

OHIO

House

of

Representatives

JOURNAL

CORRECTED VERSION
WEDNESDAY, FEBRUARY 21, 2007

SIXTEENTH DAY

Hall of the House of Representatives, Columbus, Ohio
Wednesday, February 21, 2007, 11:00 o'clock a.m.

The House met pursuant to adjournment.

The journal of yesterday was read and approved.

INTRODUCTION OF BILLS

The following bills were introduced:

H. B. No. 53-Representative Peterson.

Cosponsors: Representatives Yuko, Skindell, Ujvagi, Setzer, Dodd, Bacon, Collier, Fende, Chandler, Strahorn.

To amend sections 701.01, 711.23, 1775.31, 2111.37, 2111.47, 2307.14, 2317.03, 2317.06, 2721.05, 3763.06, 4303.272, 4399.05, 4971.16, 5301.22, 5305.17, 5305.18, 5305.19, 5305.20, 5305.21, 5305.22, 5307.19, 5307.20, 5310.12, 5711.05, 5711.07, 5907.06, 5907.08, and 5907.09 of the Revised Code to replace certain outdated terms.

H. B. No. 54-Representative Foley.

Cosponsors: Representatives Fende, Williams, B., Miller, Garrison, Combs, Collier, Strahorn, Skindell.

To amend section 122.075 and to enact section 5537.29 of the Revised Code to require that blended biodiesel and E85 blend fuel be available at all service stations located on the Ohio Turnpike not later than January 1, 2010, and to permit the Ohio Turnpike Commission to apply for grants made by the Department of Development under the Alternative Fuel Transportation Grant Program.

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

Cosponsors: Representatives Evans, Hughes, Latta, Setzer, Skindell, Dodd.

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."

H. B. No. 56-Representative Uecker.

Cosponsors: Representatives McGregor, J., Seitz, Evans, Fende, Wagoner, Setzer, Combs, Adams, Wolpert, Flowers, Gibbs, Bupp, Distel.

To amend sections 1923.01, 1923.02, 1923.12, 1923.13, 1923.14, and 3733.11 of the Revised Code to clarify the rights and duties of the parties to an action for a forcible entry and detainer at a manufactured home park.

H. B. No. 57-Representative Combs.

Cosponsors: Representatives McGregor, J., Fessler, Setzer, Jones, Adams, Stewart, D., Collier.

To amend sections 2950.01, 2950.11, 2950.12, and 2950.13 of the Revised Code to provide notice to a long-term care facility and its residents when a registered sex offender indicates an intent to reside or registers an address within the facility's specified geographical notification area.

H. B. No. 58-Representative Combs.

Cosponsors: Representatives Uecker, Evans, Fende, Wagner, Webster.

To enact section 4509.106 of the Revised Code to require generally any person who cancels a motor vehicle liability insurance policy to obtain a replacement policy or other proof of financial responsibility, and to require motor vehicle liability insurers to report to the Bureau of Motor Vehicles the names and addresses of persons whose policies are canceled or lapse.

H. B. No. 59-Representative Combs.

Cosponsors: Representatives Peterson, Hughes, Lundy, Harwood.

To amend sections 319.202, 319.302, 323.01, and 323.99 and to enact sections 323.16, 323.161, 323.162, 323.163, 323.164, and 323.165 of the Revised Code to defer increases in taxes on residences owned and occupied by individuals age 65 or older.

H. B. No. 60-Representative Evans.

Cosponsors: Representatives McGregor, J., Patton, Uecker, Carano, Fende, Brown, Dodd, Seitz, Hughes, Peterson, Combs, Collier, Ujvagi, Strahorn, Wagoner, Core.

To amend section 2101.16 and to enact sections 305.51 and 2101.164 of the Revised Code to authorize boards of county commissioners to exempt from taxation the homesteads of qualifying members of the National Guard and reserve components of the Armed Forces who have been deployed outside the state, and to exempt estates of members of the United States Armed Services who died while serving in a combat zone from various probate filing fees.

Said bills were considered the first time.

