OHIO House of Representatives JOURNAL

THURSDAY, MAY 22, 2008

ONE HUNDRED SEVENTY-EIGHTH DAY Hall of the House of Representatives, Columbus, Ohio **Thursday, May 22, 2008, 1:00 o'clock p.m.**

The House met pursuant to adjournment.

Prayer was offered by Representative Michael DeBose-12th district, followed by the Pledge of Allegiance to the Flag.

The journal of yesterday was read and approved.

Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has refused to concur in the House amendments to:

Sub. S. B. No. 171 - Senator Stivers - et al.

Attest:

Vincent L. Keeran, Clerk.

Representative DeWine moved that the House insist on its amendments to **Sub. S. B. No. 171**-Senator Stivers, et al. , and ask for a committee of Conference.

The motion was agreed to.

Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate accedes to the request of the House of Representatives for a Committee of Conference on matters of difference between the two Houses on:

Sub. S. B. No. 171 - Senator Stivers - et al.

The President of the Senate has appointed as managers on the part of the Senate on such matters of difference:

Senators Stivers, Faber and D. Miller

Attest:

Vincent L. Keeran, Clerk.

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Message from the Speaker

The Speaker hereby appoints the following members of the House to the Committee of Conference on matters of difference between the two houses on Sub. S. B. No. 171 — Senator Stivers, et al.

Representatives Daniels, Carmichael, and D. Stewart.

INTRODUCTION OF BILLS

The following bills were introduced:

H. B. No. 574-Representative Combs. Cosponsors: Representatives McGregor, J., Fessler.

To amend sections 145.297, 145.298, and 145.38 of the Revised Code to require an analysis of each proposed retirement incentive plan for state retirement system members and to prohibit a person who participates in such a retirement incentive plan from being re-employed by the same employer.

H. B. No. 575-Representative Schindel.

Cosponsors: Representatives Setzer, Fessler, Evans, Gibbs, Batchelder, Flowers, McGregor, J.

To amend section 5739.01 of the Revised Code to exempt from the sales tax massage therapy that is provided by an individual who holds a certificate to practice massage therapy.

Said bills were considered the first time.

REPORTS OF STANDING AND SELECT COMMITTEES AND BILLS FOR SECOND CONSIDERATION

Representative Williams, B. submitted the following report:

The standing committee on Health to which was referred **H. B. No. 280**-Representative Schneider, et al., having had the same under consideration, reports it back and recommends its passage.

RE: HARM PREGNANT RELATIVE ENHANCE PENALTY/ABORTION FACILITY DISPLAY SIGN

Representative Wachtmann moved to amend the title as follows:

Add the names: "Sears, Mecklenborg."

JOHN OTTERMAN	BRUCE W. GOODWIN
LYNN R. WACHTMANN	BARBARA R. SEARS
CAROL-ANN SCHINDEL	MATT HUFFMAN
JAY HOTTINGER	ROBERT MECKLENBORG
EDNA BROWN	W. SCOTT OELSLAGER

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BARBARA BOYD	MICHAEL DEBOSE
FRED STRAHORN	ROBERT F. HAGAN
TOM LETSON	KENNY YUKO
BRIAN G. WILLIAMS	SHANNON JONES
LORRAINE M. FENDE	SHAWN N. WEBSTER
JOSEPH W. UECKER	STEPHEN SLESNICK

The report was agreed to.

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

Representative Sayre submitted the following report:

The standing committee on Infrastructure, Homeland Security, and Veterans Affairs to which was referred H. B. No. 409-Representative Batchelder, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: COMMERCIAL DRIVERS LICENSE TEST - ADMINISTER IN ENGLISH

Representative Reinhard moved to amend the title as follows:

Add the names: "Aslanides, Fessler, Otterman, J., Reinhard, Widowfield."

DIANA M. FESSLER	COURTNEY COMBS
JIM ASLANIDES	JOHN WIDOWFIELD
ALLAN R. SAYRE	JOHN DOMENICK
STEVE REINHARD	JOHN J. WHITE
LYNN R. WACHTMANN	JOHN OTTERMAN

The following members voted "NO"

EUGENE R. MILLER	PETER S. UJVAGI
DEBORAH NEWCOMB	

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. B. No. 493-Representative Daniels, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: ANATOMIC PATHOLOGY SERVICES BILLING FOR

Representative Wachtmann moved to amend the title as follows:

Add the names: "Otterman, J., Hagan, R.."

JOHN OTTERMAN BRUCE W. GOODWIN CAROL-ANN SCHINDEL LYNN R. WACHTMANN SHANNON JONES EDNA BROWN TOM LETSON KENNY YUKO LORRAINE M. FENDE JOSEPH W. UECKER JAY HOTTINGER BARBARA R. SEARS MATT HUFFMAN W. SCOTT OELSLAGER MICHAEL DEBOSE FRED STRAHORN BRIAN G. WILLIAMS ROBERT F. HAGAN BARBARA BOYD STEPHEN SLESNICK

The following members voted "NO"

ROBERT MECKLENBORG

SHAWN N. WEBSTER

The report was agreed to.

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

Representative Hottinger submitted the following report:

The standing committee on Finance and Appropriations to which was referred **H. B. No. 562**-Representative Hottinger, having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: CAPITAL APPROPRIATIONS

Representative Hottinger moved to amend the title as follows:

Add the names: "Peterson, Skindell, Bacon, Bolon, Boyd, Brown, Budish, Chandler, Evans, Flowers, Garrison, Hagan, R., Hite, Jones, McGregor, R., Patton, Redfern, Schlichter, Stewart, D., Stewart, J., Strahorn, Yates."

JAY HOTTINGER MICHAEL J. SKINDELL LINDA S. BOLON EDNA BROWN KATHLEEN CHANDLER ANTHONY CORE STEVE L. DRIEHAUS LARRY L. FLOWERS **RANDY GARDNER CLIFF HITE** ROSS MCGREGOR THOMAS F. PATTON JOHN SCHLICHTER DAN STEWART FRED STRAHORN **TYRONE K. YATES**

JON M. PETERSON KEVIN BACON BARBARA BOYD ARMOND BUDISH BILL COLEY KEVIN DEWINE CLYDE EVANS JENNIFER GARRISON ROBERT F. HAGAN SHANNON JONES ROBERT MECKLENBORG CHRIS REDFERN BARBARA R. SEARS JIMMY STEWART PETER S. UJVAGI 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 **Sub. S. B. No. 175**-Senator Coughlin, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: GRIEVING PARENTS ACT ADDRESSING FETAL DEAATH

Representative Wachtmann moved to amend the title as follows:

Add the names: "Representatives Otterman, J., Jones, Goodwin, Huffman, Uecker, Wachtmann."

BRUCE W. GOODWINJAY HOTTINGERBARBARA R. SEARSCAROL-ANN SCHINDELMATT HUFFMANSHAWN N. WEBSTERBARBARA BOYDROBERT MECKLENBORGW. SCOTT OELSLAGERROBERT F. HAGANMICHAEL DEBOSEFRED STRAHORNJOSEPH W. UECKERTOM LETSONKENNY YUKOBRIAN G. WILLIAMSLORRAINE M. FENDELYNN R. WACHTMANN	JOHN OTTERMAN	SHANNON JONES
MATT HUFFMANSHAWN N. WEBSTERBARBARA BOYDROBERT MECKLENBORGW. SCOTT OELSLAGERROBERT F. HAGANMICHAEL DEBOSEFRED STRAHORNJOSEPH W. UECKERTOM LETSONKENNY YUKOBRIAN G. WILLIAMSLORRAINE M. FENDELYNN R. WACHTMANN	BRUCE W. GOODWIN	JAY HOTTINGER
BARBARA BOYDROBERT MECKLENBORGW. SCOTT OELSLAGERROBERT F. HAGANMICHAEL DEBOSEFRED STRAHORNJOSEPH W. UECKERTOM LETSONKENNY YUKOBRIAN G. WILLIAMSLORRAINE M. FENDELYNN R. WACHTMANN	BARBARA R. SEARS	CAROL-ANN SCHINDEL
W. SCOTT OELSLAGERROBERT F. HAGANMICHAEL DEBOSEFRED STRAHORNJOSEPH W. UECKERTOM LETSONKENNY YUKOBRIAN G. WILLIAMSLORRAINE M. FENDELYNN R. WACHTMANN	MATT HUFFMAN	SHAWN N. WEBSTER
MICHAEL DEBOSEFRED STRAHORNJOSEPH W. UECKERTOM LETSONKENNY YUKOBRIAN G. WILLIAMSLORRAINE M. FENDELYNN R. WACHTMANN	BARBARA BOYD	ROBERT MECKLENBORG
JOSEPH W. UECKERTOM LETSONKENNY YUKOBRIAN G. WILLIAMSLORRAINE M. FENDELYNN R. WACHTMANN	W. SCOTT OELSLAGER	ROBERT F. HAGAN
KENNY YUKOBRIAN G. WILLIAMSLORRAINE M. FENDELYNN R. WACHTMANN	MICHAEL DEBOSE	FRED STRAHORN
LORRAINE M. FENDE LYNN R. WACHTMANN	JOSEPH W. UECKER	TOM LETSON
	KENNY YUKO	BRIAN G. WILLIAMS
	LORRAINE M. FENDE	LYNN R. WACHTMANN
STEPHEN SLESNICK	STEPHEN SLESNICK	

The following member voted "NO"

EDNA BROWN

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 **Sub. S. B. No. 229**-Senator Gardner, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: RADIOLOGIST ASSISTANTS LICENSE

Representative Wachtmann moved to amend the title as follows:

Add the names: "Representatives Wachtmann, Hagan, R.."

ROBERT J. OTTERMAN	LYNN R. WACHTMANN
MATT HUFFMAN	BRUCE W. GOODWIN
JAY HOTTINGER	SHANNON JONES
BARBARA R. SEARS	CAROL-ANN SCHINDEL
JOSEPH W. UECKER	ROBERT MECKLENBOR

L RG W. SCOTT OELSLAGER MICHAEL DEBOSE FRED STRAHORN ROBERT F. HAGAN KENNY YUKO STEPHEN SLESNICK LORRAINE M. FENDE EDNA BROWN TOM LETSON BRIAN G. WILLIAMS BARBARA BOYD

The following member voted "NO"

SHAWN N. WEBSTER

The report was agreed to.

