

OHIO

House

of

Representatives

JOURNAL

WEDNESDAY, DECEMBER 10, 2008

TWO HUNDRED THIRTIETH DAY
Hall of the House of Representatives, Columbus, Ohio
Wednesday, December 10, 2008, 1:30 p.m.

The House met pursuant to adjournment.

Prayer was offered by Representative Jim McGregor-20th district, followed by the Pledge of Allegiance to the Flag.

The journal of yesterday was read and approved.

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

The Ottawa Hills High School boys soccer team received H. R. 295, presented by Representative Sears-46th district.

The Mason High School boys cross country team received H. R. 298, presented by Representative Jones-67th district.

Erica Thomas, Chris Dunlap, Alan Thederahn, Angela Dawson, Dave Huelsman, Mary Ables, Christopher Purdy, Cheryl and Dallas Bowshier, Renee Wittman, Susan Redd, Jennyfer Hammock Bushelman, Rabbi A.D. Motzen, and the Warrick Family, guests of Speaker Husted-37th district.

Carolyn Kuehnle, a guest of Representative Huffman-4th district.

Carol Prewitt, a guest of Representative Strahorn-40th district.

**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 **Am. S. B. No. 243**-Senator Schaffer, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: DESIGNATING VARIOUS OFFICIAL DAYS/OFFICIAL
FRUIT/LICENSE PLATES/MEMORIAL HIGHWAYS

DAVID DANIELS
KEVIN DEWINE
STEVE REINHARD
SHANNON JONES
MATT LUNDY
VERNON SYKES
T. TODD BOOK

CLIFF HITE
JIM CARMICHAEL
THOM COLLIER
JOHN SCHLICHTER
JOHN DOMENICK
DAN STEWART

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. 471**-Representative Setzer, et al., having had the same under consideration, reports it back with the following amendments and recommends its passage when so amended.

RE: CORONERS - DUTIES AND POWERS/PAY/CRIMINAL INVESTIGATION RECORDS - CONFIDENTIAL

Representative Lundy moved to amend as follows:

In line 13, after "313.10," insert "and"; delete ", and 325.15"

Delete lines 227 through 307

In line 308, after "313.10," insert "and"; delete ", and"

In line 309, delete "325.15"

In line 1 of the title, after "313.10," insert "and"; delete ", and 325.15"

In line 3 of the title, delete the comma and insert "and"

In line 6 of the title, delete ", and to" and insert a period

Delete lines 7 through 12 of the title

The motion was agreed to and the bill so amended.

Representative Carmichael moved to amend as follows:

In line 54, after "coroner" insert " who has jurisdiction over the case"

In line 64, delete " a" and insert " the"; delete " occurred" and insert " was pronounced"

In line 68, after "office" insert " that has jurisdiction over the case"

In line 79, delete " whose death is believed" and insert " that are confidential law enforcement investigatory records as defined in section 149.43 of the Revised Code:"

Delete lines 80 through 82

In line 88, after "office" insert " that has jurisdiction over the case"

In line 94, after "coroner" insert " who has jurisdiction over the case"

In line 126, after "coroner" insert " who has jurisdiction over the case"

In line 138, after "coroner" insert " who has jurisdiction over the case"

In line 224, delete " then" and insert " , with the approval of the prosecuting attorney"; delete " controlled substances" and insert " dangerous drugs"

In line 225, delete " controlled substances" and insert " dangerous drugs"

The motion was agreed to and the bill so amended.

Representative Carmichael moved to amend as follows:

In line 202, after "Code" insert " ;

(f) Records of a deceased individual that are confidential law enforcement investigatory records as defined in section 149.43 of the Revised Code;

(g) Laboratory reports generated from the analysis of physical evidence by the coroner's laboratory that is discoverable under Criminal Rule 16"

The motion was agreed to and the bill so amended.

- | | |
|-----------------|----------------|
| T. TODD BOOK | DAVID DANIELS |
| CLIFF HITE | KEVIN DEWINE |
| JIM CARMICHAEL | STEVE REINHARD |
| THOM COLLIER | SHANNON JONES |
| JOHN SCHLICHTER | MATT LUNDY |
| JOHN DOMENICK | VERNON SYKES |
| DAN STEWART | |

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. 634**-Representative McGregor, R., having had the same under consideration, reports it back and recommends its passage.

RE: FRAUD REPORTING SYSTEM - COMPLAINTS OF FRAUD AND MISUSE OF PUBLIC FUNDS BY PUBLIC OFFICES

Representative Daniels moved to amend the title as follows:

Add the names: "Daniels, Collier, Domenick, Jones."

- | | |
|-----------------|----------------|
| DAVID DANIELS | CLIFF HITE |
| KEVIN DEWINE | JIM CARMICHAEL |
| STEVE REINHARD | THOM COLLIER |
| JOHN SCHLICHTER | SHANNON JONES |
| MATT LUNDY | JOHN DOMENICK |
| VERNON SYKES | DAN STEWART |
| T. TODD BOOK | |

The report was agreed to.

