

OHIO

House

of

Representatives

JOURNAL

CORRECTED VERSION
TUESDAY, APRIL 8, 2008

ONE HUNDRED FIFTY-SIXTH DAY
Hall of the House of Representatives, Columbus, Ohio
Tuesday, April 8, 2008, 11:00 o'clock a.m.

The House met pursuant to adjournment.

Prayer was offered by Rabbi Sharon Mars of Columbus, Ohio, 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 Archbishop Alter High School girls basketball team received H.R. 155, presented by Speaker Husted-37th district.

The Press Club of Toledo, guests of Representatives Brown-48th district, Szollosi-49th district, Sears-46th district, Gardner-6th district.

Bill McGowan, father-in-law, Melissa and Logan Dyer, wife and son of Representative Dyer-43rd district.

Butler County Woman's Republican Club, guests of Representatives Coley-55th district, Combs-54th district, Webster-53rd district.

Fifth grade students from Lincoln Elementary School, guests of Representative R. McGregor-72nd district.

INTRODUCTION OF BILLS

The following bills were introduced:

H. B. No. 529-Representative Wachtmann.

Cosponsors: Representatives Goodwin, Gardner, Wagner, Sears, Combs, Uecker, Flowers, McGregor, J., Evans, Zehringer, McGregor, R., Hite, Strahorn, Stebelton, Mecklenborg.

To amend sections 124.04, 313.13, 313.23, 313.30, 2105.35, 2108.09, 2108.11, 2108.15, 2108.17, 2108.18, 2108.19, 2108.20, 2108.21, 2108.30, 2108.78, 2108.99, 2133.07, 2133.16, 3301.07, 4501.024, 4503.721, 4506.07, 4506.081, 4506.11, 4507.06, 4507.231, 4507.501, 4507.51, 4508.021, and 4717.17, to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 2108.09 (2108.02), 2108.11 (2108.30), 2108.15 (2108.34), 2108.17 (2108.35), 2108.18 (2108.23), 2108.19 (2108.32), 2108.20 (2108.33), 2108.21 (2108.31), and 2108.30 (2108.40), to enact new sections 2108.01, 2108.03, 2108.04, 2108.05, 2108.06, 2108.07, 2108.08, 2108.09, 2108.10, 2108.11, 2108.12, 2108.15, 2108.17, 2108.18, 2108.19, 2108.20, and 2108.21, and sections 2108.13, 2108.14, 2108.16, 2108.22, 2108.23, 2108.24, 2108.25, 2108.26, 2108.27, and 2108.28 and to repeal

sections 2108.01, 2108.02, 2108.021, 2108.03, 2108.04, 2108.05, 2108.06, 2108.07, 2108.071, 2108.08, 2108.10, 2108.101, 2108.12, 2108.53, and 2108.60 of the Revised Code to adopt the Revised Uniform Anatomical Gift Act.

H. B. No. 530-Representatives Hottinger, Dodd.

Cosponsors: Representatives Huffman, Budish, Harwood, Lundy, Slesnick, Newcomb, Dyer, DeGeeter, Book, Barrett, Domenick, Stebelton.

To amend section 135.63 and to enact sections 135.101, 135.102, 135.103, 135.104, 135.105, and 135.106 of the Revised Code to authorize the Treasurer of State to administer a linked deposit program designed to encourage personal savings and promote personal financial education.

Said bills were considered the first time.

CONSIDERATION OF SENATE AMENDMENTS

The Senate amendments to **Sub. H. B. No. 289**-Representative Core, et al., were taken up for consideration.

Sub. H. B. No. 289-Representative Core.

Cosponsors: Representatives Distel, Hite, Gibbs, Sayre, Zehringer, Reinhard, Batchelder, Chandler, Collier, Combs, Daniels, Domenick, Dyer, Evans, Flowers, Goodwin, Huffman, Hughes, Luckie, Mallory, McGregor, J., Otterman, Patton, Schneider, Setzer, Webster. Senators Mumper, Padgett, Carey, Buehrer, Faber, Fedor, Niehaus, Seitz, Harris.

To amend sections 931.02, 931.03, 931.04, 931.99, 5709.28, and 5713.08 of the Revised Code to make changes to the law governing agricultural security areas.

The question being, "Shall the Senate amendments be concurred in?"

The yeas and nays were taken and resulted - yeas 94, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Adams	Aslanides	Bacon	Barrett
Batchelder	Beatty	Blessing	Bolon
Book	Boyd	Brady	Brinkman
Brown	Budish	Carmichael	Celeste
Chandler	Coley	Collier	Combs
Core	Daniels	DeBose	DeWine
Dodd	Dolan	Domenick	Driehaus
Dyer	Evans	Fende	Flowers
Foley	Gardner	Garrison	Gerberry
Gibbs	Goodwin	Goyal	Hagan J.
Hagan R.	Harwood	Heard	Hite
Hottinger	Huffman	Hughes	Jones

Koziura	Letson	Luckie	Lundy
Mallory	McGregor J.	McGregor R.	Mecklenborg
Miller	Newcomb	Oelslager	Okey
Otterman J.	Patton	Peterson	Rausen
Redfern	Reinhard	Sayre	Schindel
Schlichter	Schneider	Sears	Setzer
Skindell	Slesnick	Stebelton	Stewart D.
Stewart J.	Strahorn	Sykes	Szollosi
Uecker	Wachtmann	Wagner	Webster
White	Widener	Widowfield	Williams B.
Williams S.	Wolpert	Yates	Yuko
Zehringer			Husted-94.

