

**OHIO**

**House**

**of**

**Representatives**

**JOURNAL**

TUESDAY, FEBRUARY 5, 2008

ONE HUNDRED THIRTY-FIFTH DAY  
Hall of the House of Representatives, Columbus, Ohio  
**Tuesday, February 5, 2008, 11:00 o'clock a.m.**

The House met pursuant to adjournment.

Prayer was offered by Representative Thomas Collier-90th 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 University of Dayton football team received H. R. No. 106, presented by Speaker Husted-37th district.

The Medina High School boys cross-country team received H. R. No. 129, presented by Representative Batchelder-69th district.

David Cohen, Abbie Howard, Melissa Vorenberg, Natalie Szykowny, Sarah Kawash, and Margaret Coons, guests of Representative J. McGregor-20th district.

Scott Forman and Lucy Pollard, guests of Representative Bacon-21st district.

Dr. Schrell Mikesell, a guest of Representative Celeste-24th district.

Don and Laima Vermillion, guests of Representative Husted-37th district.

Rob Banerjee, a guest of Representative White-38th district.

Jeff Harris and Cheri Hottinger, wife of Representative Hottinger-71st district.

Ford and Gretchen Bollenbacher, guests of Representative Zehringer-77th district.

Claudio Salvador, Mimma Bohderer, and Antonella Mancini, guests of Representative Redfern-80th district.

Scott Weininger, a guest of Representative Wagner-81st district.

Mary Bum Gardner, a guest of Representative Book-89th district.

Students from the New Life School of Excellence, guests of Representative Dodd-91st district.

Matthew Bennett, a guest of Representative J. Stewart-92nd district.

### INTRODUCTION OF BILLS

The following bills and joint resolution were introduced:

**H. B. No. 460**-Representative Batchelder.

Cosponsors: Representatives Wachtmann, Evans, Fende, Wagner, Combs,

Webster, Fessler, Hite.

To amend section 4707.09 of the Revised Code to allow an apprentice auctioneer to conduct an auction for a charitable organization without supervision by a licensed auctioneer.

**H. B. No. 461**-Representative Batchelder.

Cosponsors: Representatives Wachtmann, Huffman, Gardner, McGregor, J., Fessler, Combs, Wagner, Webster, Adams, Zehringer.

To amend section 4123.29 of the Revised Code to allow an employer to reimburse the Administrator of Workers' Compensation for the first fifteen thousand dollars of medical bills incurred in any type of workers' compensation claim rather than allow an employer to pay directly only those medical bills incurred in medical-only claims.

**H. B. No. 462**-Representative Hughes.

Cosponsors: Representatives Flowers, Combs, Bacon.

To enact section 5.033 of the Revised Code to adopt the bullfrog as the state amphibian.

**H. B. No. 463**-Representative Miller.

Cosponsors: Representatives Beatty, Foley, Szollosi, Dodd, Skindell, Hughes, Otterman, J., Fende, Oelslager, Yuko, Brown, Luckie, Dyer, Chandler, Boyd, Sykes, Mallory, Williams, S., Strahorn.

To enact section 3701.265 of the Revised Code to create the Triple Negative Breast Cancer Commission.

**H. B. No. 464**-Representative Gerberry.

Cosponsors: Representatives Hagan, R., Fende, Lundy, Skindell, Domenick, Williams, S., Dyer, Heard, Letson, Williams, B., DeGeeter, Dodd, Stewart, D., Otterman, J., Luckie, Bolon.

To amend section 3770.06 and to enact section 3317.0212 of the Revised Code to require that a portion of lottery profits be distributed annually on a per pupil basis to public and chartered nonpublic schools.

**H. B. No. 465**-Representative Strahorn.

Cosponsors: Representatives Letson, Williams, B., Williams, S., Yuko.

To enact sections 503.70 to 503.78 and 503.99 of the Revised Code to permit townships to issue permits for public dances.

**H. B. No. 466**-Representative Strahorn.

Cosponsors: Representatives Chandler, Dodd, Harwood, Letson, Williams, B.,

Williams, S., Yates.

To amend sections 109.75 and 109.77 and to enact section 109.762 of the Revised Code to exempt an individual who is appointed to a command position with a police department of an Ohio municipal corporation from Ohio's peace officer certification and training requirements if the individual has served in a command position with a police department of a municipal corporation in another state and has completed a basic training program comparable to Ohio's peace officer basic training program and the other state provides a similar exemption.

**H. B. No. 467**-Representative Strahorn.

Cosponsors: Representatives Batchelder, Evans, Skindell, Williams, S.

To amend sections 2152.74 and 2901.07 of the Revised Code to require the collection of a DNA specimen from all persons who are convicted of, plead guilty to, or are adjudicated a delinquent child for a misdemeanor other than a misdemeanor for which a citation is issued.

**H. B. No. 468**-Representative Strahorn.

Cosponsors: Representatives Brown, DeBose, Lundy, Miller, Oelslager, Skindell, Williams, S.

To amend sections 4117.01 and 4117.03 of the Revised Code to eliminate an exemption from the Public Employees' Collective Bargaining Law for specified educational employees.

**H. J. R. No. 4**-Representative Wolpert.

Proposing to amend Sections 1, 2, 3, 5, 6, 7, 8, 10, 11, 12, 13, and 15 of Article XI, to amend, for the purpose of adopting new Section numbers as indicated in parentheses, Sections 5 (4), 6 (5), 7 (6), 8 (7), 10 (8), 11 (9), 12 (11), 13 (12), and 15 (13) of Article XI, to enact new Section 10 of Article XI, and to repeal Sections 4, 9, and 14 of Article XI of the Constitution of Ohio to revise the redistricting process for General Assembly and Congressional districts.

