

**OHIO**

**House**

**of**

**Representatives**

**JOURNAL**

TUESDAY, DECEMBER 9, 2008

TWO HUNDRED TWENTY-NINTH DAY  
Hall of the House of Representatives, Columbus, Ohio  
**Tuesday, December 9, 2008, 11:00 o'clock a.m.**

The House met pursuant to adjournment.

Prayer was offered by Representative Thom Collier-90th district, 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 City of Brunswick received H. R. 248, presented by Representative Batchelder-69th district.

The Columbus Crew received H. R. 297, presented by the Franklin County Delegation.

Dominic Ciafardini, father of Representative Ciafardini-28th district.

Tim, Teresa and Matthew Lewis, guests of Representative Schneider-35th district.

### INTRODUCTION OF BILLS

The following bills were introduced:

**H. B. No. 653**-Representative Ujvagi.

To enact section 4501.026 of the Revised Code to require the registrar of motor vehicles and deputy registrars to inquire about an individual's veteran status, and, if given permission, to forward the veteran's personal information to the director of veterans services.

**H. B. No. 654**-Representative Luckie.

Cosponsors: Representatives Yuko, Foley, Williams, B., Harwood.

To amend sections 3314.09 and 3327.01 and to enact section 3314.092 of the Revised Code to permit a school district to surrender the transportation of its resident high school students attending community schools to those community schools.

Said bills were considered the first time.

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

Representative DeBose submitted the following report:

The standing committee on Economic Development and Environment to which was referred **Sub. H. B. No. 422**-Representative Setzer, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: WATER RESOURCE AND ECONOMIC DEVELOPMENT  
STUDY COMMITTEE

Representative Collier moved to amend the title as follows:

Add the names: "Collier, Zehringer."

THOM COLLIER	JAMES ZEHRINGER
LARRY L. WOLPERT	JOHN P. HAGAN
CAROL-ANN SCHINDEL	JEFF WAGNER
TRACY HEARD	BRIAN G. WILLIAMS
KATHLEEN CHANDLER	MATT LUNDY
TED CELESTE	JOHN OTTERMAN
COURTNEY COMBS	STEVE REINHARD
GERALD L. STEBELTON	JIM ASLANIDES

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 **Sub. S. B. No. 279**-Senator Schuring, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: MEDICAL BOARD PROCEDURES/ALLIED HEALTH  
LICENSING

BARBARA R. SEARS	BRUCE W. GOODWIN
CAROL-ANN SCHINDEL	ARLENE J. SETZER
JOSEPH W. UECKER	MATT HUFFMAN
ROBERT MECKLENBORG	W. SCOTT OELSLAGER
SHANNON JONES	JAY HOTTINGER
LYNN R. WACHTMANN	SHAWN N. WEBSTER

The following members voted "NO"

MICHAEL DEBOSE	FRED STRAHORN
TOM LETSON	BRIAN G. WILLIAMS
KENNY YUKO	LORRAINE M. FENDE
BARBARA BOYD	STEPHEN SLESNICK

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. 647 - Representative Schindel**

TO FREEZE THE TAXES ON PRIMARY RESIDENCES OWNED AND OCCUPIED BY ELDERLY PERSONS.

To the committee on Ways and Means

**H. B. No. 651 - Representative Gardner**

TO REMOVE THE REQUIREMENT THAT A COUNTY ENGINEER BE A REGISTERED SURVEYOR IN ADDITION TO BEING A REGISTERED PROFESSIONAL ENGINEER IN ORDER TO HOLD OR BE ELIGIBLE AS A CANDIDATE FOR THE OFFICE.

To the committee on Local and Municipal Government and Urban Revitalization

**H.B. No. 652 - Representative Batchelder**

TO MAKE CHANGES TO THE LAW GOVERNING THE WORKERS' COMPENSATION COUNCIL AND TO MAKE AN APPROPRIATION.