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

Representative Okey submitted the following report:

The standing committee on Agriculture and Natural Resources to which was referred **H. B. No. 635**-Representative Gibbs, having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: REVISE CONCENTRATED ANIMAL FEEDING FACILITIES
LAW

ALLAN R. SAYRE	CLIFF HITE
BOB GIBBS	BRUCE W. GOODWIN
JEFF WAGNER	ANTHONY CORE
JIM MCGREGOR	STEVE REINHARD
JIM ASLANIDES	JOHN SCHLICHTER
DEBORAH NEWCOMB	PETER S. UJVAGI
TRACY HEARD	JAMES ZEHRINGER
MATT HUFFMAN	CLAYTON LUCKIE
SANDRA STABILE HARWOOD	MARK D. OKEY
DAN DODD	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. 648**-Representative Jones, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: LIMIT ACCESS TO PRIVATE INFORMATION

Representative Daniels moved to amend the title as follows:

Add the names: "Daniels, Hite, Collier, Domenick, Reinhard, Schlichter."

DAVID DANIELS	CLIFF HITE
KEVIN DEWINE	JIM CARMICHAEL
STEVE REINHARD	THOM COLLIER
SHANNON JONES	JOHN SCHLICHTER
MATT LUNDY	JOHN DOMENICK
VERNON SYKES	T. TODD BOOK

The following member voted "NO"

DAN STEWART

The report was agreed to.

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

MOTIONS AND RESOLUTIONS

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

H.R. No. 102 - Speaker Husted, Representatives Beatty, Adams, Aslanides, Bacon, Barrett, Batchelder, Blessing, Bolon, Book, Boyd, Brady, Brinkman, Brown, Bupp, 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., Mecklenborg, Miller, Oelslager, Okey, Otterman, Patton, Peterson, Raussen, Redfern, Reinhard, Sayre, Schindel, Schlichter, Schneider, 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 WALTER L. WHITE

/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 brought up for immediate adoption, read in full, and spread upon the pages of the journal.

The motion was agreed to.

The question being on the adoption of the resolution, reading as follows:

H. R. No. 102-Speaker Husted, Representatives Beatty, Adams, Aslanides, Bacon, Barrett, Batchelder, Blessing, Bolon, Book, Boyd, Brady, Brinkman, Brown, Bupp, 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., Mecklenborg, Miller, Oelslager, Okey, Otterman, Patton, Peterson, Raussen, Redfern, Reinhard, Sayre, Schindel, Schlichter, Schneider, 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 Walter L. White.

WHEREAS, The members of the House of Representatives of the 127th General Assembly of Ohio were deeply saddened to learn of the death of Walter L. White and extend our heartfelt condolences to his family and friends; and

WHEREAS, Walter White left an indelible impression on the people whose lives he touched, and he will be remembered as a spirited individual who contributed immeasurably to the world around him. A senior partner at the law firm of White, White, and White, he was a former assistant prosecutor in Allen County and member of the Ohio House of Representatives, Senate, and Board of Tax Appeals, and he was active with such organizations as Trinity, Wayne, and Cairo methodist churches, the National Toy Train Collectors Association, the Allen County Museum, and the local Rotary and Kwanis clubs; and

WHEREAS, Walter White's regard for improving the quality of life in our society was clearly evident in his personal sacrifices of time and effort to his family, friends, and community. Giving generously of his energy and abilities in all of his endeavors, he displayed exceptional concern and insight, and his absence will be keenly felt; and

WHEREAS, A devoted father to his six children, William, Robert, Judith, Carolyn, Patricia, and the late Beverly, and the proud grandfather of nine grandchildren and two great-grandchildren, Walter White always used his talents to the benefit of others, and the laurels of his life stand as a tribute not only to him but also to those he left behind. Although the void his death has created can never be filled, the legacy of care and commitment he established will surely live on. The world is a richer place for his having been in it, and he will be sorely missed; therefore be it

RESOLVED, That we, the members of the House of Representatives of the 127th General Assembly of Ohio, in adopting this Resolution, express a profound sense of loss and sincere regret at the death of Walter L. White and, in so doing, pay tribute to the memory of a truly unique individual; and be it further

RESOLVED, That the Clerk of the House of Representatives transmit a duly authenticated copy of this Resolution to the family of Walter L. White.

The resolution was adopted.

