

OHIO

House

of

Representatives

JOURNAL

TUESDAY, JUNE 5, 2007

FIFTY-EIGHTH DAY

Hall of the House of Representatives, Columbus, Ohio
Tuesday, June 5, 2007, 11:00 o'clock a.m.

The House met pursuant to adjournment.

Prayer was offered by Father Larry Frient of the Our Lady of Mount Carmel Church in Niles, Ohio, followed by the Pledge of Allegiance to the Flag.

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

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

The Warren G. Harding High School Delphi E.L.I.T.E. Team 48 recieved H.R. No. 57, presented by Representative Letson-64th district.

Pat and Kathy Hoffman, guests of Representative Celeste-24th district.

INTRODUCTION OF BILLS

The following bills were introduced:

H. B. No. 254-Representatives Peterson, Strahorn.

Cosponsors: Representatives Boyd, Celeste, Chandler, Combs, Domenick, Flowers, Foley, Garrison, Hagan, R., Harwood, Healy, Heard, Hughes, Koziura, Luckie, Lundy, Mallory, McGregor, J., Raussen, Schneider, Skindell, Stewart, D., Webster, Williams, B., Wolpert, Yuko.

To amend sections 3302.04, 3313.813, 3313.814, 3314.03, 3314.18, 3319.29, 3319.291, and 3319.31 and to enact sections 3301.20, 3301.80, 3313.816, 3313.817, 3313.82, and 3319.223 of the Revised Code to establish the Ohio Child Wellness Advisory Council, to establish nutritional standards for certain foods and beverages sold in public and chartered nonpublic schools, to require public and chartered nonpublic schools to implement local wellness policies, and to make other changes regarding student nutrition and physical activity.

H. B. No. 255-Representative Latta.

Cosponsors: Representatives McGregor, J., Zehringer, Stebelton, Brown, Webster.

To amend sections 2111.10, 2115.06, 2317.02, and 3313.85 of the Revised Code to allow appointment of a nonprofit corporation or public agency as guardian of a person, allow an executor or administrator to accept the county auditor's valuation of real estate, provide that the testimonial privilege between a physician or dentist and a patient does not apply in certain guardianship, adult protective services, commitment, or institutionalization proceedings, eliminate the requirement that a probate court act as a board of

education, or governing board of an educational service center that fails to perform its duties, and require a probate court to promptly fill a school board vacancy not filled within 30 days.

H. B. No. 256-Representative Wagoner.

Cosponsors: Representatives Oelslager, Dyer, McGregor, J., Seitz, Bulp, McGregor, R., Combs, Fessler, Hite, Stebelton.

To amend sections 121.22 and 149.43 and to enact sections 2743.31, 2743.32, 2743.33, and 2743.34 of the Revised Code to establish the office of Public Access Counselor in the Court of Claims to receive complaints and issue advisory opinions concerning the Public Records Law and Open Meetings Law.

H. B. No. 257-Representative Schneider.

Cosponsors: Representatives McGregor, R., Combs, Sayre, Chandler, Harwood, Luckie, Collier.

To amend sections 121.08 and 4745.01 and to enact sections 4768.01 to 4768.19 and 4768.99 of the Revised Code to require the certification of home inspectors and to regulate the certification and performance of home inspectors.

Said bills were considered the first time.

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

Representative DeGeeter submitted the following report:

The standing committee on Criminal Justice to which was referred **H. B. No. 195**-Representative Core, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: DRUG POSSESSION - PRESCRIPTION DRUG EXEMPTION

Representative Latta moved to amend the title as follows:

Add the name: "Hughes."

ROBERT E. LATTA
DANNY R. BUBP
JOHN WIDOWFIELD
MATT SZOLLOSI
TIMOTHY J. DEGEETER
ANTHONY CORE
JIM HUGHES
JON M. PETERSON
SANDRA WILLIAMS

SHANNON JONES
LOUIS W. BLESSING
MATTHEW H. BARRETT
TRACY HEARD
KENNY YUKO
JOSH MANDEL
VERNON SYKES
WILLIAM J. SEITZ
DALE MALLORY

LINDA S. BOLON

JOHN J. WHITE

The report was agreed to.

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

MOTIONS AND RESOLUTIONS

Representative Seitz moved that majority party members asking leave to be absent or absent the week of Tuesday, June 5, 2007, be excused, so long as a written request is on file in the majority leadership offices.

The motion was agreed to.

Representative Driehaus moved that minority party members asking leave to be absent or absent the week of Tuesday, June 5, 2007, be excused, so long as a written request is on file in the minority leadership offices.

The motion was agreed to.

BILLS FOR THIRD CONSIDERATION

Sub. H. B. No. 151-Representatives Mandel, Jones.

Cosponsors: Representatives Adams, Aslanides, Barrett, Brinkman, Bulp, Budish, Carmichael, Collier, Combs, DeGeeter, Dodd, Dolan, Flowers, Gibbs, Goyal, Hite, Latta, Mallory, McGregor, J., Patton, Peterson, Schindel, Setzer, Uecker, Wagner, Wagoner, Webster, Wolpert, Zehringer.

