

**OHIO**

**House**

**of**

**Representatives**

**JOURNAL**

TUESDAY, APRIL 22, 2008

ONE HUNDRED SIXTY-THIRD DAY  
Hall of the House of Representatives, Columbus, Ohio  
**Tuesday, April 22, 2008, 11:00 o'clock a.m.**

The House met pursuant to adjournment.

Prayer was offered by Representative Courtney Combs-83rd 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:

The Newark High School boys basketball team received H. R. 177, presented by Representative Hottinger-71st district.

Matt Alexander received H. R. No. 162, presented by Representative Hite-76th district.

Students from Heritage Elementary School, guests of Representative Carmichael-3rd district.

Lisa Alexander, a guest of Representative Hite-76th district.

Marta Wetzell and members of the National Trail Steel Drum Band, guests of Representative Zehringer-77th district.

#### INTRODUCTION OF BILLS

The following bills were introduced:

**H. B. No. 540**-Representatives Fende, Schindel.

Cosponsors: Representatives Brady, Brown, Chandler, Evans, Harwood, Letson, Newcomb, Sears, Setzer, Ujvagi.

To create the Public Transit Funding Task Force to study Ohio's public transportation funding and issue a report.

**H. B. No. 541**-Representative Combs.

Cosponsors: Representatives Huffman, Flowers, Adams, Webster, Dodd, Domenick.

To amend sections 4503.10 and 4503.102 of the Revised Code to require a person who is not a citizen of the United States to submit documentary evidence proving that the person is present in this country in accordance with federal law when obtaining or renewing a motor vehicle certificate of registration.

Said bills were considered the first time.

**REPORTS OF STANDING AND SELECT COMMITTEES AND BILLS  
FOR SECOND CONSIDERATION**

Representative Harwood submitted the following report:

The standing committee on Judiciary to which was referred **H. B. No. 154**-Representative Wolpert, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: COMMUNITY COURTS - CREATE/MAYOR'S  
COURTS-ABOLISH/MUNICIPAL JUDGE PAY - MODIFY

LOUIS W. BLESSING	MARK D. OKEY
LARRY L. FLOWERS	BILL COLEY
MICHAEL J. SKINDELL	STEPHEN DYER

The following members voted "NO"

SANDRA STABILE HARWOOD	KEVIN BACON
WILLIAM G. BATCHELDER	ARMOND BUDISH

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. 209**-Representative Core, et al., having had the same under consideration, reports it back and recommends its passage.

RE: PEACE OFFICER AND MINOR - SEX BETWEEN - SEXUAL  
BATTERY

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

The report was agreed to.

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

Representative Williams, B. submitted the following report:

The standing committee on Health to which was referred **H. R. No. 100**-Representative Carmichael, having had the same under consideration, reports it back and recommends its adoption.

RE: CONGRESS - MEMORIALIZE CANCER CARE PREVENTION  
ACT

Representative Wachtmann moved to amend the title as follows:

Add the names: "Raussen, Goodwin, Schindel, Uecker, Huffman, Mecklenborg, Oelslager, Hagan, R., Brown, Letson, Williams, B., Yuko, Otterman, J., Fende, Boyd, Slesnick, Hottinger, Webster, Wachtmann."

JAMES T. RAUSSEN	BRUCE W. GOODWIN
CAROL-ANN SCHINDEL	JOSEPH W. UECKER
MATT HUFFMAN	ROBERT MECKLENBORG
W. SCOTT OELSLAGER	ROBERT F. HAGAN
EDNA BROWN	TOM LETSON
BRIAN G. WILLIAMS	KENNY YUKO
JOHN OTTERMAN	LORRAINE M. FENDE
BARBARA BOYD	STEPHEN SLESNICK
JAY HOTTINGER	SHAWN N. WEBSTER
LYNN R. WACHTMANN	

The report was agreed to.

The resolution 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 **Sub. S. B. No. 268**-Senator Seitz, et al., having had the same under consideration, recommends its re-referral to the committee on Rules and Reference.

