

**OHIO**

**House**

**of**

**Representatives**

**JOURNAL**

WEDNESDAY, DECEMBER 12, 2007

ONE HUNDRED EIGHTEENTH DAY  
Hall of the House of Representatives, Columbus, Ohio  
**Wednesday, December 12, 2007, 1:30 p.m.**

The House met pursuant to adjournment.

Prayer was offered by Pastor Tim Mueller of the Ascension Lutheran Church in Columbus, Ohio, 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 Mother of Mercy High School girls volleyball team received H.R. No. 105, presented by Representative Driehaus-31st district.

Roberta Camp received H.R. 93, presented by Representative Wolpert-23rd district.

Gold Star Families

Dick and Crystal Stull, guests of Representative Carmichael-3rd district.

Members of the Lima-Allen County Chamber of Commerce, guests of Representative Huffman-4th district.

Jay Griffith and Brad Haas, guests of Representative Latta-6th district.

Dan Foley, brother of Representative Foley-14th district.

John Otterman, son of Representative Otterman-45th district.

Grethen Creeger, Meg Lent, Kristina Ronneberg, Kimberly Hampton, and Diane Salvador, guests of Representative Ujvagi-47th district.

Bob and Patrick Cassenhiser, guests of Representative J. Hagan-50th district.

Andrew Mackey, a guest of Representative Harwood-65th district.

Mark Wachtmann, a guest of Representative Wachtmann-75th district.

Members of the National Honor Societies of Hardin County Schools, guests of Representative Hite-76th district.

Dave Sauber and Ben Nutter, guests of Representatives Wagner-81st district and Barrett-58th district.

Ryan Johnson, a guest of Representative Dolan-98th district.

**INTRODUCTION OF BILLS**

The following bills were introduced:

**H. B. No. 413**-Representative Ujvagi.

Cosponsors: Representatives Flowers, McGregor, J., Luckie, Yuko, Evans.

To amend sections 2105.35, 2108.07, and 2108.30 of the Revised Code to authorize registered nurses to determine and pronounce death.

**H. B. No. 414**-Representative Latta.

Cosponsors: Representatives McGregor, J., Hughes, Evans, Setzer, Goodwin, Webster, Combs, Jones, Collier, Fende.

To amend section 2919.251 of the Revised Code to modify when a defendant who is accused of committing an offense of violence against a family or household member must personally appear for the setting of bail.

Said bills were considered the first time.

**REPORTS OF CONFERENCE COMMITTEES**

Representative Adams submitted the following report:

The Committee of Conference, to which the matters of difference between the two houses were referred on Am. Sub. S.B. 155, Senator Faber-et al., having had the same under consideration, recommends to the respective houses as follows:

The bill as passed by the House with the following amendments:

In line 23, delete "2903.13, and 2903.21" and insert "and 3521.03"

Delete lines 2076 through 2246 and insert:

**"Sec. 3521.03.** When a vacancy in the office of representative to congress occurs, the governor, upon satisfactory information thereof, shall issue a writ of election directing that a special election be held to fill such vacancy in the territory entitled to fill it on a day specified in the writ. Such writ shall be directed to the board of elections within such territory which shall give notice of the time and places of holding such election as provided in section 3501.03 of the Revised Code. Such election shall be held and conducted and returns thereof made as in case of a regular state election. The state shall pay all costs of any special election held under this section."

In line 2248, delete "2903.13, and 2903.21" and insert "and 3521.03"

In line 2250, after "**Section 3.**" insert "That Section 249.10 of Am. Sub. H.B. 119 of the 127th General Assembly be amended to read as follows:

**Sec. 249.10. CEB CONTROLLING BOARD**

**General Revenue Fund**

GRF 911-404	Mandate Assistance	\$	650,000	\$	650,000
GRF 911-441	Ballot Advertising Costs	<del>\$300,000</del>	<u>1,400,000</u>	\$	300,000
TOTAL GRF General Revenue Fund		<del>\$950,000</del>	<u>2,050,000</u>	\$	950,000
TOTAL ALL BUDGET FUND GROUPS		<del>\$950,000</del>	<u>2,050,000</u>	\$	950,000

DISASTER SERVICES FUND TRANSFERS TO THE EMERGENCY  
PURPOSES/CONTINGENCIES APPROPRIATION LINE ITEM

Notwithstanding any other provision of law to the contrary, the Director of Budget and Management may, with Controlling Board approval, transfer up to \$4,000,000 in cash, in each of fiscal years 2008 and 2009, from the Disaster Services Fund (Fund 5E2) to the General Revenue Fund. Upon completion of the transfer, the Director of Budget and Management shall appropriate the transferred amount to appropriation item 911-401, Emergency Purposes/Contingencies. The Controlling Board may, at the request of any state agency or the Director of Budget and Management, transfer all or part of the appropriation in appropriation item 911-401, Emergency Purposes/Contingencies, for the purpose of providing disaster and emergency situation aid to state agencies and political subdivisions in the event of disasters and emergency situations or for the other purposes noted in this section, including, but not limited to, costs related to the disturbance that occurred on April 11, 1993, at the Southern Ohio Correctional Facility in Lucasville, Ohio.