To the committee on Insurance

JON A. HUSTED  
LARRY L. WOLPERT

DAVID DANIELS  
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 Concurrent Resolution be introduced and referred to the following committee for consideration:

**H. Con. R. No. 50 – Representatives Ujvagi, Domenick, Williams, B., Yuko, Foley, Gerberry, Harwood, Fende, Heydinger, Skindell, Chandler, Letson, Yates, Szollosi, Dyer, Brown, Mallory, Lundy, Williams, S., DeGeeter, Boyd, Dodd, Redfern, Otterman, DeBose, Heard, Brady,**

**Luckie, Koziura, Beatty, Hagan, R., Budish, Sayre, Goyal, Garrison**  
 TO MEMORIALIZE THE UNITED STATES CONGRESS AND THE  
 DEPARTMENT OF THE TREASURY TO PROVIDE A \$25 BILLION  
 BRIDGE LOAN FROM THE AMOUNT SLATED FOR THE FINANCIAL  
 SERVICES INDUSTRY OR OTHER APPROPRIATE SOURCES TO  
 ENABLE GENERAL MOTORS, FORD, AND CHRYSLER TO CONTINUE  
 OPERATIONS AND AVOID LIQUIDATION.

To the committee on Finance and Appropriations

/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 introduced and referred as recommended.

The motion was agreed to.

Said resolution was introduced and referred as recommended.

### **BILLS FOR THIRD CONSIDERATION**

**Sub. H. B. No. 470**-Representative Setzer.

Cosponsors: Representatives Strahorn, Collier, Combs, Evans, Harwood, Uecker, Wagner, McGregor, J.

To amend section 5543.14 and to enact sections 503.35, 5543.15, and 5571.18 of the Revised Code to authorize a board of county commissioners and a board of township trustees to order removal of vegetation on private property that blocks or otherwise interferes with the sight lines of motorists traveling on county or township roads, to authorize a board of township trustees to require certain ditches or culverts located in the township to be cleaned, and to require notice be given to abutting landowners before the trimming or removal of certain vegetation growing in or encroaching onto the right-of-way of county or township roads, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 90, nays 2, as follows:

Those who voted in the affirmative were: Representatives

Adams	Aslanides	Bacon	Batchelder
Blessing	Bolon	Book	Boyd
Brady	Brinkman	Brown	Bubp
Budish	Carmichael	Celeste	Ciafardini
Coley	Collier	Combs	Core
Daniels	DeBose	DeGeeter	DeWine
Dodd	Dolan	Driehaus	Dyer
Evans	Fende	Flowers	Foley
Gardner	Garrison	Gerberry	Gibbs

Goodwin	Goyal	Grady	Hagan J.
Hagan R.	Harwood	Heard	Hite
Hottinger	Huffman	Hughes	Jones
Koziura	Letson	Luckie	Lundy
Mallory	Mandel	McGregor J.	McGregor R.
Mecklenborg	Miller	Nero	Newcomb
Oelslager	Okey	Otterman J.	Peterson
Reinhard	Sayre	Schindel	Schlichter
Schneider	Sears	Setzer	Slesnick
Stebelton	Stewart D.	Stewart J.	Strahorn
Sykes	Szollosi	Uecker	Wachtmann
Wagner	Webster	White	Widener
Williams B.	Wolpert	Yates	Yuko
Zehringer			Husted-90.

Representatives Chandler and Williams S. voted in the negative-2.

The bill passed.

Representative Setzer moved to amend the title as follows:

Add the names: "Bacon, Batchelder, Blessing, Bubp, Coley, Flowers, Grady, Hagan, J., Hughes, Koziura, Lundy, Nero, Newcomb, Schneider, Zehringer."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**Am. S. B. No. 304**-Senator Cates.

Cosponsors: Senators Schuring, Mason, Wagoner, Seitz, Faber, Buehrer, Morano, Padgett, Austria, Boccieri, Grendell, Harris, Kearney, Mumper, Niehaus, Sawyer, Schaffer, Schuler, Spada, Wilson. Representatives Goodwin, Webster, Sears, Uecker, Wachtmann, Strahorn, Huffman, Letson, Mecklenborg, DeBose, Brown, Jones, Williams, B., Yuko, Otterman, J., Schindel, Fende, Boyd, Slesnick.