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

Representative Koziura reported for the Rules and Reference Committee recommending that the following House Bills and House Joint Resolution be considered for the second time and referred to the following committees for

consideration:

H.B. No. 1 - Representative Setzer

TO RESERVE THIS BILL NUMBER FOR THE GOVERNOR'S SCHOOL FUNDING REFORM PLAN.

To the committee on Finance and Appropriations

H.B. No. 2 - Representative Webster

TO TRANSFER APPOINTMENT OF THE CHANCELLOR OF THE OHIO BOARD OF REGENTS TO THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE, TO MAKE THE BOARD OF REGENTS AN ADVISORY BOARD TO THE CHANCELLOR, AND TO TRANSFER THE BOARD'S DUTIES AND POWERS TO THE CHANCELLOR.

To the committee on Education

H.B. No. 3 - Representatives Latta, et al

TO PHASE OUT THE ESTATE TAX BY JANUARY 1, 2008, BUT TO AUTHORIZE VOTERS OF A TOWNSHIP OR MUNICIPAL CORPORATION TO CONTINUE THE TAX LOCALLY.

To the committee on Ways and Means

H.B. No. 4 - Representative Wolpert, et al

TO REDUCE THE ESTATE TAX BY INCREASING THE CREDIT AMOUNT, TO AUTHORIZE TOWNSHIPS AND MUNICIPAL CORPORATIONS, OR ELECTORS THEREOF BY INITIATIVE, TO EXEMPT FROM THE ESTATE TAX ANY ESTATE PROPERTY LOCATED IN THE TOWNSHIP OR MUNICIPAL CORPORATION, AND TO DISTRIBUTE ALL ESTATE TAX REVENUE ORIGINATING IN A TOWNSHIP OR MUNICIPAL CORPORATION THAT DOES NOT EXEMPT PROPERTY FROM THE TAX TO THE TOWNSHIP OR MUNICIPAL CORPORATION.

To the committee on Ways and Means

H.B. No. 5 - Representative Gibbs

TO FORMALLY STATE THE GENERAL ASSEMBLY'S INTENTIONS IN ITS UPCOMING DELIBERATIONS ON REFORMING OHIO'S LAWS REGULATING THE EXERCISE OF EMINENT DOMAIN.

To the committee on Judiciary

H.B. No. 6 - Representative J. Stewart

TO INCREASE THE INCOME ELIGIBILITY LIMIT FOR THE CHILDREN'S HEALTH INSURANCE PROGRAM PART II TO THREE HUNDRED PER CENT OF THE FEDERAL POVERTY GUIDELINES.

To the committee on Finance and Appropriations

H.B. No. 7 - Representative Brinkman

TO FORMALLY STATE THE GENERAL ASSEMBLY'S INTENTIONS IN ITS UPCOMING DELIBERATIONS ON REFORMING OHIO'S ADOPTION LAWS.

To the committee on Health

H.B. No. 8 - Representative B. Hagan

TO PROVIDE THAT A MEMBER OF A STATE RETIREMENT SYSTEM, ON CONVICTION OF A FELONY COMMITTED IN THE COURSE OF OFFICIAL DUTIES, WILL FORFEIT THE PORTION OF ANY STATE RETIREMENT BENEFIT THAT IS BASED ON EMPLOYER CONTRIBUTIONS.

To the committee on State Government

H.B. No. 9 - Representative Carmichael, et al

TO REQUIRE FARM MACHINERY THAT IS DESIGNED BY ITS MANUFACTURER TO OPERATE AT A SPEED GREATER THAN 25 MILES PER HOUR TO DISPLAY A SPEED IDENTIFICATION SYMBOL AND A SLOW-MOVING VEHICLE EMBLEM WHEN OPERATED ON A ROAD OR HIGHWAY AND TO FURTHER ADDRESS THE OPERATION OF SUCH FARM MACHINERY ON ROADS AND HIGHWAYS.

To the committee on Infrastructure, Homeland Security and Veterans Affairs

H.B. No. 10 - Representative Wolpert, et al

TO PROVIDE THAT A BOARD OF COUNTY COMMISSIONERS, UPON THE REQUEST OF THE LEGISLATIVE AUTHORITY OF A MUNICIPAL COURT, MAY FIX THE COMPENSATION OF JURORS IN THE COURT IN AN AMOUNT THAT DIFFERS FROM THE COMPENSATION OF JURORS IN THE COURT OF COMMON PLEAS.