FEDERAL SHARE

In transferring appropriations to or from appropriation items that have federal shares identified in ~~this act~~ Am. Sub. H.B. 119 of the 127th General Assembly, the Controlling Board shall add or subtract corresponding amounts of federal matching funds at the percentages indicated by the state and federal division of the appropriations in ~~this act~~ Am. Sub. H.B. 119 of the 127th General Assembly. Such changes are hereby appropriated.

DISASTER ASSISTANCE

Pursuant to requests submitted by the Department of Public Safety, the Controlling Board may approve transfers from appropriation item 911-401, Emergency Purposes/Contingencies, to Department of Public Safety appropriation items to provide funding for assistance to political subdivisions and individuals made necessary by natural disasters or emergencies. Such transfers may be requested and approved prior to or following the occurrence of any specific natural disasters or emergencies in order to facilitate the provision of timely assistance.

DISASTER SERVICES

Pursuant to requests submitted by the Department of Public Safety, the Controlling Board may approve transfers from the Disaster Services Fund (5E2) to a Department of Public Safety fund and appropriation item to provide for assistance to political subdivisions made necessary by natural disasters or emergencies. These transfers may be requested and approved prior to the occurrence of any specific natural disasters or emergencies in order to facilitate the provision of timely assistance. The Emergency Management Agency of the Department of Public Safety shall use the funding to fund the State Disaster Relief Program for disasters that have been declared by the Governor, and the State Individual Assistance Program for disasters that have been declared by the

Governor and the federal Small Business Administration. The Ohio Emergency Management Agency shall publish and make available application packets outlining procedures for the State Disaster Relief Program and the State Individual Assistance Program.

The Disaster Services Fund (5E2) shall be used by the Controlling Board, pursuant to requests submitted by state agencies, to transfer cash and appropriation authority to any fund and appropriation item for the payment of state agency disaster relief program expenses for disasters declared by the Governor, if the Director of Budget and Management determines that sufficient funds exist.

The unencumbered balance of the Disaster Services Fund (5E2) at the end of fiscal year 2008 is transferred to fiscal year 2009 for use for the same purposes as in fiscal year 2009.

**SOUTHERN OHIO CORRECTIONAL FACILITY COST**

The Division of Criminal Justice Services in the Department of Public Safety and the Public Defender Commission may each request, upon approval of the Director of Budget and Management, additional funds from appropriation item 911-401, Emergency Purposes/Contingencies, for costs related to the disturbance that occurred on April 11, 1993, at the Southern Ohio Correctional Facility in Lucasville, Ohio.

**MANDATE ASSISTANCE**

(A) The foregoing appropriation item 911-404, Mandate Assistance, shall be used to provide financial assistance to local units of government and school districts for the cost of the following two state mandates:

(1) The cost to county prosecutors for prosecuting certain felonies that occur on the grounds of state institutions operated by the Department of Rehabilitation and Correction and the Department of Youth Services;

(2) The cost to school districts of in-service training for child abuse detection.

(B) The Division of Criminal Justice Services in the Department of Public Safety and the Department of Education may prepare and submit to the Controlling Board one or more requests to transfer appropriations from appropriation item 911-404, Mandate Assistance. The state agencies charged with this administrative responsibility are listed below, as well as the estimated annual amounts that may be used for each program of state financial assistance.

PROGRAM	ADMINISTERING AGENCY	ESTIMATED ANNUAL AMOUNT
Prosecution Costs	Division of Criminal Justice Services	\$150,000
Child Abuse Detection Training Costs	Department of Education	\$500,000

(C) Subject to the total amount appropriated in each fiscal year for

appropriation item 911-404, Mandate Assistance, the Division of Criminal Justice Services in the Department of Public Safety and the Department of Education may request from the Controlling Board that amounts smaller or larger than these estimated annual amounts be transferred to each program.

(D) In addition to making the initial transfers requested by the Division of Criminal Justice Services in the Department of Public Safety and the Department of Education, the Controlling Board may transfer appropriations received by a state agency under this section back to appropriation item 911-404, Mandate Assistance, or to the other program of state financial assistance identified under this section.

