OHIO House of Representatives JOURNAL

WEDNESDAY, JANUARY 30, 2008

ONE HUNDRED THIRTY-THIRD DAY Hall of the House of Representatives, Columbus, Ohio Wednesday, January 30, 2008, 1:30 p.m.

The House met pursuant to adjournment.

Prayer was offered by Representative Jim McGregor-20th district, 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:

The Archbishop Alter High School girls cross country team recevied H. R. No. 115, presented by Speaker Husted-37th district.

The Dalton High School softball team received H. R. No. 78, presented by Representative Carmichael-3rd district.

Knox County received H. R. No. 130, presented by Representative Collier-90th district.

Members of the Vietnamese-American community, guests of Representative J. McGregor-20th district.

James Moyer, a guest of Representative Wagner-81st district.

Joe Schimpf, a guest of Representatives Reinhard-82nd district and Wagner-81st district.

INTRODUCTION OF BILLS

The following bills were introduced:

H. B. No. 457-Representative Evans.

To amend sections 3501.38, 3513.041, 3513.261, and 3513.30 of the Revised Code to require a board of elections that distributes an incorrect petition to a person seeking to become a candidate to accept that petition as though it were the proper petition and to verify the signatures that appear on the petition; to require forms for nominating petitions for independent candidates and statements of candidacy for write-in candidates to be clearly identified at the top of the forms; and to require the secretary of state to prescribe, and boards of elections and the secretary of state to distribute, a standard withdrawal form for a candidate who wishes to withdraw as a candidate.

H. B. No. 458-Representative Uecker.

Cosponsors: Representatives Evans, McGregor, J., Huffman, Harwood,

Wagner, Bacon.

To amend sections 505.60, 505.601, 5705.05, and 5705.06 of the Revised Code to authorize the taxing authority of a subdivision to use money derived from the general levy for current expenses for road and bridge construction and repair, and to make clarifying changes to the laws authorizing a township to provide health care insurance.

H. B. No. 459-Representative Hottinger.

Cosponsors: Representatives McGregor, J., Fessler, Gardner, Evans, Combs, Flowers.

To amend section 313.19 of the Revised Code to establish procedures for the commencement, determination, and appeal of an action to change a death certificate or coroner's verdict.

Said bills were considered the first time.

REPORTS OF STANDING AND SELECT COMMITTEES AND BILLS FOR SECOND CONSIDERATION

Representative Bolon submitted the following report:

The standing committee on Finance and Appropriations to which was referred **H. B. No. 48**-Representative Gibbs, et al., having had the same under consideration, reports it back and recommends its passage.

RE: EXEMPTS CERTAIN TAX EXEMPT ORGANIZATIONS FROM ACQUIRING LICENSES FOR AUCTIONS

Representative Hottinger moved to amend the title as follows:

Add the names: "Bacon, Bolon, Chandler, Driehaus, Evans, Flowers, Hagan, R., Hite, Schlichter."

JAY HOTTINGER
MICHAEL J. SKINDELL
LINDA S. BOLON
ARMOND BUDISH
BILL COLEY
STEVE L. DRIEHAUS
LARRY L. FLOWERS
RANDY GARDNER
CLIFF HITE
ROSS MCGREGOR
THOMAS F. PATTON
JOHN SCHLICHTER
DAN STEWART

JON M. PETERSON
KEVIN BACON
BARBARA BOYD
KATHLEEN CHANDLER
ANTHONY CORE
CLYDE EVANS
JENNIFER GARRISON
ROBERT F. HAGAN
SHANNON JONES
ROBERT MECKLENBORG
CHRIS REDFERN
BARBARA R. SEARS
PETER S. UJVAGI

The report was agreed to.

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

Representative Luckie submitted the following report:

The standing committee on Insurance to which was referred **H. B. No. 404**-Representatives Hottinger, Barrett, having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: STRANGER ORIENTED LIFE INSURANCE REFORM

Representative Batchelder moved to amend the title as follows:

Add the names: "Koziura, Driehaus, DeBose, Fende, Celeste."

