

OHIO

House

of

Representatives

JOURNAL

WEDNESDAY, MARCH 21, 2007

TWENTY-NINTH DAY

Hall of the House of Representatives, Columbus, Ohio
Wednesday, March 21, 2007, 1:30 p.m.

The House met pursuant to adjournment.

Prayer was offered by Reverend Dan Whisner from Mount Vernon, 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:

Dick Bollinger, a guest of Representative Peterson-2nd district.

Le'Anna Miller, daughter of Representative Miller-10th district.

Judge John J. Russo, a guest of Representative Foley-14th district.

Students from Madison Christian School, guests of Representative Flowers-19th district.

Judge Gene Zmuda, a guest of Representatives Ujvagi-47th district, Brown-48th district, Szollosi-49th district, and Wagoner-46th district.

Members of the Stark Art Youth Council, guests of Representative Healy-52nd district.

Judge Richard James, a guest of Representatives Harwood-65th district and Letson-64th district.

Judge Paul Spurgeon, a guest of Representative Collier-90th district.

INTRODUCTION OF BILLS

The following bills were introduced:

H. B. No. 120-Representative Latta.

To amend section 2152.20 of the Revised Code to eliminate unnecessary and inconsistent language mistakenly retained by Sub. H.B. 241 of the 126th General Assembly and to declare an emergency.

H. B. No. 121-Representative Setzer.

Cosponsors: Representatives Seitz, Peterson, Evans, White, Collier, Webster, Flowers.

To amend section 5739.02 of the Revised Code to exempt from the sales tax sales of motor vehicles used exclusively for vanpool ridesharing arrangements.

H. B. No. 122-Representative Ujvagi.

Cosponsors: Representatives Dodd, Wagoner, Brown, Skindell, Stebelton, Strahorn, Okey, Yuko, Bolon.

To amend section 3701.741 of the Revised Code to allow an authorized person to obtain one copy of a patient's medical record without charge.

Said bills were considered the first time.

REPORTS OF STANDING AND SELECT COMMITTEES AND BILLS FOR SECOND CONSIDERATION

Representative Carano submitted the following report:

The standing committee on Education to which was referred **H. B. No. 2**-Representative Webster., having had the same under consideration, reports it back and recommends its passage.

RE: REGENTS ADVISORY ROLE - GOVERNOR APPOINTS
CHANCELLOR

Representative Setzer moved to amend the title as follows:

Add the names: "Garrison, Luckie, Lundy, Dyer, Heard, Brady, Celeste, Adams, B. Williams, Sykes, Okey."

JOHN WIDOWFIELD
SHAWN N. WEBSTER
THOM COLLIER
VERNON SYKES
TED CELESTE
JOHN ADAMS
TRACY HEARD
MATT LUNDY
JEFF WAGNER
JON M. PETERSON

ARLENE J. SETZER
KENNETH A. CARANO
MARK D. OKEY
STEPHEN DYER
JENNIFER BRADY
CLAYTON LUCKIE
JENNIFER GARRISON
STEVE REINHARD
BRIAN G. WILLIAMS
JOHN SCHLICHTER

The following members voted "NO"

CLYDE EVANS
GERALD L. STEBELTON

THOMAS F. PATTON

The report was agreed to.

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

Representative Carano submitted the following report:

The standing committee on Education to which was referred **H. B. No. 66**-Representative Collier, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: SCHOOL YEAR - DEFINE IN HOURS, NOT DAYS

Representative Setzer moved to amend the title as follows:

Add the names: "Reinhard, Schlichter, Patton, Widowfield, Adams."

ARLENE J. SETZER	JOHN WIDOWFIELD
JOHN SCHLICHTER	STEVE REINHARD
JON M. PETERSON	GERALD L. STEBELTON
THOMAS F. PATTON	CLYDE EVANS
JOHN ADAMS	THOM COLLIER
JEFF WAGNER	SHAWN N. WEBSTER

The following members voted "NO"

BRIAN G. WILLIAMS	MATT LUNDY
STEPHEN DYER	JENNIFER BRADY
TED CELESTE	JENNIFER GARRISON
TRACY HEARD	MARK D. OKEY
CLAYTON LUCKIE	KENNETH A. CARANO
VERNON SYKES	

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

H.B. No. 107 - Representative Patton, et al

TO AUTHORIZE PERSONS 65 YEARS OF AGE OR OLDER WITH LIMITED INCOMES TO HAVE THE TAXES ON THEIR PRIMARY RESIDENCES "FROZEN."

