

OHIO

House

of

Representatives

JOURNAL

WEDNESDAY, MAY 16, 2007

FIFTIETH DAY

Hall of the House of Representatives, Columbus, Ohio
Wednesday, May 16, 2007, 1:30 p.m.

The House met pursuant to adjournment.

Prayer was offered by Pastor Keith Hamblen of the Calvary Bible Church in Lima, 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:

David Brown, Joel Cave, David Grimm, Mason and Mitch Mellano, and Joel Whited, guests of Representative Huffman-4th district.

Adam and Gail Hoogstraal, guests of Representative Stebelton-5th district.

Amy Stansfield, Meredith Albright, Max Eden, Stacy Weisfeld, and Ryan Strong, guests of Representative Mandel-17th district.

The Columbus Africentric Early College girls varsity basketball team, guests of Representatives Beatty-27th district and Heard-26th district.

Christina Hagan, daughter of Representative Hagan, J.-50th district.

Scott Acy, a guest of Representative Gerberry-59th district.

Norbert and Barbara Peiker, guests of Representative Goyal-73rd district.

Lisa and Dawn Shontz, Dan and Eric Robinson, guests of Representative Hite-76th district.

Paul Cowan, a guest of Representative Fessler-79th district.

Hank Reder, a guest of Representative Dolan-98th district.

INTRODUCTION OF BILLS

The following bills were introduced:

H. B. No. 220-Representative Beatty.

Cosponsors: Representatives Harwood, Yuko, Skindell, Brown, Otterman.

To enact sections 5312.01 to 5312.16 of the Revised Code to establish the Ohio Planned Community Law.

H. B. No. 221-Representative Stewart, D.

Cosponsors: Representatives Beatty, Foley, Dyer, Brown, Koziura, Yuko, Hagan, R., Skindell, Strahorn, Luckie, Sayre, Lundy, Driehaus, Bolon.

To enact new sections 3517.13 and 3517.992 and to repeal sections 109.96,

3517.093, 3517.13, and 3517.992 of the Revised Code, and to repeal Section 4 of Am. Sub. H.B. 694 of the 126th General Assembly to re-establish the Campaign Finance Law and Public Contract Law as it existed prior to that enactment.

Said bills were considered the first time.

MOTIONS AND RESOLUTIONS

Representative Seitz moved that majority party members asking leave to be absent or absent the week of Tuesday, May 15, 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 15, 2007, be excused, so long as a written request is on file in the minority leadership offices.

The motion was agreed to.

BILLS FOR THIRD CONSIDERATION

Am. S. B. No. 20-Senator Clancy.

Cosponsors: Senators Gardner, Stivers, Faber, Mumper, Padgett, Schuring, Schaffer, Kearney, Miller, D., Roberts, Coughlin, Cates, Austria, Buehrer, Cafaro, Carey, Fedor, Goodman, Grendell, Harris, Mason, Miller, R., Morano, Niehaus, Schuler, Smith, Spada, Wilson, J., Jacobson Representatives Gibbs, Bulp, Blessing, Brinkman, Hagan, J., Latta, Patton, Widener, Wolpert, Bolon, Chandler, Healy, Letson, Miller, Yates.

To amend section 5747.37 of the Revised Code to increase the income tax adoption credit from \$500 per child to \$1,500, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Gibbs moved to amend as follows:

In line 23, delete everything after the period and insert "The taxpayer shall claim the credit for each child beginning with the taxable year in which the child was legally adopted. If the sum of the credit to which the taxpayer would otherwise be entitled under this section is greater than the tax due under section 5747.02 of the Revised Code for that taxable year after allowing for any other credits that precede the credit under this section in the order required under section 5747.98 of the Revised Code, such excess shall be allowed as a credit in each of the ensuing two taxable years, but the amount of any excess credit allowed in any such taxable year shall be deducted from the balance carried forward to the ensuing taxable year."

