

OHIO

House

of

Representatives

JOURNAL

TUESDAY, APRIL 17, 2007

THIRTY-EIGHTH DAY

Hall of the House of Representatives, Columbus, Ohio
Tuesday, April 17, 2007, 11:00 o'clock a.m.

The House met pursuant to adjournment.

Prayer was offered by Representative Kenneth Carano-59th district, 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:

Jim and Sue Smail, Taylor Bennington, and students from Wayne College, guests of Representative Carmichael-3rd district.

Jacob Wines, a guest of Representative Ujvagi-47th district.

Trever Eagle, Abe Jacob, Martha Claypool, Jenny Pelton, and Josh Gargac, guests of Representative Hite-76th district.

Robert Ziegler and Jody Polen, guests of Representative Garrison-93rd district.

INTRODUCTION OF BILLS

The following bills were introduced:

H. B. No. 152-Representative Widener.

Cosponsors: Representatives Seitz, Flowers, Combs.

To amend sections 3105.80, 3305.01, 3305.03, 3305.04, 3305.05, 3305.052, 3305.053, 3305.06, 3305.061, 3305.07, 3307.01, and 3309.01 of the Revised Code to require school boards to establish alternative retirement plans for teachers and school employees.

H. B. No. 153-Representative Latta.

Cosponsors: Representatives Setzer, Flowers, Combs, McGregor, J., Evans, Ujvagi, Bacon, Seitz, Okey, Gibbs, Stebelton, Yuko.

To enact section 1531.133 of the Revised Code to direct the Chief of the Division of Wildlife in the Department of Natural Resources to enter into the Wildlife Violators Compact and to authorize the Chief to enter into agreements with law enforcement agencies outside of this state for joint law enforcement operations.

H. B. No. 154-Representative Wolpert.

Cosponsors: Representatives Collier, Stebelton.

To amend sections 705.14, 705.55, 733.40, 733.44, 733.51, 733.52, 753.02, 753.021, 955.99, 1901.021, 1901.024, 1901.04, 1901.11, 1901.181, 1901.31, 1905.29, 2335.06, 2903.212, 2921.25, 2931.01, 2933.02, 2933.03, 2933.04, 2933.05, 2933.06, 2933.10, 2937.08, 2938.04, 2953.03, 2953.07, 3375.50, 4503.13, 4503.233, 4507.091, 4507.164, 4509.33, 4509.35, 4510.03, 4510.031, 4510.036, 4510.13, 4510.14, 4510.53, 4511.193, 4511.197, 4513.263, 4521.01, 5502.61, and 5503.04; to amend, for the purpose of adopting a new section number as indicated in parentheses, section 1905.29 (737.34); to enact sections 1905.41, 1905.42, 1905.43, 1905.44, 1905.45, 1905.46, 1905.47, 1905.48, 1905.49, 1905.50, 1905.51, 1905.52, 1905.53, 1905.54, 1905.55, 1905.56, and 1905.57; to repeal sections 341.33, 1905.01, 1905.02, 1905.03, 1905.031, 1905.032, 1905.033, 1905.04, 1905.05, 1905.08, 1905.17, 1905.20, 1905.201, 1905.21, 1905.22, 1905.23, 1905.24, 1905.25, 1905.26, 1905.28, 1905.30, 1905.31, 1905.32, 1905.34, 1905.35, 1905.36, 1905.37, 2933.07, 2933.08, and 2933.09 of the Revised Code to abolish mayor's courts and to create community courts and to modify the compensation of municipal court judges in territories having a population of more than 50,000.

H. B. No. 155-Representative Setzer.

To direct the General Assembly's deliberations to establish a Science, Technology, Engineering, and Mathematics School System.

H. B. No. 156-Representative Foley.

Cosponsors: Representatives Driehaus, Luckie, Lundy, Koziura, Yuko, Skindell.

To amend section 1321.21 and to enact sections 1315.61 to 1315.72 of the Revised Code to regulate under the Superintendent of Financial Institutions the facilitation of refund anticipation loans and refund anticipation checks, including with respect to registration and surety bond requirements, consumer disclosures, interest rate limitations, prohibited acts, administrative penalties, and civil remedies.

H. B. No. 157-Representative Hughes.

Cosponsors: Representatives Bubb, Schindel, Huffman, McGregor, J., Seitz, Combs, Miller, Collier, Fende, Evans, Widener, Latta, Setzer, Stebelton, Uecker, Yuko, Adams, Luckie.

