

OHIO

House

of

Representatives

JOURNAL

WEDNESDAY, APRIL 30, 2008

ONE HUNDRED SIXTY-SEVENTH DAY
Hall of the House of Representatives, Columbus, Ohio
Wednesday, April 30, 2008, 1:30 p.m.

The House met pursuant to adjournment.

Prayer was offered by Pastor Steve Benninger of New Life Church in Gahanna, 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:

The New Knoxville High School boys basketball team received H. R. 193, presented by Representative Hite-76th district.

Dr. and Mrs. Kokernaught, guests of Representative J. McGregor-20th district.

Dr. Charles Bertani, a guest of Representative Hughes-22nd district.

INTRODUCTION OF BILLS

The following bills were introduced:

H. B. No. 546-Representative Gibbs.

To enact sections 323.80 and 5739.214 of the Revised Code to provide an ongoing rebate to owners of residential or agricultural property who timely pay property taxes.

H. B. No. 547-Representative Fende.

Cosponsors: Representatives Budish, Evans, Foley, Hagan, R., Harwood, Letson, Newcomb, Skindell, Ujvagi, Williams, B., Yuko.

To amend sections 3781.111, 3781.99, and 4511.69 of the Revised Code to require the removal of snow or ice from special parking locations designated for persons with disabilities within 24 hours after the weather condition causing the snow or ice ceases.

Said bills were considered the first time.

CONSIDERATION OF SENATE AMENDMENTS

The Senate amendments to **Sub. H. B. No. 244**-Representative Brinkman, et al., were taken up for consideration.

Sub. H. B. No. 244-Representative Brinkman.

Cosponsors: Representatives Flowers, Mallory, Uecker, Chandler, Wagner,

Bacon, Batchelder, Blessing, Combs, Daniels, Dolan, Domenick, Dyer, Fessler, Gardner, Hagan, R., Hite, Hughes, Koziura, McGregor, J., Mecklenborg, Patton, Schindel, Schneider, Sears, Setzer, Williams, B., Yuko, Zehringer. Senators Cates, Schuler, Seitz, Fedor, Harris, Spada.

To amend sections 515.04, 515.05, 515.08, 515.11, 515.12, and 515.15 and to enact section 515.16 of the Revised Code to authorize townships to relocate overhead cables, wires, and appurtenant equipment underground upon petition; to pay for a relocation by assessing abutting and otherwise specially benefited properties; to collect interest on unpaid assessments for an underground relocation project or an artificial lighting district project; and to exempt townships from liability for outages or other damage caused by a relocation project, and to exempt the owners of the cables, wires, and appurtenant equipment from liability, unless the outage or other damage was caused by the owner's negligence.

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

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	Batchelder
Beatty	Blessing	Bolon	Book
Boyd	Brady	Brinkman	Brown
Budish	Carmichael	Celeste	Chandler
Coley	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	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	Ujvagi	Wachtmann	Wagner
Webster	White	Widener	Widowfield
Williams B.	Williams S.	Wolpert	Yates
Yuko	Zehringer		Husted-95.

The Senate amendments were concurred in.

The Senate amendments to **Am. Sub. H. B. No. 293**-Representative Goodwin, et al., were taken up for consideration.

Am. Sub. H. B. No. 293-Representative Goodwin.

Cosponsors: Representatives McGregor, J., Wachtmann, Yuko, Evans, Reinhard, Latta, Huffman, Peterson, Chandler, Dodd, Seitz, Stebelton, Fende, Sayre, Hughes, Aslanides, Combs, Domenick, Otterman, Bacon, Barrett, Batchelder, Beatty, Bolon, Celeste, Daniels, Dolan, Dyer, Flowers, Gardner, Gibbs, Goyal, Hagan, J., Harwood, Heard, Hite, Hottinger, Letson, Oelslager, Okey, Patton, Schindel, Schlichter, Setzer, Strahorn, Uecker, Wagner, Webster, Widener, Yates, Zehringer. Senators Mumper, Padgett, Faber, Grendell, Schuring, Roberts, Boccieri, Carey, Cates, Harris, Niehaus, Schaffer, Seitz, Schuler, Kearney, Wilson, Fedor.