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

H.R. No. 151 - Speaker Husted, Representatives Beatty, Adams, Aslanides, Bacon, Barrett, Batchelder, Blessing, Bolon, Book, Boyd, Brady, Brinkman, Brown, Bubb, Budish, Carmichael, Celeste, Chandler, Coley, Collier, Combs, Core, Daniels, DeBose, DeGeeter, DeWine, Distel, Dodd, Dolan, Domenick, Driehaus, Dyer, Evans, Fende, Fessler, Flowers, Foley, Gardner, Garrison, Gerberry, Gibbs, Goodwin, Goyal, Hagan, J., Hagan, R., Harwood, Heard, Hite, Hottinger, Huffman, Hughes, Jones,

**Koziura, Letson, Luckie, Lundy, Mallory, Mandel, McGregor, J.,
McGregor, R., Mecklenborg, Miller, Oelslager, Okey, Otterman, J.,
Patton, Peterson, Raussen, Redfern, Reinhard, Sayre, Schindel,
Schlichter, Schneider, Sears, Setzer, Skindell, Slesnick, Stebelton,
Stewart, D., Stewart, J., Strahorn, Sykes, Szollosi, Uecker, Ujvagi,
Wachtmann, Wagner, Webster, White, Widener, Widowfield, Williams,
B., Williams, S., Wolpert, Yates, Yuko, Zehringer**
IN MEMORY OF HOWARD M. METZENBAUM.

/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 brought up for immediate adoption, read in full, and spread upon the pages of the journal.

The motion was agreed to.

The question being on the adoption of the resolution, reading as follows:

H. R. No. 151-Speaker Husted, Representatives Beatty, Adams, Aslanides, Bacon, Barrett, Batchelder, Blessing, Bolon, Book, Boyd, Brady, Brinkman, Brown, Bupp, Budish, Carmichael, Celeste, Chandler, Coley, Collier, Combs, Core, Daniels, DeBose, DeGeeter, DeWine, Distel, Dodd, Dolan, Domenick, Driehaus, Dyer, Evans, Fende, Fessler, Flowers, Foley, Gardner, Garrison, Gerberry, Gibbs, Goodwin, Goyal, Hagan, J., Hagan, R., Harwood, Heard, Hite, Hottinger, Huffman, Hughes, Jones, Koziura, Letson, Luckie, Lundy, Mallory, Mandel, McGregor, J., McGregor, R., Mecklenborg, Miller, Oelslager, Okey, Otterman, J., Patton, Peterson, Raussen, Redfern, Reinhard, Sayre, Schindel, Schlichter, Schneider, Sears, Setzer, Skindell, Slesnick, Stebelton, Stewart, D., Stewart, J., Strahorn, Sykes, Szollosi, Uecker, Ujvagi, Wachtmann, Wagner, Webster, White, Widener, Widowfield, Williams, B., Williams, S., Wolpert, Yates, Yuko, Zehringer.

In memory of Howard M. Metzenbaum.

WHEREAS, The members of the House of Representatives of the 127th General Assembly of Ohio were deeply saddened to learn of the death of Howard M. Metzenbaum and extend our heartfelt condolences to his family and friends; and

WHEREAS, Howard Metzenbaum left an indelible impression on the people whose lives he touched, and he will be remembered as a spirited individual who contributed immeasurably to the world around him. A lawyer and an astute businessman, he operated twenty-three storefront tax preparation offices before serving in the Ohio House of Representatives from 1943 through 1946 and in the Ohio Senate from 1947 through 1950. The co-founder of the Airport Parking Company of America and past president of the Consumer

Federation of America, he was appointed to fill an unexpired term in the United States Senate in 1973 and was reelected to three terms in 1976, 1982, and 1988, becoming known for leading filibusters and playing leading roles in passing bills requiring nutrition labels on processed foods and banning semi-automatic weapons; and

WHEREAS, Also active with the American Cancer Society, Cystic Fibrosis Foundation, and Northern Ohio Children's Performing Music Foundation, Inc., Howard Metzenbaum displayed a regard for improving the quality of life in our society that was clearly evident in his personal sacrifices of time and effort to his family, friends, and community. Giving generously of his energy and abilities in all of his endeavors, he demonstrated exceptional concern and insight, and his absence will be keenly felt; and

WHEREAS, A loving husband to his wife, Shirley, and a devoted father to his four daughters, Barbara, Susan, Shelley, and Amy, Howard Metzenbaum always used his talents to the benefit of others, and the laurels of his life stand as a tribute not only to him but also to those he left behind. Although the void his death has created can never be filled, the legacy of care and commitment he established will surely live on. The world is a richer place for his having been in it, and he will be sorely missed; therefore be it

RESOLVED, That we, the members of the House of Representatives of the 127th General Assembly of Ohio, in adopting this Resolution, express a profound sense of loss and sincere regret at the death of Howard M. Metzenbaum and, in so doing, pay tribute to the memory of a truly unique individual; and be it further

RESOLVED, That the Clerk of the House of Representatives transmit a duly authenticated copy of this Resolution to the family of Howard M. Metzenbaum.

The resolution was adopted.

Representative Schneider moved that majority party members asking leave to be absent or absent the week of Tuesday, December 9, 2008, be excused, so long as a written request is on file in the majority leadership offices.