To amend sections 2151.3516 and 2151.3530 of the Revised Code 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, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 92, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Adams	Aslanides	Bacon	Batchelder
Blessing	Bolon	Book	Boyd
Brady	Brinkman	Brown	Bubp

Budish	Carmichael	Celeste	Chandler
Ciafardini	Coley	Collier	Combs
Core	Daniels	DeBose	DeGeeter
DeWine	Dodd	Dolan	Driehaus
Dyer	Evans	Fende	Flowers
Foley	Gardner	Garrison	Gerberry
Gibbs	Goodwin	Goyal	Grady
Hagan J.	Hagan R.	Harwood	Heard
Hite	Hottinger	Huffman	Hughes
Jones	Koziura	Letson	Luckie
Lundy	Mallory	Mandel	McGregor J.
McGregor R.	Mecklenborg	Miller	Nero
Newcomb	Oelslager	Okey	Otterman J.
Peterson	Reinhard	Sayre	Schindel
Schlichter	Schneider	Sears	Setzer
Slesnick	Stebelton	Stewart D.	Stewart J.
Strahorn	Sykes	Szollosi	Uecker
Wachtmann	Wagner	Webster	White
Widener	Williams B.	Williams S.	Wolpert
Yates	Yuko	Zehringer	Husted-92.

The bill passed.

Representative Wachtmann moved to amend the title as follows:

Add the names: "Adams, Aslanides, Bacon, Batchelder, Blessing, Bolon, Brinkman, Bulp, Budish, Celeste, Chandler, Ciafardini, Coley, Collier, Combs, Dodd, Dolan, Driehaus, Dyer, Flowers, Gardner, Garrison, Gibbs, Goyal, Grady, Hagan, J., Hagan, R., Harwood, Heard, Hite, Hottinger, Hughes, Koziura, Luckie, Lundy, Mallory, Mandel, Nero, Newcomb, Oelslager, Reinhard, Sayre, Schlichter, Schneider, Setzer, Stebelton, Stewart, J., Szollosi, Williams, S., 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 passed the following bill in which the concurrence of the House is requested:

#### **S. B. No. 317** -Senator Padgett

Cosponsors: Senators Roberts, Schuring, Miller, D., Sawyer, Seitz, Amstutz, Buehrer, Fedor, Harris, Lehner, Morano, Patton, Wilson, Turner, Niehaus, Faber, Goodman

To amend section 4507.071 of the Revised Code to allow a court, under certain circumstances, to grant unaccompanied driving privileges one time to a

probationary driver's license holder who, because of a moving violation, otherwise would be subject to a restriction that the person be accompanied by the holder's parent or guardian.

Attest: Vincent L. Keeran,  
Clerk.

Said bill was considered the first time.

#### Message from the Speaker

Pursuant to House Rules 13, 28, and 30, the Speaker hereby makes the following changes to the House standing committees:

Rules and Reference - remove Representatives Daniels and Wolpert, appoint Representatives DeWine and Flowers;

Finance and Appropriations - remove Representative Schindel, appoint Representative Flowers.

On motion of Representative DeWine, the House recessed.

The House met pursuant to recess.

Representative DeWine moved that the House revert to the second order of business, being introduction of bills.

The motion was agreed to.

#### INTRODUCTION OF BILLS

The following bill was introduced:

**H. B. No. 655**-Representative Dolan.

To enact sections 353.01, 353.02, 353.03, 353.04, and 353.05 of the Revised Code to allow a board of county commissioners in a county with a population of 1.2 million or more to submit to the electors the question of whether to adopt a restructured form of county government.

Said bill was considered the first time.



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

Representative Hottinger submitted the following report:

The standing committee on Finance and Appropriations to which was referred **H. B. No. 649**-Representative Hottinger, having had the same under consideration, reports it back and recommends its passage.

RE: PERSIAN GULF/AFGHANISTAN/IRAQ CONFLICTS -  
VETERANS BONUSES

Representative Hottinger moved to amend the title as follows:

Add the names: "Bacon, Dolan, Flowers, Jones, McGregor, R., Schlichter, Stewart, J.."

JAY HOTTINGER  
KEVIN BACON  
ANTHONY CORE  
MATTHEW J. DOLAN  
LARRY L. FLOWERS  
CLIFF HITE  
ROSS MCGREGOR  
JOHN SCHLICHTER  
JIMMY STEWART

JON M. PETERSON  
BILL COLEY  
KEVIN DEWINE  
CLYDE EVANS  
RANDY GARDNER  
SHANNON JONES  
ROBERT MECKLENBORG  
BARBARA R. SEARS

The following members voted "NO"

LINDA S. BOLON  
KATHLEEN CHANDLER  
JENNIFER GARRISON  
DAN STEWART  
PETER S. UJVAGI

BARBARA BOYD  
STEVE L. DRIEHAUS  
ROBERT F. HAGAN  
FRED STRAHORN  
TYRONE K. YATES

The report was agreed to.