RE: COUNTIES - USE COMPETITIVE SEALED PROPOSALS  
INSTEAD OF COMPETITIVE SEALED BIDDING

TIMOTHY J. DEGEETER	SANDRA WILLIAMS
DALE MALLORY	ANTHONY CORE
JOSEPH W. UECKER	BARBARA R. SEARS
JOHN J. WHITE	JIM CARMICHAEL

The report was agreed to.

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

On motion of Representative DeWine, the House recessed.

The House met pursuant to recess.

### 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?"

04/14/08

The Honorable Jon A. Husted, Speaker  
The Ohio House of Representatives  
Columbus, Ohio

Speaker Husted,

Pursuant to House Rule No. 57 and Section 4 of the Ohio Legislative Code of Ethics, I respectfully request that I be excused from voting on **Sub. S. B. No. 221**-Senator Schuler, et al., because it might be construed that I have an interest in the legislation.

Sincerely yours,

/s/ MARK D. OKEY  
MARK D. OKEY  
State Representative  
61st House District

The request was granted.

Representative Jones moved to amend as follows:

In line 27, after "9.835," insert "3318.112,"

In line 59, after the underlined period delete the balance of the line

Delete line 60

In line 61, delete " into."

Between lines 68 and 69, insert:

" **Sec. 3318.112.** (A) As used in this section, "solar ready" means capable of accommodating the eventual installation of roof top, solar photovoltaic energy equipment.

(B) The Ohio school facilities commission shall adopt rules prescribing standards for solar ready equipment in school buildings under their jurisdiction. The rules shall include, but not be limited to, standards regarding roof space limitations, shading and obstruction, building orientation, roof loading capacity, and electric systems.

(C) A school district may seek, and the commission may grant for good cause shown, a waiver from part or all of the standards prescribed under division (B) of this section."

In line 365, after " society" insert " ,or clean coal technology that includes the design capability to control or prevent the emission of carbon dioxide, which design capability the commission shall adopt by rule and shall be based on economically feasible best available technology or, in the absence of a determined best available technology, shall be of the highest level of economically feasible design capability for which there exists generally accepted scientific opinion"

In line 374, after " (f)" insert " Advanced solid waste or construction and demolition debris conversion technology, including, but not limited to, advanced stoker technology, and advanced fluidized bed gasification technology, that results in measurable greenhouse gas emissions reductions as calculated pursuant to the United States environmental protection agency's waste reduction model (WARM).

(g)"

In line 385, delete " resources" and insert " resource"

In line 396, after " river" insert " ,or on any water discharged to a river."

In line 536, delete " section" and insert " sections 4928.141 to"

In line 700, delete " market-based"

In line 715, delete " However," and insert " Notwithstanding the foregoing provision, the rate plan of an electric distribution utility shall continue for the purpose of the utility's compliance with this division until a standard service offer is first authorized under section 4928.142 or 4928.143 of the Revised Code, and, as applicable,"

In line 718, after the underlined period insert " A standard service offer under section 4928.142 or 4928.143 of the Revised Code shall exclude any previously authorized allowances for transition costs, with such exclusion being effective on and after the date that the allowance is scheduled to end under the utility's rate plan."

In line 799, delete " twenty" and insert " fifty"

In line 853, after " Its" insert " prudently incurred"

In line 857, after " regulations" insert " , with consideration of the derating of any facility associated with those costs"

In line 859, delete " (4)"

In line 860, delete " consider" and insert " include"

In line 867, after the underlined period insert " The commission shall also determine how such adjustments will affect the electric distribution utility's return on common equity that may be achieved by those adjustments. The commission shall not apply its consideration of the return on common equity to reduce any adjustments authorized under this division unless the adjustments will cause the electric distribution utility to earn a return on common equity that is significantly in excess of the return on common equity that is earned by publicly traded companies, including utilities, that face comparable business and financial risk, with such adjustments for capital structure as may be appropriate. The burden of proof for demonstrating that significantly excessive earnings will not occur shall be on the electric distribution utility."

