

**OHIO**

**House**

**of**

**Representatives**

**JOURNAL**

THURSDAY, JUNE 14, 2007

## SIXTY-SECOND DAY

Hall of the House of Representatives, Columbus, Ohio  
**Thursday, June 14, 2007, 1:00 o'clock p.m.**

The House met pursuant to adjournment.

Prayer was offered by Representative Bulp-88th district, followed by the Pledge of Allegiance to the Flag.

The journal of yesterday was read and approved.

The following guest of the House of Representatives was recognized by Speaker Husted prior to the commencement of business:

Ivy Yuko, sister-in-law of Representative Yuko-7th district.

**INTRODUCTION OF BILLS**

The following bills were introduced:

**H. B. No. 266**-Representative Huffman.

Cosponsors: Representatives Zehringer, Stelbelton, Evans, McGregor, J., Goodwin, Setzer, Seitz.

To amend section 345.08 of the Revised Code to enable more flexible composition of veterans memorial boards of trustees.

**H. B. No. 267**-Representative Huffman.

Cosponsors: Representatives Evans, Chandler, Seitz, McGregor, R.

To amend sections 103.71, 103.72, 103.73, 103.74, and 5120.55 and to enact section 103.80 of the Revised Code to permit the Department of Rehabilitation and Correction to establish a loan repayment program for recruitment of nurses and to modify the laws governing the Correctional Institution Inspection Committee.

Said bills were considered the first time.

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

Representative Sayre submitted the following report:

The standing committee on Infrastructure, Homeland Security, and Veterans Affairs to which was referred **S. B. No. 34**-Senator Padgett, et al., having had the same under consideration, reports it back and recommends its passage.

RE: MAJOR JAMES W. REED MEMORIAL HIGHWAY - STATE  
ROUTE 660

Representative Reinhard moved to amend the title as follows:

Add the names: "Representatives Aslanides, Bubp, Combs, Domenick, Fessler, Miller, Ujvagi, Wachtmann, Widowfield."

DANNY R. BUBP	WILLIAM J. HEALY
LYNN R. WACHTMANN	STEVE REINHARD
COURTNEY COMBS	JIM ASLANIDES
ALLAN R. SAYRE	ROBERT J. OTTERMAN
JOHN WIDOWFIELD	DIANA M. FESSLER
JOHN DOMENICK	DALE MALLORY
PETER S. UJVAGI	EUGENE R. MILLER

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. 87**-Representative Wachtmann, having had the same under consideration, reports it back and recommends its passage.

RE: HENRY COUNTY VETERANS BRIDGE - STATE ROUTE 108

Representative Reinhard moved to amend the title as follows:

Add the names: "Aslanides, Bubp, Combs, Domenick, Fessler, Miller, Ujvagi, Widowfield."

DANNY R. BUBP	WILLIAM J. HEALY
LYNN R. WACHTMANN	STEVE REINHARD
COURTNEY COMBS	JIM ASLANIDES
ALLAN R. SAYRE	ROBERT J. OTTERMAN
JOHN WIDOWFIELD	DIANA M. FESSLER
JOHN DOMENICK	DALE MALLORY
PETER S. UJVAGI	EUGENE R. MILLER

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. 142**-Representative Batchelder, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: SCHOOL EMERGENCY - STATE HIGHWAY PATROL ASSIST/INDUCING PANIC AT SCHOOL - SECOND DEGREE FELONY

Representative Reinhard moved to amend the title as follows:

Add the names: "Aslanides, Domenick."

EUGENE R. MILLER	DANNY R. BUBP
JOHN J. WHITE	JIM ASLANIDES
STEVE REINHARD	LYNN R. WACHTMANN
DALE MALLORY	COURTNEY COMBS
WILLIAM J. HEALY	JOHN WIDOWFIELD
ROBERT J. OTTERMAN	JOHN DOMENICK
PETER S. UJVAGI	DIANA M. FESSLER
ALLAN R. SAYRE	

The report was agreed to.

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

Representative Barrett submitted the following report:

The standing committee on Civil and Commercial Law to which was referred **H. B. No. 138**-Representatives Foley, Blessing, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: JUDICIAL SALES OF REAL PROPERTY

MATTHEW H. BARRETT	MIKE FOLEY
W. SCOTT OELSLAGER	DAN DODD
TIMOTHY J. DEGEETER	SANDRA STABILE HARWOOD
T. TODD BOOK	ANTHONY CORE
MATT HUFFMAN	GERALD L. STEBELTON
WILLIAM J. SEITZ	

The following member voted "NO"

BILL COLEY

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. 149**-Representatives Daniels, Strahorn, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: OPTOMETRY - MODIFY LAW

Representative White moved to amend the title as follows:

Add the name: "Brown."

