

OHIO

House

of

Representatives

JOURNAL

TUESDAY, MAY 1, 2007

FORTY-FOURTH DAY

Hall of the House of Representatives, Columbus, Ohio
Tuesday, May 1, 2007, 11:00 o'clock a.m.

The House met pursuant to adjournment.

Prayer was offered by Pastor Jim Lillibridge of the Indian Run United Methodist Church in Dublin, Ohio, followed by the Pledge of Allegiance to the Flag.

The journal of the previous legislative day was read and approved.

The following guests of the House of Representatives were recognized by Speaker Husted prior to the commencement of business:

The Adams County Christian School girls basketball team received H. R. No. 49, presented by Representative Bulp-88th district.

Trooper Joshua P. Eldridge received H. R. No. 30, presented by Representative Uecker-66th district.

Students from Ida Sue School, guests of Representative Carmichael-3rd district.

Fourth grade students from Precious Blood School, guests of Representative Strahorn-40th district.

Emily Niehaus and Patti Uecker, wife of Representative Uecker-66th district.

Sonia Kelly, a guest of Representative Goyal-73rd district.

Julie Brown, Rob Fox, Gary Capastoshy, and Dean Wittwer, guests of Representative Hite-76th district.

Jim Templeton, a guest of Representative Widener-84th district.

Joyce Leeth, a guest of Representative Daniels-86th district.

INTRODUCTION OF BILLS

The following bills were introduced:

H. B. No. 192-Representative Brady.

Cosponsors: Representatives Brown, Budish, DeGeeter, Dyer, Foley, Garrison, Luckie, Okey, Skindell, Yuko, Ujvagi.

To enact section 3345.36 of the Revised Code to require each state institution of higher education to develop a plan for responding to threats or acts of violence on campus.

H. B. No. 193-Representative Fessler.

Cosponsors: Representatives Adams, Combs, Yuko, Seitz, Bulp, Setzer,

Webster, Collier, Evans, Goodwin, Hagan, J., Harwood, Healy, Latta, McGregor, J., McGregor, R., Stebelton, Williams, B., Skindell, Otterman, Distel.

To amend section 5903.10 of the Revised Code to require a licensing agency to grant renewal of a professional license or certificate to a member of the uniformed services whose license or certificate has expired because of the member's service.

H. B. No. 194-Representative Zehringer.

Cosponsors: Representatives Seitz, Evans, Adams, Huffman, McGregor, J., Reinhard, Goodwin, Daniels, Flowers, Carmichael, Webster.

To amend section 121.22 of the Revised Code to allow joint township hospitals to hold an executive session for purposes of discussing trade secrets.

H. B. No. 195-Representative Core.

Cosponsors: Representatives McGregor, J., Evans, Bubp, Combs, Adams, Stebelton, Fende.

To amend sections 2925.01, 2925.11, and 2925.22 of the Revised Code to provide that the prescription-related exemption from the drug possession offenses applies only when the controlled substance is obtained pursuant to a lawful prescription and to modify the penalty for "deception to obtain a dangerous drug" under specified circumstances.

Said bills were considered the first time.

CONSIDERATION OF SENATE AMENDMENTS

The Senate amendments to **Am. Sub. H. B. No. 53**-Representative Peterson, et al., were taken up for consideration.

Am. Sub. H. B. No. 53-Representative Peterson.

Cosponsors: Representatives Yuko, Skindell, Ujvagi, Setzer, Dodd, Bacon, Collier, Fende, Chandler, Strahorn, White, Hagan, R., Wachtmann, Williams, B., Boyd, Brown, DeBose, Flowers, Goodwin, Hottinger, Huffman, Jones, Oelslager, Otterman, Raussen, Uecker, Webster, Adams, Aslanides, Batchelder, Beatty, Bolon, Book, Brady, Bubp, Budish, Carano, Celeste, Combs, DeGeeter, Distel, Dolan, Domenick, Driehaus, Dyer, Evans, Foley, Garrison, Gibbs, Goyal, Harwood, Heard, Hite, Hughes, Latta, Letson, Luckie, Lundy, Mallory, Mandel, McGregor, R., Miller, Okey, Patton, Sayre, Schindel, Schneider, Stebelton, Stewart, D., Stewart, J., Sykes, Wagoner, Williams, S., Yates Senators Miller, D., Cafaro, Morano, Padgett, Clancy, Spada, Amstutz, Austria, Boccieri, Buehrer, Faber, Carey, Coughlin, Fedor, Gardner, Grendell, Harris, Jacobson, Kearney, Mason, Sawyer, Schaffer, Schuler, Schuring, Smith, Wilson, Mumper, Miller, R.