The motion was agreed to.

Representative Strahorn moved that minority party members asking leave to be absent or absent the week of Tuesday, December 9, 2008, 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. 648-Representative Jones.

Cosponsors: Representatives Batchelder, Hottinger, Stebelton, Bulp, Nero, Grady, Setzer, Adams, Schindel, Wachtmann, Gardner, Widener, Brinkman, Zehringer, Uecker, Mecklenborg, Wagner, McGregor, R., McGregor, J., Combs, Sears, Goodwin, Daniels, Hite, Collier, Domenick, Reinhard, Schlichter.

To amend section 1347.99 and to enact sections 1347.15 and 5703.211 of the Revised Code to require state agencies to adopt rules governing access to the confidential personal information that they keep, to create a civil action for harm resulting from an intentional violation of these rules, to impose a criminal penalty for such an intentional violation, and to require the Department of Taxation to adopt rules to require the tracking of searches of any of the Department's databases, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 69, nays 26, as follows:

Those who voted in the affirmative were: Representatives

Adams	Aslanides	Bacon	Batchelder
Blessing	Bolon	Book	Brinkman
Bulp	Carmichael	Chandler	Ciafardini
Coley	Collier	Combs	Core
Daniels	DeWine	Dodd	Dolan
Domenick	Dyer	Evans	Fende
Flowers	Gardner	Garrison	Gibbs
Goodwin	Grady	Hagan J.	Harwood
Hite	Hottinger	Huffman	Hughes
Jones	Lundy	Mandel	McGregor J.
McGregor R.	Mecklenborg	Nero	Newcomb
Oelslager	Okey	Otterman J.	Peterson
Reinhard	Sayre	Schindel	Schlichter
Schneider	Sears	Setzer	Stebelton
Stewart J.	Strahorn	Uecker	Ujvagi
Wachtmann	Wagner	Webster	White
Widener	Williams B.	Wolpert	Zehringer
			Husted-69.

Those who voted in the negative were: Representatives

Beatty	Boyd	Brady	Budish
Celeste	DeBose	DeGeeter	Driehaus
Foley	Gerberry	Goyal	Hagan R.
Heard	Koziura	Letson	Luckie
Mallory	Miller	Redfern	Slesnick
Stewart D.	Sykes	Szollosi	Williams S.
Yates			Yuko-26.

The bill passed.

Representative Jones moved to amend the title as follows:

Add the names: "Aslanides, Bacon, Blessing, Carmichael, Ciafardini, Coley, Core, DeWine, Dolan, Evans, Flowers, Gibbs, Hagan, J., Huffman, Hughes, Schneider, Stewart, J., Webster, White, Wolpert."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Sub. S. B. No. 57-Senator Coughlin.

Cosponsors: Senators Mumper, Buehrer, Goodman, Harris, Cates.
Representatives Setzer, Peterson, Schlichter, Webster.

To amend sections 109.57, 109.572, 3301.0714, 3317.022, 3317.03, 4776.01, and 5727.84 and to enact sections 3310.51, 3310.52, 3310.521, 3310.53 to 3310.64, and 3323.052 of the Revised Code and to amend Section 3 of Am. Sub. H.B. 79 of the 126th General Assembly to create the Special Education Scholarship Pilot Program and to extend the deadline for the Partnership for Continued Learning to submit a report on community schools and the Educational Choice Scholarship Pilot Program, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Gardner moved to amend as follows:

In line 13, delete everything before "4776.01" and insert "and"; delete ", and 5727.84"

In line 14, delete "3310.54, 3310.55,"

In line 1361, delete everything after " (C)"

Delete lines 1362 and 1363

In line 1364, delete " (D)"

In line 1367, delete " (E)" and insert " (D)"

In line 1398, delete " (F)" and insert " (E)"

In line 1401, delete " (G)" and insert " (F)"; delete " ADM" and "formula"; delete " have" and insert " has"; delete " meanings" and insert " meaning"

In line 1403, delete " (H)" and insert " (G)"

In line 1428, delete " (I)" and insert " (H)"

In line 1432, delete " (J)" and insert " (I)"

In line 1435, delete " (K)" and insert " (J)"

In line 1440, delete " (L)" and insert " (K)"

In line 1442, delete " (M)" and insert " (L)"

Delete lines 1536 through 1553

Delete lines 1732 through 2725

Delete lines 2789 through 3062

In line 3064, delete everything before "4776.01" and insert "and"; delete ", and 5727.84"

In line 2 of the title, delete everything before "4776.01" and insert "and"; delete ", and 5727.84"

In line 3 of the title, after "3310.53" insert ", 3310.56"

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

The yeas and nays were taken and resulted - yeas 51, nays 44, as follows:

Those who voted in the affirmative were: Representatives

Adams	Aslanides	Bacon	Batchelder
Blessing	Brinkman	Bubp	Carmichael
Ciafardini	Coley	Collier	Combs
Core	Daniels	DeWine	Dolan
Evans	Flowers	Gardner	Gibbs
Goodwin	Grady	Hagan J.	Hite
Hottinger	Huffman	Hughes	Jones
Mandel	McGregor J.	McGregor R.	Mecklenborg
Nero	Peterson	Reinhard	Schindel
Schlichter	Schneider	Sears	Setzer
Stebelton	Stewart J.	Uecker	Wachtmann
Wagner	Webster	White	Widener
Wolpert	Zehringer		Husted-51.