ROBERT F. HAGAN  
 BRUCE W. GOODWIN  
 CHRIS REDFERN  
 MICHAEL DEBOSE  
 LORRAINE M. FENDE  
 SHAWN N. WEBSTER  
 BRIAN G. WILLIAMS  
 JOSEPH W. UECKER  
 JOHN J. WHITE  
 W. SCOTT OELSLAGER

KENNY YUKO  
 ROBERT J. OTTERMAN  
 EDNA BROWN  
 LARRY L. FLOWERS  
 LYNN R. WACHTMANN  
 BARBARA BOYD  
 FRED STRAHORN  
 CAROL-ANN SCHINDEL  
 MATT HUFFMAN

The following members voted "NO"

SHANNON JONES  
 JAMES T. RAUSSEN

TOM LETSON  
 JAY HOTTINGER

The report was agreed to.

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

Representative Goyal submitted the following report:

The standing committee on Ways and Means to which was referred **H. B. No. 157**-Representative Hughes, et al., having had the same under consideration, reports it back and recommends its passage.

RE: INCOME TAX RETURN CHECK BOX FOR TAX PREPARER

Representative Gibbs moved to amend the title as follows:

Add the name: "Gibbs."

LOUIS W. BLESSING  
 CAROL-ANN SCHINDEL  
 TYRONE K. YATES  
 CHRIS WIDENER  
 JOHN P. HAGAN  
 TOM LETSON  
 JAY P. GOYAL  
 EUGENE R. MILLER  
 DANNY R. BUBP

BOB GIBBS  
 ROBERT E. LATTA  
 LARRY L. WOLPERT  
 THOMAS F. PATTON  
 KATHLEEN CHANDLER  
 TOM BRINKMAN  
 WILLIAM J. HEALY  
 LINDA S. BOLON  
 MIKE FOLEY

The report was agreed to.

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

Representative Goyal submitted the following report:

The standing committee on Ways and Means to which was referred **H. B. No. 165**-Representative Gibbs, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: SALES TAX MODIFY SOURCING RULES

Representative Gibbs moved to amend the title as follows:

Add the names: "Schindel, Foley, Bolon, Chandler, Miller."

KATHLEEN CHANDLER	BOB GIBBS
CAROL-ANN SCHINDEL	EUGENE R. MILLER
ROBERT E. LATTA	JOHN P. HAGAN
LARRY L. WOLPERT	DANNY R. BUBP
TYRONE K. YATES	JAY P. GOYAL
TOM LETSON	MIKE FOLEY
WILLIAM J. HEALY	THOMAS F. PATTON
LINDA S. BOLON	LOUIS W. BLESSING

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

**H.B. No. 259 - Representative S. Williams**

TO REQUIRE THE DIRECTOR OF BUDGET AND MANAGEMENT TO WITHHOLD FROM AN UNCLAIMED FUNDS PAYMENT ANY LEGAL AMOUNT IN AN AGREEMENT TO COMPENSATE A REGISTERED FINDER AND TO PAY THAT AMOUNT DIRECTLY TO THE FINDER.

To the committee on Finance and Appropriations

**H.B. No. 260 - Representative S. Williams**

TO REQUIRE THE CLERKS OF EACH HOUSE OF THE GENERAL ASSEMBLY TO PROVIDE FOR EACH POLITICAL PARTY REPRESENTED IN THE GENERAL ASSEMBLY ONE OFFICE IN EACH COUNTY OF THE STATE.

To the committee on State Government and Elections

**H.B. No. 261 - Representatives Bolon and Peterson**

TO REVISE THE PROCEDURES GOVERNING THE SALE OF TAX CERTIFICATES ON LANDS THAT HAVE DELINQUENT PROPERTY TAX CHARGES.

To the committee on Ways and Means

**H.B. No. 262 - Representative Huffman, et al**

REGARDING THE AUTHORITY OF THE DEPARTMENTS OF REHABILITATION AND CORRECTION AND YOUTH SERVICES, COUNTY SHERIFFS, AND MUNICIPAL CORPORATIONS TO CONTRACT FOR HEALTH SERVICES.