To the committee on Judiciary

H.B. No. 11 - Representative Setzer, et al

TO MAKE CHANGES IN AND RELATING TO THE JOINT ECONOMIC DEVELOPMENT DISTRICT LAW.

To the committee on Local and Municipal Government and Urban Revitalization

H.B. No. 12 - Representative Fessler, et al

TO CREATE "OHIO NATIONAL GUARD RETIRED" LICENSE PLATES.

To the committee on Infrastructure, Homeland Security and Veterans Affairs

H.B. No. 13 - Representative Fessler, et al

TO PROHIBIT THE INCLUSION OF SOCIAL SECURITY NUMBERS ON MOTOR VEHICLE REGISTRATION RENEWAL NOTICES.

To the committee on Infrastructure, Homeland Security and Veterans Affairs

H.B. No. 14 - Representative Hughes, et al

TO EXTEND INDEFINITELY THE FULL REIMBURSEMENT TO SCHOOL DISTRICTS FOR THE PHASE-OUT OF TAXES ON BUSINESS TANGIBLE PERSONAL PROPERTY.

To the committee on Finance and Appropriations

H.B. No. 15 - Representative Chandler, et al

RELATIVE TO TRAFFICKING IN PERSONS.

To the committee on Judiciary

H.B. No. 16 - Representative Chandler, et al

TO ALLOW TAXPAYERS TO CONTRIBUTE A PORTION OF THEIR INCOME TAX REFUNDS TO THE OHIO HISTORICAL SOCIETY.

To the committee on Ways and Means

H.B. No. 17 - Representative Foley, et al

TO GRANT A STATE EARNED INCOME TAX CREDIT EQUAL TO A PERCENTAGE OF THE FEDERAL EARNED INCOME TAX CREDIT.

To the committee on Ways and Means

H.B. No. 18 - Representative Carano, et al

TO CREATE THE T-1 PERMIT TO AUTHORIZE CERTAIN COLLEGES AND UNIVERSITIES AND PROFESSIONAL ATHLETIC TEAMS TO ALLOW THE CONSUMPTION OF BEER AND INTOXICATING LIQUOR BROUGHT INTO RESTRICTED AREAS ON THE PROPERTY THAT THEY OWN OR LEASE.

To the committee on State Government

H.B. No. 19 - Representative Carano, et al

TO DESIGNATE THE MONTH OF NOVEMBER AS "EPILEPSY AWARENESS MONTH."

To the committee on State Government

H.B. No. 20 - Representative Carano, et al

TO REQUIRE THE SUPERINTENDENT OF FINANCIAL INSTITUTIONS TO PRORATE THE RENEWAL FEE FOR A NEW CERTIFICATE OF REGISTRATION OR LICENSE FOR A MORTGAGE BROKER OR LOAN OFFICER.

To the committee on Financial Institutions, Real Estate and Securities

H.B. No. 21 - Representative Fessler, et al

TO REQUIRE A DRIVER TO PULL OVER OR SLOW DOWN UPON APPROACHING A STATIONARY ROAD SERVICE VEHICLE THAT IS DISPLAYING FLASHING, OSCILLATING, OR ROTATING AMBER LIGHTS WHILE SERVICING A DISABLED VEHICLE.

To the committee on Infrastructure, Homeland Security and Veterans Affairs

H.B. No. 22 - Representative B. Williams, et al

TO INCREASE CERTAIN PENALTIES FOR CRUELTY TO ANIMALS AND TO REQUIRE A CHILD UNDER FIFTEEN YEARS OF AGE WHO COMMITS CRUELTY AGAINST A COMPANION ANIMAL TO UNDERGO PSYCHOLOGICAL COUNSELING.

To the committee on Criminal Justice

H.B. No. 23 - Representative DeBose, et al

TO INCLUDE SECURITY GUARDS AS PERSONS OF AUTHORITY FOR PURPOSES OF THE OFFENSES OF SEXUAL BATTERY AND VOYEURISM.