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

Representative Book submitted the following report:

The standing committee on Financial Institutions, Real Estate, and Securities to which was referred **Sub. S. B. No. 247**-Senator Spada, et al., having had the same under consideration, reports it back and recommends its passage.

RE: CREDIT UNION REGULATION LAW CHANGES

Representative Hite moved to amend the title as follows:

Add the names: "Representatives Evans, Book, Gibbs, Goyal, Hite, Patton, Sayre, Schindel, Williams, S., Zehringer."

ALLAN R. SAYRE	CHRIS WIDENER
JAY P. GOYAL	CLYDE EVANS
MATT SZOLLOSI	CLIFF HITE
DAN DODD	STEPHEN SLESNICK
JAMES ZEHRINGER	BARBARA R. SEARS
CAROL-ANN SCHINDEL	THOMAS F. PATTON
BOB GIBBS	T. TODD BOOK
SANDRA WILLIAMS	

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 Senate Bills be considered for the second time and referred to the following committees for consideration:

Sub. S.B. No. 129 - Senator Schuler, et al TO PERMIT LOCAL LAW ENFORCEMENT AGENCIES AND FIRE DEPARTMENTS TO REMOVE MOTOR VEHICLES FROM THE ROADWAY AFTER A MOTOR VEHICLE ACCIDENT AND TO PROVIDE IMMUNITY TO LOCAL LAW ENFORCEMENT AGENCIES AND FIRE PERSONNEL FOR THE REMOVAL OF DAMAGED OR INOPERABLE VEHICLES FROM ROADWAYS. To the committee on Infrastructure, Homeland Security and Veterans Affairs

Sub. S.B. No. 222 - Senator Cates, et al

TO REQUIRE THE PEACE OFFICER TRAINING COMMISSION TO DEVELOP RECOMMENDATIONS FOR ADVANCED IN-SERVICE TRAINING OF PEACE OFFICERS IN CONDUCTING LAW ENFORCEMENT ACTIVITIES IN A HIGHER EDUCATION SETTING AND TO PROVIDE QUALIFIED IMMUNITY TO AN OFFICER OR EMPLOYEE OF A PRIVATE COLLEGE OR UNIVERSITY WHO REPORTS A POTENTIAL SAFETY RISK AT THE COLLEGE OR UNIVERSITY.

To the committee on Criminal Justice

S.B. No. 309 - Senator Seitz, et al

TO REQUIRE THAT STATUTES ENACTED THAT CREATE A PRIVATE RIGHT OF ACTION CONTAIN EXPRESS LANGUAGE PROVIDING FOR THAT RIGHT.

To the committee on Judiciary

JON A. HUSTED	KEVIN DEWINE
LARRY L. FLOWERS	LARRY L. WOLPERT
JOYCE BEATTY	JOSEPH KOZIURA
CHRIS REDFERN	

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 Senate 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 Senate 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 Resolutions be read by title only and approved:

H.R. No. 205 – Representative Fende

HONORING THE WILLOUGHBY SOUTH HIGH SCHOOL ACADEMIC DECATHLON TEAM ON WINNING THE 2008 STATE CHAMPIONSHIP.

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H.R. No. 206– Representative Gerberry HONORING ANTHONY LARICCIA ON RECEIVING AN ELLIS ISLAND MEDAL OF HONOR. 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 Schneider moved that majority party members asking leave to be absent or absent the week of Tuesday, May 20, 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, May 20, 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

S. B. No. 214-Senator Niehaus.

Cosponsors: Senators Jacobson, Spada, Miller, D., Morano, Kearney, Mumper, Fedor, Harris, Padgett, Seitz, Schaffer, Stivers, Wilson, Roberts, Mason, Gardner, Schuler, Miller, R., Smith. Representatives Ujvagi, Chandler, Celeste, Hagan, R., McGregor, J.

To amend sections 6111.09 and 6111.10 and to enact section 6111.11 of the Revised Code to prohibit the sale of dishwasher detergent that contains above a specified amount of phosphorus, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 94, nays 4, as follows:

Adams	Aslanides	Bacon	Batchelder
Beatty	Blessing	Bolon	Book
Boyd	Brady	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

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Representatives Brinkman, Fessler, Reinhard, and Wagner voted in the negative-4.

The bill passed.

Representative Collier moved to amend the title as follows:

Add the names: "Bolon, Boyd, Budish, Collier, DeBose, Domenick, Evans, Flowers, Gerberry, Goyal, Harwood, Heard, Letson, Oelslager, Patton, Stewart, D., Yates."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Sub. S. B. No. 271-Senator Mumper.

Cosponsors: Senators Fedor, Harris, Kearney, Morano, Spada, Wagoner, Wilson, Miller, D. Representatives Schlichter, McGregor, J., Gibbs, Core, Evans, Domenick, Zehringer.

To amend sections 1515.22, 1547.14, 1547.24, 1547.99, and 1548.032 and to enact sections 1547.072 and 1547.132 of the Revised Code to make changes to the laws governing watercraft, to clarify the effect of a county referendum on a resolution adopted by a joint board of county commissioners regarding a soil and water conservation district project, 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 95, nays 3, as follows: Those who voted in the affirmative were: Representatives

Adams	Aslanides	Bacon	Batchelder
Beatty	Blessing	Bolon	Book
Boyd	Brady	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	Heydinger	Hottinger
Huffman	Hughes	Jones	Koziura
Letson	Luckie	Lundy	Mallory
Mandel	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 Webster Williams B. Yuko	Ujvagi White Williams S. Zehringer	Wachtmann Widener Wolpert	Wagner Widowfield Yates Husted-95.

Representatives Brinkman, Fessler, and Hite voted in the negative-3.

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?"

Representative Newcomb moved to amend as follows:

In line 9, after "1515.22," insert "1541.31,"

Between lines 54 and 55, insert:

"Sec. 1541.31. That the compact or agreement mentioned below and every article, matter , and thing therein is hereby ratified and approved and shall be and hereafter remain in force agreeable to the true tenor and intent thereof. AGREEMENT BETWEEN THE COMMONWEALTH OF PENNSYLVANIA AND THE STATE OF OHIO RE PYMATUNING LAKE

This agreement made and concluded between the commonwealth of Pennsylvania, acting by and through its lawfully authorized agency, namely, the water and power resources board, as party of the first part, and the state of Ohio, acting by and through its lawfully authorized agency, namely, its conservation commissioner, as party of the second part,

Witnesseth:

Whereas, By act of assembly of Pennsylvania approved May 2, 1929, P. L. 1503, as amended by acts of May 5, 1931, P. O. 84, April 24, 1933, P. L. 67, and July 9, 1935, P. L. 619, the department of forests and waters of Pennsylvania, acting through the water and power resources board, was authorized, inter alia, to complete the work begun and continued under an act approved July 25, 1913, P. L. 1270, entitled "An act providing for the erection of a dam at the outlet of Pymatuning swamp, and the establishment of a reservoir to conserve the waters thereof; providing for the taking of land and materials necessary thereto; vesting certain powers and duties in the water supply commission; and making an appropriation", and did duly complete said work, whereby there was created a lake or reservoir, now known and hereinafter called Pymatuning Lake, extending in part across the boundary line between said states of Ohio and Pennsylvania into the state of Ohio, and

Whereas, The primary purposes of the project by which said lake was created was to conserve water draining said swamp, all of which has its source in Pennsylvania, as well as control floods and regulate the flow of water in the Shenango and Beaver rivers, and secondary thereto, permit the water and the land surrounding the same to be used for fishing, hunting, recreation and park purposes, under such terms and conditions as the water and power resources board might determine, in such way or ways as in the opinion of the said board will not materially interfere with the primary purpose in said acts of assembly and hereinbefore specifically referred to, and

Whereas, In view of the fact that a certain part of the lake extends into the state of Ohio, whereby it is necessary and desirable that the use of the lake for the secondary purposes, namely, hunting, fishing, and recreational use, be uniformly provided for, as well as to guard against inconvenience and mischiefs which might hereafter arise from the uncertainty of jurisdiction within and on said lake, to the end that the lake may be adequately policed and conflicts of jurisdiction for the arrest and punishment of offenders be avoided.

Now, then, therefore, in order that law and justice may in all such cases be executed and take effect upon said lake from shore to shore in all parts and places thereof where the lake is a boundary between said states, the said parties hereto do agree for and in behalf of their respective states in the manner following:

1. General use. It is hereby agreed that the entire Pymatuning lake or reservoir, subject to the primary use thereof by the commonwealth of Pennsylvania for regulating the flow of the water in the Shenango and Beaver rivers as in paragraph 9 hereinafter more specifically mentioned, shall be open for recreational use equally to the citizens of both contracting parties, save as restricted as to hunting, fishing, and boating in this agreement set forth, or hereafter mutually agreed upon by both parties but no person shall be permitted to hunt or fish therein or thereon unless the lawful holder of a fishing or hunting license, authorizing the holder so to do, issued by the proper authorities of Pennsylvania or of Ohio.

2. Arrest and prosecution of offenders. That each state shall enjoy and exercise a concurrent jurisdiction upon the water (but not upon the dry land), between the shores of said lake, including the islands therein, with respect to the arrest and prosecution of offenders, but in such sort that any boat or vessel fastened to or aground on the shore of either state shall be considered exclusively within the jurisdiction of said state; but that all capital and other offenses, trespasses, or damages committed on or over said lake, the judicial investigation

and determination thereof shall be exclusively vested in the state wherein the offender or person charged with such offense shall be first apprehended, arrested, prosecuted, or first brought to trial; it being the intent of this agreement that an offender may be pursued and arrested anywhere on or over said lake or shores thereof or islands therein, regardless of the boundary lines, by any peace officers or persons of either state authorized to make arrests, whether the offenses be committed on or over any part of the lake, on the shores or islands therein, regardless of the place where the offense was committed lies.

3. Islands. All islands within the lake shall be considered as part of the state of Pennsylvania.

4. Pollution of water. The lake shall be forever protected against pollution of its waters by industrial trade waste, individual, or municipal sewage from shore or boat, and the discharge of any noxious or deleterious substance, liquid or solid, into the waters of the lake which is or may become inimical, or injurious, to public health or to animal or aquatic life is hereby expressly forbidden.

