

OHIO

House

of

Representatives

JOURNAL

TUESDAY, APRIL 15, 2008

ONE HUNDRED SIXTIETH DAY
Hall of the House of Representatives, Columbus, Ohio
Tuesday, April 15, 2008, 11:00 o'clock a.m.

The House met pursuant to adjournment.

Prayer was offered by Father Mike Lumpe of St. Catherine's Church Columbus, 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:

Hunter Stieber, Cam Tessari, Logan Stieber, Chris Phillips received House Resolutions 158, 159, 160, and 161, respectively, presented by Representative Barrett-58th district.

The Athens High School Hockey Club received H. R. No. 173, presented by Representative J. Stewart-92nd district.

The Lima Central Catholic High School girls volleyball team received H. R. 150, presented by Representative Huffman-4th district.

The Mount Notre Dame High School girls basketball team received H. R. 168, presented by Representatives Raussen-28th district, Yates-33rd district, Schneider-35th district, Coley-55th district, Combs-54th district, and Mallory-32nd district.

Students from the Michael R. White School, guests of Representative Miller-10th district.

Peter Stautburg, a guest of Representative Brinkman-34th district.

Gloria Harms and student seniors from Akron Public Schools, guests of Representative B. Williams-41st district.

Tyler Palmer, a guest of Representative Barrett-58th district.

Home-schooled students from Champaign County, guests of Representative Adams-78th district.

Students from Vanguard Sentinel School, guests of Representative Wagner-81st district.

Jeff McClain, a guest of Representative Reinhard-82nd district.

Allen and Shelly Bush, guests of Representative Collier-90th district.

INTRODUCTION OF BILLS

The following bill was introduced:

H. B. No. 537-Representative Oelslager.

Cosponsors: Representatives McGregor, J., Hughes, Evans, Stebelton, Skindell, Huffman, Okey, Letson, Yuko, DeGeeter.

To amend section 2701.10 of the Revised Code to permit a civil action referred to a retired judge for consideration and adjudication to be tried and determined by a jury presided over by the retired judge.

Said bill was considered the first time.

REPORTS OF STANDING AND SELECT COMMITTEES AND BILLS FOR SECOND CONSIDERATION

Representative Jones submitted the following report:

The standing committee on Public Utilities to which was referred **Sub. S. B. No. 221**-Senators Schuler (By Request), et. al, having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: REVISE STATE ENERGY POLICY

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

Add the names: "Representatives Hagan, J., Blessing, Coley, Jones, Uecker."

JIM CARMICHAEL
CHRIS WIDENER
DAVID DANIELS
SHANNON JONES
KEVIN BACON
JOHN P. HAGAN

JAY HOTTINGER
LOUIS W. BLESSING
BILL COLEY
WILLIAM G. BATCHELDER
JOSEPH W. UECKER

The report was agreed to.

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

Representative Beatty reported for the Rules and Reference Committee recommending that the following House Bills and Senate Bill be considered for the second time and referred to the following committees for consideration:

H.B. No. 531 - Representative Goyal, et al

TO EXPAND THE LAW GOVERNING THE ABATEMENT OF PUBLIC NUISANCES TO BUILDINGS NOT OCCUPIED BY AN OWNER AS A PRIMARY RESIDENCE WITH THREE OR FEWER RESIDENTIAL UNITS AND TO VACANT LAND AND TO MAKE THE TITLE IN PROPERTY SOLD BY COURT ORDER PURSUANT TO A PUBLIC NUISANCE ACTION FREE AND CLEAR OF MOST LIENS AND ENCUMBRANCES.

To the committee on Civil and Commercial Law

H.B. No. 532 - Representative Miller, et al

TO CREATE THE XERODERMA PIGMENTOSUM RESEARCH COMMISSION. To the committee on Health

H.B. No. 533 - Representative Yuko, et al

TO ABOLISH THE CRIMINAL PENALTY FOR SENDING AN UNWANTED FACSIMILE ADVERTISEMENT TO A BUSINESS ENTITY, AND TO ESTABLISH THAT A PERSON MAY RECOVER ONE THOUSAND DOLLARS IN A CIVIL ACTION FOR SUCH A VIOLATION.

To the committee on Civil and Commercial Law

H.B. No. 536 - By Initiative

TO ENACT THE HEALTHY FAMILIES ACT.

To the committee on Commerce and Labor

Sub. S.B. No. 147 - Senator Faber, et al

TO PERMIT THE DEPARTMENT OF REHABILITATION AND CORRECTION TO RECRUIT NURSES AND DENTISTS THROUGH A LOAN REPAYMENT PROGRAM.