To amend sections 901.04, 4501.21, 4503.77, and 4503.78 and to enact sections 901.90, 4503.503, 4503.504, and 4503.553 of the Revised Code to establish a threshold of 500 annual special license plate registrations for all special license plates, to create "Ohio Agriculture" license plates and to create the Ohio Agriculture License Plate Scholarship Program, to create "Ohio Sustainable Agriculture" license plates, and to create "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.

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

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	Batchelder
Beatty	Blessing	Bolon	Book
Boyd	Brady	Brinkman	Brown
Budish	Carmichael	Celeste	Chandler
Coley	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	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	Ujvagi	Wachtmann	Wagner
Webster	White	Widener	Widowfield
Williams B.	Williams S.	Wolpert	Yates
Yuko	Zehringer		Husted-95.

The Senate amendments were concurred in.

The Senate amendments to **Am. H. B. No. 381**-Representative Webster, et al., were taken up for consideration.

Am. H. B. No. 381-Representative Webster.

Cosponsors: Representatives Hottinger, Bacon, Bolon, Boyd, Budish, Chandler, Coley, Flowers, Hite, Jones, Mecklenborg, Patton, Sears, Strahorn, Batchelder, Beatty, Brady, Celeste, Combs, DeBose, DeGeeter, Distel, Dolan, Domenick, Driehaus, Dyer, Evans, Fende, Foley, Gibbs, Goyal, Hagan, R., Harwood, Heard, Hughes, Letson, Luckie, Lundy, McGregor, J., McGregor, R., Okey, Schindel, Schneider, Setzer, Stewart, D., Sykes, Szollosi, Williams, B., Williams, S., Wolpert, Yates, Yuko. Senators Cates, Sawyer, Padgett, Amstutz, Bocchieri, Cafaro, Fedor, Harris, Miller, D., Miller, R., Morano, Roberts, Schaffer, Schuring, Seitz, Smith, Spada, Wagoner, Wilson, Stivers, Faber.

To amend Sections 263.10, 263.20.90, and 375.10 of Am. Sub. H.B. 119 of the 127th General Assembly, to amend Section 235.10.40 of Am. Sub. H.B. 699 of the 126th General Assembly, and to repeal Section 375.20.80 of Am. Sub. H.B. 119 of the 127th General Assembly to increase the funds available for the Ohio Research Scholars Program and to permit a nonpublic four-year Ohio university to submit a proposal for the Ohio Research Scholars Program if the proposal is to be implemented in collaboration with a state college or university.

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

The yeas and nays were taken and resulted - yeas 94, nays 1, as follows:

Those who voted in the affirmative were: Representatives

Adams	Aslanides	Bacon	Batchelder
Beatty	Blessing	Bolon	Book
Boyd	Brady	Brinkman	Brown
Budish	Carmichael	Celeste	Chandler
Coley	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	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
Williams S.
Zehringer

Widener
Wolpert

Widowfield
Yates

Williams B.
Yuko
Husted-94.

Representative Fessler voted in the negative-1.

The Senate amendments were concurred in.

REPORTS OF STANDING AND SELECT COMMITTEES AND BILLS FOR SECOND CONSIDERATION

Representative Bolon submitted the following report:

The standing committee on Finance and Appropriations to which was referred **H. B. No. 544**-Representative Hottinger, having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: ABOLISH TOBACCO USE PREVENTION AND CONTROL
FOUNDATION

Representative Hottinger moved to amend the title as follows:

Add the names: "Hagan, R., Yates."

JAY HOTTINGER
KEVIN BACON
BARBARA BOYD
ARMOND BUDISH
BILL COLEY
KEVIN DEWINE
CLYDE EVANS
JENNIFER GARRISON
CLIFF HITE
ROSS MCGREGOR
THOMAS F. PATTON
JOHN SCHLICHTER
DAN STEWART
FRED STRAHORN

MICHAEL J. SKINDELL
LINDA S. BOLON
EDNA BROWN
KATHLEEN CHANDLER
ANTHONY CORE
STEVE L. DRIEHAUS
LARRY L. FLOWERS
ROBERT F. HAGAN
SHANNON JONES
ROBERT MECKLENBORG
CHRIS REDFERN
BARBARA R. SEARS
JIMMY STEWART
TYRONE K. YATES

The following members voted "NO"

JON M. PETERSON

RANDY GARDNER

The report was agreed to.