Those who voted in the negative were: Representatives

Beatty	Bolon	Book	Boyd
Brady	Budish	Celeste	Chandler
DeBose	DeGeeter	Dodd	Domenick
Driehaus	Dyer	Fende	Foley
Garrison	Gerberry	Goyal	Hagan R.
Harwood	Heard	Koziura	Letson
Luckie	Lundy	Mallory	Miller
Newcomb	Oelslager	Okey	Otterman J.
Redfern	Sayre	Slesnick	Stewart D.
Strahorn	Sykes	Szollosi	Ujvagi
Williams B.	Williams S.	Yates	Yuko-44.

The motion was agreed to and the bill so amended.

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

The yeas and nays were taken and resulted - yeas 49, nays 44, as follows:

Those who voted in the affirmative were: Representatives

Adams	Aslanides	Bacon	Batchelder
Blessing	Brinkman	Bubp	Carmichael
Ciafardini	Coley	Collier	Combs
Core	Daniels	DeWine	Dolan
Evans	Flowers	Gardner	Gibbs
Grady	Hagan J.	Hite	Hottinger
Huffman	Jones	Mandel	McGregor J.
McGregor R.	Mecklenborg	Nero	Peterson
Reinhard	Schindel	Schlichter	Schneider
Sears	Setzer	Stebelton	Stewart J.
Uecker	Wachtmann	Wagner	Webster
White	Widener	Wolpert	Zehringer
			Husted-49.

Those who voted in the negative were: Representatives

Beatty	Bolon	Book	Boyd
Brady	Budish	Celeste	Chandler
DeBose	DeGeeter	Dodd	Domenick
Driehaus	Dyer	Fende	Foley
Garrison	Gerberry	Goyal	Hagan R.
Harwood	Heard	Hughes	Koziura
Letson	Luckie	Lundy	Mallory
Miller	Newcomb	Oelslager	Okey
Otterman J.	Redfern	Sayre	Slesnick
Stewart D.	Strahorn	Sykes	Szollosi
Williams B.	Williams S.	Yates	Yuko-44.

The bill not having received the required constitutional majority, failed of passage.

On motion of Representative DeWine, the House recessed.

The House met pursuant to recess.

Representative DeWine moved that House Rule 66, pertaining to bills being placed on the calendar, be suspended and that **Sub. H. B. No.**

635-Representative Gibbs be taken up for immediate consideration the third time.

The motion was agreed to without objection.

Sub. H. B. No. 635-Representative Gibbs.

To amend sections 903.01, 903.02, 903.03, 903.04, 903.05, 903.06, 903.07, 903.08, 903.081, 903.082, 903.09, 903.10, 903.15, 903.16, 903.17, and 6111.03 of the Revised Code to revise the Concentrated Animal Feeding Facilities Law, and to declare an emergency, was taken up for consideration the third time.

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

The yeas and nays were taken and resulted - yeas 90, nays 4, as follows:

Those who voted in the affirmative were: Representatives

Adams	Aslanides	Bacon	Beatty
Blessing	Bolon	Book	Boyd
Brady	Bubp	Budish	Carmichael
Celeste	Chandler	Ciafardini	Coley
Collier	Combs	Core	Daniels
DeBose	DeGeeter	DeWine	Dodd
Dolan	Domenick	Driehaus	Dyer
Evans	Fende	Flowers	Foley
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.	Strahorn	Sykes	Szollosi
Uecker	Ujvagi	Wachtmann	Wagner
Webster	White	Widener	Williams B.
Williams S.	Wolpert	Yates	Yuko
Zehringer			Husted-90.

Representatives Batchelder, Brinkman, Gardner, and Redfern voted in the negative-4.

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?"