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

Message from the Speaker

Pursuant to House Rules 13, 28, and 30, the Speaker hereby makes the following change to the House Judiciary committee:

Remove Representative Mandel, appoint Representative Mecklenborg.

## Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has concurred in the House amendments to:

**Am. Sub. S. B. No. 267** -Senator Faber - et al.

Attest:

Vincent L. Keeran,  
Clerk.

## Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has passed the following bills in which the concurrence of the House is requested:

**Sub. S. B. No. 380** -Senator Seitz

Cosponsors: Senators Cates, Carey, Wagoner, Amstutz, Coughlin, Harris, Schaffer, Faber, Buehrer

To amend sections 3501.10, 3501.90, 3503.15, 3505.21, 3509.01, 3509.04, 3509.05, 3509.06, 3509.07, 3511.05, and 3511.11 of the Revised Code to require absent voter's ballot identification envelope statements to be completed for absent voter's ballots to be counted, to require boards of elections to notify absent voters that their ballots will be rejected if they do not complete the required statement, to generally prohibit same day voter registration and application for absent voter's ballots, to permit election observers to be appointed to serve at the board of elections or at another designated site during the time absent voter's ballots may be cast in person, to revise the time period and locations in which voters may cast absent voter's ballots in person, and to require the Secretary of State to notify boards of elections of mismatches between voter registration information and motor vehicle records.

**S. B. No. 372** -Senator Niehaus

Cosponsors: Senators Schaffer, Harris, Lehner, Morano, Patton, Roberts, Sawyer, Seitz, Stivers, Turner, Wagoner

To amend sections 3745.71 and 3745.72 of the Revised Code to extend from January 1, 2009, to January 1, 2014, the time by which environmental audits must be completed in order to be within the scope of certain privileges and immunities that apply to such audits, and to declare an emergency.

Attest: Vincent L. Keeran,  
Clerk.

Said bills were considered the first time.

Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has concurred in the adoption of the following concurrent resolution:

**H. C. R. No. 34** -Representative Batchelder

Cosponsors: Representatives McGregor, R., Raussen, Driehaus, Book, Hottinger, Harwood, McGregor, J., Adams, Flowers, Webster, Stebelton, Letson, Fessler, Wachtmann, Otterman, Fende, Gibbs, Daniels, Mecklenborg, Widener, Koziura, Barrett, Celeste, Coley, Dyer, Aslanides, Blessing, Brown, Chandler, Evans, Huffman, Hughes, Jones, Luckie, Patton, Schindel, Schneider, Setzer, Yates, Yuko, Zehringer Senators Miller, D., Kearney, Faber, Schaffer, Amstutz, Schuler, Buehrer, Coughlin, Harris, Lehner, Padgett, Seitz, Wagoner, Sawyer

To express the commitment of the 127th Ohio General Assembly to maintain the states as the sole regulators on the business of insurance, and to express the opposition of the 127th Ohio General Assembly to any proposed law that would establish a federal insurance regulatory system.

Attest: Vincent L. Keeran,  
Clerk.

On motion of Representative DeWine, the House recessed.

The House met pursuant to recess.

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

**H.B. No. 655 - Representative Dolan**

TO ALLOW A BOARD OF COUNTY COMMISSIONERS IN A COUNTY WITH A POPULATION OF 1.2 MILLION OR MORE TO SUBMIT TO THE ELECTORS THE QUESTION OF WHETHER TO ADOPT A RESTRUCTURED FORM OF COUNTY GOVERNMENT.

To the committee on State Government and Elections

**H.J.R. No. 8 - Representative Huffman, et al**

APPLYING TO THE CONGRESS OF THE UNITED STATES PURSUANT TO ARTICLE V OF THE UNITED STATES CONSTITUTION TO CALL A CONSTITUTIONAL CONVENTION FOR PROPOSING AMENDMENTS.