To amend sections 701.01, 711.23, 1775.31, 2111.37, 2111.47, 2307.14, 2317.021, 2317.03, 2317.06, 2721.05, 3763.06, 4303.272, 4399.05, 4971.16, 5301.22, 5305.17, 5305.18, 5305.19, 5305.20, 5305.21, 5305.22, 5307.19, 5307.20, 5310.12, 5711.05, 5711.07, 5907.06, 5907.08, and 5907.09 of the Revised Code to replace terms that refer to persons with certain conditions.

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

The yeas and nays were taken and resulted - yeas 97, 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	Carmichael
Celeste	Chandler	Coley	Collier
Combs	Core	Daniels	DeBose
DeGeeter	DeWine	Distel	Dodd
Dolan	Domenick	Driehaus	Dyer
Evans	Fende	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	Zehring
			Husted-97.

The Senate amendments were concurred in.

REPORTS OF STANDING AND SELECT COMMITTEES AND BILLS FOR SECOND CONSIDERATION

Representative Dolan submitted the following report:

The standing committee on Finance and Appropriations to which was referred **H. B. No. 119**-Representative Dolan., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: OPERATING BUDGET FISCAL YEAR 2008-2009

Representative Dolan moved to amend the title as follows:

Add the names: "Peterson, Miller, Hottinger, Bacon, Evans, Hite, Budish, Strahorn, Yates, Chandler, Stewart, D., Boyd, Hagan, R., Skindell, Brown, Bolon."

MATTHEW J. DOLAN	JON M. PETERSON
MICHAEL J. SKINDELL	KEVIN BACON
LINDA S. BOLON	BARBARA BOYD
EDNA BROWN	ARMOND BUDISH
KATHLEEN CHANDLER	BILL COLEY
ANTHONY CORE	KEVIN DEWINE
STEVE L. DRIEHAUS	CLYDE EVANS
LARRY L. FLOWERS	JENNIFER GARRISON
ROBERT F. HAGAN	CLIFF HITE
JAY HOTTINGER	SHANNON JONES
ROSS MCGREGOR	THOMAS F. PATTON
CHRIS REDFERN	JOHN SCHLICHTER
DAN STEWART	JIMMY STEWART
FRED STRAHORN	PETER S. UJVAGI
MARK D. WAGONER	SHAWN N. WEBSTER
TYRONE K. YATES	

The report was agreed to.

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

Representative Latta submitted the following report:

The standing committee on Criminal Justice to which was referred **H. B. No. 120**-Representative Latta., having had the same under consideration, reports it back and recommends its passage.

RE: CORRECT HB 241 - 126th GA

ROBERT E. LATTA	DALE MALLORY
SHANNON JONES	DANNY R. BUBP
LINDA S. BOLON	TOM BRINKMAN
STEPHEN DYER	JOSH MANDEL
JOHN WIDOWFIELD	WILLIAM J. SEITZ
KENNY YUKO	JON M. PETERSON
VERNON SYKES	SANDRA WILLIAMS
JIM HUGHES	TIMOTHY J. DEGEETER
TYRONE K. YATES	MATT SZOLLOSI
TRACY HEARD	ANTHONY CORE
MATTHEW H. BARRETT	

The report was agreed to.

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

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

H.B. No. 184 - Representative Dodd, Garrison

TO ESTABLISH THE ELECTED OFFICIALS REVIEW COMMISSION TO STUDY THE ADEQUACY OF THE SALARIES OF ELECTED OFFICIALS RELATIVE TO THE DUTIES THESE OFFICIALS ARE REQUIRED TO PERFORM AND TO REQUIRE THE COMMISSION TO REPORT ITS FINDINGS TO THE GOVERNOR, GENERAL ASSEMBLY, AND SUPREME COURT.