To amend section 5747.08 of the Revised Code to require a box on personal income tax returns that a taxpayer may check to authorize a paid tax preparer to speak to the Department of Taxation about certain matters concerning the return.

H. B. No. 158-Representative Hughes.

Cosponsors: Representatives Latta, Hagan, R., Huffman, Miller, McGregor, J., Collier, Ujvagi, Setzer, Sayre, Flowers, Uecker, Bacon, Seitz, Raussen, Stebelton, Domenick, Yuko, Adams, Healy.

To amend sections 5747.08 and 5747.98 and to enact section 5747.72 of the Revised Code to allow a nonrefundable credit against the personal income tax for the installation of energy-efficient devices in homes.

H. B. No. 159-Representative Bubp.

Cosponsors: Representatives Adams, Carano, Collier, Combs, Dodd, Dyer, Evans, Fende, Fessler, Flowers, Hagan, J., Hite, Hughes, Jones, Latta, Letson, Lundy, McGregor, J., Oelslager, Peterson, Schindel, Seitz, Setzer, Stebelton, Ujvagi, Wachtmann, White, Williams, S., Yuko, Zehringer.

To amend sections 4501.21 and 4501.27 and to enact section 4503.92 of the Revised Code to create "Support Our Troops" license plates.

H. B. No. 160-Representative Bubp.

Cosponsors: Representatives Latta, Seitz.

To amend section 5815.36 of the Revised Code to clarify and modify the law relating to disclaimers under the Ohio Trust Code.

Said bills were considered the first time.

MOTIONS AND RESOLUTIONS

Representative Seitz moved that majority party members asking leave to be absent or absent the week of Tuesday, April 17, 2007, be excused, so long as a written request is on file in the majority leadership offices.

The motion was agreed to.

Representative Seitz moved that minority party members asking leave to be absent or absent the week of Tuesday, April 17, 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**Am. H. B. No. 24**-Representative Wagner.

Cosponsors: Representatives McGregor, J., Wagoner, Gibbs, Combs, Stebelton, Collier, Huffman, Blessing, Bubp, Latta, Schindel, Hagan, J., Wolpert.

To amend sections 718.01 and 718.02 of the Revised Code 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, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 99, 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	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	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	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-99.

The bill passed.

Representative Wagner moved to amend the title as follows:

Add the names: "Adams, Aslanides, Bacon, Barrett, Batchelder, Boyd, Brown, Budish, Carmichael, Chandler, Coley, Core, Daniels, DeBose, Dolan, Domenick, Dyer, Evans, Fende, Fessler, Flowers, Goodwin, Goyal, Harwood, Healy, Hite, Hottinger, Hughes, Jones, Letson, Luckie, Lundy, Mandel, Miller, Oelslager, Otterman, Patton, Raussen, Reinhard, Sayre, Schneider, Seitz, Setzer, Szollosi, Uecker, Wachtmann, Webster, Williams, S., Yuko, Zehringer."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

MESSAGE FROM THE SPEAKER

Pursuant to S. B. 277, 126th General Assembly, the Speaker hereby appoints the following members to the National Statuary Collection Study Committee:

Representatives Brinkman, Wagoner, and Letson.

MESSAGE FROM THE SPEAKER

Pursuant to Ohio Revised Code section 4928.58, the Speaker hereby appoints Representative S. Williams to the Public Benefits Advisory Board.

MESSAGE FROM THE SPEAKER

Pursuant to H. Con. R. No. 7, the Speaker hereby appoints the following members to wait upon the Chief Justice in anticipation of his State of the Judiciary address:

Representatives DeWine, Flowers, Carmichael, Seitz, Schneider, Beatty, Book, Driehaus, and Strahorn.

On motion of Representative DeWine, the House recessed.

The House met pursuant to recess.

Representative Stewart, J. 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 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. 136 - Representative Raussen, et al

TO PERMIT HIGH-WEALTH SCHOOL DISTRICTS TO RECEIVE
PAYMENTS FOR DISTRICT-DIRECTED CLASSROOM FACILITIES
PROJECTS IN LIEU OF PARTICIPATING IN OTHER STATE
PROGRAMS.

To the committee on Finance and Appropriations

H.B. No. 137 - Representative Schneider and Beatty, et al

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.

To the committee on Health

H.B. No. 138 - Representative Foley and Blessing, et al

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.

To the committee on Civil and Commercial Law

H.B. No. 139 - Representative Skindell, et al

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.