(E) It is expected that not all costs incurred by local units of government and school districts under each of the two programs of state financial assistance identified in this section will be fully reimbursed by the state. Reimbursement levels may vary by program and shall be based on: the relationship between the appropriation transfers requested by the Division of Criminal Justice Services in the Department of Public Safety and the Department of Education and provided by the Controlling Board for each of the programs; the rules and procedures established for each program by the administering state agency; and the actual costs incurred by local units of government and school districts.

(F) Each of these programs of state financial assistance shall be carried out as follows:

(1) PROSECUTION COSTS

(a) Appropriations may be transferred to the Division of Criminal Justice Services in the Department of Public Safety to cover local prosecution costs for aggravated murder, murder, felonies of the first degree, and felonies of the second degree that occur on the grounds of institutions operated by the Department of Rehabilitation and Correction and the Department of Youth Services.

(b) Upon a delinquency filing in juvenile court or the return of an indictment for aggravated murder, murder, or any felony of the first or second degree that was committed at a Department of Youth Services or a Department of Rehabilitation and Correction institution, the affected county may, in accordance with rules that the Division of Criminal Justice Services in the Department of Public Safety shall adopt, apply to the Division of Criminal Justice Services for a grant to cover all documented costs that are incurred by the county prosecutor's office.

(c) Twice each year, the Division of Criminal Justice Services in the Department of Public Safety shall designate counties to receive grants from those counties that have submitted one or more applications in compliance with the rules that have been adopted by the Division of Criminal Justice Services for the receipt of such grants. In each year's first round of grant awards, if sufficient appropriations have been made, up to a total of \$100,000 may be awarded. In each year's second round of grant awards, the remaining appropriations available

for this purpose may be awarded.

(d) If for a given round of grants there are insufficient appropriations to make grant awards to all the eligible counties, the first priority shall be given to counties with cases involving aggravated murder and murder; second priority shall be given to counties with cases involving a felony of the first degree; and third priority shall be given to counties with cases involving a felony of the second degree. Within these priorities, the grant awards shall be based on the order in which the applications were received, except that applications for cases involving a felony of the first or second degree shall not be considered in more than two consecutive rounds of grant awards.

## (2) CHILD ABUSE DETECTION TRAINING COSTS

Appropriations may be transferred to the Department of Education for disbursement to local school districts as full or partial reimbursement for the cost of providing in-service training for child abuse detection. In accordance with rules that the department shall adopt, a local school district may apply to the department for a grant to cover all documented costs that are incurred to provide in-service training for child abuse detection. The department shall make grants within the limits of the funding provided.

(G) Any moneys allocated within appropriation item 911-404, Mandate Assistance, not fully utilized may, upon application of the Ohio Public Defender Commission, and with the approval of the Controlling Board, be disbursed to boards of county commissioners to provide additional reimbursement for the costs incurred by counties in providing defense to indigent defendants pursuant to Chapter 120. of the Revised Code. Application for the unutilized funds shall be made by the Ohio Public Defender Commission at the first June meeting of the Controlling Board.

The amount to be disbursed to each county shall be allocated proportionately on the basis of the total amount of reimbursement paid to each county as a percentage of the amount of reimbursement paid to all of the counties during the most recent state fiscal year for which data is available and as calculated by the Ohio Public Defender Commission.

## BALLOT ADVERTISING COSTS

Pursuant to requests submitted by the Ohio Ballot Board, the Controlling Board shall approve transfers from the foregoing appropriation item 911-441, Ballot Advertising Costs, to ~~an Ohio Ballot Board~~ the Secretary of State appropriation item in order to ~~reimburse county boards of elections pay~~ for the cost of public notices associated with statewide ballot initiatives.

Of the foregoing appropriation item 911-441, Ballot Advertising Costs, up to \$1,100,000 in fiscal year 2008 shall be used to reimburse county boards of elections for all costs of conducting any special election during fiscal year 2008.

**Section 4.** That existing Section 249.10 of Am. Sub. H.B. 119 of the 127th General Assembly is hereby repealed.

**Section 5."**

In line 2322, delete "4." and insert "6."

In line 2324, delete "5." and insert "7."