To the committee on State Government and Elections

H.B. No. 185 - Representative Beatty, et al

REGARDING TUITION REIMBURSEMENT, TAX CREDITS, AND MANDATORY OVERTIME FOR NURSES AND NURSE AIDES.

To the committee on Ways and Means

H.B. No. 186 - Representative Skindell, et al

TO ESTABLISH AND OPERATE THE OHIO HEALTH CARE PLAN TO PROVIDE UNIVERSAL HEALTH CARE COVERAGE TO ALL OHIO RESIDENTS.

To the committee on Healthcare Access and Affordability

H.B. No. 187 - Representative Reinhard, et al

TO REQUIRE THE PUBLIC UTILITIES COMMISSION TO REGULATE TOWING COMPANIES.

To the committee on Public Utilities

H.B. No. 188 - Representative Adams and Boyd, et al

TO PERMIT DENTAL HYGIENISTS TO ENTER INTO COLLABORATION AGREEMENTS WITH DENTISTS.

To the committee on Health

H.B. No. 189 - Representative Ujvagi and J. McGregor, et al

TO PROHIBIT DISCRIMINATION UNDER THE OHIO CIVIL RIGHTS COMMISSION LAW AND CERTAIN OTHER LAWS ON THE BASIS OF MILITARY STATUS AND TO REQUIRE THE ATTORNEY GENERAL TO APPOINT A STAFF MEMBER OF THE CONSUMER PROTECTION DIVISION TO EXPEDITE CERTAIN CASES OR ISSUES RAISED BY A PERSON, OR THE PERSON'S IMMEDIATE FAMILY, WHO IS DEPLOYED ON ACTIVE DUTY.

To the committee on Infrastructure, Homeland Security and Veterans Affairs

H.B. No. 190 - Representative Hite, et al

TO SPECIFY ADMINISTRATION DATES FOR THE ELEMENTARY ACHIEVEMENT TESTS.

To the committee on Education

H.B. No. 191 - Representative Goodwin, et al

TO REQUIRE THAT IN A CRIMINAL PROCEEDING ANY OBSCENE MATERIAL INVOLVING A MINOR REMAIN IN THE CUSTODY AND CONTROL OF THE PROSECUTING ATTORNEY OR COURT.

To the committee on Criminal Justice

JON A. HUSTED
LARRY L. FLOWERS
JOYCE BEATTY

KEVIN DEWINE
ARLENE J. SETZER
JOSEPH KOZIURA

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 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 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 Concurrent Resolutions be introduced and referred to the following committees for consideration:

H. Con. R. No. 16 – Representatives Yuko, Foley, Letson, Hagan, R., Healy, Sayre, Dodd, Budish, Koziura, Ujvagi, Brown, Skindell, Stewart, D., Otterman, Williams, B., Distel, Goyal, Miller, Heard, Chandler

TO REQUEST THAT THE UNITED STATES CONGRESS PASS THE EMPLOYEE FREE CHOICE ACT TO PROTECT AND PRESERVE FOR AMERICA'S WORKERS THEIR FREEDOM TO CHOOSE FOR THEMSELVES WHETHER OR NOT TO FORM A UNION.

To the committee on Commerce and Labor

H. Con. R. No. 17 – Representatives Skindell, Foley, Fende, Hagan, R., Fessler, Bolon, Letson, Stewart, D., Yuko, Luckie, Distel, Brady, Koziura, Ujvagi, Williams, B., Healy, Yates

TO MEMORIALIZE THE UNITED STATES CONGRESS TO REJECT THE REAUTHORIZATION OF FAST TRACK ("TRADE PROMOTION AUTHORITY") AND TO CREATE A SYSTEM THAT ENSURES THAT TRADE AGREEMENTS ARE DEVELOPED AND IMPLEMENTED USING A DEMOCRATIC, INCLUSIVE MECHANISM THAT ENSHRINES THE PRINCIPLES OF FEDERALISM AND STATE SOVEREIGNTY.

To the committee on State Government and Elections

/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 introduced and referred as recommended.

The motion was agreed to.

Said resolutions were introduced and referred as recommended.

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

H.R. No. 49 – Representative Bulp

HONORING THE ADAMS COUNTY CHRISTIAN SCHOOL GIRLS BASKETBALL TEAM AS THE 2007 ACSI STATE CHAMPION.