In line 879, after the underlined period delete the balance of the line

Delete lines 880 through 883

In line 888, after " abrupt" insert " or significant"

In line 893, after " event" insert " , including because of the length of time, as authorized under division (C) of this section, taken to approve the market rate offer"

In line 916, after " section" insert " , divisions (I), (J), and (K) of section 4928.20, division (E) of section 4928.64, and section 4928.69 of the Revised Code"

In line 920, delete " shall" and insert " may"

In line 927, after " of" insert " any of"; after " the" insert " following costs of the"; delete " utility's" and insert " utility, provided the cost is prudently incurred:"

In line 928, delete " costs" and insert " the cost"

In line 929, after the underlined semicolon insert " the cost of"

In line 931, after the first underlined semicolon insert " the cost of"; after " and" insert " the cost of"

In line 968, delete " the"; delete " bearing"

In line 969, delete " the surcharge all the electricity generated by" and insert " the capacity and energy and the rate associated with the cost of"

In line 973, after "d" delete the balance of the line

Delete line 974

In line 975, delete "e"

In line 982, delete "f" and insert "e"

In line 984, delete "g" and insert "f"

In line 989, after the underlined period delete the balance of the line

Delete lines 990 through 996

In line 997, delete "h" and insert "g"

In line 1002, delete "i" and insert "h"

In line 1013, after the underlined period insert "As part of its determination as to whether to allow in an electric distribution utility's electric security plan inclusion of any provision described in division (B)(2)(h) of this section, the commission shall examine the reliability of the electric distribution utility's distribution system and ensure that customers' and the electric distribution utility's expectations are aligned and that the electric distribution utility is placing sufficient emphasis on and dedicating sufficient resources to the reliability of its distribution system."

In line 1014, delete "j" and insert "i"

In line 1023, delete "twenty" and insert "fifty"

In line 1031, after "is" insert "more"

In line 1065, after "section" insert ", and the earnings test provided for in division (F) of this section shall not apply until after the expiration of the rate plan"

In line 1082, after "be" insert "more"

In line 1085, after the underlined period insert "The commission shall also determine the prospective effect of the electric security plan to determine if that effect is substantially likely to provide the electric distribution utility with a return on common equity that is significantly in excess of the return on common equity that is likely to be earned by publicly traded companies, including utilities, that face comparable business and financial risk, with such adjustments for capital structure as may be appropriate. The burden of proof for demonstrating that significantly excessive earnings will not occur shall be on the electric distribution utility."; after "negative" insert "or the commission finds that continuation of the electric security plan will result in a return on equity that is significantly in excess of the return on common equity that is likely to be earned by publicly traded companies, including utilities, that will face comparable business and financial risk, with such adjustments for capital structure as may be appropriate, during the balance of the plan"

Between lines 1095 and 1096, insert:

" (F) With regard to the provisions that are included in an electric security plan under this section, the commission shall consider, following the end of each annual period of the plan, if any such adjustments resulted in excessive earnings as measured by whether the earned return on common equity of the electric distribution utility is significantly in excess of the return on common equity that was earned during the same period by publicly traded companies, including utilities, that face comparable business and financial risk, with such adjustments for capital structure as may be appropriate. Consideration also shall be given to the capital requirements of future committed investments in this state. The burden of proof for demonstrating that significantly excessive earnings did not occur shall be on the electric distribution utility. If the commission finds that such adjustments, in the aggregate, did result in significantly excessive earnings, it shall require the electric distribution utility to return to consumers the amount of the excess by prospective adjustments; provided that, upon making such prospective adjustments, the electric distribution utility shall have the right to terminate the plan and immediately file an application pursuant to section 4928.142 of the Revised Code. Upon termination of a plan under this division, rates shall be set on the same basis as specified in division (C)(2)(b) of this section, and the commission shall permit the continued deferral and phase-in of any amounts that occurred prior to that termination and the recovery of those amounts as contemplated under that electric security plan. In making its determination of significantly excessive earnings under this division, the commission shall not consider, directly or indirectly, the revenue, expenses, or earnings of any affiliate or parent company."

In line 1104, after " assets" insert " pursuant to generally accepted accounting principles"

Delete lines 1110 through 1117 and insert:

" **Sec. 4928.145.** During a proceeding under sections 4928.141 to 4928.144 of the Revised Code and upon submission of an appropriate discovery request, an electric distribution utility shall make available to the requesting party every contract or agreement that is between the utility or any of its affiliates and a party to the proceeding, consumer, electric services company, or political subdivision and that is relevant to the proceeding, subject to such protection for proprietary or confidential information as is determined appropriate by the public utilities commission."

