

OHIO

House

of

Representatives

JOURNAL

TUESDAY, MAY 27, 2008

ONE HUNDRED EIGHTIETH DAY
Hall of the House of Representatives, Columbus, Ohio
Tuesday, May 27, 2008, 11:00 o'clock a.m.

The House met pursuant to adjournment.

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

**REPORTS OF STANDING AND SELECT COMMITTEES AND BILLS
FOR SECOND CONSIDERATION**

Representative Redfern reported for the Rules and Reference Committee recommending that the following House Bills, Senate Bills and Senate Joint Resolution be considered for the second time and referred to the following committees for consideration:

H.B. No. 574 - Representative Combs, et al

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.

To the committee on Financial Institutions, Real Estate and Securities

H.B. No. 575 - Representative Schindel, et al

TO EXEMPT FROM THE SALES TAX MASSAGE THERAPY THAT IS PROVIDED BY AN INDIVIDUAL WHO HOLDS A CERTIFICATE TO PRACTICE MASSAGE THERAPY.

To the committee on Ways and Means

H.B. No. 576 - Representative Bacon

TO EXPAND AND REVISE THE INSPECTOR GENERAL ACT.

To the committee on Judiciary

H.B. No. 577 - Representative Fessler, et al

TO REQUIRE INSURERS THAT PROVIDE COVERAGE FOR THE INFLUENZA VACCINE TO COVER A THIMEROSAL-FREE INFLUENZA VACCINE FOR CHILDREN UNDER SIX YEARS OF AGE.

To the committee on Insurance

Sub. S.B. No. 196 - Senator Schaffer, et al

TO REVISE THE PRENEED FUNERAL CONTRACT LAW.

To the committee on Commerce and Labor

Sub. S.B. No. 210 - Senator Mason, et al

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.

To the committee on Insurance

S.B. No. 269 - Senator Schuler, et al

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.

To the committee on Civil and Commercial Law

Am. S.B. No. 304 - Senator Cates, et al

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.

To the committee on Health

Sub. S.B. No. 306 - Senator Schuler, et al

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.

To the committee on Ways and Means

Sub. S.B. No. 320 - Senator Seitz, et al

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.

To the committee on Criminal Justice

Sub. S.J.R. No. 8 - Senator Grendell, et al

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.

To the committee on Rules and Reference

JON A. HUSTED
LARRY L. FLOWERS

KEVIN DEWINE
LARRY L. WOLPERT

JOYCE BEATTY

CHRIS REDFERN

Representative Wolpert moved that the House and Constitutional Rules requiring bills to be considered by each house on three different days be suspended as to the second consideration of all House Bills, Senate Bills, and the Senate Joint Resolution contained in the report of the committee on Rules and Reference.

The motion was agreed to without objection.

The report was agreed to.

Said House Bills, Senate Bills and Senate Joint Resolution were considered the second time and referred as recommended.

MOTIONS AND RESOLUTIONS

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

H.R. No. 211 – Representative Luckie

HONORING VEEDA RUCKER AS THE OHIO DRC CORRECTION OFFICER OF THE YEAR.

/s/ JON A. HUSTED

Jon A. Husted, Chair

Representative Wolpert moved that the Rules and Reference Committee Report on resolutions be agreed to and that the resolution contained therein be approved.

The motion was agreed to.

Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has concurred in the passage of the following bill:

Sub. H. B. No. 48 -Representative Gibbs

Cosponsors: Representatives Fessler, Seitz, McGregor, J., Setzer, Brown, Collier, Wagner, Wagoner, Combs, Aslanides, Bacon, Bolon, Chandler, Driehaus, Evans, Flowers, Hagan, R., Hite, Schlichter, Batchelder, Blessing, Domenick, Gardner, Hagan, J., Hughes, Luckie, Mecklenborg, Patton, Raussen, Schindel, Schneider, Stewart, D., Wachtmann, Williams, B., Zehringer Senators Amstutz, Stivers, Miller, D., Kearney, Sawyer, Spada, Schaffer, Schuler, Carey, Faber, Grendell, Harris, Mason, Mumper, Niehaus, Seitz, Smith, Miller, R.

To amend sections 307.12, 505.10, 4707.02, 4707.20, 4707.21, and 4707.26 of the Revised Code to exempt certain tax exempt organizations and schools that sell donated items at auction from license and contract requirements for the auction, to require those organizations and schools to maintain auction records for two years, to preclude claims against the Auction Recovery Fund for any loss associated with those types of auctions, and to reduce from fifteen to ten days the minimum bidding period for internet auctions of certain township or county personal property.

As a substitute bill, in which the concurrence of the House is requested.

Attest:

Vincent L. Keeran,
Clerk.

The Senate amendments were laid over under the Rule.

Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has concurred in the passage of the following bill:

Sub. H. B. No. 138 -Representatives Foley, Blessing

Cosponsors: Representatives Domenick, Skindell, Hagan, R., McGregor, J., Ujvagi, Budish, Lundy, Stebelton, Raussen, Yuko, DeGeeter, Collier, Combs, Letson, Luckie, Harwood, Strahorn, Stewart, D., Driehaus, White, Garrison, Miller, Bolon, Brady, Boyd, Seitz, Bacon, Beatty, Celeste, Chandler, DeBose, Dyer, Evans, Fende, Goyal, Healy, Heard, Hite, Huffman, Hughes, Koziura, Mallory, Okey, Otterman, Peterson, Schneider, Setzer, Szollosi, Uecker, Webster, Williams, B., Yates Senators Faber, Goodman, Seitz, Buehrer, Fedor, Amstutz, Boccieri, Cates, Harris, Miller, D., Morano, Mumper, Niehaus, Padgett, Roberts, Sawyer, Schuler, Schuring, Spada, Stivers, Wagoner, Wilson, Smith, Mason, Cafaro, Austria, Schaffer, Jacobson

To amend sections 323.25, 323.28, 323.47, 2303.11, 2323.07, 2327.01, 2327.02, 2329.17, 2329.18, 2329.19, 2329.23, 2329.26, 2329.27, 2329.30, 2329.31, 2329.36, 2703.26, 5309.64, 5721.18, 5721.19, and 5723.01 and to enact sections 2323.06, 2329.191, 2329.271, 2329.272, and 2703.141 of the Revised Code to require purchasers of real property at a judicial sale to provide certain identifying information, to require purchasers to pay the balance due on the purchase price within thirty days of the confirmation of the sale, to allow municipal corporations to conduct inspections of property subject to a writ of execution, to require judicial sales to be confirmed within thirty days of sale, to require officers who sell real property at a judicial sale to file a deed within fourteen days of payment of the balance due on the purchase

price, to authorize courts and county boards of revision to transfer certain tax delinquent lands subject to judicial foreclosure without appraisal or sale, to permit a summary property description to be read at a judicial sale, to allow the courts to perform mediation in an action for the foreclosure of a mortgage, and to offer property that did not sell at a judicial sale to a political subdivision before forfeiture to the state.

As a substitute bill, in which the concurrence of the House is requested.

Attest:

Vincent L. Keeran,
Clerk.

The Senate amendments were laid over under the Rule.

Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has concurred in the passage of the following bill:

Am. H. B. No. 150 -Representative McGregor, J.
Cosponsors: Representatives Adams, Peterson, Luckie, Skindell, Collier, Yuko, Budish, Chandler, Coley, Combs, DeGeeter, Domenick, Dyer, Evans, Flowers, Gardner, Gibbs, Sayre, Schindel, Setzer, Williams, B. Senators Cates, Roberts, Cafaro, Fedor, Goodman, Harris, Kearney, Mason, Miller, R., Morano, Sawyer, Schaffer, Smith, Spada, Stivers, Wilson, Schuler, Miller, D.

To enact sections 5.2240, 4173.01, 4173.02, and 4173.03 of the Revised Code to establish a "good Samaritan law" to encourage retail establishments to allow customers with eligible medical conditions to use the retail establishment's restrooms that are not usually available to the public, to limit the liability of an establishment that allows such access, and to designate May 23 as Crohn's and Colitis Awareness Day in Ohio.

With the following additional amendments, in which the concurrence of the House is requested.

In line 8, after "sections" insert "5.2240,"

Between lines 9 and 10, insert:

"Sec. 5.2240. The twenty-third day of May is designated as "Crohn's and Colitis Awareness Day.""

In line 1 of the title, after "sections" insert "5.2240,"

In line 2 of the title, delete "as" and insert "to establish"

In line 6 of the title, delete "and" and insert a comma

In line 7 of the title, after "access" insert ", and to designate May 23 as Crohn's and Colitis Awareness Day in Ohio"

Attest:

Vincent L. Keeran,
Clerk.

The Senate amendments were laid over under the Rule.

Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has concurred in the passage of the following bill:

Sub. H. B. No. 283 -Representative Webster

Cosponsors: Representatives Setzer, Stebelton, Wagner, Williams, S., Schindel, McGregor, J., Fessler, Evans, Seitz, Latta, Yuko, Koziura, Coley, Combs, Collier, Fende, Peterson, Heard, Ujvagi, Hughes, Reinhard, Letson, Otterman, Williams, B., Uecker, Aslanides, Bacon, Batchelder, Brown, Budish, Chandler, Daniels, DeBose, Dodd, Domenick, Dyer, Flowers, Gibbs, Goodwin, Hagan, J., Huffman, Luckie, Patton, Schlichter, Schneider, Wachtmann, Wagoner, Yates, Zehringer Senators Schuring, Seitz, Wagoner, Miller, D., Morano, Cafaro, Cates, Fedor, Harris, Kearney, Mason, Mumper, Niehaus, Sawyer, Schaffer, Spada, Coughlin

To amend sections 2947.23, 3715.521, 3715.55, 3715.63, 4729.51, and 4729.54 and to enact sections 2947.231, 3715.88, 3715.89, 3715.90, 3715.91, 3715.92, and 4729.541 of the Revised Code to permit pharmacy schools to accept for instructional purposes donations of certain dangerous drugs, including expired drugs, to eliminate the requirement that certain professional business entities be licensed as a terminal distributor of dangerous drugs, and to permit the Board of Pharmacy to recover investigation costs in certain cases.