H.R. No. 50 – Speaker Husted

HONORING THE ELEVENTH ANNUAL ALL-OHIO ACADEMIC TEAM.
Add the names: Flowers, Beatty

H.R. No. 51 – Representative Fessler, Goodwin, DeWine, Bulp, Combs, Latta, McGregor, J., Widener, Wagner, Wachtmann, Hagan, J., Gibbs, Schindel, Brown, Brinkman, Collier, Flowers, Skindell, Dodd, Bulp, Schlichter, Seitz, Hottinger, Adams, Setzer, Schneider, Zehringer, Hughes
RECOGNIZING THE NATIONAL DAY OF PRAYER, MAY 3, 2007.

H.R. No. 52 – Representative Luckie

HONORING THE DUNBAR HIGH SCHOOL BOYS BASKETBALL TEAM ON WINNING THE 2007 DIVISION II STATE CHAMPIONSHIP.
Add the name: Beatty

/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.

Representative Seitz moved that majority party members asking leave to be absent or absent the week of Tuesday, May 1, 2007, be excused, so long as a written request is on file in the majority leadership offices.

The motion was agreed to.

Representative Driehaus moved that minority party members asking leave to be absent or absent the week of Tuesday, May 1, 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**Sub. H. B. No. 119**-Representative Dolan.

Cosponsors: Representatives Peterson, McGregor, R., Hottinger, Bacon, Evans, Hite, Budish, Strahorn, Yates, Chandler, Stewart, D., Boyd, Hagan, R., Skindell, Brown, Bolon.

To amend sections 9.821, 9.822, 9.823, 9.83, 107.12, 107.40, 109.57, 109.572, 109.93, 111.18, 118.01, 118.08, 118.17, 118.20, 118.23, 119.07, 120.33, 122.17, 122.171, 122.602, 124.152, 125.45, 125.93, 125.96, 125.97, 125.98, 126.07, 126.08, 126.16, 126.21, 126.22, 127.14, 127.16, 131.44, 133.01, 133.10, 133.25, 135.35, 135.352, 151.08, 151.40, 152.31, 156.02, 164.03, 164.05, 164.051, 164.08, 164.09, 166.08, 173.04, 173.35, 173.85, 173.86, 174.03, 174.06, 183.01, 183.021, 183.17, 183.33, 183.34, 183.35, 307.021, 307.37, 307.695, 307.6910, 307.98, 307.981, 308.04, 317.08, 319.202, 319.281, 319.54, 321.08, 322.01, 323.151, 323.152, 323.153, 323.154, 325.31, 329.04, 329.05, 329.14, 340.03, 505.376, 517.08, 521.01, 709.191, 711.05, 711.10, 711.131, 718.13, 742.301, 1503.05, 1504.02, 1506.01, 1506.99, 1521.01, 1521.20, 1521.21, 1521.22, 1521.23, 1521.24, 1521.25, 1521.26, 1521.27, 1521.28, 1521.29, 1521.99, 1531.06, 1531.35, 1548.06, 1555.08, 1557.03, 1901.34, 2151.362, 2913.40, 2921.42, 2927.023, 2935.03, 3109.04, 3109.041, 3119.022, 3119.023, 3119.27, 3119.29, 3119.30, 3125.12, 3301.0711, 3301.0714, 3301.53, 3302.03, 3302.10, 3311.24, 3313.41, 3313.603, 3313.615, 3313.64, 3313.646, 3313.66, 3313.661, 3313.98, 3314.015, 3314.02, 3314.074, 3314.08, 3314.26, 3317.01, 3317.012, 3317.013, 3317.014, 3317.015, 3317.016, 3317.017, 3317.02, 3317.021, 3317.022, 3317.023, 3317.024, 3317.025, 3317.026, 3317.027, 3317.028, 3317.029, 3317.0216, 3317.0217, 3317.03, 3317.04, 3317.06, 3317.08, 3317.16, 3317.20, 3317.201, 3318.12, 3318.15, 3318.26, 3319.55, 3323.01, 3323.11, 3327.05, 3333.04, 3333.122, 3333.38, 3357.01, 3365.01, 3375.05, 3375.121, 3375.40, 3375.85, 3381.04, 3501.17, 3701.74, 3701.741, 3701.83, 3702.52, 3702.5211, 3702.5212, 3702.5213, 3702.57, 3702.68, 3704.03, 3704.14, 3705.24, 3709.09, 3709.091, 3721.51, 3721.541, 3721.56, 3734.57, 3735.672, 3745.11, 3769.087, 3770.03, 3770.06, 3905.36, 4123.35, 4141.09, 4301.43, 4503.06, 4503.061, 4503.064, 4503.065, 4503.066, 4503.067, 4503.10, 4503.102, 4503.35, 4505.06, 4513.263, 4513.35, 4519.55, 4715.251, 4717.07, 4723.621, 4723.63, 4723.64, 4723.65, 4723.66, 4731.142, 4731.22, 4736.01, 4743.05, 4755.03, 4766.05, 4775.08, 4921.40, 5101.162, 5101.21, 5101.211, 5101.212, 5101.213, 5101.24, 5101.242, 5101.244, 5101.26, 5101.51, 5101.571, 5101.572, 5101.58, 5101.59, 5101.802, 5101.98, 5104.30, 5107.02, 5107.03, 5107.05, 5107.10, 5107.12, 5107.14, 5107.16, 5107.17, 5107.281, 5107.30, 5107.36, 5107.41, 5107.42, 5111.01, 5111.014, 5111.016, 5111.019, 5111.0112, 5111.023, 5111.03, 5111.06, 5111.084, 5111.10, 5111.101, 5111.163, 5111.17, 5111.172, 5111.20, 5111.871, 5111.8814, 5111.891, 5111.95, 5111.96, 5112.341, 5115.12, 5119.611, 5123.01, 5123.043, 5123.045, 5123.047, 5123.048, 5123.049, 5123.0411, 5123.051,