In line 2331, delete "6." and insert "8. The declarations of candidacy and petitions for the office of judge of the probate division or for the office of judge of the probate-juvenile division of the Court of Common Pleas of Champaign County to be elected in 2008, term to begin February 9, 2009, that contain signatures that were affixed prior to the effective date of this act shall be accepted for the office of judge of the domestic relations-juvenile-probate division of the Court of Common Pleas of Champaign County to be elected in 2008, term to begin February 9, 2009, if those declarations of candidacy and petitions meet the other requirements of Title XXXV of the Revised Code. The declarations of candidacy and petitions for the office of judge of the domestic relations-juvenile-probate division of the Court of Common Pleas of Champaign County to be elected in 2008, term to begin February 10, 2009, that contain signatures that were affixed prior to the effective date of this act shall be accepted if those declarations of candidacy and petitions meet the other requirements of Title XXXV of the Revised Code. The declarations of candidacy and petitions for the office of judge of the general division of the Court of Common Pleas of Hamilton County to be elected in 2008, term to begin January 3, 2009, that contain signatures that were affixed prior to the effective date of this act shall be accepted for the office of the drug court judge of the Court of Common Pleas of Hamilton County to be elected in 2008, term to begin January 3, 2009, if those declarations of candidacy and petitions meet the other requirements of Title XXXV of the Revised Code.

**Section 9. "**

In line 2 of the title, delete "2903.13, and 2903.21" and insert "and 3521.03"

In line 3 of the title, after "amend" insert "Section 249.10 of Am. Sub. H.B. 119 of the 127th General Assembly and"

In line 18 of the title, after the comma delete the balance of the line

Delete line 19 of the title

In line 20 of the title, delete "fifth degree" and insert "to authorize funding for a special election when a vacancy in Congress occurs, to make an appropriation"

Managers on the Part of the  
Senate

Managers on the Part of the  
House of Representatives

/s/ KEITH FABER  
KEITH FABER

/s/ JOHN ADAMS  
JOHN ADAMS

/s/ DAVID GOODMAN  
DAVID GOODMAN

/s/ LOUIS BLESSING  
LOUIS BLESSING



/s/ ERIC KEARNEY  
ERIC KEARNEY

/s/ SANDRA STABILE HARWOOD  
SANDRA STABILE HARWOOD

The question being, "Shall the emergency clause stand as part of the report of the committee of Conference?"

The yeas and nays were taken and resulted - yeas 88, nays 3, as follows:

Those who voted in the affirmative were: Representatives

Adams	Aslanides	Bacon	Barrett
Batchelder	Beatty	Blessing	Book
Boyd	Brady	Budish	Carmichael
Celeste	Chandler	Coley	Collier
Combs	Core	Daniels	DeBose
DeGeeter	DeWine	Distel	Dodd
Dolan	Domenick	Driehaus	Dyer
Evans	Fende	Flowers	Foley
Gerberry	Gibbs	Goodwin	Goyal
Hagan J.	Harwood	Healy	Heard
Hite	Hottinger	Huffman	Hughes
Jones	Koziura	Latta	Letson
Luckie	Lundy	Mallory	McGregor J.
McGregor R.	Mecklenborg	Miller	Oelslager
Okey	Otterman	Patton	Peterson
Raussen	Redfern	Reinhard	Sayre
Schindel	Schlichter	Schneider	Setzer
Stebelton	Stewart D.	Stewart J.	Strahorn
Sykes	Szollosi	Uecker	Ujvagi
Wachtmann	Wagner	Wagoner	Webster
White	Widener	Widowfield	Williams B.
Yates	Yuko	Zehringer	Husted-88.

Representatives Brinkman, Fessler, and Skindell voted in the negative-3.

Having received the required Constitutional majority, the emergency clause stood as part of the report of the committee of Conference.

The question being, "Shall the report of the committee of Conference be agreed to as an emergency measure?"

The yeas and nays were taken and resulted - yeas 93, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Adams	Aslanides	Bacon	Barrett
Batchelder	Beatty	Blessing	Book
Boyd	Brady	Brinkman	Budish
Carmichael	Celeste	Chandler	Coley
Collier	Combs	Core	Daniels
DeBose	DeGeeter	DeWine	Distel
Dodd	Dolan	Domenick	Driehaus
Dyer	Evans	Fende	Fessler
Flowers	Foley	Gerberry	Gibbs
Goodwin	Goyal	Hagan J.	Hagan R.
Harwood	Healy	Heard	Hite
Hottinger	Huffman	Hughes	Jones
Koziura	Latta	Letson	Luckie

Lundy	Mallory	McGregor J.	McGregor R.
Mecklenborg	Miller	Oelslager	Okey
Otterman	Patton	Peterson	Rausen
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.
Wolpert	Yates	Yuko	Zehringer
			Husted-93.

The report of the committee of Conference was agreed to as an emergency measure.