Representative Flowers moved to amend as follows:

In line 1292, delete everything after " (8)"

Delete lines 1293 through 1295

In line 1296, delete " (9)"

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

The yeas and nays were taken and resulted - yeas 76, nays 19, as follows:

Those who voted in the affirmative were: Representatives

Adams	Aslanides	Bacon	Batchelder
Beatty	Blessing	Bolon	Book
Brady	Brinkman	Bubp	Carmichael
Celeste	Ciafardini	Coley	Collier
Combs	Core	Daniels	DeBose
DeWine	Dodd	Dolan	Domenick
Dyer	Evans	Fende	Flowers

Gardner	Garrison	Gibbs	Goodwin
Grady	Hagan J.	Harwood	Heard
Hite	Hottinger	Huffman	Hughes
Jones	Koziura	Lundy	Mallory
Mandel	McGregor R.	Mecklenborg	Miller
Nero	Oelslager	Okey	Otterman J.
Peterson	Reinhard	Schindel	Schlichter
Schneider	Sears	Setzer	Slesnick
Stebelton	Stewart D.	Stewart J.	Sykes
Uecker	Wachtmann	Wagner	Webster
White	Widener	Williams B.	Williams S.
Wolpert	Yuko	Zehringer	Husted-76.

Those who voted in the negative were: Representatives

Boyd	Budish	Chandler	DeGeeter
Driehaus	Foley	Gerberry	Goyal
Hagan R.	Letson	Luckie	McGregor J.
Newcomb	Redfern	Sayre	Strahorn
Szollosi	Ujvagi		Yates-19.

The motion was agreed to and the bill so amended.

The question being, "Shall the bill pass as an emergency measure?"

The yeas and nays were taken and resulted - yeas 95, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Adams	Aslanides	Bacon	Batchelder
Beatty	Blessing	Bolon	Book
Boyd	Brady	Brinkman	Bubp
Budish	Carmichael	Celeste	Chandler
Ciafardini	Coley	Collier	Combs
Core	Daniels	DeBose	DeGeeter
DeWine	Dodd	Dolan	Domenick
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	Redfern	Reinhard
Sayre	Schindel	Schlichter	Schneider
Sears	Setzer	Slesnick	Stebelton
Stewart D.	Stewart J.	Strahorn	Sykes
Szollosi	Uecker	Ujvagi	Wachtmann
Wagner	Webster	White	Widener
Williams B.	Williams S.	Wolpert	Yates
Yuko	Zehringer		Husted-95.

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

Representative Gibbs moved to amend the title as follows:

Add the names: "Adams, Aslanides, Bacon, Batchelder, Coley, Combs, Evans, Flowers, Grady, Hughes, McGregor, J., Newcomb, Schneider, Uecker, Wachtmann, Webster, Zehringer."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Representative DeWine moved that House Rule 66, pertaining to bills being placed on the calendar, be suspended and that **Am. H. B. No. 471**-Representative Setzer, et al. be taken up for immediate consideration the third time.

The motion was agreed to without objection.

Am. H. B. No. 471-Representative Setzer.
Cosponsors: Representatives Gibbs, Combs.

To amend sections 313.05, 313.10, and 313.16, and to enact section 313.211 of the Revised Code to change certain powers and duties of coroners and to specify that certain records of a decedent relating to the criminal investigation of the decedent's death are not public records, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 95, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Adams	Aslanides	Bacon	Batchelder
Beatty	Blessing	Bolon	Book
Boyd	Brady	Brinkman	Bubp
Budish	Carmichael	Celeste	Chandler
Ciafardini	Coley	Collier	Combs
Core	Daniels	DeBose	DeGeeter
DeWine	Dodd	Dolan	Domenick
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	Redfern	Reinhard
Sayre	Schindel	Schlichter	Schneider
Sears	Setzer	Slesnick	Stebelton
Stewart D.	Stewart J.	Strahorn	Sykes

Szollosi	Uecker	Ujvagi	Wachtmann
Wagner	Webster	White	Widener
Williams B.	Williams S.	Wolpert	Yates
Yuko	Zehringer		Husted-95.

The bill passed.

Representative Setzer moved to amend the title as follows:

Add the names: "Bacon, Domenick, Dyer, Evans, Flowers, Grady, Hughes, Letson, Schneider."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Representative DeWine moved that House Rule 66, pertaining to bills being placed on the calendar, be suspended and that **Sub. S. B. No. 243**-Senator Schaffer, et al. be taken up for immediate consideration the third time.

The motion was agreed to without objection.

Sub. S. B. No. 243-Senator Schaffer.

Cosponsors: Senators Gardner, Jacobson, Boccieri, Carey, Harris, Seitz, Smith, Goodman, Faber, Cates, Grendell, Niehaus, Buehrer, Fedor, Mumper, Spada, Wagoner, Wilson.