5123.19, 5123.196, 5123.198, 5123.20, 5123.211, 5123.38, 5123.41, 5123.51, 5123.60, 5123.602, 5123.603, 5123.604, 5123.99, 5126.038, 5126.042, 5126.046, 5126.054, 5126.055, 5126.056, 5126.057, 5126.06, 5126.11, 5126.12, 5126.15, 5126.18, 5126.19, 5126.25, 5126.40, 5126.42, 5126.43, 5126.45, 5126.47, 5139.27, 5139.271, 5139.43, 5302.30, 5528.54, 5531.10, 5537.04, 5537.16, 5537.99, 5705.28, 5705.281, 5705.29, 5705.30, 5705.31, 5705.32, 5705.321, 5705.37, 5705.44, 5709.68, 5709.882, 5715.36, 5719.041, 5725.151, 5725.24, 5727.45, 5727.81, 5727.84, 5727.85, 5727.87, 5733.12, 5733.98, 5739.02, 5739.033, 5739.12, 5739.21, 5741.02, 5741.03, 5743.01, 5743.20, 5743.331, 5745.02, 5745.05, 5745.13, 5747.03, 5747.46, 5747.47, 5747.48, 5747.50, 5747.501, 5747.51, 5747.52, 5747.53, 5747.54, 5747.55, 5747.98, 5748.01, 5748.02, 5748.021, 5748.04, 5748.08, 5751.20, 5751.21, 5751.23, 5907.15, 6109.21, 6111.04, 6111.44, 6121.04, 6121.043, and 6131.23; to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 1521.20 (1506.38), 1521.21 (1506.39), 1521.22 (1506.40), 1521.23 (1506.41), 1521.24 (1506.42), 1521.25 (1506.43), 1521.26 (1506.44), 1521.27 (1506.45), 1521.28 (1506.46), 1521.29 (1506.47), 1521.30 (1506.48), 3702.63 (3702.591), 3702.68 (3702.59), 5111.95 (5111.033), 5111.96 (5111.034), and 5126.057 (5126.0511); to enact new sections 3318.47 and 5123.16 and sections 122.051, 122.071, 122.076, 122.174, 126.04, 126.24, 126.40, 131.51, 183.51, 183.52, 901.261, 991.08, 1713.031, 3123.23, 3301.162, 3303.20, 3310.51 to 3310.63, 3314.016, 3314.086, 3314.087, 3314.19, 3317.161, 3323.052, 3327.17, 3333.50, 3333.55, 3345.02, 3353.20, 3353.21, 3353.22, 3353.23, 3353.24, 3353.25, 3353.26, 3353.27, 3353.28, 3353.29, 3353.30, 3357.13, 3701.135, 4766.22, 4923.26, 5101.541, 5101.573, 5101.574, 5101.575, 5101.591, 5107.04, 5111.0119, 5111.028, 5111.029, 5111.031, 5111.032, 5111.085, 5111.102, 5111.165, 5111.84, 5111.861, 5123.033, 5123.0414, 5123.0415, 5123.0416, 5123.161, 5123.162, 5123.163, 5123.164, 5123.165, 5123.166, 5123.167, 5123.168, 5123.169, 5123.605, 5126.059, 5126.0510, 5126.0512, 5323.011, 5533.91, 5733.48, 5739.029, 5739.213, 5747.77, 5748.022, 5907.16, and 6111.0381; to repeal sections 125.95, 183.02, 183.27, 183.32, 3318.47, 3318.48, 3318.49, 3333.29, 3702.68, 3718.01, 3718.02, 3718.021, 3718.03, 3718.04, 3718.05, 3718.06, 3718.07, 3718.08, 3718.09, 3718.10, 3718.99, 4911.021, 5111.161, 5123.16, 5123.182, 5123.199, 5126.035, 5126.036, 5126.053, 5126.431, 5126.44, 5126.451, 5747.61, 5747.62, 5747.63, and 6111.441 of the Revised Code; to amend Section 310.10 of Am. Sub. H.B. 67 of the 127th General Assembly; to amend Section 252.70 of Am. Sub. H.B. 530 of the 126th General Assembly, to amend Section 153 of Am. Sub. H.B. 117 of the 121st General Assembly, as subsequently amended, to amend the version of section 127.16 of the Revised Code that is scheduled to take effect July 1, 2007, and to repeal the version of section 3702.68 of the Revised Code that was to have taken effect July 1, 2007, to make operating appropriations for the biennium beginning July 1, 2007, and ending June 30, 2009, and to provide authorization and conditions for the operation of state programs; to confirm and order implementation of sections 9.833, 9.90, 3311.19, 3313.12,