In lines 1239, 1246, 1258, and 1287, strike through "commercial"

In line 1299, after "out" insert " before the commencement"

In line 1341, strike through "competitive" and insert " electric services company"

In line 1342, strike through "retail electric services provider"

Between lines 1349 and 1350, insert:

" (I) Customers that are part of a governmental aggregation under this section shall be responsible only for such portion of a surcharge under section 4928.144 of the Revised Code that is proportionate to the benefits, as determined by the commission, that the governmental aggregation's customers as an aggregated group receive. The proportionate surcharge so established shall apply to each customer of the governmental aggregation while the customer is part of that aggregation. If a customer ceases being such a customer, the otherwise applicable surcharge shall apply. Nothing in this section shall result in less than full recovery by an electric distribution utility of any surcharge authorized under section 4928.144 of the Revised Code.

(J) On behalf of the customers that are part of a governmental aggregation under this section and by filing written notice with the public utilities commission, the legislative authority that formed or is forming that governmental aggregation may elect not to receive standby service within the meaning of division (B)(2)(e) of section 4928.143 of the Revised Code from an electric distribution utility in whose certified territory the governmental aggregation is located and that operates under an approved electric security plan under that section. Upon the filing of that notice, the electric distribution utility shall not charge any such customer to whom electricity is delivered under the governmental aggregation for the standby service. Any such consumer that returns to the utility for competitive retail electric service shall pay the market price of power incurred by the utility to serve that consumer plus any amount attributable to the utility's cost of compliance with the alternative energy resource provisions of section 4928.64 of the Revised Code to serve the consumer. Such market price shall include, but not be limited to, capacity and energy charges; all charges associated with the provision of that power supply through the regional transmission organization, including, but not limited to, transmission, ancillary services, congestion, and settlement and administrative charges; and all other costs incurred by the utility that are associated with the procurement, provision, and administration of that power supply, as such costs may be approved by the commission. The period of time during which the market price and alternative energy resource amount shall be so assessed on the consumer shall be from the time the consumer so returns to the electric distribution utility until the expiration of the electric security plan. However, if that period of time is expected to be more than two years, the commission may reduce the time period to a period of not less than two years.

(K) The commission shall adopt rules to encourage and promote large-scale governmental aggregation in this state. For that purpose, the commission shall conduct an immediate review of any rules it has adopted for the purpose of this section that are in effect on the effective date of the amendment of this section by S.B. 221 of the 127th general assembly. Further, within the context of an electric security plan under section 4928.143 of the Revised Code, the commission shall consider the effect on large-scale governmental aggregation of any nonbypassable generation charges, however

collected, that would be established under that plan, except any nonbypassable generation charge that relates to a cost incurred by the electric distribution utility, the deferral of which has been authorized by the commission prior to the effective date of the amendment of this section by S.B. 221 of the 127th general assembly."

In lines 1845 through 1861, delete the column "Solar energy resources" and insert:

" Solar energy resources  
0.004%  
0.010%  
0.030%  
0.060%  
0.090%  
0.12%  
0.15%  
0.18%  
0.22%  
0.26%  
0.3%  
0.34%  
0.38%  
0.42%  
0.46%  
0.5%"

Delete lines 1909 through 1934 and insert:

" (3) An electric distribution utility or an electric services company need not comply with a benchmark under division (B)(1) or (2) of this section to the extent that its reasonably expected cost of that compliance exceeds its reasonably expected cost of otherwise producing or acquiring the requisite electricity by three per cent or more."

In line 1940, delete "(5)" and insert "(2)"

In line 2028, after "river" insert ", or on any water discharged to a river."

In line 2167, strike through "energy"

In line 2178, delete "energy"

In line 2182, delete "division (A)(1) of this"

In line 2183, delete "section and"

Delete lines 2191 through 2193

In line 4 of the title, after "9.835," insert "3318.112,"

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

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	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	Miller	Newcomb	Oelslager
Otterman J.	Patton	Peterson	Rausen
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-94.

The motion was agreed to and the bill so amended.

The question being, "Shall the bill as amended pass?"

The yeas and nays were taken and resulted - yeas 93, nays 1, 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	Miller	Newcomb	Oelslager
Otterman J.	Peterson	Rausen	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-93.