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

Representative Budish submitted the following report:

The standing committee on Financial Institutions, Real Estate, and Securities to which was referred **H. B. No. 545**-Representative

Widener, having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: SHORT TERM LOAN ACT

Representative Widener moved to amend the title as follows:

Add the names: "Koziura, Batchelder, Budish, Stewart, D.."

CHRIS WIDENER	ARMOND BUDISH
DAN STEWART	BARBARA R. SEARS
RANDY GARDNER	SANDRA WILLIAMS
THOMAS F. PATTON	CAROL-ANN SCHINDEL
ALLAN R. SAYRE	JAY P. GOYAL
DAN DODD	STEPHEN SLESNICK
T. TODD BOOK	MATT SZOLLOSI
JOSEPH KOZIURA	KEVIN BACON
WILLIAM G. BATCHELDER	

The following members voted "NO"

DAVID DANIELS	CLYDE EVANS
BOB GIBBS	CLIFF HITE
JAMES ZEHRINGER	

The report was agreed to.

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

MOTIONS AND RESOLUTIONS

Representative Schneider moved that majority party members asking leave to be absent or absent the week of Tuesday, April 29, 2008, be excused, so long as a written request is on file in the majority leadership offices.

The motion was agreed to.

Representative Strahorn moved that minority party members asking leave to be absent or absent the week of Tuesday, April 29, 2008, 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

Representative DeWine moved that House Rule 66, pertaining to bills being placed on the calendar, be suspended and that **Sub. H. B. No. 544**-Representative Hottinger, et al. be taken up for immediate consideration the third time.

The motion was agreed to without objection.

Sub. H. B. No. 544-Representative Hottinger.

Cosponsors: Representatives Hagan, R., Yates.

To amend sections 102.02, 183.021, 183.30, 183.33, and 2151.87; to enact sections 3701.84 and 3701.841; to repeal sections 183.03, 183.04, 183.05, 183.06, 183.061, 183.07, 183.08, 183.09, and 183.10 of the Revised Code; to repeal Section 3 of Am. S.B. 192 of the 127th General Assembly, to repeal Section 4 of S.B. 209 of the 127th General Assembly, and to repeal Section 205.10 of Sub. S.B. 321 of the 126th General Assembly to abolish the Tobacco Use Prevention and Control Foundation and transfer certain powers of the Foundation to the Department of Health, to make an appropriation, and to declare an emergency, was taken up for consideration the third time.

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

The yeas and nays were taken and resulted - yeas 84, nays 11, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Bacon	Beatty	Blessing
Bolon	Book	Boyd	Brady
Brown	Budish	Carmichael	Celeste
Chandler	Coley	Core	Daniels
DeBose	DeGeeter	DeWine	Dodd
Dolan	Domenick	Driehaus	Dyer
Evans	Fende	Flowers	Foley
Garrison	Gerberry	Gibbs	Goyal
Hagan J.	Hagan R.	Harwood	Heard
Hite	Hottinger	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	Ujvagi
Wagner	Webster	White	Widener
Widowfield	Williams B.	Williams S.	Wolpert
Yates	Yuko	Zehringer	Husted-84.

Those who voted in the negative were: Representatives

Adams	Batchelder	Brinkman	Combs
Fessler	Gardner	Goodwin	Huffman
Peterson	Stebelton		Wachtmann-11.

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 85, nays 10, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Bacon	Beatty	Blessing
Bolon	Book	Boyd	Brady
Brown	Budish	Carmichael	Celeste
Chandler	Coley	Core	Daniels
DeBose	DeGeeter	DeWine	Dodd
Dolan	Domenick	Driehaus	Dyer
Evans	Fende	Flowers	Foley
Garrison	Gerberry	Gibbs	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
Ujvagi	Wagner	Webster	White
Widener	Widowfield	Williams B.	Williams S.
Wolpert	Yates	Yuko	Zehringer
			Husted-85.

Those who voted in the negative were: Representatives

Adams	Batchelder	Brinkman	Combs
Fessler	Gardner	Goodwin	Peterson
Stebelton			Wachtmann-10.

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

Representative Hottinger moved to amend the title as follows:

Add the name: "McGregor, J.."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Sub. H. B. No. 247-Representative Brown.

Cosponsors: Representatives Koziura, Chandler, Ujvagi, Williams, S., Williams, B., Yuko, Brady, Miller, DeGeeter, Otterman, Domenick, Luckie, Wagoner, Strahorn, Skindell, DeBose, McGregor, J., Driehaus, Hughes, Garrison, Combs, Schneider, Letson.