To the committee on Criminal Justice

H.B. No. 141 - Representative Letson, et al

TO MAKE AN ASSAULT OR AGGRAVATED MENACING COMMITTED IN A COURTHOUSE A FELONY OF THE FIFTH DEGREE.

To the committee on Criminal Justice

H.B. No. 142 - Representative Batchelder, et al

TO AUTHORIZE THE STATE HIGHWAY PATROL TO PROVIDE EMERGENCY ASSISTANCE TO A SCHOOL DISTRICT CONFRONTED WITH A BOMB THREAT OR A SIMILAR THREAT OF IMMINENT AND CATASTROPHIC HARM, AND TO INCREASE THE PENALTY FOR INDUCING PANIC TO A FELONY OF THE SECOND DEGREE WHEN A SCHOOL IS INVOLVED.

To the committee on Infrastructure, Homeland Security and Veterans Affairs

H.B. No. 143 - Representative Wagner, et al

TO ELIMINATE CERTAIN REQUIREMENTS AND PROHIBITIONS APPLYING TO SCHOOL DISTRICT BOARDS OF EDUCATION,

INCLUDING THE CENTRALIZED PROCUREMENT OF EMPLOYEE HEALTH BENEFITS CONTINGENTLY MANDATED BY AM. SUB. H.B. 66 OF THE 126TH GENERAL ASSEMBLY.

To the committee on Education

H.B. No. 144 - Representative Beatty, et al

TO DESIGNATE THE MONTH OF MAY AS "NURSES MONTH."

To the committee on State Government and Elections

H.B. No. 145 - Representative Driehaus, Mallory

TO IMPOSE THE SAME CRIMINAL PENALTIES FOR ASSAULTING A RESIDENT PARTICIPATING IN A CITIZENS ON PATROL PROGRAM AS ARE IMPOSED FOR ASSAULTING A PEACE OFFICER.

To the committee on Criminal Justice

H.B. No. 146 - Representative Garrison

TO DESIGNATE STATE ROUTE 660 IN GUERNSEY COUNTY AS THE "MAJOR JAMES W. REED MEMORIAL HIGHWAY."

To the committee on Infrastructure, Homeland Security and Veterans Affairs

H.B. No. 147 - Representative Dyer, et al

TO REQUIRE EXPANDED MINUTES FOR LEGISLATIVE COMMITTEE MEETINGS OR A TRANSCRIBED RECORD OF COMMITTEE PROCEEDINGS IN LIEU OF MINUTES, AND TO REQUIRE SWORN TESTIMONY OF ALL WITNESSES TESTIFYING BEFORE LEGISLATIVE COMMITTEES.

To the committee on State Government and Elections

H.B. No. 149 - Representative Daniels and Strahorn, et al

TO MODIFY THE LAWS GOVERNING THE STATE BOARD OF OPTOMETRY AND THE PRACTICE OF OPTOMETRY, INCLUDING THE LAWS AUTHORIZING OPTOMETRISTS TO ADMINISTER AND PRESCRIBE DRUGS.

To the committee on Health

H.B. No. 150 - Representative J. McGregor, et al

AS A "GOOD SAMARITAN LAW" TO ENCOURAGE RETAIL ESTABLISHMENTS TO ALLOW CUSTOMERS WITH ELIGIBLE MEDICAL CONDITIONS TO USE THE RETAIL ESTABLISHMENT'S RESTROOMS THAT ARE NOT USUALLY AVAILABLE TO THE PUBLIC AND TO LIMIT THE LIABILITY OF AN ESTABLISHMENT THAT ALLOWS SUCH ACCESS.

To the committee on Commerce and Labor

H.B. No. 151 - Representative Mandel and Jones, et al

TO PROHIBIT ANY PUBLIC INVESTOR OR ANY ASSET MANAGER INVESTING ON BEHALF OF ANY PUBLIC INVESTOR FROM INVESTING IN A FOREIGN COMPANY WITH ACTIVE BUSINESS TIES OR OPERATIONS IN OR WITH THE ISLAMIC REPUBLIC OF IRAN AND TO REQUIRE THAT ANY EXISTING INVESTMENTS IN SUCH

COMPANIES BE DIVESTED IN ORDER TO PROTECT THE PUBLIC INVESTMENTS OF THE STATE OF OHIO FROM GLOBAL SECURITY RISK-RELATED LOSSES.