To the committee on Criminal Justice

H.B. No. 24 - Representative Wagner, et al

TO AUTHORIZE MUNICIPALITIES TO ALLOW SELF-EMPLOYED TAXPAYERS TO TAKE A MUNICIPAL INCOME TAX DEDUCTION FOR AMOUNTS PAID FOR MEDICAL CARE INSURANCE AND TO AUTHORIZE MUNICIPALITIES TO ALLOW INDIVIDUALS TO DEDUCT AMOUNTS PAID INTO HEALTH SAVINGS ACCOUNTS.

To the committee on Ways and Means

H.B. No. 25 - Representative Wagner, et al

TO CREATE AN INCOME TAX DEDUCTION FOR EXPENSES INCURRED BY A TAXPAYER IN MAKING AN ORGAN DONATION AND TO CREATE AN INCOME TAX CREDIT FOR DECEASED ORGAN DONORS.

To the committee on Ways and Means

H.B. No. 26 - Representative Wolpert, et al

TO PERMIT THE CREATION OF URBAN HOMESTEAD ZONES IN CITIES TO ENCOURAGE THE REPOPULATION OF CERTAIN CITY CORES, TO CREATE A STATE URBAN HOMESTEAD SCHOLARSHIP PROGRAM, AND TO REQUIRE TAX INCREMENT FINANCING IN URBAN HOMESTEAD ZONES THAT PARTICIPATE IN THE SCHOLARSHIP PROGRAM TO HELP FUND THE PROGRAM.

To the committee on State Government

H.B. No. 27 - Representative Wolpert, et al

TO REVISE THE LAW REGARDING SCHOOL DISTRICT AND SCHOOL BUILDING ACADEMIC PERFORMANCE RATINGS.

To the committee on Education

H.B. No. 28 - Representative Wolpert, et al

TO DESIGNATE A PORTION OF INTERSTATE ROUTE 270 WITHIN FRANKLIN COUNTY AS THE "BOBBY RAHAL EXPRESSWAY."

To the committee on Infrastructure, Homeland Security and Veterans Affairs

H.B. No. 29 - Representative Harwood, et al

TO EXEMPT FROM THE MOTOR FUEL TAX ANY SALES OF MOTOR FUEL SOLD TO SCHOOL DISTRICTS OR EDUCATIONAL SERVICE CENTERS FOR SCHOOL DISTRICT OR SERVICE CENTER OPERATIONS.

To the committee on Finance and Appropriations

H.B. No. 30 - Representative R. McGregor, et al

TO REQUIRE ANY LOCAL AUTHORITY THAT ENFORCES ANY TRAFFIC LAW BY MEANS OF TRAFFIC LAW PHOTO-MONITORING DEVICES TO ERECT SIGNS ON EVERY HIGHWAY OR FREEWAY THAT IS PART OF THE STATE HIGHWAY SYSTEM AND THAT ENTERS THAT LOCAL AUTHORITY, INFORM INBOUND TRAFFIC THAT THE LOCAL AUTHORITY UTILIZES TRAFFIC LAW PHOTO-MONITORING DEVICES TO ENFORCE TRAFFIC LAWS.

To the committee on Infrastructure, Homeland Security and Veterans Affairs

H.B. No. 31 - Representative Fende, et al

TO DESIGNATE STATE ROUTE NUMBER 2 WITHIN THE CITY OF WILLOUGHBY AS THE "BRIAN MONTGOMERY MEMORIAL HIGHWAY."

To the committee on Infrastructure, Homeland Security and Veterans Affairs

H.B. No. 32 - Representative Fende, et al

TO DESIGNATE A PORTION OF STATE ROUTE 44 WITHIN LAKE COUNTY AS THE ANDY NOWACKI MEMORIAL HIGHWAY.

To the committee on Infrastructure, Homeland Security and Veterans Affairs

H.B. No. 33 - Representative Wolpert, et al

TO REVISE STATE AND LOCAL AUTHORITY REGARDING THE SAFETY OF RAILROAD CROSSINGS AND RAILROAD TRACKS, BRIDGES, AND OTHER STRUCTURES AND ADDITIONALLY TO EXTEND SUCH A STATE AUTHORITY TO SCENIC RAILWAYS.