To amend sections 2151.23, 2903.214, 2919.25, 3113.31, and 3113.33 of the Revised Code to allow a court to issue a civil protection order to a child who has had or has a dating relationship with the respondent if certain

offenses are alleged and to include foster parents under the scope of the domestic violence laws, 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	Batchelder
Beatty	Blessing	Bolon	Book
Boyd	Brady	Brinkman	Brown
Budish	Carmichael	Celeste	Chandler
Coley	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	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	Ujvagi	Wachtmann	Wagner
Webster	White	Widener	Widowfield
Williams B.	Williams S.	Wolpert	Yates
Yuko	Zehringer		Husted-95.

The bill passed.

Representative Brown moved to amend the title as follows:

Add the names: "Bacon, Batchelder, Beatty, Bolon, Book, Boyd, Budish, Celeste, Dodd, Dolan, Dyer, Evans, Fende, Foley, Gardner, Gibbs, Goodwin, Goyal, Hagan, J., Hagan, R., Harwood, Heard, Hottinger, Jones, Lundy, Mallory, Newcomb, Oelslager, Okey, Otterman, J., Patton, Schindel, Sears, Slesnick, Stebelton, Stewart, D., Szollosi, Widowfield, Yates."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Am. H. B. No. 320-Representative Jones.

Cosponsors: Representatives Brown, Evans, McGregor, J., Schindel, Stebelton, Uecker, Combs, Domenick, Newcomb, Ujvagi, Wachtmann.

To amend sections 4511.093, 4511.81, and 4513.263 of the Revised Code to require certain children who are between four and eight years of age to be secured in a booster seat and to require children who are between eight and eighteen years of age to be restrained in a child restraint system or an occupant restraining device if not otherwise required to be in a child restraint system or booster seat, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 85, nays 10, as follows:

Those who voted in the affirmative were: Representatives

Bacon	Batchelder	Beatty	Blessing
Bolon	Book	Boyd	Brady
Brown	Budish	Carmichael	Celeste
Chandler	Combs	DeBose	DeGeeter
DeWine	Dodd	Dolan	Domenick
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
Patton	Peterson	Rausen	Redfern
Reinhard	Sayre	Schindel	Schlichter
Schneider	Sears	Setzer	Skindell
Slesnick	Stebelton	Stewart D.	Stewart J.
Strahorn	Sykes	Szollosi	Uecker
Ujvagi	Wachtmann	Webster	White
Widener	Widowfield	Williams B.	Williams S.
Wolpert	Yates	Yuko	Zehringer
			Husted-85.

Those who voted in the negative were: Representatives

Adams	Aslanides	Brinkman	Coley
Core	Daniels	Driehaus	Fessler
Otterman J.			Wagner-10.

The bill passed.

Representative Jones moved to amend the title as follows:

Add the names: "Boyd, Chandler, DeBose, DeGeeter, Dyer, Gardner, Heard, Hite, Hottinger, Koziura, Oelslager, Schneider, Skindell, Widener, Williams, S., Yates, Yuko."

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 **Sub. H. B. No. 545**-Representative Widener, et al. be taken up for immediate consideration the third time.

The motion was agreed to without objection.

Sub. H. B. No. 545-Representative Widener.

Cosponsors: Representatives Koziura, Batchelder, Budish, Stewart, D.

To amend sections 109.572, 135.63, 1109.15, 1151.29, 1181.05, 1181.21, 1181.25, 1315.99, 1321.02, 1321.21, 1321.99, 1345.01, 1349.71, 1349.72, 1733.25, and 2307.61, to enact sections 121.085, 135.68, 135.69, 135.70, 1321.35, 1321.36, 1321.37, 1321.38, 1321.39, 1321.40, 1321.41, 1321.42, 1321.43, 1321.44, 1321.45, 1321.46, 1321.47, and 1321.48, and to repeal sections 1315.35, 1315.36, 1315.37, 1315.38, 1315.39, 1315.40, 1315.41, 1315.42, 1315.43, and 1315.44 of the Revised Code to repeal the Check-Cashing Lender Law, to establish the short-term lender law, to authorize savings and loan associations and credit unions to make short-term loans with special terms, to create a short-term installment loan linked deposit program, and to expand the responsibilities of the Consumer Finance Education Board, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Adams moved to amend as follows:

In line 21, delete the first "and"; after "2307.61" insert ", and 3770.03"

Between lines 2401 and 2402, insert:

"Sec. 3770.03. (A) The state lottery commission shall promulgate rules under which a statewide lottery may be conducted. The rules shall be promulgated pursuant to Chapter 119. of the Revised Code, except that instant game rules shall be promulgated pursuant to section 111.15 of the Revised Code but are not subject to division (D) of that section. Subjects covered in these rules shall include, but need not be limited to, the following:

(1) The type of lottery to be conducted;

(2) The prices of tickets in the lottery ;

(3) The number, nature, and value of prize awards, the manner and frequency of prize drawings, and the manner in which prizes shall be awarded to holders of winning tickets.

No rule shall authorize a lottery game that has more than two announcements of prize winners per day or is played on a slot machine as defined in section 2915.01 of the Revised Code, including, but not limited to, a game of keno.

(B) The commission shall promulgate rules, in addition to those

described in division (A) of this section, pursuant to Chapter 119. of the Revised Code under which a statewide lottery and statewide joint lottery games may be conducted. Subjects covered in these rules shall include, but not be limited to, the following:

(1) The locations at which lottery tickets may be sold and the manner in which they are to be sold. These rules may authorize the sale of lottery tickets by commission personnel or other licensed individuals from traveling show wagons at the state fair, and at any other expositions the director of the commission considers acceptable. These rules shall prohibit commission personnel or other licensed individuals from soliciting from an exposition the right to sell lottery tickets at that exposition, but shall allow commission personnel or other licensed individuals to sell lottery tickets at an exposition if the exposition requests commission personnel or licensed individuals to do so. These rules may also address the accessibility of sales agent locations to commission products in accordance with the "Americans with Disabilities Act of 1990," 104 Stat. 327, 42 U.S.C.A. 12101 et seq.

(2) The manner in which lottery sales revenues are to be collected, including authorization for the director to impose penalties for failure by lottery sales agents to transfer revenues to the commission in a timely manner;

(3) The amount of compensation to be paid licensed lottery sales agents;

(4) The substantive criteria for the licensing of lottery sales agents consistent with section 3770.05 of the Revised Code, and procedures for revoking or suspending their licenses consistent with Chapter 119. of the Revised Code. If circumstances, such as the nonpayment of funds owed by a lottery sales agent, or other circumstances related to the public safety, convenience, or trust, require immediate action, the director may suspend a license without affording an opportunity for a prior hearing under section 119.07 of the Revised Code.

(5) Special game rules to implement any agreements signed by the governor that the director enters into with other lottery jurisdictions under division (J) of section 3770.02 of the Revised Code to conduct statewide joint lottery games. The rules shall require that the entire net proceeds of those games that remain, after associated operating expenses, prize disbursements, lottery sales agent bonuses, commissions, and reimbursements, and any other expenses necessary to comply with the agreements or the rules are deducted from the gross proceeds of those games, be transferred to the lottery profits education fund under division (B) of section 3770.06 of the Revised Code.

(C) The commission may promulgate rules, in addition to those described in divisions (A) and (B) of this section, that establish standards governing the display of advertising and celebrity images on lottery tickets and on other items that are used in the conduct of, or to promote, the statewide lottery and statewide joint lottery games. Any revenue derived from the sale of advertising displayed on lottery tickets and on those other items shall be considered, for purposes of

section 3770.06 of the Revised Code, to be related proceeds in connection with the statewide lottery or gross proceeds from statewide joint lottery games, as applicable.

(D)(1) The commission shall meet with the director at least once each month and shall convene other meetings at the request of the chairperson or any five of the members. No action taken by the commission shall be binding unless at least five of the members present vote in favor of the action. A written record shall be made of the proceedings of each meeting and shall be transmitted forthwith to the governor, the president of the senate, the senate minority leader, the speaker of the house of representatives, and the house minority leader.

(2) The director shall present to the commission a report each month, showing the total revenues, prize disbursements, and operating expenses of the state lottery for the preceding month. As soon as practicable after the end of each fiscal year, the commission shall prepare and transmit to the governor and the general assembly a report of lottery revenues, prize disbursements, and operating expenses for the preceding fiscal year and any recommendations for legislation considered necessary by the commission."