Delete lines 24 through 27

In line 28, delete everything before "The"

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

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	Brady	Brinkman	Brown
Bubp	Budish	Carmichael	Celeste
Chandler	Coley	Collier	Combs
Core	Daniels	DeBose	DeGeeter
Distel	Dodd	Dolan	Domenick
Driehaus	Dyer	Evans	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-97.

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 97, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Adams	Aslanides	Bacon	Barrett
Batchelder	Beatty	Blessing	Bolon
Book	Brady	Brinkman	Brown
Bubp	Budish	Carmichael	Celeste
Chandler	Coley	Collier	Combs
Core	Daniels	DeBose	DeGeeter
Distel	Dodd	Dolan	Domenick
Driehaus	Dyer	Evans	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-97.

The bill passed.

Representative Bubp moved to amend the title as follows:

Add the names: "Adams, Aslanides, Bacon, Barrett, Batchelder, Beatty, Book, Brady, Brown, Budish, Celeste, Coley, Collier, Combs, Core, Daniels, DeBose, DeGeeter, Distel, Dolan, Domenick, Driehaus, Dyer, Evans, Fende, Flowers, Foley, Garrison, Goodwin, Goyal, Hagan, R., Harwood, Heard, Hottinger, Huffman, Hughes, Jones, Koziura, Luckie, Lundy, Mallory, Mandel, McGregor, R., Oelslager, Okey, Peterson, Raussen, Reinhard, Sayre, Schindel, Schlichter, Schneider, Seitz, Setzer, Skindell, Stebelton, Stewart, D., Stewart, J., Strahorn, Szollosi, Uecker, Ujvagi, Wachtmann, Wagner, Wagoner, Webster, White, Widowfield, Williams, B., Yuko, Zehringer."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Am. S. B. No. 58-Senator Coughlin.

Cosponsors: Senators Mumper, Gardner, Miller, D., Clancy, Cafaro, Carey, Niehaus, Schaffer, Schuler, Spada Representatives Flowers, Yuko, Fende, Brown, Letson, Otterman, DeBose, Williams, B., Uecker, Huffman, White.

To amend sections 4729.01, 4729.17, and 4729.41 of the Revised Code to modify the authority of pharmacists to administer immunizations and to make changes in certain voting procedures of the State Board of Pharmacy, 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 1, as follows:

Those who voted in the affirmative were: Representatives

Adams	Aslanides	Bacon	Barrett
Batchelder	Beatty	Blessing	Bolon
Book	Brady	Brinkman	Brown

Bubp	Budish	Carmichael	Celeste
Chandler	Coley	Collier	Combs
Core	Daniels	DeBose	DeGeeter
Distel	Dodd	Dolan	Domenick
Driehaus	Dyer	Evans	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.

Representative Stebelton voted in the negative-1.

The bill passed.

Representative Adams moved to amend the title as follows:

Add the names: "Aslanides, Combs, Domenick, Driehaus, Garrison, Gerberry, Hagan, J., Hagan, R., Hite, Koziura, Luckie, Mallory, McGregor, J., Okey, Patton, Sayre, Schindel, Schneider, Setzer, Strahorn, Wachtmann, Zehringer."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Sub. S. B. No. 16 - By Initiative

Cosponsor: Senator Amstutz.

To amend section 503.52 and to enact sections 715.55 and 2907.40 of the Revised Code to restrict the hours of operation of sexually oriented businesses, to prohibit patrons and employees of a sexually oriented business who are not immediate family members from touching each other while on the premises of that business and while the employee is nude or seminude, and to require the state to indemnify a township or municipal corporation for liability incurred in enforcing a resolution or ordinance that regulates adult entertainment establishments, is adopted in conformance with the Attorney General's guidance, and is found by a court to be unconstitutional or otherwise legally defective, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Skindell moved that **Sub. S. B. No. 16** - By Initiative, be indefinitely postponed.

The question being, "Shall the motion to indefinitely postpone the bill be agreed to?"

The yeas and nays were taken and resulted - yeas 44, nays 53, as follows:

Those who voted in the affirmative were: Representatives

Barrett	Beatty	Bolon	Book
Brady	Brown	Budish	Celeste
Chandler	DeBose	DeGeeter	Distel
Dodd	Domenick	Driehaus	Dyer
Foley	Garrison	Gerberry	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-44.