To the committee on Infrastructure, Homeland Security and Veterans Affairs

H.B. No. 34 - Representative Wolpert, et al

TO ESTABLISH THE THIRD FRONTIER PILOT FORGIVABLE LOAN PROGRAM FOR GRADUATE STUDENTS.

To the committee on Finance and Appropriations

H.B. No. 35 - Representative Wolpert, et al

TO DECREASE FROM 5% TO 1.4% THE FOREIGN INSURERS TAX RATE.

To the committee on Ways and Means

H.B. No. 36 - Representative Wolpert, et al

TO CREATE THE RAPID ENROLLMENT GROWTH SCHOOL FACILITIES ASSISTANCE PROGRAM.

To the committee on Finance and Appropriations

H.B. No. 37 - Representative Skindell, et al

TO DESIGNATE THE TWENTY-FIRST OF DECEMBER AS "HOMELESS PERSONS' MEMORIAL DAY."

To the committee on State Government

H.B. No. 38 - Representative Skindell, et al

TO REQUIRE THE INCLUSION OF A BITTERING AGENT IN ENGINE COOLANT AND ANTIFREEZE.

To the committee on Economic Development and Environment

H.B. No. 39 - Representative Skindell, at al

TO REQUIRE MANUFACTURERS AND LABELERS OF DANGEROUS DRUGS TO DISCLOSE TO THE DIRECTOR OF HEALTH THE VALUE, NATURE, AND PURPOSE OF CERTAIN GIFTS, FEES, PAYMENTS, SUBSIDIES, AND OTHER ECONOMIC BENEFITS THEY PROVIDE IN CONNECTION WITH PHARMACEUTICAL DETAILING, MARKETING, OR PROMOTION.

To the committee on Health

H.B. No. 40 - Representative Skindell, et al

TO CREATE THE COUNCIL ON SUSTAINABLE ENERGY DEVELOPMENT AND SPECIFY ITS DUTIES.

To the committee on Alternative Energy

H.B. No. 41 Representative Uecker, et al

TO REQUIRE THE LICENSURE OF PERSONS OPERATING SECURITY SYSTEMS COMPANIES, TO PROVIDE FOR THE REGISTRATION OF INDIVIDUALS PERFORMING SPECIFIED TYPES OF SECURITY SYSTEMS WORK, TO PROVIDE FOR THE REGULATION OF SECURITY SYSTEMS COMPANIES AND EMPLOYEES, AND TO ESTABLISH THE SECURITY SYSTEMS ADVISORY BOARD IN THE DEPARTMENT OF COMMERCE.

To the committee on Commerce and Labor

H.B. No. 42 - Representative J. Stewart, et al

TO ESTABLISH A BIPARTISAN COMMITTEE TO RECOMMEND TO THE GENERAL ASSEMBLY A SYSTEM THAT PROVIDES STATE FUNDS TO PAY ONE HUNDRED PER CENT OF THE ACTUAL COST OF PROVIDING A THOROUGH AND EFFICIENT EDUCATION TO EACH PUBLIC SCHOOL STUDENT AND TO REQUIRE THE DEPARTMENT OF EDUCATION TO REPORT CERTAIN SCHOOL FUNDING INFORMATION TO THE PARENTS AND TAXPAYERS OF EACH SCHOOL DISTRICT.

To the committee on Finance and Appropriations

H.B. No. 43 - Representative Garrison, et al

TO PROVIDE FORMULA FUNDING FOR ALL-DAY KINDERGARTEN FOR ALL SCHOOL DISTRICTS AND COMMUNITY SCHOOLS THAT OFFER IT.

To the committee on Finance and Appropriations

H.B. No. 44 - Representative Garrison, et al

TO CHANGE THE FORMULA FOR CALCULATING STATE PARITY AID PAYMENTS TO PRIMARY AND SECONDARY SCHOOLS.

