

OHIO

House

of

Representatives

JOURNAL

WEDNESDAY, MARCH 28, 2007

THIRTY-SECOND DAY

Hall of the House of Representatives, Columbus, Ohio
Wednesday, March 28, 2007, 1:30 p.m.

The House met pursuant to adjournment.

Prayer was offered by Reverend John Foster from Grove City, 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:

Robin and Curt Steiner, Emily Kruger, Janessa Hill, and Brian Gwin, guests of Representative Carmichael-3rd district.

Phyllis McNabb, a guest of Representative Stewart, D.-25th district.

Laura Meibers and students from St. Catherine of Siena school, guests of Representative Driehaus-31st district.

Kiera Wheeler, Lynzee English, Darryl Smith, and Nate Arnett, guests of Representative Luckie-39th district.

Karen Rogalski, Monica Wolf, Dianne Powers, and Susan Zies, guests of Representatives Ujvagi-47th district, Wagoner-46th district, Brown-48th district, Szollosi-49th district.

Sean Offerdahl and Michelle Adkins, guests of Representative Harwood-65th district.

Erin Dailey, Tara Evans, and Kristin Bierhup, guests of Representative Evans-87th district.

Mary Ann Hupp and Harold Thompson, guests of Representative Garrison-93rd district.

INTRODUCTION OF BILLS

The following bills were introduced:

H. B. No. 136-Representative Raussen.

Cosponsors: Representatives Bulp, Seitz, McGregor, J., Combs, Schneider, Wolpert, Setzer, White, Adams, Collier, Flowers, Fessler, Fende, Wagoner.

To enact section 3318.60 of the Revised Code to permit high-wealth school districts to receive payments for district-directed classroom facilities projects in lieu of participating in other state programs.

H. B. No. 137-Representatives Schneider, Beatty.

Cosponsors: Representatives Combs, Dodd, Peterson, Flowers, Seitz, Webster,

Schindel, Yuko, Bulp, Sykes, McGregor, J., Lundy, Blessing, Chandler, Carano, Oelslager, Skindell, Patton, Hughes, Stebelton, Wagoner.

To amend sections 1739.05 and 1751.01 and to enact section 3923.71 of the Revised Code to require certain health care policies, contracts, agreements, and plans to provide benefits for equipment, supplies, and medication for the diagnosis, treatment, and management of diabetes and for diabetes self-management education.

H. B. No. 138-Representatives Foley, Blessing.

Cosponsors: Representatives Domenick, Skindell, Hagan, R., McGregor, J., Ujvagi, Budish, Lundy, Stebelton, Raussen, Yuko, DeGeeter, Collier, Combs, Letson, Luckie, Harwood, Strahorn, Stewart, D., Driehaus, White, Garrison, Miller, Bolon, Brady, Boyd, Seitz.

To amend sections 323.25, 323.28, 2303.11, 2323.07, 2327.01, 2327.02, 2329.17, 2329.18, 2329.19, 2329.26, 2329.27, 2329.31, 2329.36, 5309.64, 5721.18, 5721.19, and 5723.01 and to enact section 2329.271 of the Revised Code to require purchasers of real property at a judicial sale to provide certain identifying information, to allow municipal corporations to conduct inspections of property subject to a writ of execution, to require judicial sales to be confirmed within thirty days of sale, to require officers who sell real property at a judicial sale to file a deed within fourteen days of confirmation, to authorize courts and county boards of revision to transfer certain tax delinquent lands subject to judicial foreclosure without appraisal or sale, to permit a summary property description to be read at a judicial sale, and to offer property that did not sell at a judicial sale to a political subdivision before forfeiture to the state.

H. B. No. 139-Representative Skindell.

Cosponsors: Representatives Foley, Domenick, Hagan, R., Fende, Williams, S., Koziura, Hughes, Raussen, Luckie, Letson, DeGeeter, Harwood, Williams, B., Hottinger, McGregor, J., Chandler, Stewart, D., Strahorn, Miller, Lundy, Bolon, Brady, Brown.

To amend section 2717.01 of the Revised Code to prohibit a court from ordering a statutory change of name for a person who has committed identity fraud or who must register under the SORN Law for having committed a sexually oriented offense or child-victim oriented offense.

Said bills were considered the first time.

REPORTS OF CONFERENCE COMMITTEES

Representative Dolan submitted the following report:

The Committee of Conference, to which the matters of difference between the two houses were referred on Sub. H.B. 67, Representative Patton - et al., having had the same under consideration, recommends to the respective houses as follows:

The bill as passed by the Senate with the following amendments:

In line 21, delete the first "and"; after "5735.05" insert ", and 5751.032"

In line 82, delete " its" and insert " the"; after " activities" insert " of the deputy inspector general"

Between lines 3332 and 3333, insert:

Sec. 5751.032. (A) As used in this section:

(1) "CAT" refers to the tax levied by this chapter.