Representative Patton voted in the negative-1.

The bill passed.

Representative Jones moved to amend the title as follows:

Add the names: "Budish, Chandler, Domenick, Evans, Flowers, McGregor, J., Yuko."

Remove the name: "Coley."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

#### Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has concurred in the passage of the following bill:

#### **Am. H. B. No. 295** -Representative Wagoner

Cosponsors: Representatives Ujvagi, Szollosi, Peterson, Latta, Stebelton, Brown, Uecker, Chandler, McGregor, J., Combs, Celeste, Yuko, Fende, Mallory, Bolon, Bacon, Collier, Dyer, Evans, Flowers, Foley, Gardner, Garrison, Goyal, Hagan, R., Harwood, Hughes, Letson, Lundy, Otterman, J., Patton, Sayre, Setzer, Stewart, J., Williams, B., Williams, S., Zehringer  
Senators Buehrer, Cafaro, Fedor, Harris, Padgett, Seitz, Wilson, Niehaus, Spada, Miller, D.

To amend sections 133.20 and 307.041 of the Revised Code to require that the amount spent by counties on energy conservation measures be unlikely to exceed the amount saved in energy and operating costs over the average system life of the measures, and to require that financed measures be paid for within the lesser of their average system life or thirty years.

Attest:

Vincent L. Keeran,  
Clerk.

## Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has concurred in the passage of the following bill:

**Am. H. B. No. 392** -Representative McGregor, J.

Cosponsors: Representatives Peterson, Evans, Hughes, Wagoner, Gibbs, Chandler, Stewart, J., Stewart, D., Bacon, Zehringer, McGregor, R., Wolpert, Combs, Okey, Bubp, Collier, Stebelton, Batchelder, Strahorn, Adams, Latta, Daniels, Hite, Book, Brown, Carmichael, Domenick, Flowers, Lundy, Reinhard, Schlichter, Skindell, Sykes, Beatty, Brady, Coley, DeGeeter, Driehaus, Fende, Foley, Hottinger, Oelslager, Patton, Sayre, Schindel, Setzer, Uecker Senators Austria, Cafaro, Buehrer, Miller, D., Padgett, Boccieri, Carey, Cates, Coughlin, Faber, Fedor, Goodman, Grendell, Harris, Kearney, Miller, R., Morano, Mumper, Niehaus, Roberts, Sawyer, Schaffer, Seitz, Spada, Stivers, Wagoner, Wilson

To enact section 4501.81 of the Revised Code to establish a next of kin database within the Bureau of Motor Vehicles.

Attest:

Vincent L. Keeran,  
Clerk.

## Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has adopted the following concurrent resolution in which the concurrence of the House is requested:

**S. C. R. No. 16** -Senator Cates

Cosponsors: Senators Harris, Cafaro, Faber, Mumper, Buehrer, Austria, Coughlin, Seitz, Wagoner, Schuler, Fedor, Carey, Grendell, Niehaus, Schaffer, Spada

To urge the President of the United States and the United States Congress to secure our nation's borders and to aggressively enforce all existing federal immigration laws.

Attest:

Vincent L. Keeran,  
Clerk.

Said concurrent resolution was referred to the committee on Rules and Reference under the Rule.

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. 184** -Senator Buehrer

Cosponsors: Senators Faber, Grendell, Niehaus, Stivers, Padgett, Carey, Goodman, Mumper, Clancy, Schuring, Schaffer, Schuler, Cafaro, Kearney, Gardner, Austria, Seitz, Boccieri, Cates, Fedor, Harris, Spada, Wagoner, Wilson

To amend sections 2307.60, 2901.05, and 2929.14 and to enact sections 2307.601 and 2901.09 of the Revised Code to bar recovery of damages in tort actions commenced by criminal offenders in specified circumstances even if the offender has not been charged with or convicted of any offense based on the offender's criminal conduct, to create a rebuttable presumption that a person acted in self defense or defense of another when using defensive force that is intended or likely to cause death or great bodily harm to another if the person against whom the defensive force is used is in the process of entering or has entered, unlawfully and without privilege to do so, the residence or vehicle occupied by the person using the defensive force, and to remove current sentencing restrictions and impose new sentencing requirements when a court sentences an offender convicted of multiple felonies and multiple gun specifications.

