

OHIO

House

of

Representatives

JOURNAL

TUESDAY, JUNE 12, 2007

SIXTIETH DAY

Hall of the House of Representatives, Columbus, Ohio
Tuesday, June 12, 2007, 11:00 o'clock a.m.

The House met pursuant to adjournment.

Pursuant to House Rule No. 23, the Clerk called the House to order.

Representative White was selected to preside under the Rule.

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

INTRODUCTION OF BILLS

The following bills were introduced:

H. B. No. 261-Representatives Bolon, Peterson.

To amend sections 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, and 5721.43 and to enact sections 5721.371 and 5721.381 of the Revised Code to revise the procedures governing the sale of tax certificates on lands that have delinquent property tax charges.

H. B. No. 262-Representative Huffman.

Cosponsors: Representatives McGregor, J., Seitz, Evans, Stebelton.

To enact sections 341.06, 753.35, 5120.052, and 5139.031 of the Revised Code regarding the authority of the Departments of Rehabilitation and Correction and Youth Services, county sheriffs, and municipal corporations to contract for health services.

Said bills were considered the first time.

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

Representative Stewart, D. submitted the following report:

The standing committee on State Government and Elections to which was referred **H. B. No. 8**-Representative Hagan, R., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: STATE PENSION: FORFEIT IF ON-DUTY FELONY

Representative Daniels moved to amend the title as follows:

Add the names: "Hite, Skindell, Lundy, Driehaus, Domenick, Stewart, D.."

DAVID DANIELS
STEVE L. DRIEHAUS

CLIFF HITE
KEVIN DEWINE

JIM CARMICHAEL
 ARLENE J. SETZER
 MICHELLE G. SCHNEIDER
 EDNA BROWN
 JOHN DOMENICK
 MATT LUNDY

WILLIAM J. SEITZ
 THOM COLLIER
 LARRY L. FLOWERS
 MICHAEL J. SKINDELL
 DAN STEWART
 T. TODD BOOK

The report was agreed to.

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

Representative Stewart, D. submitted the following report:

The standing committee on State Government and Elections to which was referred **H. B. No. 194**-Representative Zehringer, et al., having had the same under consideration, reports it back and recommends its passage.

RE: OPEN MEETINGS ACT - EXECUTIVE SESSION - DISCUSS
 TRADE SECRECTS

Representative Daniels moved to amend the title as follows:

Add the names: "Hite, Domenick."

DAVID DANIELS
 DAN STEWART
 MATT LUNDY
 ARLENE J. SETZER
 THOM COLLIER
 EDNA BROWN
 MICHELLE G. SCHNEIDER
 STEVE L. DRIEHAUS

JIM CARMICHAEL
 CLIFF HITE
 KEVIN DEWINE
 WILLIAM J. SEITZ
 LARRY L. FLOWERS
 MICHAEL J. SKINDELL
 JOHN DOMENICK
 T. TODD BOOK

The report was agreed to.

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

Representative Stewart, D. submitted the following report:

The standing committee on State Government and Elections to which was referred **Sub. S. B. No. 102**-Senator Schuler, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: NONPROFIT ORGANIZATIONS LIQUOR PERMIT SPECIFIC
 EVENTS

Representative Daniels moved to amend the title as follows:

Add the names: "Representatives Seitz, Schneider, Carmichael, Stewart, D., Driehaus."

MATT LUNDY
 T. TODD BOOK

DAVID DANIELS
 CLIFF HITE

DAN STEWART
KEVIN DEWINE
LARRY L. FLOWERS
THOM COLLIER
ARLENE J. SETZER
MICHAEL J. SKINDELL

JOHN DOMENICK
JIM CARMICHAEL
MICHELLE G. SCHNEIDER
WILLIAM J. SEITZ
STEVE L. DRIEHAUS
EDNA BROWN

The report was agreed to.

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

Representative Beatty 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. 236 - Representative S. Williams, et al

TO REQUIRE THE DIRECTOR OF JOB AND FAMILY SERVICES TO SEEK FEDERAL PERMISSION TO ESTABLISH THE FAMILY HEALTH PLUS COMPONENT OF THE MEDICAID PROGRAM, TO IMPOSE A NEW ASSESSMENT ON HOSPITALS, AND TO EARMARK THE PROCEEDS FROM THE NEW ASSESSMENT FOR THE FAMILY HEALTH PLUS COMPONENT.