To the committee on Health

JON A. HUSTED
LARRY L. FLOWERS
JOYCE BEATTY

JIM CARMICHAEL
LARRY L. WOLPERT

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 the Senate Bill 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 the Senate Bill were considered the second time and referred as recommended.

MOTIONS AND RESOLUTIONS

Representative Beatty reported for the Rules and Reference Committee recommending that the following House Resolutions be read by title only and approved:

H.R. No. 174 – Speaker Husted, Representatives Beatty, Adams, Aslanides, Bacon, Barrett, Batchelder, Blessing, Bolon, Book, Boyd, Brady, Brinkman, Brown, Bulp, Budish, Carmichael, Celeste, Chandler, Coley, Collier, Combs, Core, Daniels, DeBose, DeGeeter, DeWine, Dodd, Dolan, Domenick, Driehaus, Dyer, Evans, Fende, Fessler, Flowers, Foley, Gardner, Garrison, Gerberry, Gibbs, Goodwin, Goyal, Hagan, J., Hagan,

R., Harwood, Heard, Hite, Hottinger, Huffman, Hughes, Jones, Koziura, Letson, Luckie, Lundy, Mallory, Mandel, McGregor, J., McGregor, R., Mecklenborg, Miller, Newcomb, Oelslager, Okey, Otterman, J., Patton, Peterson, Raussen, Redfern, Reinhard, Sayre, Schindel, Schlichter, Schneider, Sears, Setzer, Skindell, Slesnick, Stebelton, Stewart, D., Stewart, J., Strahorn, Sykes, Szollosi, Uecker, Ujvagi, Wachtmann, Wagner, Webster, White, Widener, Widowfield, Williams, B., Williams, S., Wolpert, Yates, Yuko, Zehringer

RECOGNIZING NATIONAL REHABILITATION COUNSELORS
APPRECIATION DAY IN OHIO, MARCH 22, 2008.

H.R. No. 175 – Speaker Husted, Representatives Beatty, Adams, Aslanides, Bacon, Barrett, Batchelder, Blessing, Bolon, Book, Boyd, Brady, Brinkman, Brown, Bubb, Budish, Carmichael, Celeste, Chandler, Coley, Collier, Combs, Core, Daniels, DeBose, DeGeeter, DeWine, Dodd, Dolan, Domenick, Driehaus, Dyer, Evans, Fende, Fessler, Flowers, Foley, Gardner, Garrison, Gerberry, Gibbs, Goodwin, Goyal, Hagan, J., Hagan, R., Harwood, Heard, Hite, Hottinger, Huffman, Hughes, Jones, Koziura, Letson, Luckie, Lundy, Mallory, Mandel, McGregor, J., McGregor, R., Mecklenborg, Miller, Newcomb, Oelslager, Okey, Otterman, J., Patton, Peterson, Raussen, Redfern, Reinhard, Sayre, Schindel, Schlichter, Schneider, Sears, Setzer, Skindell, Slesnick, Stebelton, Stewart, D., Stewart, J., Strahorn, Sykes, Szollosi, Uecker, Ujvagi, Wachtmann, Wagner, Webster, White, Widener, Widowfield, Williams, B., Williams, S., Wolpert, Yates, Yuko, Zehringer

RECOGNIZING THE GOVERNOR'S TWENTY-EIGHTH ANNUAL
HOLOCAUST COMMEMORATION, APRIL 30, 2008.

/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 approved.

The motion was agreed to.

BILLS FOR THIRD CONSIDERATION

Sub. H. B. No. 130—Representatives White, Yates.

Cosponsors: Representatives Seitz, Peterson, Hagan, R., Carano, Miller, Yuko, Wagner, McGregor, J., Flowers, Letson, Strahorn, Williams, S., DeWine, Luckie, Brinkman.

To amend sections 9.06, 121.05, 124.11, 309.02, 321.44, 341.192, 1713.34, 2921.36, 2929.01, 2929.13, 2929.14, 2929.141, 2929.15, 2929.17, 2929.19, 2929.20, 2935.36, 2943.032, 2949.12, 2951.021, 2951.041, 2953.08, 2953.13, 2967.03, 2967.05, 2967.12, 2967.121, 2967.141, 2967.15, 2967.26, 2967.28, 4507.51, 5120.52, 5120.63, 5120.66, 5139.02, 5139.18, 5139.281, 5139.31,