JOSEPH KOZIURA TED CELESTE LORRAINE M. FENDE DAVID DANIELS

STEPHEN DYER WILLIAM G. BATCHELDER

T. TODD BOOK BOB GIBBS

JAMES ZEHRINGER MICHAEL DEBOSE CHRIS WIDENER TOM LETSON

MATTHEW H. BARRETT LYNN R. WACHTMANN

ROSS MCGREGOR BILL COLEY JAMES T. RAUSSEN JAY HOTTINGER

STEVE L. DRIEHAUS

The report was agreed to.

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

Representative DeBose submitted the following report:

The standing committee on Economic Development and Environment to which was referred **H. B. No. 416**-Representative Dolan, et al., having had the same under consideration, reports it back and recommends its passage.

RE: GREAT LAKES COMPACT - RATIFY

Representative Collier moved to amend the title as follows:

Add the names: "Hagan, J., Schindel, Williams, B., DeBose, Mallory, Celeste, Collier, Ujvagi, Hagan, R.."

JIM MCGREGOR JAMES ZEHRINGER LARRY L. WOLPERT JOHN P. HAGAN

STEVE REINHARD CAROL-ANN SCHINDEL

ROBERT F. HAGAN JEFF WAGNER

TRACY HEARD BRIAN G. WILLIAMS
MICHAEL DEBOSE DALE MALLORY
KATHLEEN CHANDLER MATT LUNDY
TED CELESTE PETER S. UJVAGI

THOM COLLIER GERALD L. STEBELTON

The report was agreed to.

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

Representative Koziura reported for the Rules and Reference Committee recommending that the following House Bills and Senate Bill be considered for the second time and referred to the following committees for consideration:

H.B. No. 438 - Representative R. Hagan

RELATIVE TO THE APPOINTMENT AND COMMISSIONING OF COUNTY AGRICULTURAL SOCIETY POLICE OFFICERS AND TO THE TRAINING OF THOSE OFFICERS.

To the committee on Criminal Justice

H.B. No. 439 - Representative R. Hagan

TO REQUIRE EACH SCHOOL DISTRICT AND EACH COMMUNITY SCHOOL TO PROVIDE SUICIDE PREVENTION SERVICES FOR STUDENTS IN GRADES FIVE TO TWELVE.

To the committee on Education

H.B. No. 440 - Representatives Yuko and Lundy, et al

TO PROVIDE THAT A RENTAL AGREEMENT DOES NOT TERMINATE UPON THE FORECLOSURE OF THE LANDLORD'S MORTGAGE.

To the committee on Civil and Commercial Law

H.B. No. 441 - Representative Fessler, et al

TO ALLOW A COURT, UNDER CERTAIN CIRCUMSTANCES, TO GRANT UNACCOMPANIED DRIVING PRIVILEGES ONE TIME TO A PROBATIONARY DRIVER'S LICENSE HOLDER WHO, BECAUSE OF A MOVING VIOLATION, OTHERWISE WOULD BE SUBJECT TO A RESTRICTION THAT THE PERSON BE ACCOMPANIED BY THE HOLDER'S PARENT OR GUARDIAN.

To the committee on Infrastructure, Homeland Security and Veterans Affairs

H.B. No. 442 - Representative Letson, et al

TO REQUIRE CERTAIN EMPLOYERS TO ALLOW A PARENT TO EXERCISE COURT-ORDERED PARENTING TIME WITHOUT TERMINATING EMPLOYMENT, REDUCING PAY, OR TAKING OTHER SIMILAR ACTION AGAINST THE PARENT.

To the committee on Juvenile and Family Law

H.B. No. 443 - Representative Peterson, et al

TO ESTABLISH THE STATE-SANCTIONED PUBLIC NOTICE WEB SITE, TO PERMIT ANY NOTICE REQUIRED TO BE PUBLISHED BY STATUTE OR RULE TO BE PUBLISHED ON THE WEB SITE, AND TO MAKE CHANGES TO THE QUALIFICATIONS FOR NEWSPAPERS PUBLISHING PUBLIC NOTICES AND THE METHODS BY WHICH NEWSPAPERS PUBLISH NOTICE.

To the committee on Civil and Commercial Law

H.B. No. 444 - Representative J. Stewart, et al

TO MAKE CHANGES TO THE CONSTRUCTION INDUSTRY LICENSING LAWS TO DISCIPLINE UNLICENSED CONTRACTORS AND ELIMINATE UNLICENSED CONTRACTOR ACTIVITY.