To the committee on State Government and Elections

JON A. HUSTED  
LARRY L. FLOWERS  
JOYCE BEATTY  
CHRIS REDFERN

KEVIN DEWINE  
ARLENE J. SETZER  
JOSEPH KOZIURA

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 House 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 House 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 Resolution be read by title only and approved:

**H.R. No. 65 – Representative Coley**

HONORING THE LAKOTA WEST HIGH SCHOOL BASEBALL TEAM  
ON WINNING THE 2007 DIVISION I STATE CHAMPIONSHIP.

/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 resolution contained therein be approved.

The motion was agreed to.

Representative Seitz moved that majority party members asking leave to be absent or absent the week of Wednesday, June 13, 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 Wednesday, June 13, 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. 8**-Representative Hagan, R.

Cosponsors: Representatives Hite, Skindell, Lundy, Driehaus, Domenick, Stewart, D.

To amend sections 145.27, 145.56, 145.82, 145.95, 742.41, 742.47, 3305.07, 3305.20, 3307.20, 3307.41, 3309.22, 3309.66, 3309.82, 3309.95, 5505.04, and 5505.22 and to enact sections 145.572, 742.463, 2901.43, 3305.11, 3307.372, 3309.672, and 5505.262 of the Revised Code to provide that a member of a state retirement system, on conviction of a felony committed in the course of official duties, will forfeit the portion of any state retirement benefit that is based on employer contributions, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 93, nays 3, 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	Celeste
Coley	Collier	Combs	Core
Daniels	DeBose	DeGeeter	DeWine
Distel	Dodd	Dolan	Domenick
Driehaus	Dyer	Evans	Fende
Fessler	Flowers	Foley	Garrison
Gerberry	Gibbs	Goyal	Hagan J.
Hagan R.	Harwood	Healy	Heard
Hite	Hottinger	Huffman	Hughes
Jones	Koziura	Latta	Letson
Luckie	Lundy	Mallory	Mandel
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	Uecker	Ujvagi
Wagner	Wagoner	Webster	White
Widener	Widowfield	Williams B.	Williams S.
Wolpert	Yates	Yuko	Zehringer
			Husted-93.

Representatives Chandler, Goodwin, and Wachtmann voted in the negative-3.

The bill passed.

Representative Hagan, R. moved to amend the title as follows:

Add the names: "Bacon, Blessing, Bolon, Book, Boyd, Brady, Brown, Bubp, Budish, DeBose, DeGeeter, Dodd, Dyer, Fende, Flowers, Foley,

Gerberry, Goyal, Harwood, Hottinger, Huffman, Hughes, Koziura, Latta, Letson, Luckie, Mallory, Mandel, Miller, Okey, Otterman, Patton, Raussen, Sayre, Schneider, Strahorn, Uecker, Ujvagi, Widowfield, Williams, B., Yuko, Zehringer."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**H. B. No. 217-Representative Reinhard.**

Cosponsors: Representatives Adams, Aslanides, Evans, Fessler, Latta, McGregor, J., Schlichter, Seitz, Setzer, Stebelton, Webster, Zehringer, Core, Goodwin, Huffman, Hite, Luckie, Domenick.

To amend sections 924.01, 924.02, 924.08, 924.09, and 924.99 and to enact sections 924.20 to 924.30 of the Revised Code to establish a grain marketing program, 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 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	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 R.	Miller
Oelslager	Okey	Otterman	Patton
Peterson	Raussen	Redfern	Reinhard
Sayre	Schindel	Schlichter	Schneider
Seitz	Setzer	Skindell	Stebelton
Stewart D.	Stewart J.	Strahorn	Sykes
Uecker	Ujvagi	Wachtmann	Wagner
Wagoner	Webster	White	Widener
Widowfield	Williams B.	Williams S.	Wolpert
Yates	Yuko	Zehringer	Husted-96.

The bill passed.

Representative Reinhard moved to amend the title as follows:

Add the names: "Blessing, Bolon, Book, Brown, Bubp, Chandler, Collier, Combs, Daniels, Dodd, Dyer, Garrison, Gerberry, Goyal, Hagan, R., Harwood, Hughes, Letson, Mallory, Okey, Otterman, Raussen, Schneider, Widener."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**Sub. S. B. No. 117**-Senator Jacobson.

Cosponsors: Senators Miller, R., Spada, Buehrer, Mumper, Niehaus, Stivers, Mason, Fedor, Harris, Coughlin, Wilson, Sawyer. Representatives Hottinger, Williams, S., Bacon, Hagan, J.