To the committee on Finance and Appropriations

H.B. No. 108 - Representative Patton

TO REQUIRE A COURT TO IMPOSE AN ADDITIONAL COURT COST OF FIVE DOLLARS FOR A MOVING VIOLATION TO FUND GRANTS TO LOCAL DRUG LAW ENFORCEMENT TASK FORCES, TO CREATE THE DRUG LAW ENFORCEMENT FUND IN THE DIVISION OF CRIMINAL JUSTICE SERVICES OF THE DEPARTMENT OF PUBLIC SAFETY, AND TO CREATE THE DRUG LAW ENFORCEMENT FUND ADVISORY COMMITTEE TO MAKE FUNDING RECOMMENDATIONS TO THE DIVISION.

To the committee on Criminal Justice

H.B. No. 109 - Representative Luckie, et al

TO REQUIRE PROOF OF FINANCIAL RESPONSIBILITY TO BE

SUBMITTED AS A CONDITION OF REGISTERING A MOTOR VEHICLE AND OF BEING ISSUED OR RENEWING A DRIVER'S LICENSE.

To the committee on Infrastructure, Homeland Security and Veterans Affairs

H.B. No. 119 - Representative Dolan

TO MAKE OPERATING APPROPRIATIONS FOR THE BIENNIUM BEGINNING JULY 1, 2007 AND ENDING JUNE 30, 2009, AND TO PROVIDE AUTHORIZATION AND CONDITIONS FOR THE OPERATION OF STATE PROGRAMS.

To the committee on Finance and Appropriations

Sub. S.B. No. 4 - Senator Stivers, et al

TO ESTABLISH THE MEDICAID BUY-IN FOR WORKERS WITH DISABILITIES PROGRAM.

To the committee on Finance and Appropriations

Sub. S.B. No. 5 - Senator Carey, et al

TO REVISE THE LAW GOVERNING THE PASSPORT, ASSISTED LIVING MEDICAID WAIVER, AND RESIDENTIAL STATE SUPPLEMENT PROGRAMS AND TO ALLOW FOR THE TRANSFER OF FUNDS FOR THE OPERATION OF THE PROGRAMS AND TO MAKE AN APPROPRIATION.

To the committee on Finance and Appropriations

JON A. HUSTED
LARRY L. FLOWERS
JOYCE BEATTY
CHRIS REDFERN

KEVIN DEWINE
ARLENE J. SETZER
JOSEPH KOZIURA

Representative DeWine 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 Senate 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 and Senate Bills 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 Concurrent Resolutions be introduced and referred to the following committees for consideration:

H. Con. R. No. 10 - Representatives Hagan, R., Foley, Miller, Carano, Yuko, Skindell, Letson, Luckie

TO URGE THE UNITED STATES GOVERNMENT NOT TO ESCALATE ITS INVOLVEMENT OR INCREASE TROOP LEVELS IN IRAQ.

To the committee on State Government and Elections

H. Con. R. No. 11 - Representatives Distel, Foley, Letson, Ujvagi, Brown, Dodd, Stebelton, Yuko, Williams, B., Garrison, Fende, Skindell

TO MEMORIALIZE CONGRESS TO ENACT LEGISLATION PROVIDING FOR THE FUNDING AND IMMEDIATE IMPLEMENTATION OF THE PORTIONS OF THE FARM SECURITY AND RURAL INVESTMENT ACT OF 2002 DEALING WITH COUNTRY OF ORIGIN LABELING.

To the committee on Agriculture and Natural Resources

/s/ JON A. HUSTED

Jon A. Husted, Chair

Representative DeWine moved that the Rules and Reference Committee Report on resolutions be agreed to and that the resolutions contained therein be introduced and referred as recommended.

The motion was agreed to.

Said resolutions were introduced and referred as recommended.

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. 29 - Representative Zehringer

HONORING THE COLDWATER HIGH SCHOOL BOYS BOWLING TEAM AS THE 2007 OHSAA STATE CHAMPION.

H.R. No. 30 - Representative Fessler

HONORING JOSHUA P. ELDRIDGE AS OHIO STATE HIGHWAY PATROL TROOPER OF THE YEAR.

/s/ JOHN A. HUSTED

Jon A. Husted, Chair

Representative DeWine 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 Seitz moved that majority party members asking leave to be absent or absent the week of Tuesday, March 20, 2007, be excused, so long as a written request is on file in the majority leadership offices.

The motion was agreed to.

Representative Driehaus moved that minority party members asking leave to be absent or absent the week of Tuesday, March 20, 2007, 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. 2-Representatives Webster, Garrison, Luckie, Lundy, Dyer, Heard, Brady, Celeste, Adams, Williams, B., Sykes, Okey.