To the committee on Commerce and Labor

H.B. No. 445 - Representative Schlichter

TO REQUIRE ADJUSTMENTS IN A SCHOOL DISTRICT'S STATE EDUCATION AID AND CLASSROOM FACILITIES ASSISTANCE PROGRAM RANKINGS TO CORRECT CERTIFICATIONS OF TAX-EXEMPT PROPERTY ERRONEOUSLY TREATED AS TAXABLE PROPERTY.

To the committee on Finance and Appropriations

H.B. No. 447 - Representative S. Williams

TO REQUIRE A COUNTY THAT DOES NOT HAVE A COMMUNITY-BASED CORRECTIONAL FACILITY OR A DISTRICT COMMUNITY-BASED CORRECTIONAL FACILITY AVAILABLE FOR THE USE OF THAT COUNTY'S COURTS TO FORMULATE A PROPOSAL FOR SUCH A FACILITY.

To the committee on Judiciary

H.B. No. 448 - Representative S. Williams

RELATIVE TO MISSING PERSONS IN OHIO.

To the committee on Criminal Justice

H.B. No. 449 - Representative Goodwin, et al

TO SPECIFICALLY ALLOW ESTHETICIANS, HAIR DESIGNERS, MANICURISTS, NATURAL HAIR STYLISTS, AND COSMETOLOGISTS TO OPERATE OUT OF A SALON THAT IS A MOBILE UNIT IF THAT UNIT IS AT LEAST ONE THOUSAND FEET FROM THE NEAREST SALON THAT IS HOUSED IN A PERMANENT STRUCTURE.

To the committee on Commerce and Labor **H.B. No. 450 - Representative Goodwin, et al**

TO PERMIT A MEMBER OF THE ARMED SERVICES OR THE OHIO NATIONAL GUARD WHO IS BETWEEN THE AGES OF 18 AND 21 TO PURCHASE A HANDGUN IF THE PERSON HAS RECEIVED FIREARMS TRAINING.

To the committee on Criminal Justice

S.B. No. 46 - Senator Mumper, et al

TO REQUIRE THE OHIO PARKS AND RECREATION ASSOCIATION TO DEVELOP A COACH'S CONDUCT AND ETHICS POLICY FOR VOLUNTEER COACHES INVOLVED IN RECREATIONAL YOUTH ATHLETICS.

To the committee on State Government and Elections

JON A. HUSTED LARRY L. FLOWERS JOYCE BEATTY CHRIS REDFERN KEVIN DEWINE ARLENE J. SETZER JOSEPH KOZIURA

Representative Flowers 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 and the Senate Bill 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 and Senate Bill were considered the second time and referred as recommended.

MOTIONS AND RESOLUTIONS

Representative Koziura reported for the Rules and Reference Committee recommending that the following House Resolutions be read by title only and approved:

H.R. No. 127 – Representative Zehringer

HONORING THE VERSAILLES HIGH SCHOOL GIRLS CROSS COUNTRY TEAM AS THE 2007 DIVISION III STATE CHAMPION.

H.R. No. 128 - Representative Zehringer

HONORING THE COLDWATER HIGH SCHOOL FOOTBALL TEAM FOR WINNING THE 2007 DIVISION IV STATE CHAMPIONSHIP.

H.R. No. 129 – Representative Batchelder

HONORING THE MEDINA HIGH SCHOOL BOYS CROSS COUNTRY TEAM ON WINNING THE 2007 DIVISION I STATE CHAMPIONSHIP.

H.R. No. 130 – Representative Collier

RECOGNIZING KNOX COUNTY ON ITS TWO HUNDREDTH ANNIVERSARY.

/s/ JON HUSTED Jon A. Husted, Chair

Representative Flowers 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.

Representative Jones moved that majority party members asking leave to be absent or absent the week of Tuesday, January 29, 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 29, 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

H. B. No. 55-Representative McGregor, J.

Cosponsors: Representatives Evans, Hughes, Latta, Setzer, Skindell, Dodd, Book, Brown, Domenick, Schneider.