No sewage may be discharged into the waters of the lake except after complete treatment and then only upon permit first approved by the health department of both states.

5. Boats and vessels <u>Watercraft</u>. No person shall operate any watercraft propelled by a single motor, or any combination of motors, that produces a horsepower rating in excess of ten twenty horsepower on Pymatuning Lake, except a pontoon boat sixteen feet in length or longer propelled by a single motor, or any combination of motors, that produces a horsepower rating of twenty horsepower or less and police or administration watercraft, the number of which shall be mutually agreed upon by the parties hereto.

No person shall operate a watercraft without first obtaining a license from the respective state of which the owner is a resident under such regulations as each party to this agreement may now <u>have</u> or hereafter adopt. Provided nevertheless that the use of any type of watercraft equipped with a motor is expressly limited and restricted to that portion of the lake extending from the main dam near Jamestown northwardly to the causeway at or near Linesville. Watercraft equipped with a motor in excess of ten <u>a twenty</u> horsepower rating may be operated on said lake so long as such motor is not used , except for a pontoon boat that is sixteen feet in length or longer.

No person shall ride or attempt to ride upon one or more water skis, surfboards, towed inflatable devices, or similar devices or use or operate any vessel watercraft to tow a person thereon.

Nothing contained in this subdivision shall be interpreted to effect a change in the level or flow of water as determined or fixed by the department of conservation and natural resources.

Any one who violates any of the provisions of this subsection or who operates any boat equipped with a motor on the lake without being authorized to do so under the provisions of this subdivision , shall , upon conviction thereof, be sentenced in accordance with the applicable laws for the same or similar violations within the prosecuting jurisdiction, provided that the penalty for said violation shall not exceed a fine of five hundred dollars or imprisonment for thirty days.

6. Fishing. Any person possessing a duly issued fishing license by either state shall be permitted to fish anywhere on the entire lake (except such portion thereof as is closed to fishing by paragraph 8 hereof or such further portion as may hereafter by regulation be mutually agreed to by the parties hereto), but no fisher shall be entitled to fish from the shores of the state of which the fisher is a nonresident unless the fisher complies with the nonresident fishing license law of said state.

In order to permit the fish to fully propagate and develop, no part of the lake shall be open for fishing until July 1, 1937, and thereafter shall be closed in each year between December 10 and June 30.

Unless otherwise mutually agreed to by both parties hereto, the creel, size, and season limits for the respective kinds of fish caught shall be such as may hereafter be agreed upon between the two states.

7. Reciprocal hunting rights. Reciprocal hunting rights are hereby granted to the licensed hunters of each state on the water of that portion of the lake, both in Pennsylvania and Ohio, over the area bounded on the south by an east and west line crossing the state boundary 0.5 of a mile north of Simons, Ohio, and on the north by a line drawn between the point at which the Padanaram road crosses the state boundary and a point formerly known as the Polleck bridge, but such reciprocal hunting rights hereby granted shall extend only to such wild migratory birds as are covered by the federal migratory bird treaty and federal laws adopted thereunder.

Hunting in such portions of the lake as are not included in the area above described and designated shall be and remain under the jurisdiction of the commonwealth of Pennsylvania.

No permanent blinds shall be erected anywhere on the lake and shores thereof, but this provision shall not be interpreted as forbidding the use of a boat as a blind temporarily moored to or grounded on the shore of the lake or islands thereof.

8. Wild game and fish sanctuaries. A. The game commission of the state of Pennsylvania, having established a wild migratory bird and game sanctuary or refuge in that part of the lake located southeast of the Pennsylvania railroad crossing, it is expressly agreed that nothing herein contained shall be interpreted as entitling the residents of either state, whether licensed to fish or hunt, or otherwise, to fish in, hunt, trespass, or enter upon said sanctuary for any purpose whatsoever. Anyone so doing shall become amenable to prosecution therefor under the game laws of the state of Pennsylvania applicable to game refuges.

B. The conservation division of the department of agriculture of the state of Ohio, having established a fish sanctuary and game refuge in the following portion of the lake:

Being the southerly parts of lots Nos. 79 and 80, Richmond township; all of lot No. 41, and all of lot No. 42, except the westerly 1000 feet thereof, in Andover township, Ashtabula county, Ohio:

Beginning at a point in the west line of lot No. 79, that is 1523 feet south of the north line of lot No. 79; also being the center line of Padanaram road; thence southerly along the county highway along the westerly side of lot No. 79, 1869.5 feet to the north line of Andover township; thence westerly along the northerly line of Andover township, 939.7 feet to the northwest corner of lot No. 41; thence southerly along the highway that marks the westerly line of lot No. 41, 2809.8 feet to the north line of lot No. 42; thence easterly along the north line of lot No. 42, 1000 feet to a point; thence in a southerly direction parallel to and 1000 feet easterly from the westerly line of lot No. 42, 2734 feet, more or less, to the southerly line of lot No. 42; thence easterly along the said southerly line of lot No. 42, 5180.4 feet to the Ohio and Pennsylvania state line; thence northerly along the said Ohio and Pennsylvania state line, 7297.6 feet, more or less, to a point that is 1523 feet southerly from the north line of lot No. 80; thence in a westerly direction, 1523 feet southerly from and parallel to the north lines of lots Nos. 79 and 80, 5260 feet, more or less, to the place of beginning.

It is expressly agreed that nothing herein contained shall be interpreted as entitling the residents of either state, whether licensed to fish or otherwise, to fish in, hunt, trespass, or enter upon said sanctuary for any purpose whatsoever. Anyone so doing shall become amenable to prosecution therefor under the laws of the state of Ohio applicable thereto.

9. Reservation of Pennsylvania's right to the body of the water. It is expressly agreed that nothing herein contained shall operate to deny, limit, or restrict the right of the water and power resources board of Pennsylvania, or any authority established hereafter by said state to exercise such power, to at any time now or hereafter, raise or draw off so much of the waters of the lake as in its sole judgment may be necessary to maintain or regulate the flow of the Shenango and Beaver rivers in furtherance of the primary purpose for which said lake was established, and said water and power resources board shall, without let or hindrance, have the full right irrespective of other considerations, to release so much of the water as they may deem proper to maintain the flow of the Shenango and Beaver rivers, irrespective of its effect on the level of the lake or use thereof for other purposes."

In line 320, after "1515.22," insert "1541.31,"

In line 1 of the title, after "1515.22," insert "1541.31,"

In line 4 of the title, after the comma insert "to revise the Pymatuning

Lake Compact,"

The question being, "Shall the motion to amend be agreed to?" The yeas and nays were taken and resulted - yeas 98, 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	Collier	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
Heydinger	Hite	Hottinger	Huffman
Hughes	Jones	Koziura	Letson
Luckie	Lundy	Mallory	Mandel
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	Widener	Widowfield	Williams B.
Williams S.	Wolpert	Yates	Yuko
Zehringer			Husted-98.

The motion was agreed to and the bill so amended.

The question recurring, "Shall the bill pass as an emergency measure?"

Representative Flowers moved to amend as follows:

In line 9, delete "1515.22,"

Delete lines 12 through 54

In line 320, delete "1515.22,"

Delete lines 322 through 326

In line 327, delete "4" and insert "3"

In line 1 of the title, delete "1515.22,"

In line 4 of the title, delete ", to clarify the"

Delete lines 5 through 7 of the title

In line 8 of the title, delete "project,"

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The question being, "Shall the motion to amend be agreed to?" The yeas and nays were taken and resulted - yeas 98, 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	Collier	Combs	Core
Daniels	DeBose	DeGeeter	DeWine
Dodd	Dolan	Domenick	Driehaus
	Evans	Fende	Fessler
Dyer Flowers			
	Foley	Gardner	Garrison
Gerberry	Gibbs	Goodwin	Goyal
Hagan J.	Hagan R.	Harwood	Heard
Heydinger	Hite	Hottinger	Huffman
Hughes	Jones	Koziura	Letson
Luckie	Lundy	Mallory	Mandel
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	Widener	Widowfield	Williams B.
Williams S.	Wolpert	Yates	Yuko
Zehringer	1		Husted-98.

The motion was agreed to and the bill so amended.

The question recurring, "Shall the bill pass as an emergency measure?"

Representative Flowers moved to amend as follows:

In line 9, after "1547.14," insert "1547.15,"

Between lines 105 and 106, insert:

"Sec. 1547.15. Any person who operates a vessel towing any person riding or attempting to ride upon one or more water skis or upon a surfboard or similar device, or engaging or attempting to engage in barefoot skiing, on the waters in this state shall have present in the vessel a person or persons other than the operator, ten years of age or older, who shall at all times observe the progress of the person being towed. However, such an operator who is twenty-one years of age or older may use a rear-view mirror with a minimum of one hundred sixty degrees field of vision, mounted so that the operator can observe the activities of the person being towed, in lieu of having present in the vessel a person or persons other than the operator who observes the progress of the person being towed. The operator of the towing vessel shall at all times observe the traffic

pattern toward which the vessel is approaching.

No person shall operate or permit to be operated any vessel on the waters in this state in violation of this section."

In line 320, after "1547.14," insert "1547.15,"

In line 1 of the title, after "1547.14," insert "1547.15,"

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

The yeas and nays were taken and resulted - yeas 43, nays 54, as follows:

Those who voted in the affirmative were: Representatives

Adams	Aslanides	Bacon	Blessing
Book	Brinkman	Carmichael	Coley
Combs	Core	Daniels	DeWine
Dolan	Driehaus	Evans	Fessler
Gibbs	Goodwin	Hagan J.	Hite
Hottinger	Huffman	Hughes	Jones
Mandel	McGregor J.	Mecklenborg	Oelslager
Patton	Peterson	Reinhard	Schlichter
Schneider	Setzer	Stewart J.	Uecker
Wachtmann	Webster	White	Widener
Wolpert	Zehringer		Husted-43.

Those who voted in the negative were: Representatives

Batchelder	Beatty	Bolon	Boyd
Brady	Brown	Budish	Celeste
Chandler	Collier	DeBose	DeGeeter
Dodd	Domenick	Dyer	Fende
Flowers	Foley	Gardner	Garrison
Gerberry	Goyal	Hagan R.	Harwood
Heard	Heydinger	Koziura	Letson
Luckie	Lundy	Mallory	McGregor R.
Miller	Newcomb	Okey	Otterman J.
Redfern	Sayre	Schindel	Sears
Skindell	Slesnick	Stebelton	Stewart D.
Strahorn	Sykes	Szollosi	Ujvagi
Wagner	Widowfield	Williams B.	Williams S.
Yates			Yuko-54.