The Senate amendments were concurred in.

REPORTS OF STANDING AND SELECT COMMITTEES AND BILLS FOR SECOND CONSIDERATION

Representative DeGeeter submitted the following report:

The standing committee on Criminal Justice to which was referred **H. B. No. 130**-Representatives White, Yates, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: CRIMINALS-PUNISHMENT/POST-RELEASE CONTROL -
MODIFICATIONS

LOUIS W. BLESSING	JOSEPH W. UECKER
JON M. PETERSON	JIM HUGHES
BARBARA R. SEARS	TYRONE K. YATES
KENNY YUKO	TRACY HEARD
TIMOTHY J. DEGEETER	DALE MALLORY
JIM CARMICHAEL	ANTHONY CORE
JOHN J. WHITE	STEPHEN DYER

The report was agreed to.

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

Representative DeGeeter submitted the following report:

The standing committee on Criminal Justice to which was referred **H. B. No. 215**-Representative Collier, et al., having had the same under consideration, reports it back with the following amendment and recommends its passage when so amended.

RE: CONTROLLED SUBSTANCES - INCLUDE SALVIA
DIVINORUM

Representative Core moved to amend as follows:

In line 203, after "divinorum" insert " ;

(34) Salvinorin A"

The motion was agreed to and the bill so amended.

LOUIS W. BLESSING	JOSEPH W. UECKER
JON M. PETERSON	BARBARA R. SEARS
JOHN J. WHITE	TYRONE K. YATES
KENNY YUKO	TRACY HEARD
TIMOTHY J. DEGEETER	DALE MALLORY
JIM CARMICHAEL	JIM HUGHES
ANTHONY CORE	STEPHEN DYER

The report was agreed to.

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

Representative DeGeeter submitted the following report:

The standing committee on Criminal Justice to which was referred **S. B. No. 219**-Senator Schuring, et al., having had the same under consideration, reports it back and recommends its passage.

RE: COORDINATES STATUTE OF LIMINATION - MISCONDUCT
IN OFFICE/RELATED OFFENSE

Representative White moved to amend the title as follows:

Add the name: "Hughes."

LOUIS W. BLESSING	JOSEPH W. UECKER
JON M. PETERSON	JIM CARMICHAEL
BARBARA R. SEARS	JOHN J. WHITE
TYRONE K. YATES	KENNY YUKO
TRACY HEARD	TIMOTHY J. DEGEETER
DALE MALLORY	STEPHEN DYER
JIM HUGHES	ANTHONY CORE

The report was agreed to.

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

BILLS FOR THIRD CONSIDERATION

Sub. H. B. No. 327-Representative McGregor, J.

Cosponsors: Representatives Skindell, Webster, Daniels, Flowers.

To amend sections 133.01, 3701.15, 3707.01, 3709.01, 3709.05, 3709.081, 3709.11, 3709.14, 3709.15, 3709.28, 3709.29, 3709.34, and 5705.01; to enact new section 3709.08 and sections 319.282, 3701.36, and 3709.092; and to

repeal section 3709.08 of the Revised Code with regard to boards of health of city and general health districts, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 92, nays 2, as follows:

Those who voted in the affirmative were: Representatives

Adams	Aslanides	Bacon	Barrett
Batchelder	Beatty	Blessing	Bolon
Book	Boyd	Brady	Brown
Budish	Carmichael	Celeste	Chandler
Coley	Collier	Combs	Core
Daniels	DeBose	DeWine	Dodd
Dolan	Domenick	Driehaus	Dyer
Evans	Fende	Flowers	Foley
Gardner	Garrison	Gerberry	Gibbs
Goodwin	Goyal	Hagan J.	Hagan R.
Harwood	Heard	Hite	Hottinger
Huffman	Hughes	Jones	Koziura
Letson	Luckie	Lundy	Mallory
McGregor J.	McGregor R.	Mecklenborg	Miller
Newcomb	Oelslager	Okey	Otterman J.
Patton	Peterson	Rausen	Redfern
Reinhard	Sayre	Schindel	Schlichter
Schneider	Sears	Setzer	Skindell
Slesnick	Stebelton	Stewart D.	Stewart J.
Strahorn	Sykes	Szollosi	Uecker
Wagner	Webster	White	Widener
Widowfield	Williams B.	Williams S.	Wolpert
Yates	Yuko	Zehringer	Husted-92.