To the committee on Healthcare Access and Affordability

H.B. No. 237 - Representative Book, et al

REGARDING UMBILICAL CORD BLOOD DONATIONS.

To the committee on Health

H.B. No. 238 - Representatives Latta and J. Stewart, et al

TO REVISE PROVISIONS GOVERNING THE RESTITUTION VALUE OF A WILD ANIMAL THAT IS UNLAWFULLY HELD, TAKEN, BOUGHT, SOLD, OR POSSESSED.

To the committee on Agriculture and Natural Resources

H.B. No. 239 - Representative Latta, et al

TO CLARIFY THE DEFINITION OF "HARMFUL TO JUVENILES."

To the committee on Juvenile and Family Law

H.B. No. 240 - Representative Goodwin, et al

REGARDING EMPLOYMENT OF RETIRED MEMBERS OF THE PUBLIC EMPLOYEES RETIREMENT SYSTEM, SCHOOL EMPLOYEES RETIREMENT SYSTEM, STATE TEACHERS RETIREMENT SYSTEM, AND OHIO POLICE AND FIRE PENSION FUND.

To the committee on Financial Institutions, Real Estate and Securities

H.B. No. 241 - Representative Heard, et al

TO PROVIDE THAT ANY PERSON REQUIRED TO REGISTER UNDER OHIO'S SEX OFFENDER REGISTRATION AND NOTIFICATION LAW WHO ESTABLISHES OR OCCUPIES RESIDENTIAL PREMISES

WITHIN ONE THOUSAND FEET OF ANY SCHOOL PREMISES, RECREATION CENTER, PLAYGROUND, OR OTHER PLACE WHERE IT IS REASONABLE TO EXPECT CHILDREN TO FREQUENT OR LINGER IS GUILTY OF A MISDEMEANOR OF THE FIRST DEGREE AND TO REQUIRE A COURT TO ORDER A VIOLATOR TO VACATE THE PREMISES AS PART OF ANY INJUNCTIVE RELIEF GRANTED FOR THE VIOLATION.

To the committee on Criminal Justice

H.B. No. 242 - Representative Brinkman, et al

TO REMOVE ANY REQUIREMENT UNDER THE PUBLIC EMPLOYEES COLLECTIVE BARGAINING LAW THAT PUBLIC EMPLOYEES JOIN OR PAY DUES TO ANY EMPLOYEE ORGANIZATION, TO EXPAND THE SCOPE OF UNFAIR LABOR PRACTICES UNDER THAT LAW, TO MAKE OTHER CHANGES IN THE PUBLIC EMPLOYEES COLLECTIVE BARGAINING LAW, TO PROHIBIT ANY REQUIREMENT THAT EMPLOYEES OF PRIVATE EMPLOYERS JOIN OR PAY DUES TO ANY EMPLOYEE ORGANIZATION AND TO REQUIRE PUBLIC AND PRIVATE EMPLOYERS TO POST NOTICES TO THAT EFFECT, TO PROHIBIT CERTAIN ACTIONS BY PRIVATE EMPLOYERS RELATIVE TO EMPLOYEE ORGANIZATION MEMBERSHIP, AND TO ESTABLISH CIVIL AND CRIMINAL PENALTIES AGAINST PRIVATE EMPLOYERS WHO VIOLATE THOSE PROHIBITIONS.

To the committee on Commerce and Labor

H.B. No. 243 - Representative Brinkman, et al

TO REPEAL THE PREVAILING WAGE LAW.

To the committee on Commerce and Labor

H.B. No. 244 - Representative Brinkman

TO AUTHORIZE TOWNSHIPS TO RELOCATE UNDERGROUND OVERHEAD CABLES, WIRES, AND APPURTENANT EQUIPMENT UPON PETITION; TO PAY FOR A RELOCATION BY ASSESSING ABUTTING AND OTHERWISE SPECIALLY BENEFITED PROPERTIES; TO COLLECT INTEREST ON UNPAID ASSESSMENTS FOR AN UNDERGROUND RELOCATION PROJECT OR AN ARTIFICIAL LIGHTING DISTRICT PROJECT; AND TO EXEMPT TOWNSHIPS FROM LIABILITY FOR OUTAGES OR OTHER DAMAGE CAUSED BY A RELOCATION PROJECT, AND TO EXEMPT THE OWNERS OF THE CABLES, WIRES, AND APPURTENANT EQUIPMENT FROM LIABILITY, UNLESS THE OUTAGE OR OTHER DAMAGE WAS CAUSED BY THE OWNER'S NEGLIGENCE.