5139.36, 5139.38, 5139.41, 5139.43, 5139.50, 5145.01, 5145.163, and 5149.06, to enact sections 9.871, 109.37, 2967.29, 4743.06, 5120.07, 5120.59, and 5120.70, and to repeal section 2967.11 of the Revised Code to modify sentencing procedures with respect to post-release control and related releases from prison, to conform the Revised Code to the decision of the Ohio Supreme Court in *State ex rel. Bray v. Russell* (2000), 89 Ohio St.3d 132 by removing provisions related to bad time, to authorize courts to participate in the supervision of released prisoners, to provide released prisoners with identification cards and additional procedures for access to social services, to make other changes relative to opportunities for prisoner training and employment, to modify procedures for the judicial or medical release of prisoners and intervention in lieu of conviction, to grant the Adult Parole Authority more flexibility in determining periods of post-release control, to adopt other cost-control measures, to create the Ex-offender Reentry Coalition, to provide for the indemnification of the Department of Rehabilitation and Correction for legal costs incurred in certain cases, to provide for legal representation of Department employees charged with offenses in certain cases until a grand jury has acted, to create a fund for the deposit of money received in certain federal law enforcement cases, to authorize the Department to enter into contracts to provide water and sewage treatment services, to make other changes related to the operations of the Department of Rehabilitation and Correction, to clarify the duties of juvenile parole officers, to establish reimbursement rates paid by the Department of Youth Services for outside medical providers, to authorize the Director of Youth Services to designate a deputy director, to modify the formula for expending appropriations for the care and custody of felony delinquents and the purposes for which money in the Felony Delinquent Care and Custody Fund may be used, to allow for unlimited reappointments of members of the Release Authority, to make other changes related to the operations of the Department of Youth Services, and to terminate the ex-offender reentry coalition on December 31, 2011, by repealing section 5120.07 of the Revised Code on that date, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Williams, S. moved to amend as follows:

In line 68, delete "4743.06,"

Delete lines 5068 through 5085

In line 11 of the title, delete "4743.06,"

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

Representative Flowers moved that the motion be laid on the table.

The question being, "Shall the motion to amend be laid on the table?"

The yeas and nays were taken and resulted - yeas 53, nays 41, as follows:

Those who voted in the affirmative were: Representatives

Adams	Aslanides	Bacon	Batchelder
Blessing	Carmichael	Coley	Collier
Combs	Core	Daniels	DeWine
Dolan	Driehaus	Evans	Flowers
Gardner	Gibbs	Goodwin	Hagan J.
Hite	Hottinger	Huffman	Hughes
Jones	Lundy	McGregor J.	McGregor R.
Mecklenborg	Newcomb	Oelslager	Patton
Peterson	Raussen	Reinhard	Schindel
Schlichter	Schneider	Sears	Setzer
Stebelton	Stewart J.	Uecker	Wachtmann
Wagner	Webster	White	Widener
Widowfield	Wolpert	Yates	Zehringer
			Husted-53.

Those who voted in the negative were: Representatives

Barrett	Beatty	Bolon	Book
Boyd	Brady	Brinkman	Brown
Budish	Celeste	Chandler	DeBose
DeGeeter	Dodd	Domenick	Dyer
Fende	Foley	Garrison	Gerberry
Goyal	Hagan R.	Harwood	Heard
Koziura	Letson	Luckie	Mallory
Okey	Otterman J.	Redfern	Sayre
Skindell	Slesnick	Stewart D.	Strahorn
Sykes	Szollosi	Williams B.	Williams S.
			Yuko-41.

The motion to amend was laid on the table.

The question recurring, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 89, nays 6, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Bacon	Barrett	Beatty
Blessing	Bolon	Book	Boyd
Brady	Brinkman	Brown	Budish
Carmichael	Celeste	Chandler	Coley
Collier	Combs	Core	DeBose
DeGeeter	DeWine	Dodd	Dolan
Domenick	Driehaus	Dyer	Evans
Fende	Flowers	Foley	Gardner
Garrison	Gerberry	Gibbs	Goyal
Hagan J.	Hagan R.	Harwood	Heard
Hite	Hottinger	Huffman	Hughes
Jones	Koziura	Letson	Luckie
Lundy	Mallory	McGregor R.	Mecklenborg
Newcomb	Oelslager	Okey	Otterman J.
Patton	Peterson	Raussen	Redfern

Reinhard	Sayre	Schindel	Schlichter
Schneider	Sears	Setzer	Skindell
Slesnick	Stebelton	Stewart D.	Stewart J.
Strahorn	Sykes	Szollosi	Uecker
Ujvagi	Wagner	Webster	White
Widener	Widowfield	Williams B.	Williams S.
Wolpert	Yates	Yuko	Zehringer
			Husted-89.

Representatives Adams, Batchelder, Daniels, Goodwin, McGregor J., and Wachtmann voted in the negative-6.

The bill passed.