The motion to amend was not agreed to.

The question recurring, "Shall the bill pass as an emergency measure?" The yeas and nays were taken and resulted - yeas 97, nays 1, as follows: Those who voted in the affirmative were: Representatives

Adams	Aslanides	Bacon	Batchelder
Beatty	Blessing	Bolon	Book
Boyd	Brady	Brown	Budish
Carmichael	Celeste	Chandler	Coley
Collier	Combs	Core	Daniels
DeBose	DeGeeter	DeWine	Dodd

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Dolan	Domenick	Driehaus	Dyer
Evans	Fende	Fessler	Flowers
Foley	Gardner	Garrison	Gerberry
Gibbs	Goodwin	Goyal	Hagan J.
Hagan R.	Harwood	Heard	Heydinger
Hite	Hottinger	Huffman	Hughes
Jones	Koziura	Letson	Luckie
Lundy	Mallory	Mandel	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
Widener	Widowfield	Williams B.	Williams S.
Wolpert	Yates	Yuko	Zehringer
_			Husted-97.

Representative Brinkman voted in the negative-1.

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

Representative Aslanides moved to amend the title as follows:

Add the names: "Chandler, Dodd, Dyer, Flowers, Gerberry, Harwood, Heydinger, Hughes, Letson, Luckie, Lundy, Newcomb, Sayre."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Am. H. B. No. 286-Representatives Sykes, Batchelder. Cosponsors: Representatives Celeste, Luckie, Collier, Bacon, Webster, Strahorn, Williams, S., Healy, Evans, Harwood, Huffman, Fessler, Otterman, Brown, Mallory, Schindel, Daniels, Stewart, D., Domenick, Flowers.

To amend sections 119.03 and 3519.01 of the Revised Code to require the committee named in an initiative petition to file, at the time the petition is filed, a statement identifying the petitioner's intent in proposing the initiated statute or constitutional amendment and to permit the Joint Committee on Agency Rule Review to recommend that a proposed rule be invalidated if the proposed rule conflicts with the petitioners' intent in adopting the statute or constitutional amendment on which the rule is based, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 98, nays 0, as follows:

Adams	Aslanides	Bacon	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	Fessler
Flowers	Foley	Gardner	Garrison
Gerberry	Gibbs	Goodwin	Goyal
Hagan J.	Hagan R.	Harwood	Heard
Heydinger	Hite	Hottinger	Huffman
Hughes	Jones	Koziura	Letson
Luckie	Lundy	Mallory	Mandel
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	Widener	Widowfield	Williams B.
Williams S.	Wolpert	Yates	Yuko
Zehringer			Husted-98.

The bill passed.

Representative Sykes moved to amend the title as follows:

Add the names: "Blessing, Boyd, Budish, Chandler, Combs, DeBose, Dyer, Foley, Gerberry, Gibbs, Goyal, Hagan, J., Hagan, R., Heard, Hughes, Letson, McGregor, J., McGregor, R., Oelslager, Setzer, Skindell, Slesnick, Szollosi, Yates, Yuko."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

H. B. No. 427-Representatives Webster, Letson. Cosponsors: Representatives Stebelton, Harwood, Evans, McGregor, J., Hagan, R.

To amend sections 4757.01, 4757.04, 4757.21, 4757.26, 4757.30, and 4757.36 of the Revised Code regarding the practice of marriage and family therapy and the membership of the professional standards committees of the Counselor, Social Worker, and Marriage and Family Therapist Board, 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 3, as follows: Those who voted in the affirmative were: Representatives

Adams Beatty Boyd Carmichael Collier DeBose Dolan Evans Foley Gibbs Hagan R. Hite Koziura Mallory Miller	Aslanides Blessing Brady Celeste Combs DeGeeter Domenick Fende Gardner Goodwin Harwood Hottinger Letson Mandel Newcomb	Bacon Bolon Brown Chandler Core DeWine Driehaus Fessler Garrison Goyal Heard Huffman Luckie McGregor J. Oelslager	Batchelder Book Budish Coley Daniels Dodd Dyer Flowers Gerberry Hagan J. Heydinger Hughes Lundy McGregor R. Okey
			2
Foley	Gardner	Garrison	Gerberry
2	Goodwin	Goyal	~
Hagan R.	Harwood	Heard	Heydinger
Hite	Hottinger	Huffman	Hughes
Koziura	Letson	Luckie	Lundy
Mallory	Mandel	McGregor J.	McGregor R.
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	Widener	Widowfield
Williams B.	Williams S.	Wolpert	Yates
Yuko	Zehringer		Husted-95.

Representatives Brinkman, Jones, and Mecklenborg voted in the negative-3.

The bill passed.

Representative Webster moved to amend the title as follows:

Add the names: "Brady, Coley, Dyer, Foley, Gerberry, Hughes, Luckie, Setzer, Skindell, Stewart, D., Williams, B., Yuko."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

H. B. No. 450-Representative Goodwin.

Cosponsors: Representatives Wachtmann, Barrett, Peterson, McGregor, J., Brinkman, Fessler, Gibbs, Combs, Evans, Huffman, Adams, Stebelton, Letson, Core, Carmichael, Uecker, Blessing, Dyer, Williams, S.

To amend section 2923.211 of the Revised Code to permit a member of the armed services or the Ohio National Guard who is between the ages of 18 and 21 to purchase a handgun if the person has received firearms training, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Goodwin moved to amend as follows:

In line 6, delete "section" and insert "sections 2923.125 and"

Between lines 7 and 8, insert:

"Sec. 2923.125. (A) Upon the request of a person who wishes to obtain a license to carry a concealed handgun or to renew a license to carry a concealed handgun, a sheriff, as provided in division (I) of this section, shall provide to the person free of charge an application form and a copy of the pamphlet described in division (B) of section 109.731 of the Revised Code. A sheriff shall accept a completed application form and the fee, items, materials, and information specified in division (B)(1) to (5) of this section at the times and in the manners described in division (I) of this section.

(B) An applicant for a license to carry a concealed handgun shall submit a completed application form and all of the following to the sheriff of the county in which the applicant resides or to the sheriff of any county adjacent to the county in which the applicant resides:

(1) A nonrefundable license fee prescribed by the Ohio peace officer training commission pursuant to division (C) of section 109.731 of the Revised Code, except that the sheriff shall waive the payment of the license fee in connection with an initial or renewal application for a license that is submitted by an applicant who is a retired peace officer, a retired person described in division (B)(1)(b) of section 109.77 of the Revised Code, or a retired federal law enforcement officer who, prior to retirement, was authorized under federal law to carry a firearm in the course of duty, unless the retired peace officer, person, or federal law enforcement officer retired as the result of a mental disability;

(2) A color photograph of the applicant that was taken within thirty days prior to the date of the application;

(3) One or more of the following competency certifications, each of which shall reflect that, regarding a certification described in division (B)(3)(a), (b), (c), (e), or (f) of this section, within the three years immediately preceding the application the applicant has performed that to which the competency certification relates and that, regarding a certification described in division (B)(3)(d) of this section, the applicant currently is an active or reserve member of the armed forces of the United States or within the six years immediately preceding the application the honorable discharge or retirement to which the competency certification relates occurred:

(a) An original or photocopy of a certificate of completion of a firearms safety, training, or requalification or firearms safety instructor course, class, or program that was offered by or under the auspices of the national rifle association and that complies with the requirements set forth in division (G) of this section;

(b) An original or photocopy of a certificate of completion of a firearms safety, training, or requalification or firearms safety instructor course, class, or

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program that satisfies all of the following criteria:

(i) It was open to members of the general public.

(ii) It utilized qualified instructors who were certified by the national rifle association, the executive director of the Ohio peace officer training commission pursuant to section 109.75 or 109.78 of the Revised Code, or a governmental official or entity of another state.

(iii) It was offered by or under the auspices of a law enforcement agency of this or another state or the United States, a public or private college, university, or other similar postsecondary educational institution located in this or another state, a firearms training school located in this or another state, or another type of public or private entity or organization located in this or another state.

(iv) It complies with the requirements set forth in division (G) of this section.

(c) An original or photocopy of a certificate of completion of a state, county, municipal, or department of natural resources peace officer training school that is approved by the executive director of the Ohio peace officer training commission pursuant to section 109.75 of the Revised Code and that complies with the requirements set forth in division (G) of this section, or the applicant has satisfactorily completed and been issued a certificate of completion of a basic firearms training program, a firearms requalification training program, or another basic training program described in section 109.78 or 109.801 of the Revised Code that complies with the requirements set forth in division (G) of this section;

(d) A document that evidences both of the following:

(i) That the applicant is an active or reserve member of the armed forces of the United States, was honorably discharged from military service in the active or reserve armed forces of the United States, is a retired trooper of the state highway patrol, or is a retired peace officer or federal law enforcement officer described in division (B)(1) of this section or a retired person described in division (B)(1)(b) of section 109.77 of the Revised Code and division (B)(1) of this section;

(ii) That, through participation in the military service or through the former employment described in division (B)(3)(d)(i) of this section, the applicant acquired experience with handling handguns or other firearms, and the experience so acquired was equivalent to training that the applicant could have acquired in a course, class, or program described in division (B)(3)(a), (b), or (c) of this section.

(e) A certificate or another similar document that evidences satisfactory completion of a firearms training, safety, or requalification or firearms safety instructor course, class, or program that is not otherwise described in division (B)(3)(a), (b), (c), or (d) of this section, that was conducted by an instructor who

was certified by an official or entity of the government of this or another state or the United States or by the national rifle association, and that complies with the requirements set forth in division (G) of this section;

(f) An affidavit that attests to the applicant's satisfactory completion of a course, class, or program described in division (B)(3)(a), (b), (c), or (e) of this section and that is subscribed by the applicant's instructor or an authorized representative of the entity that offered the course, class, or program or under whose auspices the course, class, or program was offered.