In line 2404, delete "and"; after "2307.61" insert ", and 3770.03"

In line 4 of the title, delete "and"; after "2307.61," insert "and 3770.03"

In line 16 of the title, delete "and"

In line 18 of the title, after "Board" insert ", and to prohibit the State Lottery Commission from establishing a lottery game that has more than two announcements of prize winners per day or that is played on a slot machine, including a game of keno"

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

The yeas and nays were taken and resulted - yeas 49, nays 46, as follows:

Those who voted in the affirmative were: Representatives

Adams	Aslanides	Bacon	Batchelder
Brinkman	Carmichael	Coley	Combs
Core	Daniels	DeWine	Dolan
Evans	Fessler	Flowers	Gardner
Gibbs	Goodwin	Hagan J.	Hite
Hottinger	Huffman	Hughes	Jones
McGregor J.	McGregor R.	Mecklenborg	Oelslager
Patton	Peterson	Rausen	Reinhard
Schindel	Schlichter	Schneider	Sears
Setzer	Stebelton	Stewart J.	Uecker
Wachtmann	Wagner	Webster	White
Widener	Widowfield	Wolpert	Zehringer
			Husted-49.

Those who voted in the negative were: Representatives

Beatty	Blessing	Bolon	Book
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Boyd	Brady	Brown	Budish
Celeste	Chandler	DeBose	DeGeeter
Dodd	Domenick	Driehaus	Dyer
Fende	Foley	Garrison	Gerberry
Goyal	Hagan R.	Harwood	Heard
Koziura	Letson	Luckie	Lundy
Mallory	Miller	Newcomb	Okey
Otterman J.	Redfern	Sayre	Skindell
Slesnick	Stewart D.	Strahorn	Sykes
Szollosi	Ujvagi	Williams B.	Williams S.
Yates			Yuko-46.

The motion was agreed to and the bill so amended.

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

On motion of Representative Beatty, the House recessed.

The House met pursuant to recess.

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

Representative DeWine having voted on the prevailing side, moved that the vote by which the amendment offered by Representative Adams, passed be reconsidered and that the motion be taken up for immediate consideration.

This motion under House Rule 95 is properly supported by the following members who voted on the prevailing side of the question:

JON A. HUSTED	KEVIN DEWINE
LARRY L. FLOWERS	

The question being, "Shall the motion to reconsider the vote by which the amendment offered by Representative Adams, passed be agreed to?"

The yeas and nays were taken and resulted - yeas 68, nays 27, as follows:

Those who voted in the affirmative were: Representatives

Beatty	Blessing	Bolon	Book
Boyd	Brady	Brown	Budish
Carmichael	Celeste	Chandler	DeBose
DeGeeter	DeWine	Dodd	Dolan
Domenick	Driehaus	Dyer	Evans
Fende	Flowers	Foley	Gardner
Garrison	Gerberry	Goyal	Hagan R.
Harwood	Heard	Jones	Koziura
Letson	Luckie	Lundy	Mallory
McGregor J.	Miller	Newcomb	Oelslager
Okey	Otterman J.	Patton	Peterson
Rausen	Redfern	Sayre	Schindel
Schneider	Sears	Setzer	Skindell
Slesnick	Stewart D.	Strahorn	Sykes
Szollosi	Uecker	Ujvagi	White
Widener	Williams B.	Williams S.	Wolpert
Yates	Yuko	Zehringer	Husted-68.

Those who voted in the negative were: Representatives

Adams	Aslanides	Bacon	Batchelder
Brinkman	Coley	Combs	Core
Daniels	Fessler	Gibbs	Goodwin
Hagan J.	Hite	Hottinger	Huffman
Hughes	McGregor R.	Mecklenborg	Reinhard
Schlichter	Stebelton	Stewart J.	Wachtmann
Wagner	Webster		Widowfield-27.

The motion was agreed to and the vote by which the amendment offered by Representative Adams, passed was reconsidered.