**Am. S. B. No. 260** -Senator Cates

Cosponsors: Senators Mumper, Seitz, Schuring, Faber, Spada, Austria, Fedor, Wagoner, Buehrer, Carey, Harris, Niehaus, Padgett, Schaffer, Stivers

To amend sections 9.63, 311.07, and 341.21 of the Revised Code to provide that a board of county commissioners may direct a sheriff to take custody of persons who are being detained for deportation or who are charged with civil violations of immigration law and to expressly authorize state and local employees and county sheriffs to render assistance to federal immigration officials in the investigation and enforcement of federal immigration law.

**Sub. S. B. No. 289** -Senator Spada

Cosponsors: Senators Harris, Stivers, Grendell, Schuler, Schuring, Seitz, Padgett, Fedor, Niehaus, Austria, Mumper, Cates, Sawyer, Wilson, Kearney, Boccieri, Cafaro, Carey, Faber, Goodman, Miller, D., Roberts, Schaffer,

Miller, R., Smith, Morano

To amend sections 121.02, 121.03, 3313.616, 5901.02, 5901.021, 5901.07, 5901.09, 5902.01, 5902.02, 5902.03, 5902.04, 5902.06, 5902.07, 5902.08, 5902.15, 5904.01, 5907.01, 5907.02, 5907.022, 5907.023, 5907.03, 5907.04, 5907.11, 5907.12, 5907.13, 5907.141, and 5910.02, to enact section 5902.09, and to repeal section 5902.05 of the Revised Code to create a Department of Veterans Services and a Director of Veterans Services, to create duties for the department and the director, to transfer the duties of the Governor's Office of Veterans Affairs to the department, and to place the Ohio Veterans' Home Agency and the Ohio War Orphans Scholarship Board under the department.

Attest:

Vincent L. Keeran,  
Clerk.

Said bills were considered the first time.

Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has concurred in the passage of the following bill:

**Sub. H. B. No. 46** -Representatives Stewart, J., DeGeeter  
Cosponsors: Representatives Stewart, D., Daniels, Patton, Budish, Williams, S., Koziura, Sayre, Hite, Gibbs, Aslanides, Batchelder, Bolon, Book, Boyd, Brown, Bulp, Celeste, Chandler, Combs, DeBose, Distel, Domenick, Dyer, Evans, Flowers, Foley, Garrison, Goyal, Hagan, R., Harwood, Healy, Heard, Hughes, Latta, Letson, Luckie, Mallory, Miller, Oelslager, Okey, Otterman, Peterson, Strahorn, Sykes, Szollosi, Uecker, White, Williams, B., Yates Senators Fedor, Mason, Goodman, Boccieri, Cafaro, Coughlin, Faber, Grendell, Harris, Jacobson, Kearney, Miller, D., Morano, Niehaus, Padgett, Roberts, Sawyer, Schaffer, Seitz, Spada, Wagoner, Wilson, Carey, Mumper, Austria

To amend sections 125.18, 317.082, 319.28, 319.54, 2305.09, and 2901.13 and to enact sections 109.941, 111.241, 149.434, 149.45, 1349.52, and 1349.53 of the Revised Code to allow a consumer to place a security freeze on the consumer's credit report, to require a public office to redact from a document that is otherwise a public record certain information, to require a public office to redact Social Security numbers or federal tax identification numbers from any document that is made available online to the public through the internet, to require the Office of Criminal Justice Services to make state funding grants available to local law enforcement agencies for enforcement of identity fraud laws, to require the attorney general to support

local law enforcement agencies with the enforcement of identity fraud laws, to enact a special statute of limitations for criminal prosecutions and civil actions against identity fraud, to allow a safety worker to request the county auditor to remove the safety worker's name from the general tax list of real and public utility property and the general duplicate of real and public utility property and insert the safety worker's initials, and to prohibit a county auditor from charging a real property conveyance fee to a safety worker who changes the current owner name on the general tax list of real and public utility property and the general duplicate of real and public utility property to the safety worker's initials.

As a substitute bill, in which the concurrence of the House is requested.