To enact section 5.2235 of the Revised Code to designate April 29 of each year "Heritage and Freedom Flag of the Former Republic of Vietnam Day, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative McGregor, J. moved to amend as follows:

In line 5, delete "5.2235" and insert "5.2238"

In line 7, delete "5.2235" and insert "5.2238"

In line 1 of the title, delete "5.2235" and insert "5.2238"

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 86, nays 3, as follows:

Those who voted in the affirmative were: Representatives

Aslanides Bacon Barrett Batchelder **Beatty** Blessing Bolon Boyd Brady Brinkman Brown Budish Carmichael Celeste Chandler Coley Collier Core Daniels DeBose DeGeeter Dodd Dolan Domenick Driehaus Dyer Evans Fende Foley Flowers Gardner Fessler Garrison Gerberry Gibbs Goodwin Goyal Hagan J. Heard Hite Hottinger Huffman Hughes Jones Letson Luckie Lundy Mallory McGregor J. McGregor R. Mecklenborg Oelslager Okey Otterman J. Patton Peterson Redfern Raussen Reinhard Sayre Schindel Schlichter Sears Setzer Skindell Stebelton Stewart D. Stewart J. Strahorn Sykes Szollosi Uecker Ujvagi Wachtmann Wagner Webster

White Widener Widowfield Williams B.
Williams S. Wolpert Yates Yuko
Zehringer Husted-86.

Representatives Hagan R., Harwood, and Koziura voted in the negative-3.

The bill passed.

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

Add the names: "Batchelder, Collier, Dolan, Gibbs, Jones, Stebelton, Stewart, D.."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Sub. H. B. No. 293-Representative Goodwin.

Cosponsors: Representatives McGregor, J., Wachtmann, Yuko, Evans, Reinhard, Latta, Huffman, Peterson, Chandler, Dodd, Seitz, Stebelton, Fende, Sayre, Hughes, Aslanides, Combs, Domenick, Otterman.

To amend sections 4503.77 and 4503.78 and to enact sections 901.90 and 4503.503 of the Revised Code to create "Ohio Agriculture" license plates and to create the Ohio Agriculture License Plate Scholarship Program, and to establish a threshold of 500 annual special license plate registrations for those license plates whose contributions are required to be used for educational or scholarship purposes, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 89, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Aslanides Bacon Barrett Batchelder Beatty Blessing Bolon Boyd Brady Brinkman Budish Brown Coley Chandler Carmichael Celeste DeBose Collier Core Daniels DeGeeter Dodd Dolan Domenick Driehaus Dyer Evans Fende Flowers Foley Gardner Fessler Garrison Gerberry Gibbs Goodwin Goyal Hagan J. Hagan R. Harwood Heard Hite Hottinger Huffman Hughes Koziura Jones Letson Mallory McGregor J. Luckie Lundy McGregor R. Mecklenborg Oelslager Okey Otterman J. Peterson Raussen Patton Redfern Reinhard Sayre Schindel Schlichter Sears Setzer Skindell Stebelton Stewart D. Stewart J. Strahorn Sykes Szollosi Uecker Ujvagi

Wachtmann Wagner Webster White
Widener Widowfield Williams B. Williams S.
Wolpert Yates Yuko Zehringer
Husted-89.

The bill passed.

Representative Goodwin moved to amend the title as follows:

Add the names: "Bacon, Barrett, Batchelder, Beatty, Bolon, Celeste, Daniels, Dolan, Dyer, Flowers, Gardner, Gibbs, Goyal, Hagan, J., Harwood, Heard, Hite, Hottinger, Letson, Oelslager, Okey, Patton, Schindel, Schlichter, Setzer, Strahorn, Uecker, Wagner, Webster, Widener, Yates, Zehringer."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

H. B. No. 352-Representative Patton.

Cosponsors: Representatives Schlichter, Gibbs, Aslanides, Sayre, Okey, Luckie, Domenick.

To amend sections 901.41, 901.70, 903.01, 943.01, and 947.01 of the Revised Code to include alpacas in certain statutory definitions of "agricultural animal" and "livestock, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 89, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Barrett Batchelder Aslanides Bacon Bolon Boyd Beatty Blessing Budish Brady Brinkman Brown Carmichael Celeste Chandler Coley DeBose Collier Core Daniels DeGeeter Dodd Domenick Dolan Driehaus Dyer Evans Fende Fessler Flowers Foley Gardner Gibbs Garrison Gerberry Goodwin Hagan R. Goyal Hagan J. Harwood Heard Hite Hottinger Huffman Hughes Jones Koziura Letson Luckie Lundy Mallory McGregor J. McGregor R. Mecklenborg Oelslager Okey Otterman J. Patton Peterson Raussen Redfern Reinhard Sayre Schindel Schlichter Skindell Sears Setzer Stebelton Stewart D. Stewart J. Strahorn Sykes Szollosi Uecker Ujvagi

Wachtmann Wagn Widener Widow Wolpert Yates

Wagner Webster
Widowfield Williams B.
Yates Yuko

White Williams S. Zehringer Husted-89.