To the committee on Judiciary

**S.B. No. 317 - Senator Padgett, et al**

TO ALLOW A COURT, UNDER CERTAIN CIRCUMSTANCES, TO GRANT UNACCOMPANIED DRIVING PRIVILEGES ONE TIME TO A PROBATIONARY DRIVER'S LICENSE HOLDER WHO, BECAUSE OF A MOVING VIOLATION, OTHERWISE WOULD BE SUBJECT TO A RESTRICTION THAT THE PERSON BE ACCOMPANIED BY THE HOLDER'S PARENT OR GUARDIAN.

To the committee on Infrastructure, Homeland Security and Veterans Affairs

**Sub. S.B. No. 380 - Senator Seitz, et al**

TO REQUIRE ABSENT VOTER'S BALLOT IDENTIFICATION ENVELOPE STATEMENTS TO BE COMPLETED FOR ABSENT VOTER'S BALLOTS TO BE COUNTED, TO REQUIRE BOARDS OF ELECTIONS TO NOTIFY ABSENT VOTERS THAT THEIR BALLOTS WILL BE REJECTED IF THEY DO NOT COMPLETE THE REQUIRED STATEMENT, TO GENERALLY PROHIBIT SAME DAY VOTER REGISTRATION AND APPLICATION FOR ABSENT VOTER'S BALLOTS, TO PERMIT ELECTION OBSERVERS TO BE APPOINTED TO SERVE AT THE BOARD OF ELECTIONS OR AT ANOTHER DESIGNATED SITE DURING THE TIME ABSENT VOTER'S BALLOTS MAY BE CAST IN PERSON, TO REVISE THE TIME PERIOD AND LOCATIONS IN WHICH VOTERS MAY CAST ABSENT VOTER'S BALLOTS IN PERSON, AND TO REQUIRE THE SECRETARY OF STATE TO NOTIFY BOARDS OF ELECTIONS OF MISMATCHES BETWEEN VOTER REGISTRATION INFORMATION AND MOTOR VEHICLE RECORDS.

To the committee on State Government and Elections

**S.B. No. 372 - Senator Niehaus, et al**

TO EXTEND FROM JANUARY 1, 2009, TO JANUARY 1, 2014, THE TIME BY WHICH ENVIRONMENTAL AUDITS MUST BE COMPLETED IN ORDER TO BE WITHIN THE SCOPE OF CERTAIN PRIVILEGES AND IMMUNITIES THAT APPLY TO SUCH AUDITS, AND TO DECLARE AN EMERGENCY.

To the committee on Economic Development and Environment

JON A. HUSTED  
LARRY L. FLOWERS

KEVIN DEWINE  
SHANNON JONES

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 the House Bill, House Joint

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

### MOTIONS AND RESOLUTIONS

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

**H.R. No. 298 – Representative Jones**

HONORING THE MASON HIGH SCHOOL BOYS CROSS COUNTRY TEAM AS THE 2008 DIVISION I STATE CHAMPION.

**H.R. No. 299 – Representative Goodwin**

HONORING THE VOLUNTEER CONNECTION OF NORTHWEST OHIO AS THE RECIPIENT OF THE GEORGE W. ROMNEY VOLUNTEER CENTER OF THE YEAR AWARD.

**H.R. No. 300 – Speaker Husted**

HONORING THE ARCHBISHOP ALTER HIGH SCHOOL FOOTBALL TEAM FOR WINNING THE 2008 DIVISION IV STATE CHAMPIONSHIP.

**H.R. No. 301 – Representatives Celeste, Hughes**

RECOGNIZING THE HONORABLE DEBORAH PRYCE FOR HER SERVICE AS A MEMBER OF THE U.S. HOUSE OF REPRESENTATIVES.

Add the name: Flowers

**H.R. No. 302 – Representative Zehringer**

HONORING THE MARION LOCAL HIGH SCHOOL GIRLS VOLLEYBALL TEAM ON WINNING THE 2008 DIVISION IV STATE CHAMPIONSHIP.

**H.R. No. 303 – Representative Sears**

HONORING THE SYLVANIA SOUTHVIEW HIGH SCHOOL FOOTBALL TEAM AS THE 2008 DIVISION II STATE CHAMPION.

/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 resolutions contained therein be approved.

The motion was agreed to.

On motion of Representative DeWine, the House adjourned until Wednesday, December 10, 2008 at 1:30 p.m.

Attest:

LAURA P. CLEMENS,  
Clerk.