(2) "CAT collected" means, with regard to a CAT test period, the net amount of CAT, exclusive of registration fees, received in the period after subtracting any CAT refunded in the period.

(3) "First CAT test period" means the twenty-four month period beginning July 1, 2005, and ending June 30, 2007.

(4) "Second CAT test period" means the twelve-month period beginning July 1, 2008, and ending June 30, 2009.

(5) "Third CAT test period" means the twelve-month period beginning July 1, 2010, and ending June 30, 2011.

(B) Not later than the last day of September immediately following the end of each CAT test period, the tax commissioner shall compute the amount of CAT collected during that test period. If the amount is ~~less than ninety per cent~~ ~~or~~ greater than one hundred ten per cent of the prescribed CAT collections for that period, the commissioner shall proceed as provided in ~~division~~ divisions (C) ~~or and~~ (D) of this section, ~~as applicable~~. For the purposes of division (B) of this section, the prescribed CAT collections for the CAT test periods are as follows:

(1) For the first CAT test period, eight hundred fifteen million dollars;

(2) For the second CAT test period, one billion one hundred ninety million dollars less any amount credited to the commercial activity tax ~~reduction~~ refund fund with regard to the first CAT test period;

(3) For the third CAT test period, one billion six hundred ten million dollars less any amount credited to the commercial activity tax ~~reduction~~ refund fund with regard to the second CAT test period.

(C)(1) ~~If the amount of CAT collected during a CAT test period is less~~

~~than ninety per cent of the prescribed CAT collections for that test period, the tax commissioner shall determine a new tax rate equal to the tax rate that would have yielded the prescribed CAT collections during that test period. The tax rate shall be the rate that would have to be imposed under division (A) of section 5751.03 of the Revised Code before any applicable phase-in percentages under section 5751.031 of the Revised Code or otherwise provided by law to yield the prescribed CAT collection after applying any applicable phase-in percentages.~~

(2) If the amount of CAT collected during a CAT test period exceeds one hundred ten per cent of the prescribed CAT collections for that test period, the tax commissioner shall determine a new tax rate equal to the tax rate that would have yielded the prescribed CAT collections during that test period less one-half of the amount of the excess that was certified to the director of budget and management for the test period under division (D) of this section. The tax rate shall be the rate that would have to be imposed under division (A) of section 5751.03 of the Revised Code before any applicable phase-in percentages under section 5751.031 of the Revised Code or otherwise provided by law to yield the prescribed CAT collection after applying any applicable phase-in percentages.

(3) (2) A new tax rate computed under division (C)(1) ~~or (2)~~ of this section shall be expressed as a number of mills per dollar, rounded to the nearest one-hundredth of one mill. The rate shall be rounded upward by one-hundredth of one mill only if the next decimal digit is five or more.

(4) (3) Not later than the last day of September following the end of the CAT test period on the basis of which a new tax rate is computed, the tax commissioner shall certify the new tax rate to the governor, the president of the senate, the speaker of the house of representatives, and all other members of the general assembly. The commissioner shall publish the new tax rate by journal entry and provide notice of the new tax rate to taxpayers. The new tax rate shall be the rate imposed under division (A) of section 5751.03 of the Revised Code beginning with the ensuing calendar year, and is subject to any applicable phase-in percentages provided for under section 5751.031 of the Revised Code.

(D) If the amount of CAT collected during a CAT test period exceeds one hundred ten per cent of the prescribed CAT collections for that test period, the tax commissioner shall certify the excess amount to the director of budget and management not later than the last day of September immediately following the end of that test period. The director shall forthwith transfer from the general revenue fund one-half of the amount of the excess so certified to the commercial activity tax refund fund, which is hereby created in the state treasury, and the remaining one-half of the amount of the excess to the budget stabilization fund. All money credited to the commercial activity tax refund fund shall be applied to reimburse the general revenue fund, school district tangible property tax replacement fund, and local government tangible property tax replacement fund for the diminution in revenue caused by the credit provided under division (D) of section 5751.03 of the Revised Code. On or before the last day of May, August, and October of the calendar year that begins after the end of the test period, and on or before the last day of February of the following calendar year, the director

of budget and management shall transfer one-fourth of the amount that had been transferred to the commercial activity tax refund fund to each of those funds in the proportions specified under division (B) of section 5751.21 of the Revised Code.

In the calendar year that begins immediately after the year in which a transfer is made to the commercial activity tax refund fund, the tax commissioner shall compute the amount to be credited, under division (D) of section 5751.03 of the Revised Code, to each taxpayer that paid in full the tax imposed under this chapter for the calendar year in which the transfer was made. The credit allowed to each such taxpayer shall equal the amount transferred to the commercial activity tax refund fund multiplied by a fraction, the numerator of which is the amount of tax paid by that taxpayer for that calendar year and the denominator of which is the total of the taxes paid by all such taxpayers for which the credit is allowed. The credit applies only to the calendar year that begins immediately after the year in which a transfer is made to the commercial activity tax refund fund under this division.