(4) A certification by the applicant that the applicant has read the pamphlet prepared by the Ohio peace officer training commission pursuant to section 109.731 of the Revised Code that reviews firearms, dispute resolution, and use of deadly force matters.

(5) A set of fingerprints of the applicant provided as described in section 311.41 of the Revised Code through use of an electronic fingerprint reading device or, if the sheriff to whom the application is submitted does not possess and does not have ready access to the use of such a reading device, on a standard impression sheet prescribed pursuant to division (C)(2) of section 109.572 of the Revised Code.

(C) Upon receipt of an applicant's completed application form, supporting documentation, and, if not waived, license fee, a sheriff, in the manner specified in section 311.41 of the Revised Code, shall conduct or cause to be conducted the criminal records check and the incompetency records check described in section 311.41 of the Revised Code.

(D)(1) Except as provided in division (D)(3), (4), or (5) of this section, within forty-five days after a sheriff's receipt of an applicant's completed application form for a license to carry a concealed handgun, the supporting documentation, and, if not waived, the license fee, the sheriff shall make available through the law enforcement automated data system in accordance with division (H) of this section the information described in that division and, upon making the information available through the system, shall issue to the applicant a license to carry a concealed handgun that shall expire as described in division (D)(2)(a) of this section if all of the following apply:

(a) The applicant is legally living in the United States, has been a resident of this state for at least forty-five days, and has been a resident of the county in which the person seeks the license or a county adjacent to the county in which the person seeks the license for at least thirty days. For purposes of division (D)(1)(a) of this section:

(i) If a person is absent from the United States, from this state, or from a particular county in this state in compliance with military or naval orders as an active or reserve member of the armed forces of the United States and if prior to leaving this state in compliance with those orders the person was legally living in the United States and was a resident of this state, the person, solely by reason of that absence, shall not be considered to have lost the person's status as living in

the United States or the person's residence in this state or in the county in which the person was a resident prior to leaving this state in compliance with those orders, without regard to whether or not the person intends to return to this state or to that county, shall not be considered to have acquired a residence in any other state, and shall not be considered to have become a resident of any other state.

(ii) If a person is present in this state in compliance with military or naval orders as an active or reserve member of the armed forces of the United States for at least forty-five days, the person shall be considered to have been a resident of this state for that period of at least forty-five days, and, if a person is present in a county of this state in compliance with military or naval orders as an active or reserve member of the armed forces of the United States for at least thirty days, the person shall be considered to have been a resident of that county for that period of at least thirty days.

(b) The applicant is at least twenty-one years of age.

(c) The applicant is not a fugitive from justice.

(d) The applicant is not under indictment for or otherwise charged with a felony; an offense under Chapter 2925., 3719., or 4729. of the Revised Code that involves the illegal possession, use, sale, administration, or distribution of or trafficking in a drug of abuse; a misdemeanor offense of violence; or a violation of section 2903.14 or 2923.1211 of the Revised Code.

(e) The applicant has not been convicted of or pleaded guilty to a felony or an offense under Chapter 2925., 3719., or 4729. of the Revised Code that involves the illegal possession, use, sale, administration, or distribution of or trafficking in a drug of abuse; has not been adjudicated a delinquent child for committing an act that if committed by an adult would be a felony or would be an offense under Chapter 2925., 3719., or 4729. of the Revised Code that involves the illegal possession, use, sale, administration, or distribution of or trafficking in a drug of abuse; and has not been convicted of, pleaded guilty to, or adjudicated a delinquent child for committing a violation of section 2903.13 of the Revised Code when the victim of the violation is a peace officer, regardless of whether the applicant was sentenced under division (C)(3) of that section.

(f) The applicant, within three years of the date of the application, has not been convicted of or pleaded guilty to a misdemeanor offense of violence other than a misdemeanor violation of section 2921.33 of the Revised Code or a violation of section 2903.13 of the Revised Code when the victim of the violation is a peace officer, or a misdemeanor violation of section 2923.1211 of the Revised Code; and has not been adjudicated a delinquent child for committing an act that if committed by an adult would be a misdemeanor offense of violence other than a misdemeanor violation of section 2921.33 of the Revised Code or a violation of section 2903.13 of the Revised Code when the victim of the violation is a peace officer or for committing an act that if committed by an adult would be a misdemeanor violation of section 2923.1211 of the Revised Code.

(g) Except as otherwise provided in division (D)(1)(e) of this section, the applicant, within five years of the date of the application, has not been convicted of, pleaded guilty to, or adjudicated a delinquent child for committing two or more violations of section 2903.13 or 2903.14 of the Revised Code.

(h) The applicant, within ten years of the date of the application, has not been convicted of, pleaded guilty to, or adjudicated a delinquent child for committing a violation of section 2921.33 of the Revised Code.

(i) The applicant has not been adjudicated as a mental defective, has not been committed to any mental institution, is not under adjudication of mental incompetence, has not been found by a court to be a mentally ill person subject to hospitalization by court order, and is not an involuntary patient other than one who is a patient only for purposes of observation. As used in this division, "mentally ill person subject to hospitalization by court order" and "patient" have the same meanings as in section 5122.01 of the Revised Code.

(j) The applicant is not currently subject to a civil protection order, a temporary protection order, or a protection order issued by a court of another state.

(k) The applicant certifies that the applicant desires a legal means to carry a concealed handgun for defense of the applicant or a member of the applicant's family while engaged in lawful activity.

(1) The applicant submits a competency certification of the type described in division (B)(3) of this section and submits a certification of the type described in division (B)(4) of this section regarding the applicant's reading of the pamphlet prepared by the Ohio peace officer training commission pursuant to section 109.731 of the Revised Code.

(m) The applicant currently is not subject to a suspension imposed under division (A)(2) of section 2923.128 of the Revised Code of a license to carry a concealed handgun, or a temporary emergency license to carry a concealed handgun, that previously was issued to the applicant under this section or section 2923.1213 of the Revised Code.

(2)(a) A license to carry a concealed handgun that a sheriff issues under division (D)(1) of this section on or after the effective date of this amendment <u>March 14, 2007</u>, shall expire five years after the date of issuance. A license to carry a concealed handgun that a sheriff issued under division (D)(1) of this section prior to the effective date of this amendment <u>March 14, 2007</u>, shall expire four years after the date of issuance.

If a sheriff issues a license under this section, the sheriff shall place on the license a unique combination of letters and numbers identifying the license in accordance with the procedure prescribed by the Ohio peace officer training commission pursuant to section 109.731 of the Revised Code.

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(b) If a sheriff denies an application under this section because the applicant does not satisfy the criteria described in division (D)(1) of this section, the sheriff shall specify the grounds for the denial in a written notice to the applicant. The applicant may appeal the denial pursuant to section 119.12 of the Revised Code in the county served by the sheriff who denied the application. If the denial was as a result of the criminal records check conducted pursuant to section 311.41 of the Revised Code and if, pursuant to section 2923.127 of the Revised Code, the applicant challenges the criminal records check results using the appropriate challenge and review procedure specified in that section, the time for filing the appeal pursuant to section 119.12 of the Revised Code and this division is tolled during the pendency of the request or the challenge and review. If the court in an appeal under section 119.12 of the Revised Code and this division enters a judgment sustaining the sheriff's refusal to grant to the applicant a license to carry a concealed handgun, the applicant may file a new application beginning one year after the judgment is entered. If the court enters a judgment in favor of the applicant, that judgment shall not restrict the authority of a sheriff to suspend or revoke the license pursuant to section 2923.128 or 2923.1213 of the Revised Code or to refuse to renew the license for any proper cause that may occur after the date the judgment is entered. In the appeal, the court shall have full power to dispose of all costs.

(3) If the sheriff with whom an application for a license to carry a concealed handgun was filed under this section becomes aware that the applicant has been arrested for or otherwise charged with an offense that would disqualify the applicant from holding the license, the sheriff shall suspend the processing of the application until the disposition of the case arising from the arrest or charge.

(4) If the sheriff determines that the applicant is legally living in the United States and is a resident of the county in which the applicant seeks the license or of an adjacent county but does not yet meet the residency requirements described in division (D)(1)(a) of this section, the sheriff shall not deny the license because of the residency requirements but shall not issue the license until the applicant meets those residency requirements.

(E) If a license to carry a concealed handgun issued under this section is lost or is destroyed, the licensee may obtain from the sheriff who issued that license a duplicate license upon the payment of a fee of fifteen dollars and the submission of an affidavit attesting to the loss or destruction of the license. The sheriff, in accordance with the procedures prescribed in section 109.731 of the Revised Code, shall place on the replacement license a combination of identifying numbers different from the combination on the license that is being replaced.

(F) A licensee who wishes to renew a license to carry a concealed handgun issued under this section shall do so not earlier than ninety days before the expiration date of the license and not later than thirty days after the expiration date of the license by filing with the sheriff of the county in which the applicant resides or with the sheriff of an adjacent county an application for renewal of the license obtained pursuant to division (D) of this section, a new color photograph of the licensee that was taken within thirty days prior to the date of the renewal application, a certification by the applicant that, subsequent to the issuance of the license, the applicant has reread the pamphlet prepared by the Ohio peace officer training commission pursuant to section 109.731 of the Revised Code that reviews firearms, dispute resolution, and use of deadly force matters, a new set of fingerprints provided in the manner specified in division (B)(5) of this section regarding initial applications for a license to carry a concealed handgun, and a nonrefundable license renewal fee unless the fee is waived. The licensee also shall submit a competency certification of the type described in division (B)(3) of this section that is not older than six years or a renewed competency certification of the type described in division (G)(4) of this section that is not older than six years. A sheriff shall accept a completed renewal application and the fee, items, materials, and information specified in this division at the times and in the manners described in division (I) of this section.