3313.202, 3313.33, 4117.03, and 4117.08 and to confirm and order complete implementation of section 9.901 of the Revised Code as the sections result from Am. Sub. H.B. 66 of the 126th General Assembly; to repeal Section 611.03 of Am. Sub. H.B. 66 of the 126th General Assembly; and to amend sections 9.90, 9.901, 3313.202, 3313.33, and 4117.03 of the Revised Code to make other specifications pertaining to that implementation as have become necessary; and to terminate operation of section 5101.213 of the Revised Code on July 1, 2008, by repealing the section on that date, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Dolan moved to amend as follows:

Delete line 34932

In line 34933, delete " program"

In line 37868, after the second " of" insert " the"

In line 45343, delete " 5747.02" and insert " 5733.06"

In line 46675, delete " the sale or use of"

In line 46676, delete " exceeds" and insert " is less than"

In line 46965, delete " the sale or use of"; delete " exceeds" and insert " is less than"

In line 55325, delete "\$405,000" and insert "\$400,000"

In line 57304, delete ", which"

In line 57305, delete "is hereby created"

Between lines 57315 and 57316, insert:

"SECOND CHANCE TRUST"

In line 58642, after "**309.50.30.**" insert "STEP UP TO QUALITY" and begin a new paragraph

In line 59334, delete "\$496,870,685" and insert "\$491,870,685"

In line 60419, after "Ohio" insert "Conservation"

In line 60421, after "Ohio" insert "Conservation"

In line 60934, delete "234-435" and insert "235-435"

In line 61006, after the second "fiscal" insert "year"

In line 108 of the title, delete "3702.68,"

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

The motion was agreed to without objection.

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

The yeas and nays were taken and resulted - yeas 97, 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	Carmichael
Celeste	Chandler	Coley	Collier
Combs	Core	Daniels	DeBose
DeGeeter	DeWine	Distel	Dodd
Dolan	Domenick	Driehaus	Dyer
Evans	Fende	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-97.

The bill passed.