To amend section 4503.53 and to enact sections 5.081, 5.082, 5.2241, 5.2242, 5.2243, 5.2244, 5.2245, 5.2246, 5.2247, 5.2248, 5.2249, 5.2250, 5.2251, 5.2252, 5.2253, 5.2254, 5.2255, 5.2256, 5.2257, 5.2258, 5.2259, 5.2260, 5.2261, 5.2262, 5.2263, 5.2264, 4503.481, 4503.494, 4503.496, 4503.513, 4503.531, 4503.762, 4503.92, 5533.051, 5533.092, 5533.101, 5533.251, 5533.351, 5533.352, 5533.354, 5533.601, 5533.604, 5533.605, 5533.681, 5533.682, 5533.683, 5533.684, and 5533.92 of the Revised Code to designate various official days, weeks, and months, to designate the tomato as the official state fruit, to designate the pawpaw as the official state native fruit, to create certain special license plates, and to designate certain memorial highways and bridges, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 95, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Adams	Aslanides	Bacon	Batchelder
Beatty	Blessing	Bolon	Book
Boyd	Brady	Brinkman	Bubp
Budish	Carmichael	Celeste	Chandler
Ciafardini	Coley	Collier	Combs
Core	Daniels	DeBose	DeGeeter

DeWine	Dodd	Dolan	Domenick
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	Redfern	Reinhard
Sayre	Schindel	Schlichter	Schneider
Sears	Setzer	Slesnick	Stebelton
Stewart D.	Stewart J.	Strahorn	Sykes
Szollosi	Uecker	Ujvagi	Wachtmann
Wagner	Webster	White	Widener
Williams B.	Williams S.	Wolpert	Yates
Yuko	Zehringer		Husted-95.

The bill passed.

Representative Schlichter moved to amend the title as follows:

Add the names: "Representatives Bacon, Batchelder, Book, Brady, Bulp, Chandler, Combs, DeBose, DeGeeter, Domenick, Evans, Fende, Flowers, Gerberry, Gibbs, Goyal, Grady, Harwood, Hite, Hughes, Letson, Luckie, Mallory, McGregor, J., Miller, Nero, Peterson, Schindel, Schlichter, Slesnick, Stebelton, Stewart, J., Uecker, Wachtmann, Yates, 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 passed the following bills in which the concurrence of the House is requested:

Sub. S. B. No. 353 -Senator Spada

Cosponsors: Senators Harris, Mason, Miller, D., Roberts, Smith, Seitz, Cates, Fedor, Wagoner, Bocchieri, Cafaro, Grendell, Lehner, Morano, Sawyer, Schuler, Turner, Wilson, Miller, R., Patton

To amend sections 135.341, 135.35, 135.351, 307.01, 307.07, 307.09, 307.10, 307.12, 307.64, 307.698, 307.78, 307.806, 307.846, 319.20, 319.201, 319.30, 319.43, 319.45, 319.54, 321.24, 321.261, 321.34, 323.121, 323.132, 323.15, 323.25, 323.26, 323.28, 323.31, 323.47, 323.49, 323.50, 323.65, 323.66, 323.67, 323.68, 323.69, 323.70, 323.71, 323.72, 323.73, 323.74, 323.75, 323.76, 323.77, 323.78, 715.26, 715.261, 1724.01, 1724.02, 1724.04,

1724.05, 1724.07, 1724.10, 1724.11, 5705.05, 5705.19, 5709.12, 5721.01, 5721.011, 5721.03, 5721.06, 5721.10, 5721.11, 5721.18, 5721.19, 5721.191, 5721.20, 5721.25, 5721.30, 5721.31, 5721.32, 5721.33, 5721.36, 5721.37, 5721.38, 5721.39, 5721.40, 5721.43, 5722.01, 5722.02, 5722.03, 5722.04, 5722.06, 5722.07, 5722.08, 5722.09, 5722.10, 5722.13, 5722.14, 5722.15, 5722.21, 5723.01, 5723.03, 5723.04, 5723.08, 5723.11, 5723.12, and 5723.18, to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 321.341 (321.342) and 323.78 (323.79), to enact new sections 321.341 and 323.78 and sections 133.082, 307.781, 321.263, 321.36, 1724.03, 4582.07, 4582.08, 4582.09, 4582.32, 4582.33, 4582.34, and 5722.22 of the Revised Code to authorize the creation of land reutilization corporations to facilitate the reclamation, rehabilitation, and reutilization of vacant, abandoned, tax-foreclosed, or other real property, to revise the expedited, nonjudicial foreclosure procedure for abandoned lands, and to require port authorities to adopt plans of improvement.

Sub. S. B. No. 370 -Senator Seitz

Cosponsors: Senators Buehrer, Cates, Goodman, Harris, Schaffer, Stivers, Amstutz, Schuler

To enact sections 2307.951, 2307.952, 2307.953, and 2307.954 of the Revised Code to require claimants in asbestos tort actions to make certain disclosures pertaining to asbestos trust claims that have been submitted to asbestos trust entities for the purpose of compensating the claimant for asbestos exposure.

S. B. No. 386 -Senator Grendell

Cosponsors: Senators Wilson, Carey, Cafaro, Padgett, Schaffer, Seitz, Niehaus, Austria, Harris, Patton, Schuler

To amend sections 1513.02, 1513.07, 1513.181, 1513.99, 3745.114, 6111.03, 6111.035, 6111.04, 6111.30, and 6111.44 and to enact sections 1513.50 to 1513.59 of the Revised Code to transfer authority to issue section 401 water quality certifications, installation permits for disposal systems, and NPDES permits with respect to coal mining and reclamation operations from the Director of Environmental Protection to the Chief of the Division of Mineral Resources Management in the Department of Natural Resources and to provide for the timely issuance of coal mining and reclamation permits, and to amend the versions of sections 6111.04 and 6111.44 of the Revised Code that are scheduled to take effect July 1, 2009, to continue the provisions of this act on and after that effective date.