To the committee on Local and Municipal Government and Urban Revitalization

H.B. No. 245 - Representative Strahorn, et al

TO MODIFY THE METHOD OF ADJUSTING THE PER-PUPIL FORMULA AMOUNT FOR SCHOOL DISTRICTS FROM YEAR TO YEAR.

To the committee on Finance and Appropriations

H.B. No. 246 - Representative J. Stewart

TO REQUIRE CONCESSION OWNERS AND OPERATORS, AMUSEMENT RIDE OWNERS AND OPERATORS, AND CERTAIN FOOD ESTABLISHMENTS TO PROVIDE THE NAMES AND ADDRESSES OF THEIR EMPLOYEES WHEN REQUESTED BY THE CHIEF OF POLICE OR COUNTY SHERIFF.

To the committee on Civil and Commercial Law

H.B. No. 247 - Representative Brown, et al

TO ALLOW A COURT TO ISSUE A CIVIL PROTECTION ORDER TO A CHILD WHO HAS HAD OR HAS A DATING RELATIONSHIP WITH THE RESPONDENT IF CERTAIN OFFENSES ARE ALLEGED AND TO INCLUDE FOSTER PARENTS UNDER THE SCOPE OF THE DOMESTIC VIOLENCE LAWS.

To the committee on Juvenile and Family Law

H.B. No. 248 - Representative Blessing

TO SET FORTH REQUIREMENTS GOVERNING NON-RECOURSE CIVIL LITIGATION ADVANCE CONTRACTS.

To the committee on Civil and Commercial Law

H.B. No. 249 - Representative R. McGregor, et al

TO MODIFY THE MEDICAID PROGRAM'S REIMBURSEMENT RATE FOR MEDICAL TRANSPORTATION SERVICES.

To the committee on Finance and Appropriations

H.B. No. 250 - Representative Jones, et al

RELATIVE TO REVENUE DECOUPLING FOR NATURAL GAS UTILITIES AND ENERGY CONSERVATION.

To the committee on Public Utilities

H.B. No. 251 - Representatives Peterson and Yates, et al

REGARDING ASSISTANCE FOR PREGNANCY PREVENTION.

To the committee on Health

H.B. No. 252 - Representative Hughes, et al

TO REQUIRE THE DIRECTOR OF TRANSPORTATION TO DESIGNATE PORTIONS OF STATE HIGHWAYS, COUNTY OR TOWNSHIP ROADS, OR STREETS OR HIGHWAYS LOCATED WITHIN MUNICIPAL CORPORATIONS AS MEMORIAL HIGHWAYS IN HONOR OF EACH STATE HIGHWAY PATROL TROOPER, COUNTY SHERIFF, DEPUTY SHERIFF, TOWNSHIP CONSTABLE, OR POLICE OFFICER OF A TOWNSHIP POLICE DEPARTMENT OR DISTRICT OR LAW ENFORCEMENT AGENCY OF A MUNICIPAL CORPORATION WHO IS OR HAS BEEN KILLED IN THE LINE OF DUTY.

To the committee on Infrastructure, Homeland Security and Veterans Affairs

H.B. No. 253 - Representative Oelslager, et al

TO MODIFY THE AUTHORITY OF CERTAIN ADVANCED PRACTICE

NURSES TO PRESCRIBE SCHEDULE II CONTROLLED SUBSTANCES.

To the committee on Health

H.B. No. 254 - Representatives Peterson and Strahorn, et al

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.

To the committee on Education

H.B. No. 255 - Representative Latta, et al

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.

To the committee on Judiciary

H.B. No. 256 - Representative Wagoner, et al

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.

To the committee on Judiciary

H.B. No. 257 - Representative Schneider, et al

TO REQUIRE THE CERTIFICATION OF HOME INSPECTORS AND TO REGULATE THE CERTIFICATION AND PERFORMANCE OF HOME INSPECTORS.

To the committee on Commerce and Labor

Am. S.B. No. 7 - Senator Grendell, et al

TO IMPLEMENT THE RECOMMENDATIONS OF THE EMINENT DOMAIN TASK FORCE AND TO CREATE OTHER PROCEDURES TO PROTECT THE RIGHTS OF PROPERTY OWNERS.