As a substitute bill, in which the concurrence of the House is requested.

Attest:

Vincent L. Keeran,
Clerk.

The Senate amendments were laid over under the Rule.

Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has concurred in the passage of the following bill:

Sub. H. B. No. 285 -Representative McGregor, R.

Cosponsors: Representatives Widener, Wagner, McGregor, J., Fessler, Combs, Setzer, Flowers, Oelslager, Zehringer, Adams, Webster, Wachtmann, Huffman, Evans, Collier, Reinhard, Uecker, Daniels, Gibbs, Wagoner, Batchelder, Brinkman, Hite, Stewart, D., Book, Brown, Carmichael, Domenick, Lundy, Schneider, Aslanides, Bacon, Blessing, Bolon, Boyd, Budish, Celeste, Chandler, Coley, DeBose, Dodd, Dolan, Dyer, Gardner, Garrison, Goodwin, Goyal, Hagan, J., Harwood, Hottinger, Hughes, Jones, Luckie, Mecklenborg, Okey, Patton, Raussen, Schindel, Schlichter, Sears, Stebelton, Stewart, J., White, Williams, S., Yates, Yuko Senators Cates, Grendell, Seitz, Carey, Wagoner, Schuler, Fedor, Amstutz, Bocchieri, Buehrer, Coughlin, Faber, Kearney, Mason, Miller, D., Morano, Niehaus, Padgett, Roberts, Sawyer, Schaffer, Schuring, Smith, Spada, Wilson, Mumper, Cafaro, Miller, R., Stivers, Harris

To enact section 119.14 of the Revised Code to waive fines or penalties for paperwork violations that are first-time offenses committed by small businesses.

As a substitute bill, in which the concurrence of the House is requested.

Attest:

Vincent L. Keeran,
Clerk.

The Senate amendments were laid over under the Rule.

Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has concurred in the passage of the following bill:

Sub. H. B. No. 346 -Representative Hughes

Cosponsors: Representatives Hagan, R., DeGeeter, Yuko, Strahorn, Flowers, Peterson, Setzer, Oelslager, Williams, S., Fende, Skindell, Bacon, Batchelder, Beatty, Boyd, Brown, Celeste, Chandler, Combs, DeBose, Distel, Driehaus, Dyer, Evans, Gerberry, Goyal, Harwood, Heard, Jones, Letson, Luckie, McGregor, J., Okey, Patton, Sayre, Schneider, Slesnick, Szollosi, White, Williams, B., Yates Senators Cafaro, Morano, Goodman, Padgett, Schuring,

Miller, D., Wagoner, Boccieri, Buehrer, Coughlin, Fedor, Grendell, Kearney, Mason, Miller, R., Roberts, Sawyer, Schaffer, Smith, Spada, Amstutz, Harris

To enact sections 3727.50 to 3727.57 of the Revised Code regarding hospital staffing guidelines for registered nurses and licensed practical nurses.

As a substitute bill, in which the concurrence of the House is requested.

Attest:

Vincent L. Keeran,
Clerk.

The Senate amendments were laid over under the Rule.

Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has concurred in the passage of the following bill:

Am. H. B. No. 385 -Representative Hottinger

Cosponsors: Representatives Evans, Wagoner, Flowers, Stebelton, Chandler, Mallory, McGregor, J., Yuko, Bacon, Barrett, Batchelder, Budish, Combs, Domenick, Dyer, Fende, Goyal, Hagan, J., Harwood, Hughes, Luckie, Lundy, Mecklenborg, Otterman, J., Patton, Peterson, Schindel, Stewart, D., Zehringer
Senators Seitz, Wagoner, Schuler, Carey, Harris, Niehaus, Padgett

To amend section 5705.19 of the Revised Code to permit land acquired by a board of township trustees for the purpose of protecting or preserving "greenspace" to be used for recreational purposes.

With the following additional amendments, in which the concurrence of the House is requested.

In line 145, delete "Land" and insert "Except as otherwise provided in this division, land"

In line 148, after the underlined period insert "Except as otherwise provided in this division, land that previously has been acquired in a township for these greenspace purposes may subsequently be used for recreational purposes if the board of township trustees adopts a resolution approving that use and no building, structure, or fixture used for recreational purposes is permanently attached or affixed to the land. The authorization to use greenspace land for recreational use does not apply to land located in a township that had a population, at the time it passed its first greenspace levy, of more than thirty-eight thousand within a county that had a population, at that time, of at

least eight hundred sixty thousand."

Attest:

Vincent L. Keeran,
Clerk.

The Senate amendments were laid over under the Rule.

Message from the Speaker

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

remove Representative Driehaus; appoint Representative Strahorn.

On motion of Representative Wolpert, the House adjourned until Wednesday, May 28, 2008 at 1:30 p.m.

Attest:

LAURA P. CLEMENS,
Clerk.