(E) It is the intent of the General Assembly to conduct a review of the prescribed CAT collections and rate adjustments provided for under divisions (A) to (D) of this section every two years in conjunction with its biennial budget deliberations, and to establish lower prescribed CAT collections or reduce the rate of tax levied under this chapter on the basis of the following three factors:

- (1) The revenue yield of the tax;
- (2) The condition of the Ohio economy;
- (3) Savings realized by ongoing reform to medicaid and other policy initiatives."

In line 3337, delete "and"; after "5735.05" insert ", and 5751.032"

In line 3865, delete "\$128,814,282" and insert "\$129,178,282"

In line 4127, delete "State" and insert "United States"

In line 4167, strike through "twenty-four"

In line 4673, after "The" insert "sections and"

In line 4674, after "any" insert "section or"

In line 4675, after the second "any" insert "section or"

In line 4676, after "other" insert "sections or"

In line 4678, after "invalid" insert "section or"

In line 4732, delete "not"

In line 6 of the title, delete "and"; after "5735.05" insert ", and 5751.032"

In line 14 of the title, delete everything after "to"

Delete line 15 of the title

In line 16 of the title, delete "purposes" and insert "make appropriations for programs related to transportation and public safety for the biennium beginning July 1, 2007, and ending June 30, 2009, and to provide authorization and conditions for the operation of those programs"

Managers on the Part of the House of Representatives

Managers on the Part of the Senate

/S/ MATTHEW J. DOLAN
MATTHEW J. DOLAN

/S/ PATRICIA CLANCY
PATRICIA CLANCY

/S/ THOMAS PATTON
THOMAS PATTON

/S/ JOHN A. CAREY, JR.
JOHN A. CAREY, JR.

/S/ CAPRI S. CAFARO
CAPRI S. CAFARO

Robert F. Hagan

The question being, "Shall the report of the committee of Conference be agreed to?"

The yeas and nays were taken and resulted - yeas 97, nays 0, as follows:

Those who voted in the affirmative were: Representatives

- | | | | |
|------------|-------------|-------------|-------------|
| Adams | Aslanides | Bacon | Barrett |
| Batchelder | Beatty | Blessing | Bolon |
| Book | Boyd | Brady | Brown |
| Bubp | Budish | Carano | Carmichael |
| Celeste | Chandler | Coley | Collier |
| Combs | Core | Daniels | DeBose |
| DeGeeter | DeWine | Distel | Dodd |
| Dolan | Domenick | Driehaus | Dyer |
| Evans | Fende | Fessler | Flowers |
| Foley | Garrison | Gibbs | Goodwin |
| Goyal | Hagan J. | Hagan R. | Harwood |
| Heard | Hite | Hottinger | Huffman |
| Hughes | Jones | Koziura | Latta |
| Letson | Luckie | Lundy | Mallory |
| Mandel | McGregor J. | McGregor R. | Miller |
| Oelslager | Okey | Otterman | Patton |
| Peterson | Rausen | Redfern | Reinhard |
| Sayre | Schindel | Schlichter | Schneider |
| Seitz | Setzer | Skindell | Stebelton |
| 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-97. |

The report of the committee of Conference was agreed to.

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

H.B. No. 120 - Representative Latta

TO ELIMINATE UNNECESSARY AND INCONSISTENT LANGUAGE MISTAKENLY RETAINED BY SUB. H.B. 241 OF THE 126TH GENERAL ASSEMBLY AND TO DECLARE AN EMERGENCY.

To the committee on Criminal Justice

H.B. No. 121 - Representative Setzer, et al

TO EXEMPT FROM THE SALES TAX SALES OF MOTOR VEHICLES USED EXCLUSIVELY FOR VANPOOL RIDESHARING ARRANGEMENTS.

To the committee on Ways and Means

H.B. No. 122 - Representative Ujvagi, et al

TO ALLOW AN AUTHORIZED PERSON TO OBTAIN ONE COPY OF A PATIENT'S MEDICAL RECORD WITHOUT CHARGE.

To the committee on Health

H.B. No. 123 - Representative Collier

TO PROHIBIT THE LEVYING OF AN ASSESSMENT BY THE BOARD OF DIRECTORS OF A CONSERVANCY DISTRICT ON LAND THAT IS OWNED BY A CHURCH WITHIN THE DISTRICT UNLESS THE GOVERNING AUTHORITY OF THE CHURCH REQUESTS THAT THE CHURCH'S LAND BE SUBJECT TO THE ASSESSMENT.