To the committee on Finance and Appropriations

H.J.R. No. 1 - Representative DeWine

TO REVISE THE REDISTRICTING PROCESS FOR GENERAL ASSEMBLY AND CONGRESSIONAL DISTRICTS.

To the committee on State Government

JON A. HUSTED
LARRY L. FLOWERS

KEVIN DEWINE
ARLENE J. SETZER

Representative McGregor, J. 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 House

Joint Resolution 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 House Joint Resolution were considered the second time and referred as recommended.

Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has concurred in the adoption of the following concurrent resolutions:

H. C. R. No. 4 -Representative DeWine. -Senator Jacobson.

To adopt Joint Rules of the Senate and House of Representatives for the 127th General Assembly.

H. C. R. No. 5 -Representative DeWine. -Senator Jacobson.

To adopt the Legislative Code of Ethics for the members and employees of both chambers of the 127th General Assembly, employees of any legislative agency, and candidates for the 128th General Assembly.

H. C. R. No. 6 -Speaker Husted, Representative Beatty. -Senators Harris, Fedor.

Authorizing a joint convention of the Ohio General Assembly for the purpose of receiving a message from the Governor and calling for a committee to wait upon the Governor in anticipation of his State of the State Address.

H. C. R. No. 7 -Speaker Husted, Representative Beatty. -Senators Harris, Fedor.

Authorizing a joint convention of the Ohio General Assembly for the purpose of receiving a message from the Chief Justice and calling for a committee to wait upon the Chief Justice in anticipation of his State of the Judiciary Address.

Attest:

David A. Battocletti,
Clerk.

MESSAGE FROM THE SPEAKER

Pursuant to Ohio Revised Code section 107.12 (D), the Speaker hereby, makes the following changes to the Governor's Advisory Board of Faith-Based and Community Initiatives:

Remove Representative Yates and appoint Representative DeBose.

MESSAGE FROM THE SPEAKER

Pursuant to Section 235.60.70(B)(4), Am. Sub. H.B. 699, 126th General Assembly, the Speaker hereby appoints public member Jim Trakas to the North East Ohio Universities Collaboration and Innovation Study Commission.

MESSAGE FROM THE SPEAKER

Pursuant to Ohio Revised Code section 5740.02 (A)(1)(2), the Speaker hereby appoints Representative Foley to the Implementing States (NCSL) for the Streamlined Sales and Use Tax System.

MESSAGE FROM THE SPEAKER

Pursuant to Ohio Revised Code section 171.01, the Speaker hereby appoints Representative Book to the Ohio Retirement Study Council.

MESSAGE FROM THE SPEAKER

Pursuant to Ohio Revised Code section 3334.03, the Speaker hereby appoints Representative Distel to the Ohio Tuition Trust Authority.

MESSAGE FROM THE SPEAKER

Pursuant to Ohio Revised Code section 3 (A)(F), Sub. H.B. 204 125th General Assembly, the Speaker hereby appoints Representative Dyer to the Ohio Privacy/Public Record Access Study Committee.

MESSAGE FROM THE SPEAKER

Pursuant to Ohio Revised Code section 4141.08, the Speaker hereby appoints Representative Yuko to the Unemployment Compensation Advisory Council.

MESSAGE FROM THE SPEAKER

Pursuant to Ohio Revised Code section 122.98 (A)(4), the Speaker hereby appoints Representative Luckie to the Ohio Aerospace and Defense Advisory Council.

MESSAGE FROM THE SPEAKER

Pursuant to Ohio Revised Code section 4112.12(A), the Speaker hereby appoints Representative Miller to the Commission on African-American Males.

MESSAGE FROM THE SPEAKER

Pursuant to Ohio Revised Code section 149.303 (A)(1)(2), the Speaker hereby appoints Representative Mallory to the National Museum of Afro-American History and Culture Planning Committee.

MESSAGE FROM THE SPEAKER

Pursuant to Ohio Revised Code section 173.03 (A), the Speaker hereby appoints Representative Chandler to the Ohio Advisory Council for the Aging.

On motion of Representative McGregor, J., the House adjourned until Thursday, February 22, 2007, 11:00 o'clock a.m.

Attest:

LAURA P. CLEMENS,
Clerk.