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

Representative Strahorn 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 61, nays 34, as follows:

Those who voted in the affirmative were: Representatives

Beatty	Blessing	Bolon	Book
Boyd	Brady	Brown	Budish
Carmichael	Celeste	Chandler	DeBose
DeGeeter	Dodd	Dolan	Domenick
Driehaus	Dyer	Fende	Flowers
Foley	Garrison	Gerberry	Goyal
Hagan R.	Harwood	Heard	Koziura
Letson	Luckie	Lundy	Mallory
McGregor J.	Miller	Newcomb	Oelslager
Okey	Otterman J.	Peterson	Rausen
Redfern	Sayre	Schindel	Sears
Setzer	Skindell	Slesnick	Stewart D.
Strahorn	Sykes	Szollosi	Uecker
Ujvagi	White	Widener	Williams B.
Williams S.	Wolpert	Yates	Yuko
			Husted-61.

Those who voted in the negative were: Representatives

Adams	Aslanides	Bacon	Batchelder
Brinkman	Coley	Combs	Core
Daniels	DeWine	Evans	Fessler
Gardner	Gibbs	Goodwin	Hagan J.
Hite	Hottinger	Huffman	Hughes
Jones	McGregor R.	Mecklenborg	Patton
Reinhard	Schlichter	Schneider	Stebelton
Stewart J.	Wachtmann	Wagner	Webster
Widowfield			Zehringer-34.

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 69, nays 26, as follows:

Those who voted in the affirmative were: Representatives

Bacon	Batchelder	Beatty	Blessing
Bolon	Book	Boyd	Brady
Brown	Budish	Carmichael	Celeste
DeBose	DeGeeter	DeWine	Dodd
Dolan	Driehaus	Dyer	Evans
Fende	Flowers	Foley	Gardner
Garrison	Gerberry	Goyal	Hagan R.
Harwood	Heard	Hottinger	Hughes
Jones	Koziura	Letson	Luckie
Lundy	Mallory	McGregor J.	Newcomb
Oelslager	Okey	Otterman J.	Patton
Peterson	Raussen	Redfern	Sayre
Schindel	Schlichter	Schneider	Sears
Skindell	Slesnick	Stebelton	Stewart D.
Stewart J.	Sykes	Szollosi	Ujvagi
Wagner	Webster	Widener	Widowfield
Williams B.	Williams S.	Wolpert	Yates
			Husted-69.

Those who voted in the negative were: Representatives

Adams	Aslanides	Brinkman	Chandler
Coley	Combs	Core	Daniels
Domenick	Fessler	Gibbs	Goodwin
Hagan J.	Hite	Huffman	McGregor R.
Mecklenborg	Miller	Reinhard	Setzer
Strahorn	Uecker	Wachtmann	White
Yuko			Zehringer-26.

The bill passed.

Representative Widener moved to amend the title as follows:

Add the names: "Boyd, DeBose, Driehaus, Dyer, Foley, Garrison, Gerberry, Hagan, R., Letson, Luckie, Lundy, Newcomb, Peterson, Skindell, Stebelton, Sykes, Wagner, Widowfield, Yates."

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. 55 -Representative McGregor, J.

Cosponsors: Representatives Evans, Hughes, Latta, Setzer, Skindell, Dodd, Book, Brown, Domenick, Schneider, Batchelder, Collier, Dolan, Gibbs, Jones, Stebelton, Stewart, D. Senators Cates, Seitz, Wagoner, Fedor, Roberts, Austria, Carey, Goodman, Grendell, Harris, Mumper, Padgett, Schuler, Spada, Stivers

To enact section 5.2238 of the Revised Code to designate April 29 of each year "Heritage and Freedom Flag of the Former Republic of Vietnam Day."

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 House amendments to:

Sub. S. B. No. 163 -Senator Niehaus - et al.

Attest:

Vincent L. Keeran,
Clerk.

Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has passed the following bill in which the concurrence of the House is requested:

Sub. S. B. No. 220 -Senator Schuring
Cosponsors: Senators Austria, Harris, Padgett, Schaffer

To amend sections 2929.01, 2929.14, and 2929.24 and to enact section 2941.1421 of the Revised Code to authorize a court to impose an additional jail or prison term on an offender convicted of any one of certain prostitution, procuring, and soliciting offenses and of a specification that the offense was committed in proximity to a school and to authorize the court to require the offender in lieu of the additional prison or jail term to wear a real-time processing, continual tracking electronic monitoring device for a period of time that the additional term could have been imposed.

Attest: Vincent L. Keeran,
Clerk.

Said bill was considered the first time.

On motion of Representative DeWine, the House adjourned until Thursday,
May 1, 2008 at 11:00 o'clock a.m.

Attest: LAURA P. CLEMENS,
Clerk.