To amend sections 135.143, 148.04, 3305.01, 3305.02, and 3334.02 and to enact sections 137.01 to 137.09 of the Revised Code to specify procedures for divesting investments a public investor holds in directly held publicly traded companies conducting specified types of business in the Islamic Republic of Iran and the Republic of the Sudan and to prohibit public investors from investing in such a company and to authorize the Ohio public deferred compensation board, the alternative retirement program, and the Ohio college savings program to offer a terror-free investment option, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Flowers moved that **Sub. H. B. No. 151** - Representatives Mandel and Jones, be informally passed and that it retain its place on the calendar.

The motion was agreed to without objection.

H. B. No. 134-Representative Seitz.

Cosponsors: Representatives McGregor, J., Zehringer, Collier, Blessing, Combs, Bacon, Uecker, Harwood, Hughes, Flowers, Latta, White, Huffman,

Wagoner, Adams, Letson, Wolpert, Batchelder, Coley, Dolan, Seitz, Budish, Dyer, Foley, Okey.

To amend sections 1701.55, 1701.782, 1701.792, 1705.21, and 1775.14 of the Revised Code to modify corporation law relating to the election of directors and to conform conversion provisions of Chapter 1701. of the Revised Code with parallel provisions in Chapters 1705., 1775., and 1782. of the Revised Code, 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:

Those who voted in the affirmative were: Representatives

Adams	Aslanides	Bacon	Barrett
Batchelder	Beatty	Blessing	Bolon
Book	Boyd	Brady	Brinkman
Brown	Bubp	Budish	Carmichael
Celeste	Chandler	Coley	Collier
Combs	Core	Daniels	DeBose
DeGeeter	DeWine	Distel	Dodd
Dolan	Domenick	Driehaus	Dyer
Evans	Fende	Fessler	Flowers
Foley	Garrison	Gerberry	Gibbs
Goodwin	Goyal	Hagan J.	Hagan R.
Harwood	Healy	Heard	Hite
Hottinger	Huffman	Hughes	Jones
Koziura	Latta	Letson	Luckie
Lundy	Mallory	Mandel	McGregor J.
McGregor R.	Miller	Oelslager	Okey
Otterman	Patton	Peterson	Raussen
Redfern	Reinhard	Sayre	Schindel
Schlichter	Schneider	Seitz	Setzer
Skindell	Stebelton	Stewart D.	Stewart J.
Strahorn	Sykes	Szollosi	Uecker
Wachtmann	Wagner	Wagoner	Webster
White	Widener	Widowfield	Williams B.
Williams S.	Wolpert	Yates	Yuko
Zehringer			Husted-98.

The bill passed.

Representative Seitz moved to amend the title as follows:

Add the names: "Aslanides, Bolon, Book, Brown, Bubp, Daniels, Domenick, Evans, Fende, Fessler, Garrison, Gibbs, Goodwin, Hagan, J., Hagan, R., Hite, Jones, Luckie, Lundy, Mallory, Oelslager, Otterman, Patton, Raussen, Schindel, Schneider, Setzer, Stebelton, Wachtmann, Webster, Yates, Yuko."

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.

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:

Am. S. J. R. No. 1 -Senator Coughlin

Cosponsors: Senators Grendell, Mumper, Amstutz, Buehrer, Schaffer, Gardner, Clancy, Niehaus, Carey, Austria, Faber, Goodman, Harris, Jacobson, Padgett, Schuler, Spada, Stivers

Proposing to enact Section 19b of Article I of the Constitution of the State of Ohio to provide limits on the power of a public authority to take private property for a public use.

Attest:

David A. Battocletti,
Clerk.

Said joint resolution was 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 bill in which the concurrence of the House is requested:

Am. Sub. S. B. No. 7 -Senator Grendell

Cosponsors: Senators Harris, Faber, Schaffer, Amstutz, Coughlin, Gardner, Padgett, Schuring, Clancy, Mumper, Carey, Niehaus, Austria, Buehrer, Goodman, Jacobson, Schuler, Spada, Stivers, Miller, R., Wilson

To amend sections 163.01, 163.02, 163.03, 163.04, 163.05, 163.06, 163.08, 163.09, 163.12, 163.14, 163.15, 163.16, 163.17, 163.19, 163.20, 163.21, 163.22, 163.52, 163.53, 163.54, 163.55, 163.56, 163.57, 163.58, 163.59, 163.60, 163.61, 163.62, 303.26, 719.012, 725.01, 725.02, 725.05, 725.11, 1728.01, 3735.40, and 3735.59, and to enact sections 1.08, 163.021, 163.211, and 163.63, and to repeal section 163.51 of the Revised Code to implement recommendations of the Eminent Domain Task Force and to create other procedures to protect the rights of property owners.

Attest:

David A. Battocletti,
Clerk.

Said bill was considered the first time.

On motion of Representative Flowers, the House adjourned until Thursday,
June 7, 2007, 11:00 o'clock a.m.

Attest:

LAURA P. CLEMENS,
Clerk.