The bill passed.

Representative Patton moved to amend the title as follows:

Add the names: "Batchelder, Chandler, Collier, Dyer, Evans, Fessler, Flowers, Hagan, J., Hite, Hughes, Letson, Mallory, McGregor, J., Schindel, Setzer, Stebelton, Webster, Widowfield, Yates."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Sub. H. B. No. 404-Representatives Hottinger, Barrett. Cosponsors: Representatives Koziura, Driehaus, DeBose, Fende, Celeste.

To amend sections 3916.01 to 3916.03, 3916.05 to 3916.20, and 3916.99 and to enact sections 3916.031 and 3916.171 of the Revised Code to make changes to the law governing viatical settlements, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Batchelder moved to amend as follows:

After line 2118, insert:

"**Section 4.** Nothing in Chapter 3916. of the Revised Code as amended by this act shall be construed as affecting the incontestability period provided in division (C) of section 3915.05 of the Revised Code."

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

The yeas and nays were taken and resulted - yeas 89, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Aslanides Bacon Beatty Blessing Brady Brinkman Carmichael Celeste Collier Core DeGeeter Dodd Driehaus Dver Fessler Flowers Gerberry Garrison Goyal Hagan J. Heard Hite Hughes Jones

Barrett Bolon Brown Chandler Daniels Dolan Evans Foley Gibbs Hagan R. Hottinger Koziura

Boyd Budish Coley DeBose Domenick Fende Gardner Goodwin Harwood Huffman Letson

Batchelder

Luckie Lundy Mallory McGregor J. McGregor R. Mecklenborg Oelslager Okey Otterman J. Patton Peterson Raussen Reinhard Redfern Sayre Schindel Schlichter Setzer Skindell Sears Stebelton Stewart D. Stewart J. Strahorn Sykes Szollosi Uecker Ujvagi Wachtmann Wagner Webster White Widowfield Widener Williams B. Williams S. Wolpert Yates Yuko Zehringer Husted-89.

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 89, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Aslanides Bacon Barrett Batchelder Beatty Blessing Bolon Boyd Brady Brinkman Brown Budish Carmichael Celeste Chandler Coley Collier Core Daniels DeBose Domenick DeGeeter Dodd Dolan Driehaus Dyer Evans Fende Flowers Folev Gardner Fessler Garrison Gerberry Gibbs Goodwin Goyal Hagan J. Hagan R. Harwood Heard Hite Hottinger Huffman Koziura Hughes Jones Letson Luckie Lundy Mallory McGregor J. McGregor R. Mecklenborg Oelslager Okey Otterman J. Patton Peterson Raussen Schindel Redfern Reinhard Sayre Schlichter Sears Setzer Skindell Stewart D. Stewart J. Strahorn Stebelton Uecker Sykes Szollosi Ujvagi Wachtmann Webster White Wagner Widener Widowfield Williams B. Williams S. Wolpert Yates Yuko Zehringer Husted-89.

The bill passed.

Representative Hottinger moved to amend the title as follows:

Add the names: "Aslanides, Bacon, Batchelder, Beatty, Bolon, Boyd, Brown, Budish, Collier, DeGeeter, Dodd, Domenick, Dyer, Evans, Flowers, Foley, Garrison, Gerberry, Huffman, Hughes, Letson, Luckie, Lundy,

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Mallory, McGregor, J., Mecklenborg, Patton, Sayre, Schindel, Sears, Setzer, Stewart, D., Szollosi, Williams, S., Wolpert, Yates, Yuko, Zehringer."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Message from the Speaker

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

Rules and Reference: remove Representative DeWine; appoint Representative Jones.

State Government and Elections: remove Representatives DeWine and Schneider; appoint Representatives Schlichter and Bacon.

On motion of Representative Flowers, the House adjourned until Thursday, January 31, 2008 at 11:00 o'clock a.m.

Attest: LAURA P. CLEMENS, Clerk.