Upon receipt of a completed renewal application, color photograph, certification that the applicant has reread the specified pamphlet prepared by the Ohio peace officer training commission, new set of fingerprints, competency certification or renewed competency certification, and license renewal fee unless the fee is waived, a sheriff, in the manner specified in section 311.41 of the Revised Code shall conduct or cause to be conducted the criminal records check and the incompetency records check described in section 311.41 of the Revised Code. The sheriff shall renew the license if the sheriff determines that the applicant continues to satisfy the requirements described in division (D)(1) of this section, except that the applicant is required to submit a renewed competency certification only in the circumstances described in division (G)(4)of this section. A renewed license that is renewed on or after the effective date of this amendment March 14, 2007, shall expire five years after the date of issuance, and a renewed license that is renewed prior to the effective date of this amendment March 14, 2007, shall expire four years after the date of issuance. A renewed license is subject to division (E) of this section and sections 2923.126 and 2923.128 of the Revised Code. A sheriff shall comply with divisions (D)(2) to (4) of this section when the circumstances described in those divisions apply to a requested license renewal. If a sheriff denies the renewal of a license to carry a concealed handgun, the applicant may appeal the denial, or challenge the criminal record check results that were the basis of the denial if applicable, in the same manner as specified in division (D)(2)(b) of this section and in section 2923.127 of the Revised Code, regarding the denial of a license under this section.

(G)(1) Each course, class, or program described in division (B)(3)(a), (b), (c), or (e) of this section shall provide to each person who takes the course, class, or program a copy of the pamphlet prepared by the Ohio peace officer training commission pursuant to section 109.731 of the Revised Code that reviews firearms, dispute resolution, and use of deadly force matters. Each such course,

class, or program described in one of those divisions shall include at least twelve hours of training in the safe handling and use of a firearm that shall include all of the following:

(a) At least ten hours of training on the following matters:

(i) The ability to name, explain, and demonstrate the rules for safe handling of a handgun and proper storage practices for handguns and ammunition;

(ii) The ability to demonstrate and explain how to handle ammunition in a safe manner;

(iii) The ability to demonstrate the knowledge, skills, and attitude necessary to shoot a handgun in a safe manner;

(iv) Gun handling training.

(b) At least two hours of training that consists of range time and live-fire training.

(2) To satisfactorily complete the course, class, or program described in division (B)(3)(a), (b), (c), or (e) of this section, the applicant shall pass a competency examination that shall include both of the following:

(a) A written section on the ability to name and explain the rules for the safe handling of a handgun and proper storage practices for handguns and ammunition;

(b) A physical demonstration of competence in the use of a handgun and in the rules for safe handling and storage of a handgun and a physical demonstration of the attitude necessary to shoot a handgun in a safe manner.

(3) The competency certification described in division (B)(3)(a), (b), (c), or (e) of this section shall be dated and shall attest that the course, class, or program the applicant successfully completed met the requirements described in division (G)(1) of this section and that the applicant passed the competency examination described in division (G)(2) of this section.

(4) A person who has received a competency certification as described in division (B)(3) of this section, or who previously has received a renewed competency certification as described in this division, may obtain a renewed competency certification pursuant to this division. If the person has received a competency certification within the preceding six years, or previously has received a renewed competency certification within the preceding six years, the person may obtain a renewed competency certification from an entity that offers a course, class, or program described in division (B)(3)(a), (b), (c), or (e) of this section by passing a competency examination of the type described in division (G)(2) of this section. In these circumstances, the person is not required to attend the course, class, or program in order to be eligible to take the competency examination for the renewed competency certification. If more than six years has elapsed since the person last received a competency certification or a renewed

competency certification, in order for the person to obtain a renewed competency certification, the person shall both satisfactorily complete a course, class, or program described in division (B)(3)(a), (b), (c), or (e) of this section and pass a competency examination of the type described in division (G)(2) of this section. A renewed competency certification issued under this division shall be dated and shall attest that the applicant passed the competency examination of the type described in division (G)(2) of this section and, if applicable, that the person successfully completed a course, class, or program that met the requirements described in division (G)(1) of this section.

(H) Upon deciding to issue a license, deciding to issue a replacement license, or deciding to renew a license to carry a concealed handgun pursuant to this section, and before actually issuing or renewing the license, the sheriff shall make available through the law enforcement automated data system all information contained on the license. If the license subsequently is suspended under division (A)(1) or (2) of section 2923.128 of the Revised Code, revoked pursuant to division (B)(1) of section 2923.128 of the Revised Code, or lost or destroyed, the sheriff also shall make available through the law enforcement automated data system a notation of that fact. The superintendent of the state highway patrol shall ensure that the law enforcement automated data system is so configured as to permit the transmission through the system of the information specified in this division.

(I) A sheriff shall accept a completed application form or renewal application, and the fee, items, materials, and information specified in divisions (B)(1) to (5) or division (F) of this section, whichever is applicable, and shall provide an application form or renewal application and a copy of the pamphlet described in division (B) of section 109.731 of the Revised Code to any person during at least fifteen hours a week. The sheriff shall post notice of the hours during which the sheriff is available to accept or provide the information described in this division."

In line 30, delete "section" and insert "sections 2923.125 and"

In line 31, delete "is" and insert "are"

In line 1 of the title, delete "section" and insert "sections 2923.125 and"

In line 5 of the title, after "training" insert "and to clarify the residency criterion for the issuance of a concealed carry license for persons who are absent from, or who are present in, the state in compliance with military or naval orders"

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

05/22/08

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

Speaker Husted,

Pursuant to House Rule No. 57, I respectfully request that I be excused from voting on **H. B. No. 450**-Representative Goodwin, et al., because it might be construed that I have an interest in the legislation.

Sincerely yours,

/s/ CHRIS WIDENER CHRIS WIDENER State Representative 84 House District

The request was granted.

The yeas and nays were taken and resulted - yeas 95, nays 2, as follows: Those who voted in the affirmative were: Representatives

Adams Asl	anides	Bacon	Batchelder
Beatty Ble	ssing	Bolon	Book
Boyd Bra	ldy	Brinkman	Brown
Budish Car	michael	Celeste	Chandler
Coley Col	lier	Combs	Core
Daniels Del	Bose	DeGeeter	DeWine
Dodd Dol	lan	Domenick	Driehaus
Dyer Eva	ans	Fende	Fessler
Flowers Fol	ey	Gardner	Garrison
Gerberry Gib	obs	Goodwin	Goyal
Hagan J. Hai	rwood	Heard	Heydinger
Hite Hot	ttinger	Huffman	Hughes
Jones Koz	ziura	Letson	Luckie
Lundy Ma	llory	Mandel	McGregor J.
McGregor R. Me	cklenborg	Miller	Newcomb
Oelslager Oke	ey	Otterman J.	Patton
Peterson Rau	issen	Redfern	Reinhard
Sayre Sch	indel	Schlichter	Schneider
Sears Set	zer	Skindell	Slesnick
Stebelton Ste	wart D.	Stewart J.	Strahorn
Sykes Szc	ollosi	Uecker	Ujvagi
Wachtmann Wa	gner	Webster	White
Widowfield Wil	lliams B.	Williams S.	Wolpert
Yuko Zeh	ringor		Husted-95.

Representatives Hagan R. and Yates voted in the negative-2.

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 94, nays 3, 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	Collier	Combs	Core
Daniels	DeBose	DeGeeter	DeWine
Dodd	Dolan	Domenick	Driehaus
Dyer	Evans	Fende	Fessler
Flowers	Foley	Gardner	Garrison
Gerberry	Gibbs	Goodwin	Goyal
Hagan J.	Harwood	Heard	Heydinger
Hite	Hottinger	Huffman	Hughes
Jones	Koziura	Letson	Luckie
Lundy	Mallory	Mandel	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
Szollosi	Uecker	Ujvagi	Wachtmann
Wagner	Webster	White	Widowfield
Williams B.	Williams S.	Wolpert	Yuko
Zehringer			Husted-94.

Representatives Hagan R., Sykes, and Yates voted in the negative-3.

The bill passed.

Representative Goodwin moved to amend the title as follows:

Add the names: "Aslanides, Bacon, Batchelder, Bolon, Book, Coley, Collier, DeBose, Dodd, Domenick, Fende, Flowers, Gardner, Gerberry, Goyal, Hagan, J., Heydinger, Hite, Hottinger, Hughes, Jones, Mallory, Mandel, Mecklenborg, Oelslager, Okey, Otterman, J., Patton, Sayre, Schindel, Schlichter, Schneider, Sears, Setzer, Stewart, J., Webster, Zehringer."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Am. H. B. No. 458-Representative Uecker.

Cosponsors: Representatives Evans, McGregor, J., Huffman, Harwood, Wagner, Bacon.

To amend sections 505.60, 505.601, 5705.05, and 5705.06 of the Revised Code to authorize the taxing authority of a subdivision to use money derived from the general levy for current expenses for road and bridge construction and repair, and to make clarifying changes to the laws authorizing a township

to provide health care insurance, 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

Aslanides	Bacon	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	Fessler	Flowers
Foley	Gardner	Garrison	Gerberry
Gibbs	Goodwin	Goyal	Hagan J.
Hagan R.	Harwood	Heard	Heydinger
Hite	Hottinger	Huffman	Hughes
Jones	Koziura	Letson	Luckie
Lundy	Mallory	Mandel	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
Wagner	Webster	White	Widener
Widowfield	Williams B.	Williams S.	Wolpert
Yates	Yuko	Zehringer	Husted-96.

Representatives Adams and Wachtmann voted in the negative-2.

The bill passed.

Representative Uecker moved to amend the title as follows:

Add the names: "Batchelder, Chandler, Combs, Daniels, Domenick, Dyer, Flowers, Gerberry, Gibbs, Goyal, Hagan, J., Hughes, Letson, Newcomb, Sayre, Schindel, Schlichter, Setzer, Zehringer."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Am. H. B. No. 477-Representative Mecklenborg. Cosponsors: Representatives Collier, Flowers, Reinhard, Schneider.

To enact sections 5.15, 5.151, and 5.152 of the Revised Code to require the use of the English language by state and local government entities in official actions and proceedings, subject to certain exceptions, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 54, nays 42, as follows: Those who voted in the affirmative were: Representatives

Adams	Aslanides	Bacon	Batchelder
Blessing	Brinkman	Carmichael	Coley
Collier	Combs	Core	Daniels
DeWine	Dodd	Dolan	Domenick
Fessler	Flowers	Gardner	Gibbs
Goodwin	Goyal	Hagan J.	Heydinger
Hite	Hottinger	Huffman	Hughes
Jones	Lundy	Mandel	McGregor R.
Mecklenborg	Oelslager	Otterman J.	Patton
Reinhard	Schindel	Schlichter	Schneider
Sears	Setzer	Stebelton	Stewart J.
Uecker	Wachtmann	Wagner	Webster
White	Widener	Widowfield	Wolpert
Zehringer			Husted-54.