To the committee on Judiciary

S.B. No. 134 - Senator Faber, et al

TO PROVIDE THAT MEMORANDA OF TRUST BE EXECUTED AND

ACKNOWLEDGED ONLY BY THE TRUSTEE OF THE TRUST
INSTEAD OF BOTH THE SETTLOR AND TRUSTEE.

To the committee on Civil and Commercial Law

Am. S.B. No. 144 - Senator Stivers, et al

TO REQUIRE THE DIRECTOR OF HEALTH TO ESTABLISH THE
SHAKEN BABY SYNDROME EDUCATION PROGRAM AND TO
REQUIRE THE DEPARTMENT OF JOB AND FAMILY SERVICES TO
RECORD IN THE STATEWIDE AUTOMATED CHILD WELFARE
INFORMATION SYSTEM WHETHER A REPORTED CASE OF CHILD
ABUSE INVOLVED SHAKEN BABY SYNDROME.

To the committee on Health

S.B. No. 116 - Senator Padgett, et al

TO SPECIFY CONDITIONS UNDER WHICH A CLAIMANT'S
UNEMPLOYMENT COMPENSATION BENEFITS ARE NOT REDUCED
BY THE AMOUNT THE CLAIMANT CONCURRENTLY RECEIVES IN
SOCIAL SECURITY RETIREMENT BENEFITS.

To the committee on Finance and Appropriations

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

To the committee on Judiciary

JON A. HUSTED
LARRY L. FLOWERS
JOYCE BEATTY

KEVIN DEWINE
ARLENE J. SETZER

Representative Daniels 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
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 Beatty reported for the Rules and Reference Committee recommending that the following House Concurrent Resolution be introduced and referred to the following committee for consideration:

H. Con. R. No. 23 – Representatives Sayre, Hagan, R., Dyer, Bolon, Goyal, Healy, Williams, B., Oelslager, Brady, Yuko, Budish, Foley, Szollosi, Distel, Domenick, Stewart, D., Dodd, Skindell, Schindel, Book, Strahorn

TO MEMORIALIZE CONGRESS TO ENACT THE FEDERAL PRICE GOUGING PREVENTION ACT OF 2007.

To the committee on State Government and Elections

Add the name: Beatty

/s/ JON A. HUSTED

Jon A. Husted, Chair

Representative Daniels moved that the Rules and Reference Committee Report on resolutions be agreed to and that the resolution contained therein be introduced and referred as recommended.

The motion was agreed to.

Said resolution was introduced and referred as recommended.

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

H.R. No. 63 – Representative Zehringer

HONORING GREENVILLE HIGH SCHOOL SOFTBALL TEAM AS THE 2007 DIVISION II STATE CHAMPION.

/s/ JON A. HUSTED

Jon A. Husted, Chair

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

The motion was agreed to.

Representative Beatty reported for the Rules and Reference Committee recommending that the following House Resolution be read and approved:

H.R. No. 64 - Representative Evans, Speaker Husted, Representatives Beatty, Adams, Aslanides, Bacon, Barrett, Batchelder, Blessing, Bolon, Book, Boyd, Brady, Brinkman, Brown, Bulp, Budish, Carmichael, Celeste, Chandler, Coley, Collier, Combs, Core, Daniels, DeBose, DeGeeter, DeWine, Distel, Dodd, Dolan, Domenick, Driehaus, Dyer, Fende, Fessler, Flowers, Foley, Garrison, Gerberry, Gibbs, Goodwin, Goyal, Hagan, J., Hagan, R., Harwood, Healy, Heard, Hite, Hottinger,

Huffman, Hughes, Jones, Koziura, Latta, Letson, Luckie, Lundy, Mallory, Mandel, McGregor, J., McGregor, R., Miller, Oelslager, Okey, Otterman, Patton, Peterson, Raussen, Redfern, Reinhard, Sayre, Schindel, Schlichter, Schneider, Seitz, Setzer, Skindell, Stebelton, Stewart, D., Stewart, J., Strahorn, Sykes, Szollosi, Uecker, Ujvagi, Wachtmann, Wagner, Wagoner, Webster, White, Widener, Widowfield, Williams, B., Williams, S., Wolpert, Yates, Yuko, Zehringer
IN MEMORY OF CHIEF WARRANT OFFICER THEODORE U. CHURCH.

/s/ JON A. HUSTED
Jon A. Husted, Chair

Representative Daniels 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.

On motion of Representative Daniels, the House adjourned until Wednesday, June 13, 2007, 1:30 p.m.

Attest:

LAURA P. CLEMENS,
Clerk.