

OHIO

House

of

Representatives

JOURNAL

WEDNESDAY, MAY 9, 2007

FORTY-SEVENTH DAY
Hall of the House of Representatives, Columbus, Ohio
Wednesday, May 9, 2007, 1:30 p.m.

The House met pursuant to adjournment.

Prayer was offered by Dr. Jack Heinsohn of the First Presbyterian Church in Lancaster, 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 Dunbar High School boys basketball team received H.R. No. 52, presented by Representative Luckie-39th district.

Kenneth and Sandy Morckel, guests of Representative Hughes-22nd district.

Evaughn Cagle, a guest of Representative Heard-26th district.

Fourth grade students from liberty elementary school, guests of Representative Coley-55th district.

Tom Troyer, Michael Ham, Theresa Smith, Janet Lovell, guests of Representative Fessler-79th district.

Chris Widman, a guests of Representative Wagner-81st district.

Christian Heritage Home Educators, guests of Representative Daniels-86th district.

Harold, Evelyn, Jeremy, and Jasmine Washburn-88th district.

Members of the Medina County Leadership Class, guests of Representatives Gibbs-97th district and Batchelder-69th district.

INTRODUCTION OF BILLS

The following bills were introduced:

H. B. No. 215-Representative Collier.

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

To amend section 3719.41 of the Revised Code to list *Salvia divinorum* as a controlled substance.

H. B. No. 216-Representative Collier.

Cosponsors: Representatives Bacon, Seitz, Combs, Flowers, Hite, Adams.

To amend sections 3318.023 and 3318.32 of the Revised Code to grant

priority for state classroom facilities assistance to school districts that consolidate or make joint use of their facilities.

H. B. No. 217-Representative Reinhard.

Cosponsors: Representatives Adams, Aslanides, Evans, Fessler, Latta, McGregor, J., Schlichter, Seitz, Setzer, Stebelton, Webster, Zehringer.

To amend sections 924.01, 924.02, 924.08, 924.09, and 924.99 and to enact sections 924.20 to 924.30 of the Revised Code to establish a grain marketing program.

H. B. No. 218-Representative Chandler.

To amend sections 109.573, 2953.21, 2953.23, 2953.71, 2953.72, 2953.73, 2953.74, 2953.75, 2953.83, and 2953.84 and to repeal section 2953.82 of the Revised Code to provide that an inmate who pleaded guilty or no contest to a felony, was sentenced to a prison term or death, and is eligible to apply for postconviction DNA testing may apply for such DNA testing under the same procedures as the application for postconviction DNA testing of an eligible inmate who was convicted of a felony offense and sentenced to a prison term or death.

Said bills were considered the first time.

CONSIDERATION OF SENATE AMENDMENTS

The Senate amendments to **Sub. H. B. No. 2**-Representative Webster, et al., were taken up for consideration.

Sub. H. B. No. 2-Representative Webster.

Cosponsors: Representatives Garrison, Luckie, Lundy, Dyer, Heard, Brady, Celeste, Adams, Williams, B., Sykes, Okey, Bacon, Beatty, Blessing, Bolon, Book, Boyd, Brown, Budish, Carano, Combs, DeBose, DeGeeter, Distel, Domenick, Driehaus, Fende, Flowers, Foley, Gibbs, Hagan, R., Harwood, Hughes, Koziura, Letson, Mallory, McGregor, J., Miller, Oelslager, Otterman, Sayre, Schindel, Stewart, D., Uecker, Ujvagi, White, Williams, S., Wolpert, Yates, Yuko Senators Padgett, Roberts, Morano, Sawyer, Jacobson, Mumper, Gardner, Cates, Cafaro, Carey, Clancy, Fedor, Kearney, Mason, Miller, D., Spada, Goodman, Stivers, Boccieri, Wilson, Miller, R., Schaffer, Grendell, Harris, Smith, Schuring.

To amend sections 3333.01, 3333.02, 3333.021, 3333.03, 3333.04, 3333.041, 3333.042, 3333.043, 3333.044, 3333.045, 3333.046, 3333.047, 3333.05, 3333.06, 3333.07, 3333.071, 3333.072, 3333.08, 3333.09, 3333.10, 3333.11, 3333.12, 3333.121, 3333.122, 3333.123, 3333.13, 3333.14, 3333.15, 3333.16, 3333.161, 3333.162, 3333.163, 3333.17, 3333.18, 3333.19, 3333.20, 3333.21, 3333.22, 3333.23, 3333.25, 3333.26, 3333.27, 3333.28, 3333.29,

3333.31, 3333.33, 3333.34, 3333.35, 3333.36, 3333.37, 3333.372, 3333.373, 3333.374, 3333.375, and 3333.38 and to enact sections 3333.031 and 3333.032 of the Revised Code to transfer appointment of the Chancellor of the Ohio Board of Regents to the Governor with the advice and consent of the Senate, to make the Board of Regents an advisory board to the Chancellor, to transfer the Board's duties and powers to the Chancellor, to shorten the terms of the Board's members, and to declare an emergency.