Attest:

Vincent L. Keeran,  
Clerk.

The Senate amendments were laid over under the Rule.

Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has concurred in the passage of the following bill:

**Sub. H. B. No. 332** -Representative Wagoner

Cosponsors: Representatives Combs, Webster, Seitz, Yates, Latta, McGregor, J., Hite, Stebelton, Oelslager, Coley, Hughes, Bacon, Barrett, Batchelder, Beatty, Blessing, Bolon, Book, Boyd, Brown, Budish, Chandler, Collier, DeBose, Distel, Dolan, Domenick, Evans, Fende, Fessler, Flowers, Foley, Garrison, Gerberry, Gibbs, Harwood, Huffman, Koziura, Letson, Luckie, Lundy, Mallory, McGregor, R., Mecklenborg, Okey, Patton, Sayre, Schindel, Setzer, Sykes, Szollosi, Ujvagi, Wolpert, Yuko, Zehringer Senators Seitz, Faber, Goodman, Boccieri, Buehrer, Spada, Fedor, Grendell, Harris, Kearney, Morano, Niehaus, Padgett, Roberts, Schuler, Mason, Sawyer, Miller, R., Smith

To amend sections 111.16, 150.05, 1322.03, 1329.01, 1329.02, 1329.04, 1701.05, 1702.05, 1703.04, 1705.05, 1782.02, 1782.20, 1782.60, 2329.66, 4715.22, 4749.03, 5810.11, and 5815.35, to enact sections 1775.66, 1776.01 to 1776.08, 1776.10 to 1776.12, 1776.21 to 1776.24, 1776.31 to 1776.38, 1776.41 to 1776.58, 1776.61 to 1776.79, 1776.81 to 1776.89, 1776.91, 1776.92, 1776.95, 1776.96, 1777.07, 1779.12, 1782.64, and 2307.30, and to repeal, effective January 1, 2010, sections 1775.01, 1775.02, 1775.03, 1775.04, 1775.05, 1775.06, 1775.07, 1775.08, 1775.09, 1775.10, 1775.11, 1775.12, 1775.13, 1775.14, 1775.15, 1775.16, 1775.17, 1775.18, 1775.19,

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As a substitute bill, in which the concurrence of the House is requested.

Attest:

Vincent L. Keeran,  
Clerk.

The Senate amendments were laid over under the Rule.

#### Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has concurred in the passage of the following bill:

#### **Am. H. B. No. 352** -Representative Patton

Cosponsors: Representatives Schlichter, Gibbs, Aslanides, Sayre, Okey, Luckie, Domenick, Batchelder, Chandler, Collier, Dyer, Evans, Fessler, Flowers, Hagan, J., Hite, Hughes, Letson, Mallory, McGregor, J., Schindel, Setzer, Stebelton, Webster, Widowfield, Yates Senators Buehrer, Cafaro, Faber, Fedor, Harris, Kearney, Miller, R., Morano, Mumper, Padgett, Schaffer, Seitz, Smith, Spada, Stivers, Wagoner, Wilson

To amend sections 901.41, 901.70, 903.01, 943.01, and 947.01 of the Revised Code to include alpacas and llamas in certain statutory definitions of "agricultural animal" and "livestock."

With the following additional amendments, in which the concurrence of the House is requested.

In line 33, after " alpacas," insert " llamas."

In line 55, delete " and"; after " alpacas" insert " , and llamas"

In line 65, after " alpacas;" insert " llamas;"

In line 291, delete " and"; after " alpacas" insert " , and llamas"

In line 299, after " alpacas" insert " or llamas"

In line 338, delete " and"; after " alpacas" insert " , and llamas"

In line 2 of the title, after "alpacas" insert "and llamas"

Attest:

Vincent L. Keeran,  
Clerk.

The Senate amendments were laid over under the Rule.

Message from the Speaker

The Speaker of the House of Representatives, on April 21, 2008, signed the following:

**Am. H. B. No. 295** - Representative Wagoner - et al.

**Am. H. B. No. 392** - Representative McGregor, J. - et al.

On motion of Representative DeWine, the House adjourned until Wednesday, April 23, 2008 at 1:30 p.m.

Attest:

LAURA P. CLEMENS,  
Clerk.