Those who voted in the negative were: Representatives

Beatty	Bolon	Book	Boyd
Brady	Brown	Budish	Celeste
Chandler	DeBose	DeGeeter	Driehaus
Dyer	Evans	Fende	Foley
Garrison	Gerberry	Hagan R.	Harwood
Heard	Koziura	Letson	Luckie
Mallory	Miller	Newcomb	Okey
Peterson	Redfern	Sayre	Skindell
Slesnick	Stewart D.	Strahorn	Sykes
Szollosi	Ujvagi	Williams B.	Williams S.
Yates			Yuko-42.

The bill passed.

Representative Mecklenborg moved to amend the title as follows:

Add the names: "Adams, Aslanides, Bacon, Blessing, Brinkman, Coley, Combs, Daniels, Domenick, Fessler, Gibbs, Hagan, J., Hottinger, Hughes, Schindel, Setzer, Stebelton, Uecker, Wachtmann, Webster."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

On motion of Representative DeWine, the House recessed.

The House met pursuant to recess.

Sub. H. B. No. 562-Representative Hottinger.

Cosponsors: Representatives Peterson, Skindell, Bacon, Bolon, Boyd, Brown, Budish, Chandler, Evans, Flowers, Garrison, Hagan, R., Hite, Jones, McGregor, R., Patton, Redfern, Schlichter, Stewart, D., Stewart, J., Strahorn, Yates.

To amend sections 9.835, 105.41, 109.71, 113.061, 113.40, 117.13, 117.38, 120.08, 122.171, 124.152, 125.021, 125.04, 125.09, 125.18, 125.25, 133.08, 135.61, 135.63, 135.65, 135.66, 145.47, 149.30, 156.02, 165.01, 165.03, 303.12, 303.211, 307.697, 319.301, 321.261, 340.02, 340.021, 351.26, 519.12, 519.211, 715.73, 715.74, 901.42, 1332.04, 1346.03, 1561.011, 1561.16, 1561.17, 1561.23, 1561.25, 1561.26, 1565.15, 2743.49, 2921.13, 2935.01, 2935.03, 2949.092, 3119.023, 3301.0714, 3311.21, 3311.24, 3313.842, 3313.978, 3314.016, 3314.02, 3314.03, 3314.05, 3316.03, 3316.041, 3316.06, 3316.08, 3317.023, 3317.11, 3317.20, 3318.01, 3318.03, 3318.032, 3318.04, 3323.30, 3323.31, 3323.32, 3323.33, 3333.04, 3333.044, 3333.122, 3335.05, 3341.03, 3343.08, 3344.02, 3352.02, 3353.02, 3353.20, 3353.21, 3353.22, 3353.26, 3353.27, 3353.28, 3353.29, 3354.16, 3355.12, 3356.02, 3357.16, 3359.02, 3361.02, 3364.02, 3702.71, 3702.72, 3702.73, 3702.74, 3702.75, 3702.78, 3702.79, 3702.81, 3702.85, 3702.86, 3702.91, 3702.93, 3702.95, 3703.01, 3734.821, 3735.67, 3905.40, 3961.04, 4117.01, 4117.09, 4117.14, 4117.15, 4123.26, 4123.32, 4123.37, 4123.54, 4131.03, 4301.355, 4301.421, 4301.424, 4301.432, 4301.47, 4301.62, 4303.03, 4303.071, 4303.181, 4303.182, 4303.232, 4303.233, 4303.30, 4303.33, 4303.333, 4399.12, 4510.10, 4511.01, 4511.181, 4511.191, 4735.01, 4735.02, 4735.10, 4735.13, 4735.14, 4735.141, 4752.04, 4752.05, 4752.06, 4752.07, 4752.11, 4752.12, 4752.13, 4928.142, 5101.5211, 5101.5212, 5101.5213, 5101.5214, 5101.5215, 5101.572, 5101.80, 5111.032, 5111.091, 5111.31, 5111.941, 5112.31, 5112.37, 5123.0412, 5123.196, 5123.36, 5525.01, 5703.19, 5703.21, 5703.57, 5705.194, 5705.214, 5705.29, 5709.121, 5721.30, 5721.31, 5721.32, 5721.33, 5721.34, 5721.35, 5721.36, 5721.37, 5721.38, 5721.39, 5721.40, 5721.41, 5721.42, 5721.43, 5727.85, 5739.01, 5739.02, 5739.029, 5739.12, 5739.122, 5739.124, 5739.21, 5741.04, 5741.12, 5741.121, 5741.122, 5743.021, 5743.024, 5743.321, 5743.323, 5745.05, 5747.01, 5747.02, 5748.022, 5751.20, 5751.21, 6117.01, 6117.011, 6117.012, 6117.04, 6117.05, 6117.06, 6117.25, 6117.251, 6117.28, 6117.30, 6117.34, 6117.38, 6117.41, 6117.42, 6117.43, 6117.44, 6117.45, and 6117.49; to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 3323.31 (3323.33), 3323.32 (3323.34), 3323.33 (3323.35), 3353.20 (3333.81), 3353.21 (3333.82), 3353.22 (3333.83), 3353.26 (3333.85), 3353.27 (3333.86), 3353.28 (3333.87), and 3353.29 (3333.88); to enact new sections 3323.31 and 3323.32 and sections 133.52, 135.101, 135.102, 135.103, 135.104, 135.105, 135.106, 353.01, 353.02, 353.03, 353.04, 353.05, 353.06, 353.061, 353.062, 353.063, 1561.24, 1561.261, 1567.64, 1567.681, 2949.094, 3310.42, 3314.37, 3314.40, 3318.033, 3318.034, 3323.36, 3326.45, 3333.84, 3365.15, 3925.101, 4301.404, 4301.441, 4735.142, 4905.84, 5111.0210, 5111.874, 5111.875,

5111.876, 5111.877, 5111.878, 5111.879, 5112.371, 5501.09, 5502.68, 5703.82, 5705.199, 5721.371, 5721.381, 5747.082, 5749.17, 6121.045, and 6123.042; to repeal sections 124.821, 3314.086, 3317.161, 3353.23, 3353.24. 3353.25, 3353.30, 5111.88, 5111.881, 5111.882, 5111.883, 5111.884, 5111.885, 5111.886, 5111.887, 5111.888, 5111.889, 5111.8810, 5111.8811, 5111.8812, 5111.8813, 5111.8814, 5111.8815, 5111.8816, 5111.8817, 5112.311, and 5739.213 of the Revised Code; to amend Sections 315.10 and 555.19 of Am. Sub. H.B. 67 of the 127th General Assembly, to amend Sections 203.10 and 203.50 of Am. Sub. H.B. 67 of the 127th General Assembly, as subsequently amended, to amend Sections 201.10 and 512.70 of Am. Sub. H.B. 100 of the 127th General Assembly, to amend Sections 207.20.50, 207.20.70, 207.30.10, 207.30.20, 207.30.30, 235.10, 261.10, 263.10, 263.20.10, 263.30.10, 269.30.30, 269.30.70, 269.40.50, 269.50.30, 275.10, 293.10, 299.10, 309.10, 309.30.13, 309.30.30, 309.30.40, 309.30.41, 309.30.42, 309.40.33, 337.30, 337.30.43, 337.40, 337.40, 15, 369.10, 375.10, 379.10, 393.10, 405.10, 407.10, 512.03, 512.35, and 518.03 of Am. Sub. H.B. 119 of the 127th General Assembly, to amend Sections 101.10, 103.80.50, 201.30, 201.50, 301.20.20, 301.20.80, 401.11, and 401.71 of H.B. 496 of the 127th General Assembly; to repeal Section 5 of Am. Sub. H.B. 24 of the 127th General Assembly and to repeal Section 375.80.10 of Am. Sub. H.B. 119 of the 127th General Assembly to make capital and other appropriations and to provide authorization and conditions for the operation of state programs, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Flowers moved to amend as follows:

In line 3840, delete " two-thirds" and insert " majority"

In line 3861, delete " unanimous" and insert " majority"

In line 3883, after " <u>section</u>" insert " <u>serves at the pleasure of the board of</u> <u>county commissioners, subject to any applicable human resource regulations and</u> <u>civil service provisions in effect in the county at the time of the election on the</u> <u>issue of restructuring the form of county government, and</u>"

In line 3884, delete " following a hearing if"

In line 3885, delete " the officer or director requests a hearing on the issue"; delete " \underline{In} " and insert:

<u>(D) In</u>"

In line 3893, delete " (D)" and insert " (E)"

In line 3923, after " and" insert ", in the case of the clerk of courts,"

In line 3926, delete "<u>not sooner than sixty nor later than ninety days</u>

after"

In line 3927, delete " <u>the date of the election</u>"; after " <u>The</u>" insert " <u>elected</u>"; after " <u>serving</u>" insert " <u>or elected</u>"

In line 3928, after " <u>election</u>" insert " <u>at which the issue of restructuring</u> <u>the form of county government appears.</u>"; after " <u>their</u>" insert " <u>current or newly</u> <u>elected terms of office expire and their</u>"

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

The yeas and nays were taken and resulted - yeas 53, nays 43, as follows:

Those who voted in the affirmative were: Representatives

Adams	Aslanides	Bacon	Batchelder
Blessing	Brinkman	Carmichael	Coley
Collier	Combs	Core	Daniels
DeWine	Dolan	Evans	Fessler
Flowers	Gardner	Gibbs	Goodwin
Hagan J.	Hite	Hottinger	Huffman
Hughes	Jones	Mallory	Mandel
McGregor J.	McGregor R.	Mecklenborg	Oelslager
Patton	Peterson	Raussen	Reinhard
Schindel	Schlichter	Schneider	Sears
Setzer	Stebelton	Stewart J.	Sykes
Wachtmann	Wagner	Webster	White
Widener	Widowfield	Wolpert	Zehringer
		-	Husted-53.

Those who voted in the negative were: Representatives

Beatty	Bolon	Book	Boyd
Brown	Budish	Celeste	Chandler
DeBose	DeGeeter	Dodd	Domenick
Driehaus	Dyer	Fende	Foley
Garrison	Gerberry	Goyal	Hagan R.
Harwood	Heard	Heydinger	Koziura
Letson	Luckie	Lundy	Miller
Newcomb	Okey	Otterman J.	Redfern
Sayre	Skindell	Slesnick	Stewart D.
Strahorn	Szollosi	Ujvagi	Williams B.
Williams S.	Yates		Yuko-43.