Attest:

Vincent L. Keeran,
Clerk.

Said bills were considered the first time.

Message from the Speaker

Pursuant to House Rules 13, 28, and 30, the Speaker hereby makes the following change to the House Infrastructure, Homeland Security and Veterans Affairs committee:

Remove Representatives Widowfield and Fessler, appoint Representatives Bubp (Vice Chair) and Schlichter.

On motion of Representative DeWine, the House recessed.

The House met pursuant to recess.

Representative Core moved that the House revert to the fifth order of business, being reports of standing and select committees and bills for second consideration.

The motion was agreed to.

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

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

H.B. No. 653 - Representative Ujvagi

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.

To the committee on Infrastructure, Homeland Security and Veterans Affairs

H.B. No. 654 - Representative Luckie, et al

TO PERMIT A SCHOOL DISTRICT TO SURRENDER THE TRANSPORTATION OF ITS RESIDENT HIGH SCHOOL STUDENTS ATTENDING COMMUNITY SCHOOLS TO THOSE COMMUNITY SCHOOLS.

To the committee on Education

Sub. S.B. No. 353 - Senator Spada, et al

TO AUTHORIZE THE CREATION OF LAND REUTILIZATION

CORPORATIONS TO FACILITATE THE RECLAMATION, REHABILITATION, AND REUTILIZATION OF VACANT, ABANDONED, TAX-FORECLOSED, OR OTHER REAL PROPERTY, TO REVISE THE EXPEDITED, NONJUDICIAL FORECLOSURE PROCEDURE FOR ABANDONED LANDS, AND TO REQUIRE PORT AUTHORITIES TO ADOPT PLANS OF IMPROVEMENT.

To the committee on Ways and Means

Sub. S.B. No. 370 - Senator Seitz, et al

TO REQUIRE CLAIMANTS IN ASBESTOS TORT ACTIONS TO MAKE CERTAIN DISCLOSURES PERTAINING TO ASBESTOS TRUST CLAIMS THAT HAVE BEEN SUBMITTED TO ASBESTOS TRUST ENTITIES FOR THE PURPOSE OF COMPENSATING THE CLAIMANT FOR ASBESTOS EXPOSURE.

To the committee on Judiciary

S.B. No. 386 - Senator Grendell, et al

TO TRANSFER AUTHORITY TO ISSUE SECTION 401 WATER QUALITY CERTIFICATIONS, INSTALLATION PERMITS FOR DISPOSAL SYSTEMS, AND NPDES PERMITS WITH RESPECT TO COAL MINING AND RECLAMATION OPERATIONS FROM THE DIRECTOR OF ENVIRONMENTAL PROTECTION TO THE CHIEF OF THE DIVISION OF MINERAL RESOURCES MANAGEMENT IN THE DEPARTMENT OF NATURAL RESOURCES AND TO PROVIDE FOR THE TIMELY ISSUANCE OF COAL MINING AND RECLAMATION PERMITS, AND TO AMEND THE VERSIONS OF SECTIONS 6111.04 AND 6111.44 OF THE REVISED CODE THAT ARE SCHEDULED TO TAKE EFFECT JULY 1, 2009, TO CONTINUE THE PROVISIONS OF THIS ACT ON AND AFTER THAT EFFECTIVE DATE.

To the committee on Agriculture and Natural Resources

JON A. HUSTED
LARRY L. FLOWERS
JOYCE BEATTY

KEVIN DEWINE
SHANNON JONES
JOSEPH KOZIURA

Representative Core 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 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 Bills and Senate 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. 51 – Representatives Dyer, Brown, Evans, Williams, B., Yuko, Nero, Chandler, Mallory

TO DESIGNATE OHIO VIETNAM VETERANS' MEMORIAL PARK IN THE VILLAGE OF CLINTON, COUNTY OF SUMMIT, OHIO, AS THE HOME OF THE OHIO VIETNAM VETERANS' MEMORIAL PARK FOR THE ENTIRE STATE OF OHIO.

To the committee on State Government and Elections

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

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

H.R. No. 304 – Representative Skindell

HONORING THE ST. IGNATIUS HIGH SCHOOL FOOTBALL TEAM FOR WINNING THE 2008 DIVISION I STATE CHAMPIONSHIP.

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

Representative Core 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 Core, the House adjourned until Thursday, December 11, 2008 at 11:00 o'clock a.m.

Attest:

LAURA P. CLEMENS,
Clerk.