Representative Dolan moved to amend the title as follows:

Add the names: "Adams, Aslanides, Barrett, Beatty, Blessing, Bubp, Celeste, Collier, Combs, DeBose, DeGeeter, Domenick, Fende, Flowers, Gibbs, Goodwin, Goyal, Hagan, J., Harwood, Healy, Heard, Jones, Koziura, Letson, Luckie, Mallory, Miller, Otterman, Patton, Redfern, Schindel, Schlichter, Setzer, Szollosi, Uecker, Ujvagi, Wagoner, White, Williams, B., Williams, S., Zehringer."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Representative DeWine moved that the House revert to the sixth order of business, being motions and resolutions.

The motion was agreed to.

MOTIONS AND RESOLUTIONS

Representative DeWine moved that the following resolution be brought up for immediate adoption, read by title only, and spread upon the pages of the journal.

The motion was agreed to.

The question being on the adoption of the resolution, reading as follows:

H. R. No. 53-Representative Beatty.

Relative to the election of Ronald V. Gerberry to fill the vacancy in the membership of the House of Representatives created by the resignation of Kenneth Carano of the 59th House District.

WHEREAS, Section 11 of Article II, Ohio Constitution provides for the filling of a vacancy in the membership of the House of Representatives by election by the members of the House of Representatives who are affiliated with the same political party as the person last elected to the seat which has become vacant; and

WHEREAS, Kenneth Carano of the 59th House District has resigned as a member of the House of Representatives of the 127th General Assembly effective April 29, 2007, thus creating a vacancy in the House of Representatives; therefore be it

RESOLVED, By the members of the House of Representatives who are affiliated with the Democrat party that Ronald V. Gerberry, Democrat, having the qualifications set forth in the Ohio Constitution and the laws of Ohio to be a member of the House of Representatives from the 59th House District, is hereby elected, effective May 1, 2007, pursuant to Section 11 of Article II, Ohio Constitution, as a member of the House of Representatives from the 59th House District, to fill the vacancy created by the unexpired portion of the term of said Kenneth Carano, ending on December 31, 2008; and be it further

RESOLVED, That a copy of this resolution be spread upon the pages of the Journal of the House of Representatives together with the yeas and nays of the members of the House of Representatives affiliated with the Democrat party voting on the resolution, and that the Clerk of the House of Representatives shall certify the resolution and vote on its adoption to the Secretary of State.

The yeas and nays were taken and resulted - yeas 45, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Barrett	Beatty	Bolon	Book
Boyd	Brady	Brown	Budish
Celeste	Chandler	DeBose	DeGeeter
Distel	Dodd	Domenick	Driehaus
Dyer	Fende	Foley	Garrison
Goyal	Hagan R.	Harwood	Healy
Heard	Koziura	Letson	Luckie

Lundy	Mallory	Miller	Okey
Otterman	Redfern	Sayre	Skindell
Stewart D.	Strahorn	Sykes	Szollosi
Ujvagi	Williams B.	Williams S.	Yates
			Yuko-45.

The resolution was adopted.

Mr. Gerberry was escorted to the bar of the House by Representatives Beatty, Book, Driehaus, Strahorn, Letson, Harwood, B. Hagan, and Okey, took the oath of office administered by The Honorable Jon A. Husted, Speaker of the Ohio House of Representatives, and entered upon the discharge of his duties.

State of Ohio
County of Franklin

I, Ronald V. Gerberry, do solemnly swear to support the Constitution of the United States and the Constitution of the State of Ohio, and faithfully to discharge and perform all duties incumbent upon me as a member of the Ohio House of Representatives, according to the best of my ability and understanding; and this I do as I shall answer unto God.

/s/ RONALD V. GERBERRY

Ronald V. Gerberry

Sworn to and subscribed before me this 1st day of May, 2007.

/s/ JON A. HUSTED

Jon A. Husted

Speaker

Ohio House of Representatives

CLERK'S NOTATION

This is to acknowledge receipt from the Supreme Court of Ohio, on April 30, 2007, proposed amendments to the Ohio Rules of Civil Procedure and the Ohio Rules of Evidence.

On motion of Representative DeWine, the House adjourned until Thursday, May 3, 2007, 11:00 o'clock a.m.

Attest:

LAURA P. CLEMENS,
Clerk.