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

The yeas and nays were taken and resulted - yeas 96, nays 2, as follows:

Those who voted in the affirmative were: Representatives

Adams	Aslanides	Bacon	Barrett
Beatty	Blessing	Bolon	Book
Boyd	Brady	Brinkman	Brown
Bubp	Budish	Carmichael	Celeste
Chandler	Coley	Collier	Core
Daniels	DeBose	DeGeeter	DeWine
Distel	Dodd	Dolan	Domenick
Driehaus	Dyer	Fende	Fessler
Flowers	Foley	Garrison	Gerberry
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-96.

Representatives Batchelder and Evans voted in the negative-2.

Having received a constitutional majority, the emergency clause stood as part of the bill.

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

The yeas and nays were taken and resulted - yeas 96, nays 2, 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

Core	Daniels	DeBose	DeGeeter
DeWine	Distel	Dodd	Dolan
Domenick	Driehaus	Dyer	Fende
Fessler	Flowers	Foley	Garrison
Gerberry	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	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-96.

Representatives Evans and Stebelton voted in the negative-2.

The Senate amendments were concurred in.

REPORTS OF STANDING AND SELECT COMMITTEES AND BILLS FOR SECOND CONSIDERATION

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

H.B. No. 196 - Representative Patton, et al

TO AUTHORIZE INCOME TAX CREDITS FOR INVESTMENTS IN MOTION PICTURES PRODUCED IN OHIO.

To the committee on Ways and Means

H.B. No. 197 - Representative Boyd, et al

TO PROVIDE FOR THE REPORTING OF ASSAULTS IN PUBLIC SCHOOLS TO SCHOOL ADMINISTRATORS AND LAW ENFORCEMENT AUTHORITIES.

To the committee on Criminal Justice

H.B. No. 198 - Representative Boyd, et al

TO CREATE THE OHIO FOSTER CARE OVERSIGHT COMMITTEE TO PRODUCE RECOMMENDATIONS RELATING TO THE REFORM OF OHIO'S FOSTER CARE SYSTEM.

To the committee on Health

H.B. No. 199 - Representative Boyd, et al

TO DIRECT THE CAPITOL SQUARE REVIEW AND ADVISORY BOARD TO PROMOTE ERECTION ON THE CAPITOL GROUNDS OF A MONUMENT HONORING THE OHIO TUSKEGEE AIRMEN.

To the committee on State Government and Elections

H.B. No. 200 - Representative Boyd, et al

TO PROVIDE FOR LICENSING OF HOME HEALTH CARE WORKERS.

To the committee on Health

H.B. No. 201 - Representative Boyd, et al

TO ESTABLISH THE WELFARE OVERSIGHT COUNCIL.

To the committee on Health

H.B. No. 202 - Representative Boyd, et al

TO REQUIRE THE DEPARTMENT OF YOUTH SERVICES TO ESTABLISH AND MAINTAIN MULTIFACTORED ASSESSMENT PROGRAMS FOR, AND TO PREPARE INDIVIDUALIZED REHABILITATION PLANS FOR, SPECIFIED FELONY DELINQUENTS.

To the committee on Juvenile and Family Law

H.B. No. 203 - Representative Boyd, et al

TO REQUIRE THE DEPARTMENT OF REHABILITATION AND CORRECTION TO ESTABLISH AND MAINTAIN MULTIFACTORED ASSESSMENT PROGRAMS FOR, AND TO PREPARE INDIVIDUALIZED REHABILITATION PLANS FOR, SPECIFIED INMATES.

To the committee on Criminal Justice

H.B. No. 204 - Representative Boyd, et al

TO PERMIT THE BOARD OF A SCHOOL DISTRICT OR EDUCATIONAL SERVICE CENTER TO EMPLOY SCHOOL SECURITY PERSONNEL OFFICERS AND TO AUTHORIZE TRAINING PROGRAMS THAT QUALIFY PERSONS AS SCHOOL SECURITY PERSONNEL OFFICERS.

To the committee on Education

H.B. No. 205 - Representative Goodwin, et al

TO REQUIRE THAT UPON FINAL DISPOSITION OF 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

H.B. No. 206 - Representatives Domenick and Healy, et al

TO ESTABLISH NEW RECORD-KEEPING REQUIREMENTS FOR DEALERS IN SCRAP COPPER, SCRAP ALUMINUM SIDING, OR SCRAP CATALYTIC CONVERTERS.

To the committee on Commerce and Labor

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

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

H. Con. R. No. 18 – Representatives Fessler, Flowers, Seitz, Brinkman, Adams, Stebelton, Skindell, Yuko, Chandler, Letson

TO URGE THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES TO REPEAL THE REAL ID ACT OF 2005.

