

**OHIO**

**House**

**of**

**Representatives**

**JOURNAL**

TUESDAY, OCTOBER 30, 2007

ONE HUNDRED FIFTH DAY  
Hall of the House of Representatives, Columbus, Ohio  
**Tuesday, October 30, 2007, 11:00 o'clock a.m.**

The House met pursuant to adjournment.

Prayer was offered by Elder Anthony Bobo, Sr. of the Supreme Council Home of Jacob in Akron, 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:

Anthony Covington, a guest of Representative Luckie-39th district.

The Bobo family, guests of Representative Sykes-44th district.

Bill Hulse, a guest of Representative Wagoner-46th district.

Students from Troy Christian School, guest of Representative Fessler-79th district.

### INTRODUCTION OF BILLS

The following bills were introduced:

**H. B. No. 368**-Representative Dyer.

Cosponsors: Representatives Harwood, Letson, Luckie, Okey, Skindell, Williams, S.

To amend sections 5739.02 and 5739.05 of the Revised Code to provide a two-day period in August each year during which sales of tangible personal property are exempt from sales and use taxes.

**H. B. No. 369**-Representative Lundy.

Cosponsors: Representatives Letson, Yuko, Brown, Williams, B., DeGeeter, Fende, Book, Luckie.

To amend sections 5739.02 and 5739.05 of the Revised Code to provide a two-day sales tax "holiday" each August during which sales of back-to-school clothing, school supplies, computers, and computer accessories are exempt from sales and use taxes.

**H. B. No. 370**-Representative Bacon.

Cosponsors: Representatives Hughes, Wagoner, Peterson, Brown, Flowers, Williams, S., Fessler, Beatty, Zehringer, Oelslager, Boyd.

To amend sections 5739.02 and 5739.05 of the Revised Code to provide a

three-day period in August each year during which sales of clothing, footwear, school supplies, and personal computers are exempt from sales and use taxes.

**H. B. No. 371-Representative Flowers.**

Cosponsors: Representatives Barrett, Beatty, Blessing, Bolon, Book, Brady, Brown, Budish, Celeste, Chandler, Collier, Combs, DeGeeter, Distel, Dodd, Domenick, Driehaus, Dyer, Fende, Foley, Garrison, Gerberry, Goyal, Hagan, J., Hagan, R., Harwood, Healy, Heard, Huffman, Hughes, Letson, Luckie, Lundy, Mallory, McGregor, J., McGregor, R., Oelslager, Okey, Otterman, Patton, Peterson, Sayre, Schindel, Skindell, Strahorn, Stewart, D., Stewart, J., Sykes, Szollosi, Uecker, Ujvagi, Wagoner, Williams, B., Williams, S., Wolpert, Yates, Yuko, Zehringer.

To amend sections 4117.01 and 4117.09 of the Revised Code to modify coverage of the Public Employees' Collective Bargaining Law with respect to township fire departments.

**H. B. No. 372-Representative McGregor, R.**

To amend sections 2101.16, 5747.01, 5903.10, and 5903.12 and to enact section 2101.164 of the Revised Code to exempt estates of armed forces members who died while serving in a combat zone from probate fees, to exempt military retirement pay from the income tax, to provide that reservists and National Guard members may renew their professional licenses within six months after active duty service, and to extend continuing education reporting periods for National Guard members ordered to duty by the Governor.

**H. B. No. 373-Representative Skindell.**

Cosponsors: Representatives Foley, Hagan, R., Harwood, Healy, Letson, Williams, B., DeBose, Stewart, D., Williams, S., Fessler, Yates, Yuko, Otterman, Boyd, Bolon.

To amend sections 4163.01 and 4163.07 and to enact sections 4163.08 and 4163.09 of the Revised Code to require a person shipping certain radioactive material within or through this state to provide the Emergency Management Agency with notice of the shipment and pay the Department of Public Safety a fee for each shipment, and to establish the Radiation Response Fund.

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. 55**-Representative McGregor, J., et al., having had the same under consideration, reports it back and recommends its passage.

RE: VIETNAM HERITAGE AND FREEDOM FLAG DAY - APRIL  
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Representative Daniels moved to amend the title as follows:

Add the names: "Book, Brown, Domenick, Schneider."

DAVID DANIELS	T. TODD BOOK
MATT LUNDY	CLIFF HITE
VERNON SYKES	KEVIN DEWINE
JIM CARMICHAEL	ARLENE J. SETZER
STEVE REINHARD	THOM COLLIER
MICHELLE G. SCHNEIDER	LARRY L. FLOWERS
EDNA BROWN	JOHN DOMENICK

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. 297**-Representative Carmichael, et al., having had the same under consideration, reports it back and recommends its passage.