Representatives Brinkman and Wachtmann voted in the negative-2.

The bill passed.

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

Add the names: "Bolon, Boyd, Chandler, DeBose, Domenick, Driehaus, Harwood, Letson, Newcomb, Stewart, D.."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Representative DeWine moved that House Rule 66, pertaining to bills being placed on the calendar, be suspended and that **Am. S. B. No. 192**-Senator Gardner, et al. be taken up for immediate consideration the third time.

The motion was agreed to without objection.

Am. S. B. No. 192-Senator Gardner.

Cosponsors: Senators Carey, Niehaus, Coughlin, Harris, Spada.

Representatives Chandler, Wolpert, Combs, McGregor, J.

To amend sections 3703.01, 3703.08, and 3781.03 of the Revised Code to permit the board of health of a health district to enter into a contract with a board of county commissioners to authorize the county building department to inspect plumbing in any type of building for which the county department is certified and to permit the board of health of a health district to enter into a contract with the board of health of another health district for the inspection of plumbing within the first board's district, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Flowers moved to amend as follows:

After line 193, insert:

"Section 3. Notwithstanding any provision of law to the contrary, on the effective date of this section, the Treasurer of State shall liquidate the Tobacco Use Prevention and Control Foundation Endowment Fund created by section 183.08 of the Revised Code in a prudent manner. The first \$40 million in proceeds from liquidation shall be held in the custody of the Treasurer of State, but shall not be part of the state treasury. Those moneys shall be made available to the Tobacco Use Prevention and Control Foundation for the sole purpose of paying contractual or other legally binding obligations that were entered into by the Foundation on or before the effective date of this section. The Treasurer of State shall deposit the remaining proceeds from liquidation into the state treasury to the credit of the Jobs Fund (Fund 5Z30), which is hereby created.

Section 4. This act is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety. The reason for such necessity is to promote public health and safety by increasing the efficiency of plumbing inspection procedures under county government as well as to minimize the impact of current economic stresses by using state funds in a prudent manner to increase employment and job security. Therefore, this act shall go into immediate effect."

In line 7 of the title, delete "and" and insert a comma

In line 11 of the title, after "district" insert ", to require the Treasurer of State to liquidate the Tobacco Use Prevention and Control Foundation Endowment Fund in a prudent manner, to create the Jobs Fund, and to declare an emergency"

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

The yeas and nays were taken and resulted - yeas 88, nays 6, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Bacon	Barrett	Beatty
Blessing	Bolon	Book	Boyd
Brady	Brown	Budish	Carmichael
Celeste	Chandler	Coley	Collier

Combs	Core	Daniels	DeBose
DeWine	Dodd	Dolan	Domenick
Driehaus	Dyer	Evans	Fende
Flowers	Foley	Gardner	Garrison
Gerberry	Gibbs	Goodwin	Goyal
Hagan J.	Hagan R.	Harwood	Heard
Hite	Hottinger	Huffman	Hughes
Jones	Koziura	Letson	Luckie
Lundy	Mallory	McGregor J.	McGregor R.
Mecklenborg	Miller	Newcomb	Oelslager
Okey	Otterman J.	Patton	Raussen
Redfern	Reinhard	Sayre	Schindel
Schlichter	Schneider	Sears	Setzer
Skindell	Slesnick	Stewart D.	Stewart J.
Strahorn	Sykes	Szollosi	Uecker
Wagner	Webster	White	Widener
Widowfield	Williams B.	Williams S.	Wolpert
Yates	Yuko	Zehringer	Husted-88.

Representatives Adams, Batchelder, Brinkman, Peterson, Stebelton, and Wachtmann voted in the negative-6.

The motion was agreed to and the bill so amended.

The question being, "Shall the emergency clause stand as part of the bill?"

The yeas and nays were taken and resulted - yeas 89, nays 5, as follows:

Those who voted in the affirmative were: Representatives

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

Representatives Adams, Batchelder, Brinkman, Stebelton, and Wachtmann voted in the negative-5.

Having received a constitutional majority, the emergency clause stood as part of the bill.

The question being, "Shall the bill pass as an emergency measure?"

The yeas and nays were taken and resulted - yeas 89, nays 5, as follows:

Those who voted in the affirmative were: Representatives

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

Representatives Adams, Batchelder, Brinkman, Stebelton, and Wachtmann voted in the negative-5.

Having received the required constitutional majority, the bill passed as an emergency measure.

Representative Gardner moved to amend the title as follows:

Add the name: "Flowers."

Remove the name: "Chandler."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Message from the Speaker

The Speaker of the House of Representatives, on April 3, 2008, signed the following:

Am. Sub. H. B. No. 429 - Representative Gibbs - et al.

On motion of Representative DeWine, the House adjourned until Wednesday, April 9, 2008 at 1:30 p.m.

Attest:

LAURA P. CLEMENS,
Clerk.