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 87, nays 8, as follows:

Adams	Aslanides	Bacon	Batchelder
Blessing	Bolon	Book	Brady
Brown	Carmichael	Celeste	Chandler
Coley	Collier	Combs	Core
Daniels	DeBose	DeGeeter	DeWine
Dodd	Dolan	Domenick	Driehaus

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Evans Gardner	Fende Garrison	Flowers Gerberry	Foley Gibbs
Goodwin	Goyal	Hagan J.	Hagan R.
Harwood	Heard	Heydinger	Hite
Hottinger	Huffman	Hughes	Jones
Koziura	Letson	Luckie	Lundy
Mallory	Mandel	McGregor J.	McGregor R.
Mecklenborg	Newcomb	Oelslager	Okey
Patton	Peterson	Raussen	Reinhard
Sayre	Schindel	Schlichter	Schneider
Sears	Setzer	Skindell	Slesnick
Stebelton	Stewart D.	Stewart J.	Strahorn
Sykes	Szollosi	Ujvagi	Wachtmann
Wagner	Webster	White	Widener
Widowfield	Williams B.	Wolpert	Yates
Yuko	Zehringer		Husted-87.

Representatives Boyd, Brinkman, Budish, Dyer, Fessler, Miller, Otterman J., and Williams S. voted in the negative-8.

The bill passed.

Representative Hottinger moved to amend the title as follows:

Add the names: "Adams, Book, Brady, Collier, Combs, Dolan, Domenick, Dyer, Gerberry, Goyal, Hagan, J., Harwood, Hughes, Koziura, Mallory, McGregor, J., Schindel, Setzer, Szollosi, Ujvagi, Webster, White, Widowfield."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Representative Beatty moved that the vote by which **Sub. H. B. No. 562**-Representative Hottinger, et al. 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:

STEVE L. DRIEHAUS	JOSEPH KOZIURA
FRED STRAHORN	RON GERBERRY
JENNIFER GARRISON	

The question being, "Shall the motion to reconsider the vote by which **Sub. H. B. No. 562**-Representative Hottinger, et al., passed be agreed to?"

The yeas and nays were taken and resulted - yeas 74, nays 22, as follows:

Adams	Bacon	Batchelder	Beatty
Bolon	Book	Boyd	Brady
Brinkman	Brown	Budish	Carmichael

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Chandler	Coley	Collier
Daniels	DeBose	DeGeeter
Dodd	Dolan	Domenick
Dyer	Evans	Fende
Flowers	Foley	Garrison
Goyal	Hagan J.	Hagan R.
Heard	Heydinger	Hottinger
Hughes	Koziura	Letson
Lundy	Mallory	Mecklenborg
Newcomb	Oelslager	Okey
Patton	Peterson	Sayre
Setzer	Skindell	Slesnick
Strahorn	Sykes	Szollosi
White	Widener	Widowfield
Williams S.	Wolpert	Yates
		Husted-74.
	Daniels Dodd Dyer Flowers Goyal Heard Hughes Lundy Newcomb Patton Setzer Strahorn White	DanielsDeBoseDoddDolanDyerEvansFlowersFoleyGoyalHagan J.HeardHeydingerHughesKoziuraLundyMalloryNewcombOelslagerPattonPetersonSetzerSkindellStrahornSykesWhiteWidener

Those who voted in the negative were: Representatives

Aslanides	Blessing	Combs	Gardner
Gibbs	Goodwin	Hite	Jones
Mandel	McGregor J.	McGregor R.	Raussen
Reinhard	Schindel	Schneider	Sears
Stebelton	Stewart J.	Wachtmann	Wagner
Webster			Zehringer-22.

The motion was agreed to and the vote by which **Sub. H. B. No. 562**-Representative Hottinger, et al. passed was reconsidered.

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

The yeas and nays were taken and resulted - yeas 94, nays 2, as follows:

Adams Beatty Boyd Carmichael Collier DeBose Dolan Evans Gardner Goodwin Harwood Hottinger Koziura Mallory Mecklenborg Okey Raussen Schlichter Skindell	Aslanides Blessing Brady Celeste Combs DeGeeter Domenick Fende Garrison Goyal Heard Huffman Letson Mandel Miller Otterman J. Reinhard Schneider Slesnick	Bacon Bolon Brown Chandler Core DeWine Driehaus Flowers Gerberry Hagan J. Heydinger Hughes Luckie McGregor J. Newcomb Patton Sayre Sears Stebelton	Batchelder Book Budish Coley Daniels Dodd Dyer Foley Gibbs Hagan R. Hite Jones Lundy McGregor R. Oelslager Peterson Schindel Setzer Stewart D.
Ujvagi	Wachtmann	Wagner	Webster

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White	Widener	Widowfield	Williams B.
Williams S.	Wolpert	Yates	Yuko
Zehringer			Husted-94.

Representatives Brinkman and Fessler voted in the negative-2.

The bill passed.

Representative Hottinger moved to amend the title as follows:

Add the names: "Beatty, Celeste, Coley, Fende, Heard, Letson, Luckie, Newcomb, Sykes, Williams, B.."

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 House amendments to:

Sub. S. B. No. 150 - Senator Roberts - et al.

Am. Sub. S. B. No. 289 - Senator Spada - 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 adopted the following joint resolution in which the concurrence of the House is requested:

Sub. S. J. R. No. 8 -Senator Grendell

Cosponsors: Senators Harris, Wagoner, Niehaus, Spada, Jacobson, Seitz, Faber, Mumper, Padgett, Schuler, Cates, Carey, Schaffer, Amstutz, Austria, Cafaro, Buehrer, Fedor, Miller, R., Smith, Mason

Proposing to enact Section 19b of Article I of the Constitution of the State of Ohio to affirm certain property interests with respect to ground water and other water on or flowing through a property owner's land so as to maintain the stability of Ohio's economy.

Attest:

Vincent L. Keeran, Clerk.

Said joint 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. 196 - Senator Schaffer

Cosponsors: Senators Carey, Cates, Schuler, Austria, Fedor, Harris, Jacobson, Kearney, Mason, Mumper, Niehaus, Padgett, Roberts, Sawyer, Smith, Spada, Wagoner

To amend sections 1151.345, 1161.59, 1721.211, 1733.51, 2108.81, 2117.251, 3103.03, 3901.04, 3905.451, 4717.01, 4717.03, 4717.13, 4717.14, 4717.99, and 5747.02, to enact sections 4717.31 to 4717.38, and to repeal sections 1111.19 and 1111.99 of the Revised Code to revise the Preneed Funeral Contract Law.

Sub. S. B. No. 210 - Senator Mason

Cosponsors: Senators Boccieri, Cafaro, Miller, D., Morano, Padgett, Schuler, Smith, Kearney, Stivers, Austria, Fedor, Harris, Jacobson, Miller, R., Niehaus, Sawyer, Schaffer, Spada, Wagoner, Wilson

To enact section 5104.041 of the Revised Code to require Type A and Type B family day-care homes to generally procure and maintain liability insurance and permit an owner of real property where a family day-care home is located to be listed as an additional insured party on a liability insurance policy under certain circumstances.

Sub. S. B. No. 306 -Senator Schuler

Cosponsors: Senators Mumper, Seitz, Wagoner, Schaffer, Spada, Cates, Amstutz, Austria, Buehrer, Grendell, Harris, Niehaus, Padgett, Schuring, Stivers, Jacobson To amend sections 135.804, 323.151, 323.153, 323.159, 4503.065, and 4503.066 of the Revised Code to change the definition of "housing cooperative" for the purposes of the county homestead tax exemptions and property tax payment link deposit programs for low-to-moderate income senior citizens and permanently disabled citizens, and to expand the definition of a homestead owner to include settlors of irrevocable inter vivos trusts.

Sub. S. B. No. 320 -Senator Seitz

Cosponsors: Senators Spada, Schuring, Padgett, Coughlin, Schaffer, Grendell, Fedor, Amstutz, Austria, Boccieri, Buehrer, Cates, Faber, Harris, Kearney, Mason, Miller, R., Morano, Mumper, Niehaus, Sawyer, Schuler, Stivers, Wagoner, Wilson, Smith, Jacobson

To amend section 2923.31 of the Revised Code to include organized retail theft and substantially similar conduct occurring in another state within the definition of corrupt activity as used in the Ohio Corrupt Activities Law.

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

S. B. No. 269 - Senator Schuler

Cosponsors: Senators Jacobson, Goodman, Schuring, Mason, Fedor, Kearney, Buehrer, Cafaro, Carey, Padgett, Schaffer, Wagoner, Stivers, Miller, D., Cates, Sawyer, Miller, R., Smith, Harris

To amend section 1345.51 and to enact sections 1349.80 to 1349.82 of the Revised Code to prohibit any person from advertising or conducting a live musical performance or production in Ohio through the use of a false, deceptive, or misleading affiliation, connection, or association between a performing group and a recording group.

Am. S. B. No. 304 -Senator Cates Cosponsors: Senators Schuring, Mason, Wagoner, Seitz, Faber, Buehrer, 1538 HOUSE JOURNAL, THURSDAY, MAY 22, 2008

Morano, Padgett, Austria, Boccieri, Grendell, Harris, Kearney, Mumper, Niehaus, Sawyer, Schaffer, Schuler, Spada, Wilson

To amend sections 2151.3516 and 2151.3530 of the Revised Code to increase the time after birth that a parent may voluntarily deliver the child to a safe haven without the parent expressing an intent to return for the child and to require the Department of Job and Family Services to develop an educational plan for informing at-risk populations of the provisions of the Safe Havens Law.

Attest:

Vincent L. Keeran, Clerk.

Said bills were considered the first time.

Message from the Speaker

Pursuant to House Rules 13, 28 and 30, the Speaker hereby appoints Representative Dodd as ranking member of the Civil and Commercial Law committee.

On motion of Representative DeWine, the House adjourned until Friday, May 23, 2008 at 11:00 o'clock a.m.

Attest:

LAURA P. CLEMENS, Clerk.