RE: OHIO LYME DISEASE AWARENESS MONTH - MAY

Representative Daniels moved to amend the title as follows:

Add the names: "Daniels, Book, Collier, Lundy, Reinhard, Schneider, Setzer, Sykes, Hite."

DAVID DANIELS	CLIFF HITE
KEVIN DEWINE	LARRY L. FLOWERS
MICHELLE G. SCHNEIDER	THOM COLLIER
STEVE REINHARD	ARLENE J. SETZER
EDNA BROWN	JOHN DOMENICK
VERNON SYKES	MATT LUNDY
T. TODD BOOK	JIM CARMICHAEL

The report was agreed to.

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

### MOTIONS AND RESOLUTIONS

Representative Schneider moved that majority party members asking leave to be absent or absent the week of Tuesday, October 30, 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, October 30, 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

#### S. B. No. 116-Senator Padgett.

Cosponsors: Senators Coughlin, Niehaus, Stivers, Faber, Clancy, Jacobson, Goodman, Smith, Miller, D., Schuler, Grendell, Mumper, Schuring, Buehrer, Roberts, Kearney, Cates, Amstutz, Austria, Boccieri, Cafaro, Carey, Fedor, Gardner, Harris, Mason, Miller, R., Morano, Sawyer, Schaffer, Spada, Wilson. Representatives Skindell, Bacon, Bolon, Boyd, Brown, Budish, Chandler, Driehaus, Evans, Flowers, Garrison, Hagan, R., Hite, Hottinger, McGregor, R., Schlichter, Stewart, D., Stewart, J., Strahorn, Ujvagi, Yates.

To amend section 4141.312 of the Revised Code 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 , was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Skindell moved to amend as follows:

After line 41, insert:

**"Section 3.** This act is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety. The reason for such necessity is to provide immediate assistance to individuals who are deprived currently of their full unemployment compensation benefits under Ohio law. Therefore, this act shall go into immediate effect."

In line 5 of the title, after "benefits" insert "and to declare an emergency"

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

The yeas and nays were taken and resulted - yeas 93, nays 1, as follows:

Those who voted in the affirmative were: Representatives

Adams	Bacon	Barrett	Batchelder
Beatty	Blessing	Bolon	Book
Boyd	Brady	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	McGregor J.
McGregor R.	Mecklenborg	Oelslager	Okey
Otterman	Patton	Peterson	Raussen
Redfern	Reinhard	Sayre	Schindel
Schlichter	Schneider	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-93.

Representative Brinkman voted in the negative-1.

The motion was agreed to and the bill so amended.

The question being, "Shall the emergency clause stand as part of the bill?"

The yeas and nays were taken and resulted - yeas 94, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Adams	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
McGregor J.	McGregor R.	Mecklenborg	Oelslager
Okey	Otterman	Patton	Peterson
Raussen	Redfern	Reinhard	Sayre
Schindel	Schlichter	Schneider	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-94.

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?"

The yeas and nays were taken and resulted - yeas 94, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Adams	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
McGregor J.	McGregor R.	Mecklenborg	Oelslager
Okey	Otterman	Patton	Peterson
Raussen	Redfern	Reinhard	Sayre
Schindel	Schlichter	Schneider	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-94.

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

Representative Flowers moved to amend the title as follows:

Add the names: "Adams, Barrett, Batchelder, Beatty, Blessing, Book, Brady, Bubp, Celeste, Collier, Combs, DeBose, DeGeeter, Distel, Dodd, Domenick, Dyer, Fende, Fessler, Foley, Gerberry, Goyal, Hagan, J., Harwood, Healy, Heard, Huffman, Hughes, Koziura, Latta, Letson, Luckie, Lundy, McGregor, J., Mecklenborg, Oelslager, Okey, Otterman, Patton, Peterson, Raussen, Sayre, Schindel, Schneider, Setzer, Stebelton, Szollosi, Uecker, Wagner, White, Widener, Widowfield, Williams, B., Williams, S., Yuko, Zehringer."

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 refused to concur in the House amendments to:

**Am. Sub. S. B. No. 155** -Senator Faber - et al.

Attest:

David A. Battocletti,  
Clerk.

Representative Blessing moved that the House insist on its amendments to **Am. Sub. S. B. No. 155**-Senator Faber, et al. , and ask for a committee of Conference.

The motion was agreed to.

On motion of Representative DeWine, the House adjourned until Thursday, November 1, 2007 at 11:00 o'clock a.m.

Attest:

LAURA P. CLEMENS,  
Clerk.