To amend sections 121.03, 3333.01, 3333.021, 3333.03, 3333.04, 3333.041, 3333.042, 3333.043, 3333.044, 3333.045, 3333.046, 3333.047, 3333.05, 3333.06, 3333.07, 3333.071, 3333.072, 3333.08, 3333.09, 3333.10, 3333.11, 3333.12, 3333.121, 3333.122, 3333.123, 3333.13, 3333.14, 3333.15, 3333.16, 3333.161, 3333.162, 3333.17, 3333.18, 3333.19, 3333.20, 3333.21, 3333.22, 3333.23, 3333.25, 3333.26, 3333.27, 3333.28, 3333.29, 3333.31, 3333.35, 3333.36, 3333.37, 3333.372, 3333.373, 3333.374, 3333.375, and 3333.38 and to enact section 3333.031 of the Revised Code 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, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 96, nays 2, as follows:

Those who voted in the affirmative were: Representatives

Adams	Aslanides	Bacon	Barrett
Batchelder	Beatty	Blessing	Bolon
Book	Boyd	Brady	Brinkman
Brown	Bubp	Budish	Carano
Carmichael	Celeste	Chandler	Coley
Collier	Combs	Core	Daniels
DeBose	DeGeeter	DeWine	Distel
Dolan	Domenick	Driehaus	Dyer
Fende	Fessler	Flowers	Foley
Garrison	Gibbs	Goodwin	Goyal
Hagan J.	Hagan R.	Harwood	Healy
Heard	Hite	Hottinger	Huffman
Hughes	Jones	Koziura	Latta
Letson	Luckie	Lundy	Mallory
Mandel	McGregor J.	McGregor R.	Miller
Oelslager	Okey	Otterman	Patton
Peterson	Raussen	Redfern	Reinhard
Sayre	Schindel	Schlichter	Schneider
Seitz	Setzer	Skindell	Stewart D.
Stewart J.	Strahorn	Sykes	Szollosi
Uecker	Ujvagi	Wachtmann	Wagner
Wagoner	Webster	White	Widener
Widowfield	Williams B.	Williams S.	Wolpert
Yates	Yuko	Zehringer	Husted-96.

Representatives Evans and Stibelton voted in the negative-2.

The bill passed.

Representative Webster moved to amend the title as follows:

Add the names: "Bacon, Beatty, Blessing, Bolon, Book, Boyd, Brown, Budish, Carano, Combs, DeBose, DeGeeter, Distel, Domenick, Driehaus, Fende, Flowers, Foley, Gibbs, Hagan, R., Harwood, Hughes, Koziura, Letson, Mallory, McGregor, J., Miller, Oelslager, Otterman, Sayre, Schindel, Stewart, D., Uecker, Ujvagi, White, Williams, S., Wolpert, Yates, Yuko."

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, 30, the Speaker hereby makes the following changes to the Finance and Appropriations committees:

Transportation and Justice Subcommittee: remove Representative Jones; appoint Representative R. McGregor.

Human Services Subcommittee: remove Representative R. McGregor; appoint Representative Jones.

Message from the Senate

Mr. Speaker:

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

Sub. S. B. No. 33 -Senators Schuring, Gardner, Clancy, Padgett, Mumper, Spada, Schaffer, Fedor, Cafaro, Miller, D., Morano, Buehrer, Schuler, Wilson, J.

To amend sections 1701.03, 1705.03, 1705.04, 1705.53, 1785.01, 1785.02, 1785.03, 1785.08, 3715.87, 3715.871, 3715.872, 3715.873, 4723.16, 4725.33, 4729.161, 4731.226, 4731.23, 4731.65, 4732.28, 4734.10, 4734.15, 4734.16, 4734.17, 4734.19, 4734.31, 4734.311, 4734.34, 4734.36, 4734.37, 4734.38, 4734.39, 4734.47, 4734.49, 4734.50, 4734.55, 4734.99, 4755.471, 4762.01, 4762.02, 4762.09, 4762.10, 4762.11, 4762.12, and 4762.18 and to enact sections 4734.141, 4734.142, 4734.211, 4734.28, 4734.281, 4734.282, 4734.283, 4734.284, 4734.285, and 4734.286 of the Revised Code regarding the practice of acupuncture by chiropractors, the State Medical Board's use of private attorneys as temporary hearing examiners, and to modify the immunity from liability that applies under the Drug Repository Program.

Am. S. B. No. 53 -Senators Clancy, Miller, D., Padgett.

To amend section 5122.10 of the Revised Code to permit a licensed

professional clinical counselor to take certain persons into custody and transport those persons to a hospital.

Am. S. B. No. 58 -Senators Coughlin, Mumper, Gardner, Miller, D., Clancy, Cafaro, Carey, Niehaus, Schaffer, Schuler, Spada.

To amend sections 4729.01, 4729.17, and 4729.41 of the Revised Code to modify the authority of pharmacists to administer immunizations and to make changes in certain voting procedures of the State Board of Pharmacy.

Attest:

David A. Battocletti,
Clerk.

Said bills were considered the first time.

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

Attest:

LAURA P. CLEMENS,
Clerk.