To amend section 153.64, to enact sections 1332.21, 1332.22, 1332.23, 1332.24, 1332.25, 1332.26, 1332.27, 1332.28, 1332.29, 1332.30, 1332.31, 1332.32, 1332.33, and 1332.34, and to repeal sections 505.90, 505.91, and 505.92 of the Revised Code to provide for the issuance of video service authorizations by the Director of Commerce, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Flowers moved to amend as follows:

In line 218, delete " means programming provided by, or"

Delete line 219

In line 220, delete " television broadcast station, as set forth" and insert " has the same meaning as"

In line 260, delete " also"

In line 293, delete " division" and insert " divisions"

In line 294, delete " or" and insert " and"

In line 301, delete " Solely at the option of" and insert " Subject to division (B)(2) of this section,"

In line 303, delete " , the person"

In line 311, after the underlined period insert " With respect to such a franchise or competitive video service agreement but only for the time the franchise or agreement is in effect as provided under divisions (B)(1)(a) and (2) of this section, the authority of a township under sections 505.90 to 505.92 of the Revised Code, as those sections existed on the day before their repeal by Am. Sub. S.B. 117 of the 127th General Assembly, shall continue, notwithstanding their repeal by that act."

In line 323, after " circumstances" insert an underlined comma; delete the

underlined comma

In line 327, delete " Before" and insert " Not sooner than one hundred twenty days before"

In line 601, delete " providing or selling" and insert " it provides or sells"

In lines 698 and 699, delete " service tier" and insert " cable service"

In line 703, delete " division" and insert " divisions"

In lines 713 and 714, delete " service tier" and insert " cable service"

In line 717, delete " may" and insert " shall"

In line 742, delete " access to"

In line 801, after " The" insert " unfulfilled"

In line 813, after " have" insert " a pro rata share of"

In line 814, after " same" insert " unfulfilled"

In line 837, after " share" insert " of the unfulfilled obligation"

In line 856, after " (1)" delete the balance of the line

Delete line 857

In line 858, delete everything before " may" and insert " If a municipal corporation or township requires a person to provide connectivity for PEG channel programming on January 1, 2007, the person shall fulfill that obligation and provide connectivity sufficient to connect its headend or video hub office to the municipality's or township's PEG access channel origination points existing as of January 1, 2007. The obligation shall expire January 1, 2012, or such earlier date as may be specified in an ordinance or resolution of the municipal corporation or township in effect on the effective date of this section or, if earlier, at the end of the most recent such connectivity obligation of any person to the municipal corporation or township. The person"

In line 860, after the underlined period delete the balance of the line

Delete line 861 through 870

In line 871, delete " on the effective date of this section."

In line 872, delete " transmission capacity" and insert " connectivity"

In line 873, delete " under division (F)(2)(a) of this section"

In line 876, delete " (b)" and insert " (2)"; delete " (2)(a)" and insert " (1)"

In line 897, delete " in the appropriate format"

In line 999, delete " initial service"; delete " under" and insert " required by"

In line 1027, after the underlined period insert " However, payment need

not be made in that thirty-day period if the video service provider brings an action under division (D) of this section."

In line 1031, delete "Division" and insert "Divisions"; after "(C)" insert "(1) and (2)"

In line 1032, delete "shall" and insert "do"

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

The motion was agreed to without objection.

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

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

Those who voted in the affirmative were: Representatives

Adams	Aslanides	Bacon	Barrett
Batchelder	Beatty	Blessing	Bolon
Book	Boyd	Brady	Brown
Bubp	Budish	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 R.	Miller	Oelsluger
Okey	Otterman	Patton	Peterson
Raussen	Redfern	Reinhard	Sayre
Schindel	Schlichter	Schneider	Seitz
Setzer	Skindell	Stebelton	Stewart D.
Stewart J.	Strahorn	Sykes	Uecker
Ujvagi	Wachtmann	Wagoner	Webster
White	Widener	Widowfield	Williams B.
Williams S.	Wolpert	Yates	Yuko
Zehringer			Husted-94.

Representatives Brinkman and Wagner voted in the negative-2.

The bill passed.

Representative Hagan, J. moved to amend the title as follows:

Add the names: "Barrett, Beatty, Blessing, Boyd, Budish, Collier, Daniels, DeBose, Distel, Driehaus, Dyer, Evans, Flowers, Luckie, Mallory, Otterman, Schneider, Seitz, Wagoner, Webster, Yuko, Zehringer."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

On motion of Representative DeWine, the House adjourned until Tuesday, June 19, 2007, 11:00 o'clock a.m.

Attest:

LAURA P. CLEMENS,  
Clerk.