones, Gardner, and Ujvagi, took the oath of office administered by The Honorable Jon A. Husted, Speaker of the Ohio House of Representatives, and entered upon the discharge of her duties.

State of Ohio  
County of Franklin

I, Barbara R. Sears, do solemnly swear to support the Constitution of the United States and the Constitution of the State of Ohio, and faithfully to discharge and perform all duties incumbent upon me as a member of the Ohio House of Representatives, according to the best of my ability and

understanding; and this I do as I shall answer unto God.

/s/ BARBARA R. SEARS

Barbara R. Sears

Sworn to and subscribed before me this 15th day of January, 2008.

/s/ JON A. HUSTED

Jon A. Husted

Speaker

Ohio House of Representatives

Message from the Speaker

The Speaker of the House of Representatives, on January 10, 2007, signed the following:

**Am. S. B. No. 25** - Senator Carey - et al.

Clerk's Notation

This is to acknowledge receipt from the Supreme Court of Ohio, on January 14, 2008, amendments to the Ohio Rules of Civil Procedure, the Ohio Rules of Appellate Procedure, and the Ohio Rules of Criminal Procedure.

On motion of Representative DeWine, the House adjourned until Thursday, January 17, 2008 at 11:00 o'clock a.m.

Attest:

LAURA P. CLEMENS,  
Clerk.