To the committee on Economic Development and Environment

H.B. No. 124 - Representative Evans TO ESTABLISH "OHIO'S HORSE" LICENSE PLATES AND TO PROVIDE THAT MONEY FROM THE CONTRIBUTIONS FOR THE LICENSE PLATES BE PAID TO THE OHIO COALITION FOR ANIMALS, INCORPORATED.

To the committee on Infrastructure, Homeland Security and Veterans Affairs

H.B. No. 135 - Representative DeWine

TO TRANSFER THE OFFICE OF INFORMATION TECHNOLOGY FROM THE DEPARTMENT OF ADMINISTRATIVE SERVICES TO THE OFFICE OF BUDGET MANAGEMENT AND TO MAKE THE STATE CHIEF INFORMATION OFFICER RATHER THAN THE DIRECTOR OF ADMINISTRATIVE SERVICES RESPONSIBLE FOR PURCHASING TECHNOLOGY SOLUTIONS.

To the committee on State Government and Elections

Sub. S.B. No. 33 - Senator Schuring, et al

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.

To the committee on Health

Am. S.B. No. 53 - Senator Clancy, et al

TO PERMIT A LICENSED PROFESSIONAL CLINICAL COUNSELOR TO TAKE CERTAIN PERSONS INTO CUSTODY AND TRANSPORT THOSE PERSONS TO A HOSPITAL.

To the committee on Health

Am. S.B. No. 58 - Senator Coughlin, et al

TO MODIFY THE AUTHORITY OF PHARMACISTS TO ADMINISTER IMMUNIZATIONS AND TO MAKE CHANGES IN CERTAIN VOTING PROCEDURES OF THE STATE BOARD OF PHARMACY.

To the committee on Health

S.B. No. 20 - Senator Clancy, et al

TO INCREASE THE INCOME TAX ADOPTION CREDIT FROM \$500 PER CHILD TO \$1,500.

To the committee on Ways and Means

S.B. No. 40 - Senator Schuler, et al

TO DESIGNATE OCTOBER AS "GERMAN HERITAGE MONTH."

To the committee on State Government and Elections

Sub. S.B. No. 80 - Senator Spada, et al

TO REQUIRE THE DEPARTMENT OF DEVELOPMENT TO ESTABLISH ONE NEW FOREIGN TRADE OFFICE IN INDIA AND ONE NEW FOREIGN TRADE OFFICE IN CHINA IN FISCAL YEAR 2008.

To the committee on Finance and Appropriations

JON A. HUSTED
LARRY L. FLOWERS
JOSEPH KOZIURA

KEVIN DEWINE
ARLENE J. SETZER
CHRIS REDFERN

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 Seitz moved that majority party members asking leave to be absent or absent the week of Tuesday, March 27, 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 27, 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. R. No. 22-Representatives Bulp, Adams, Book, Carano, Chandler, Dodd, Evans, Fende, Harwood, Hottinger, Latta, Seitz, Setzer, Uecker, Hite, Brown, Domenick, Flowers, Schneider, Sykes.

To urge the National Park Service in the United States Department of the Interior to include the Fort Ancient Earthworks, the Newark Earthworks, the Hopewell Culture National Historical Park, SunWatch Indian Village and Archaeological Park, and Serpent Mound on the United States World Heritage Tentative List to be submitted to the United Nations for inclusion on the World Heritage List, was taken up for consideration the third time.

The question being, "Shall the resolution be adopted?"

Representative Bulp moved to amend the title as follows:

Add the names: "Bacon, Blessing, Budish, Celeste, Combs, Daniels, DeBose, Goodwin, Goyal, Hagan, R., Heard, Hughes, Jones, Letson, Luckie, Mallory, McGregor, J., Miller, Oelslager, Patton, Schlichter, Stebelton, Stewart, D., Wachtmann, Wagoner, Wolpert, Yates, Yuko, Zehringer."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

The question being, "Shall the resolution be adopted?"

The yeas and nays were taken and resulted - yeas 96, nays 1, as follows:

Those who voted in the affirmative were: Representatives

Adams	Aslanides	Bacon	Barrett
Batchelder	Beatty	Blessing	Bolon
Book	Boyd	Brady	Brown
Bulp	Budish	Carano	Carmichael
Celeste	Chandler	Coley	Collier
Combs	Core	Daniels	DeBose
DeGeeter	DeWine	Distel	Dodd

Dolan	Domenick	Driehaus	Dyer
Evans	Fende	Flowers	Foley
Garrison	Gibbs	Goodwin	Goyal
Hagan J.	Hagan R.	Harwood	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	Stebelton	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.

Representative Fessler voted in the negative-1.

The resolution was adopted.

On motion of Representative DeWine, the House adjourned until Thursday, March 29, 2007, 11:00 o'clock a.m.

Attest:

LAURA P. CLEMENS,
Clerk.