Said bills and joint resolution were considered the first time.

#### **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. 134**-Speaker Husted, Representative Beatty.

Relative to travel allowance.

RESOLVED, That the Chief Administrative Officer of the House of Representatives is hereby authorized to pay the following named persons travel allowance for mileage as provided by section 101.27 of the Revised Code:

Name	District	Mileage
Thom Collier	90	102
Randy Gardner	6	244
Robert P. Mecklenborg	30	268
John Otterman	45	260
Barbara R. Sears	46	294

The yeas and nays were taken and resulted - yeas 90, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Adams	Aslanides	Bacon	Barrett
Batchelder	Beatty	Blessing	Bolon
Book	Brady	Brinkman	Brown
Budish	Carmichael	Celeste	Chandler
Coley	Collier	Core	Daniels
DeGeeter	DeWine	Distel	Dodd
Dolan	Domenick	Driehaus	Dyer
Evans	Fessler	Flowers	Foley
Gardner	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	Rausen
Redfern	Reinhard	Sayre	Schindel
Schlichter	Schneider	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-90.

The resolution was adopted.

**BILLS FOR THIRD CONSIDERATION****H. B. No. 48**-Representative Gibbs.

Cosponsors: Representatives Fessler, Seitz, McGregor, J., Setzer, Brown, Collier, Wagner, Wagoner, Combs, Aslanides, Bacon, Bolon, Chandler,

Driehaus, Evans, Flowers, Hagan, R., Hite, Schlichter.

To amend sections 4707.02, 4707.20, 4707.21, and 4707.26 of the Revised Code to exempt certain tax exempt organizations and schools that sell at auction items donated to them from license and contract requirements for such an auction, to require those organizations and schools to maintain records of the auction for two years, and to preclude claims against the Auction Recovery Fund for any loss associated with those types of auctions, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 90, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Adams	Aslanides	Bacon	Barrett
Batchelder	Beatty	Blessing	Bolon
Book	Brady	Brinkman	Brown
Budish	Carmichael	Celeste	Chandler
Coley	Collier	Core	Daniels
DeGeeter	DeWine	Distel	Dodd
Dolan	Domenick	Driehaus	Dyer
Evans	Fessler	Flowers	Foley
Gardner	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	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-90.

The bill passed.

Representative Gibbs moved to amend the title as follows:

Add the names: "Batchelder, Blessing, Domenick, Gardner, Hagan, J., Hughes, Luckie, Mecklenborg, Patton, Raussen, Schindel, Schneider, Stewart, D., Wachtmann, Williams, B., Zehringer."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**H. B. No. 281**-Representative Schlichter.

Cosponsors: Representatives Gibbs, McGregor, J., Brown, Wagoner, Combs, Webster, Stebelton, Collier, Aslanides, Domenick, Evans.

To amend sections 955.12, 955.14, 955.27, 955.29, 955.32, 955.34, 955.35, 955.37, and 955.38; to amend, for the purpose of adopting a new section number as indicated in parentheses, section 955.34 (955.351); and to repeal sections 955.31 and 955.33 of the Revised Code to provide for the uniform determination of the fair market value of certain animals killed by a dog, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 90, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Adams	Aslanides	Bacon	Barrett
Batchelder	Beatty	Blessing	Bolon
Book	Brady	Brinkman	Brown
Budish	Carmichael	Celeste	Chandler
Coley	Collier	Core	Daniels
DeGeeter	DeWine	Distel	Dodd
Dolan	Domenick	Driehaus	Dyer
Evans	Fessler	Flowers	Foley
Gardner	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	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-90.

The bill passed.

Representative Schlichter moved to amend the title as follows:

Add the names: "Batchelder, Book, Daniels, Flowers, Gardner, Hagan, R., Harwood, Hottinger, Patton, Setzer, Zehringer."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Message from the Speaker

Pursuant to Ohio Revised Code section 4141.08, the Speaker hereby makes the following change to the Unemployment Compensation Advisory Council:

Remove Representative Collier; appoint Representative Bolon.

Message from the Speaker

Pursuant to Ohio Revised Code section 737.11, the Speaker hereby makes the following change to the Household Sewage and Small Flow On-Site Sewage Treatment System Study Commission:

Remove Representative Bubp; appoint Representative Batchelder.

Message from the Speaker

Pursuant to Ohio Revised Code section 4104.33, the Speaker hereby re-appoints John McDowell to the Historical Boilers Licensing Board.

Message from the Speaker

Pursuant to Ohio Revised Code section 105.41(A)(2), the Speaker hereby re-appoints Jo Ann Davidson to the Capital Square Review and Advisory Board.

Message from the Speaker

Pursuant to Ohio Revised Code section 183.04, the Speaker hereby re-appoints Dr. Alan Letson to the Tobacco Use Prevention and Control Foundation Board of Trustees.

Message from the Speaker

The Speaker of the House of Representatives, on February 1, 2008, signed the following:

**Sub. S. B. No. 148** - Senator Faber - et al.

**Am. Sub. S. B. No. 157** - Senator Buehrer - et al.

On motion of Representative DeWine, the House adjourned until Wednesday, February 6, 2008 at 1:30 p.m.

Attest:

LAURA P. CLEMENS,  
Clerk.