Representative White moved to amend the title as follows:

Add the names: "Celeste, DeBose, Heard, Otterman, J., Sykes."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Am. H. B. No. 215-Representative Collier.

Cosponsors: Representatives Evans, Latta, Brown, Chandler, Stebelton, Combs, Setzer.

To amend section 3719.41 of the Revised Code to list *Salvia divinorum* as a controlled substance, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 95, 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	DeGeeter
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	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	Ujvagi	Wachtmann	Wagner
Webster	White	Widener	Widowfield
Williams B.	Williams S.	Wolpert	Yates
Yuko	Zehringer		Husted-95.

The bill passed.

Representative Collier moved to amend the title as follows:

Add the names: "Aslanides, Bacon, Batchelder, Blessing, Book, Boyd, Core, Daniels, DeBose, DeGeeter, Dodd, Domenick, Dyer, Flowers, Gibbs, Hagan, J., Hagan, R., Mallory, Patton, Schindel, Schlichter, Sears, Wagner, Williams, B., Williams, S., Yuko."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

On motion of Representative DeWine, the House recessed.

The House met pursuant to recess.

Representative Carmichael moved that the House revert to the fifth order of business, being reports of standing and select committees and bills for second consideration.

The motion was agreed to.

REPORTS OF STANDING AND SELECT COMMITTEES AND BILLS FOR SECOND CONSIDERATION

Representative Beatty submitted the following report:

The standing committee on Rules and Reference to which was referred **H. B. No. 395**-Representative Hughes, et al., having had the same under consideration, recommends its re-referral to the committee on Juvenile and Family Law.

RE: PROTECTION ORDER END - RETURN
PERSONALTY/SOCIAL SECURITY BENEFITS DIVORCE EXEMPTION

JON A. HUSTED
LARRY L. FLOWERS
JOYCE BEATTY

JIM CARMICHAEL
LARRY L. WOLPERT

The report was agreed to.

The bill was ordered to be engrossed and rereferred to the committee on Juvenile and Family Law.

Representative Beatty submitted the following report:

The standing committee on Rules and Reference to which was referred **H. B. No. 480**-Representative Gardner, et al., having had the same under consideration, recommends its re-referral to the committee on Infrastructure, Homeland Security, and Veterans Affairs.

RE: REGIONAL TRANSIT AUTHORITY

JON A. HUSTED
LARRY L. FLOWERS
JOYCE BEATTY

JIM CARMICHAEL
LARRY L. WOLPERT

The report was agreed to.

The bill was ordered to be engrossed and rereferred to the committee on Infrastructure, Homeland Security, and Veterans Affairs.

BILLS FOR THIRD CONSIDERATION

Sub. S. B. No. 221-Senator Schuler (By Request).

Cosponsors: Senators Jacobson, Harris, Fedor, Boccieri, Miller, R., Morano, Mumper, Niehaus, Padgett, Roberts, Wilson, Spada. Representatives Hagan, J., Blessing, Coley, Jones, Uecker.

To amend sections 4905.31, 4928.01, 4928.02, 4928.05, 4928.09, 4928.14, 4928.17, 4928.20, 4928.31, 4928.34, 4928.35, 4928.61, 4928.67, 4929.01, and 4929.02; to enact sections 9.835, 4928.141, 4928.142, 4928.143, 4928.144, 4928.145, 4928.146, 4928.151, 4928.24, 4928.621, 4928.64, 4928.65, 4928.66, 4928.68, 4928.69, and 4929.051; and to repeal sections 4928.41, 4928.42, 4928.431, and 4928.44 of the Revised Code to revise state energy policy to address electric service price regulation, establish alternative energy benchmarks for electric distribution utilities and electric services companies, provide for the use of renewable energy credits, establish energy efficiency standards for electric distribution utilities, require greenhouse gas emission reporting and carbon dioxide control planning for utility-owned generating facilities, authorize energy price risk management contracts, and authorize for natural gas utilities revenue decoupling related to energy conservation and efficiency, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Carmichael moved that **Sub. S. B. No. 221**-Senator Schuler, et al., be informally passed and that it be taken up for consideration on: Wednesday, April 16, 2008.

The motion was agreed to.

Message from the Speaker

Pursuant to House Rules 13, 28, 30, the Speaker hereby makes the following change to the Rules and Reference Committee:

remove Representative Carmichael; appoint Representative DeWine.

Message from the Speaker

The Speaker of the House of Representatives, on April 10, 2008, signed the following:

S. B. No. 219 - Senator Schuring - et al.

On motion of Representative Carmichael, the House adjourned until Wednesday, April 16, 2008 at 1:30 p.m.

Attest:

LAURA P. CLEMENS,
Clerk.