Those who voted in the negative were: Representatives

Adams	Aslanides	Bacon	Batchelder
Blessing	Brinkman	Bubp	Carmichael
Coley	Collier	Combs	Core
Daniels	Dolan	Evans	Fende
Fessler	Flowers	Gibbs	Goodwin
Hagan J.	Hite	Hottinger	Huffman
Hughes	Jones	Latta	Mandel
McGregor J.	McGregor R.	Oelslager	Patton
Peterson	Rausen	Reinhard	Schindel
Schlichter	Schneider	Seitz	Setzer
Stebelton	Stewart J.	Uecker	Wachtmann
Wagner	Wagoner	Webster	White
Widener	Widowfield	Wolpert	Zehringer
			Husted-53.

The motion to indefinitely postpone the bill was not agreed to.

The question recurring, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 73, nays 24, as follows:

Those who voted in the affirmative were: Representatives

Adams	Aslanides	Bacon	Barrett
Batchelder	Blessing	Bolon	Book
Brady	Brinkman	Bubp	Carmichael
Coley	Collier	Combs	Core
Daniels	DeBose	Distel	Dodd
Dolan	Domenick	Driehaus	Dyer
Evans	Fende	Fessler	Flowers
Garrison	Gibbs	Goodwin	Goyal
Hagan J.	Harwood	Healy	Heard
Hite	Hottinger	Huffman	Hughes

Jones	Latta	Lundy	Mallory
Mandel	McGregor J.	McGregor R.	Oelslager
Okey	Patton	Peterson	Rausen
Reinhard	Sayre	Schindel	Schlichter
Schneider	Seitz	Setzer	Stebelton
Stewart J.	Uecker	Wachtmann	Wagner
Wagoner	Webster	White	Widener
Widowfield	Williams B.	Wolpert	Zehringer
			Husted-73.

Those who voted in the negative were: Representatives

Beatty	Brown	Budish	Celeste
Chandler	DeGeeter	Foley	Gerberry
Hagan R.	Koziura	Letson	Luckie
Miller	Otterman	Redfern	Skindell
Stewart D.	Strahorn	Sykes	Szollosi
Ujvagi	Williams S.	Yates	Yuko-24.

The bill passed.

Representative Blessing moved to amend the title as follows:

Add the names: "Representatives Batchelder, Bubp, Domenick, Hagan, J., Hottinger, Huffman, Wagner."

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. 77 -Senator Grendell.

Cosponsors: Senators Spada, Mumper, Harris, Miller, D., Niehaus, Roberts, Sawyer, Schaffer, Schuler, Smith, Buehrer, Morano, Padgett, Miller, R., Wilson, Mason, Faber.

To amend sections 1533.34, 1533.341, 1533.342, 1533.35, 1533.36, 1533.42, 1533.62, 1533.63, 1533.631, 1533.64, and 2953.32 and to enact sections 1533.343 and 1533.641 of the Revised Code to make changes to the law governing commercial fishing.

S. B. No. 143 -Senator Padgett.

Cosponsors: Senators Spada, Carey, Gardner, Boccieri, Schuler, Clancy, Miller, R., Kearney, Sawyer, Morano, Cates, Miller, D., Roberts, Schuring,

Wilson, Harris, Fedor.

To amend sections 4753.02, 4753.05, and 4753.11 and to enact sections 4753.073 and 4753.101 of the Revised Code to establish a limited student permit category for speech language pathology interns, and to declare an emergency.

Attest:

David A. Battocletti,
Clerk.

Said bills were considered the first time.

Message from the Speaker

The Speaker of the House of Representatives, on May 16, 2007, signed the following:

Sub. S. B. No. 33 - Senator Schuring - et al.

On motion of Representative Flowers, the House adjourned until Thursday, May 17, 2007, 11:00 o'clock a.m.

Attest:

LAURA P. CLEMENS,
Clerk.