To the committee on Infrastructure, Homeland Security and Veterans Affairs

S. Con. R. No. 5 - Senators Padgett, Cates, Clancy, Gardner, Bocchieri, Schuler, Miller, D., Schaffer, Kearney, Austria, Buehrer, Fedor, Goodman, Roberts, Spada, Wilson, Harris, Stivers

TO URGE THE CONGRESS OF THE UNITED STATES TO RECOGNIZE THE SIGNIFICANCE OF THE EASTERN STATES, INCLUDING OHIO, IN THE PREPARATION FOR, AND RETURN OF, THE LEWIS AND CLARK EXPEDITION BY ENACTING LEGISLATION EXTENDING THE LEWIS AND CLARK NATIONAL HISTORIC TRAIL EAST TO ITS ORIGIN AT MONTICELLO.

To the committee on State Government and Elections

S. Con. R. No. 7 - Senators Austria, Clancy, Coughlin, Miller, D., Faber, Gardner, Goodman, Grendell, Harris, Morano, Mumper, Niehaus, Padgett, Schaffer, Schuler, Schuring, Spada, Stivers, Carey, Roberts, Cafaro, Cates, Fedor, Mason, Wilson, Miller, R., Sawyer, Jacobson

TO URGE THE CONGRESS OF THE UNITED STATES TO FULLY FUND THE ADAM WALSH CHILD PROTECTION AND SAFETY ACT OF 2006.

To the committee on Criminal Justice

/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 Resolution be read by title only and approved:

H.R. No. 54 – Representative Gibbs

HONORING COLT SPONSELLER AS A 2007 OHSAA DIVISION II STATE AND NHSCA SENIOR NATIONAL WRESTLING CHAMPION.

/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 resolution 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 8, 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 8, 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

H. B. No. 50-Representative Evans.

Cosponsors: Representatives McGregor, J., Stebelton, Flowers, Setzer, Combs, Seitz, Bacon, Hite, Okey, Webster, Collier, Bulp, Chandler.

To amend sections 505.85 and 505.87 and to enact section 505.871 of the Revised Code to allow townships to remove junk motor vehicles from public and private property and to borrow money to pay for that removal of junk motor vehicles and for other debris from private property, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 96, nays 2, 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
Core	Daniels	DeBose	DeGeeter
DeWine	Distel	Dodd	Dolan
Domenick	Driehaus	Dyer	Evans
Fende	Flowers	Foley	Garrison
Gerberry	Gibbs	Goodwin	Goyal
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-96.

Representatives Fessler and Hagan J. voted in the negative-2.

The bill passed.

Representative Evans moved to amend the title as follows:

Add the names: "Batchelder, Bolon, Coley, Daniels, Dolan, Gerberry, Gibbs, Hagan, R., Hottinger, Huffman, Letson, Luckie, Mallory, Otterman, Patton, Schindel, Schneider, Stewart, J., Wagoner, Zehringer."

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 passed the following bills in which the concurrence of the House is requested:

Sub. S. B. No. 39 -Senator Schuler.

Cosponsors: Senators Boccieri, Cafaro, Carey, Clancy, Faber, Gardner, Grendell, Kearney, Miller, D., Schaffer, Austria, Cates, Fedor, Goodman, Roberts, Sawyer, Spada, Stivers, Wilson, Harris, Miller, R.

To amend sections 955.202 and 4501.21 and to enact section 4503.731 of the Revised Code to create Civil Air Patrol license plates and to direct that the Ohio Pet Fund receive contributions from the Pets license plates.

Am. Sub. S. B. No. 126 -Senator Stivers.

Cosponsors: Senators Carey, Gardner, Goodman, Spada, Clancy, Cates,

Buehrer, Schaffer, Schuring, Wilson, Harris, Miller, R.

To amend sections 117.13 and 131.02 and to enact sections 117.60 to 117.72 of the Revised Code to require the Auditor of State to perform recovery audits for overpayments made to vendors by certain state agencies and to permit the Auditor to contract with independent audit consultants to conduct those audits.

Attest:

David A. Battocletti,
Clerk.

Said bills were considered the first time.

Message from the Speaker

Pursuant to Ohio Revised Code section 101.34 (A), the Speaker hereby makes the following change to the Joint Legislative Ethics Committee:

Remove Representative DeWine; appoint Representative Huffman.

Message from the Speaker

Pursuant to Ohio Revised Code section 101.35, the Speaker hereby makes the following changes to the Joint Committee on Agency Rule Review:

Remove Representative Carano; appoint Representative Harwood.

Message from the Speaker

Pursuant to House Rules 13, 28, and 30, the Speaker hereby makes the following changes to House standing committees:

Education: remove Representative Carano; appoint Representative Gerberry.

Judiciary: remove Representative Carano; appoint Representative Gerberry.

Juvenile and Family Law: remove Representative Carano; appoint Representative Gerberry.

On motion of Representative DeWine, the House adjourned until Thursday, May 10, 2007, 11:00 o'clock a.m.

Attest:

LAURA P. CLEMENS,
Clerk.