To the committee on Financial Institutions, Real Estate and Securities

H.B. No. 155 - Representative Setzer

TO ESTABLISH A SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS SCHOOL SYSTEM.

To the committee on Education

S.B. No. 18 - Senator Clancy, et al

TO PROHIBIT AN OFFENDER FROM HAVING A CRIMINAL RECORD SEALED WHEN THE UNDERLYING OFFENSE IS IMPORTUNING, OR THE UNDERLYING OFFENSE IS VOYEURISM, PUBLIC INDECENCY, COMPELLING PROSTITUTION, PROMOTING PROSTITUTION, PROCURING, DISSEMINATING MATTER HARMFUL TO JUVENILES, DISPLAYING MATTER HARMFUL TO JUVENILES, PANDERING OBSCENITY, OR DECEPTION TO OBTAIN MATTER HARMFUL TO JUVENILES WHEN THE VICTIM OF THE OFFENSE IS UNDER EIGHTEEN YEARS OF AGE.

To the committee on Criminal Justice

Sub. S.B. No. 24 - Senator Carey, et al

TO REQUIRE THE DIRECTOR OF DEVELOPMENT TO ADOPT RULES REGARDING THE ANNUAL COMPETITIVE PROCESS FOR THE JOB READY SITE PROGRAM AND TO INCREASE THE MAXIMUM GRANT AMOUNT THAT MAY BE AWARDED UNDER THE INDUSTRIAL SITE IMPROVEMENT FUND.

To the committee on Economic Development and Environment

S.B. No. 34 - Senator Padgett, et al

TO DESIGNATE STATE ROUTE 660 IN GUERNSEY COUNTY AS THE "MAJOR JAMES W. REED MEMORIAL HIGHWAY."

To the committee on Infrastructure, Homeland Security and Veterans Affairs

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

KEVIN DEWINE
ARLENE J. SETZER
JOSEPH KOZIURA

Representative Stewart, 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 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 Resolutions and House Concurrent Resolution be read by title only and approved:

H.R. No. 32 – Representative Raussen

HONORING THE MOUNT NOTRE DAME HIGH SCHOOL GIRLS BASKETBALL TEAM AS THE 2007 DIVISION I STATE CHAMPION.

H.R. No. 33 – Representative DeWine

HONORING NORMA NIKKOLA AS THE 2007 NATIONAL SCHOOL NURSE OF THE YEAR.

Add the names: Flowers, Setzer, Beatty

H.R. No. 34 – Representative Bubp

HONORING THE GEORGETOWN HIGH SCHOOL BOYS BASKETBALL TEAM AS THE 2007 DIVISION IV STATE CHAMPION.

H.R. No. 35 – Representative Reinhard

HONORING COLONEL PAUL D. MCCLELLAN ON HIS RETIREMENT FROM THE OHIO STATE HIGHWAY PATROL.

Add the name: Flowers

H.R. No. 36 – Representative Dolan

HONORING ROBERT W. HUNT AS THE OHIO ASSOCIATION OF SECONDARY SCHOOL ADMINISTRATORS 2007 PRINCIPAL OF THE YEAR.

Add the name: Setzer

H.R. No. 37 – Representative Aslanides

HONORING THE RIVER VIEW HIGH SCHOOL GIRLS BASKETBALL TEAM AS THE 2007 DIVISION II STATE CHAMPION.

H.R. No. 38 – Speaker Husted, Representatives Beatty, Adams, Aslanides, Bacon, Barrett, Batchelder, Blessing, Bolon, Book, Boyd, Brady, Brinkman, 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, 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, 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
 RECOGNIZING THE GOVERNOR'S TWENTY-SEVENTH ANNUAL

HOLOCAUST COMMEMORATION, APRIL 18, 2007.

H.R. No. 39 – Representative Williams, B.

HONORING THE WOODRIDGE HIGH SCHOOL BOYS CROSS COUNTRY TEAM ON WINNING THE 2006 DIVISION II STATE CHAMPIONSHIP.

H. Con. R. No. 13 – Representatives Fessler, Setzer

DECLARING AVIATION MAINTENANCE TECHNICIAN DAY IN OHIO, MAY 24, 2007 AND 2008.

/s/ JON A. HUSTED

Jon A. Husted, Chair

Representative Stewart, J. 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.

On motion of Representative Stewart, J., the House adjourned until Wednesday, April 18, 2007, 11:00 o'clock a.m.

Attest:

LAURA P. CLEMENS,
Clerk.