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

Representative Williams, B. submitted the following report:

The standing committee on Health to which was referred **H. B. No. 314**-Representative Jones, et al., having had the same under consideration, reports it back and recommends its passage.

RE: BEFORE ABORTION ALLOW VIEW OF AVAILABLE  
OBSTETRIC ULTRASOUND IMAGE

Representative White moved to amend the title as follows:

Add the name: "Mecklenborg."

JOSEPH W. UECKER	JOHN J. WHITE
SHANNON JONES	SHAWN N. WEBSTER
JAMES T. RAUSSEN	LYNN R. WACHTMANN
CAROL-ANN SCHINDEL	BRIAN G. WILLIAMS
LORRAINE M. FENDE	MICHAEL DEBOSE
MATT HUFFMAN	ROBERT MECKLENBORG
JAY HOTTINGER	ROBERT J. OTTERMAN
W. SCOTT OELSLAGER	BRUCE W. GOODWIN

The following members voted "NO"

FRED STRAHORN	KENNY YUKO
TOM LETSON	BARBARA BOYD
CHRIS REDFERN	

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 Wednesday, December 12, 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, December 12, 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**

**Am. S. B. No. 25**-Senator Carey.

Cosponsors: Senators Gardner, Cafaro, Clancy, Goodman, Niehaus, Padgett, Boccieri, Miller, D., Faber, Schuler, Grendell, Schuring, Schaffer, Kearney, Amstutz, Austria, Cates, Harris, Morano, Mumper, Roberts, Spada, Stivers, Wilson, Sawyer, Mason, Miller, R., Fedor, Buehrer, Smith. Representatives Aslanides, Combs, Domenick, Fessler, Miller, Otterman, Reinhard, Sayre, Wachtmann.

To enact section 4503.546 of the Revised Code to create "Gold Star Family" license plates, 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 0, as follows:

Those who voted in the affirmative were: Representatives

- |             |           |             |             |
|-------------|-----------|-------------|-------------|
| Adams       | Aslanides | Bacon       | Barrett     |
| Batchelder  | Beatty    | Blessing    | Book        |
| Boyd        | Brady     | Brinkman    | Budish      |
| Carmichael  | Celeste   | Chandler    | Coley       |
| Collier     | Combs     | Core        | Daniels     |
| DeBose      | DeGeeter  | DeWine      | Distel      |
| Dodd        | Dolan     | Domenick    | Driehaus    |
| Dyer        | Evans     | Fende       | Fessler     |
| Flowers     | Foley     | Gerberry    | Gibbs       |
| Goodwin     | Goyal     | Hagan J.    | Hagan R.    |
| Harwood     | Healy     | Heard       | Hite        |
| Hottinger   | Huffman   | Hughes      | Jones       |
| Koziura     | Latta     | Letson      | Luckie      |
| Lundy       | Mallory   | McGregor J. | McGregor R. |
| Mecklenborg | Miller    | Oelslager   | Okey        |
| Otterman    | Patton    | Peterson    | Rausen      |
| 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.
Wolpert	Yates	Yuko	Zehringer
			Husted-93.

The bill passed.

Representative Reinhard moved to amend the title as follows:

Add the names: "Adams, Bacon, Barrett, Batchelder, Beatty, Blessing, Book, Boyd, Brady, Budish, Carmichael, Celeste, Chandler, Coley, Collier, Daniels, DeBose, DeGeeter, DeWine, Distel, Dodd, Dolan, Driehaus, Dyer, Evans, Fende, Flowers, Foley, Gerberry, Gibbs, Goodwin, Goyal, Hagan, J., Hagan, R., Harwood, Heard, Hite, Hottinger, Huffman, Hughes, Jones, Koziura, Latta, Letson, Luckie, Lundy, Mallory, McGregor, R., Mecklenborg, Oelslager, Okey, Patton, Peterson, Raussen, Schindel, Schlichter, Schneider, Setzer, Skindell, Stebelton, Stewart, D., Stewart, J., Strahorn, Sykes, Szollosi, Ujvagi, Wagner, Wagoner, Webster, White, Widener, Williams, B., Wolpert, Yates, Yuko, Zehringer."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**Sub. H. B. No. 138**-Representatives Foley, Blessing.

Cosponsors: Representatives Domenick, Skindell, Hagan, R., McGregor, J., Ujvagi, Budish, Lundy, Stebelton, Raussen, Yuko, DeGeeter, Collier, Combs, Letson, Luckie, Harwood, Strahorn, Stewart, D., Driehaus, White, Garrison, Miller, Bolon, Brady, Boyd, Seitz.

To amend sections 323.25, 323.28, 2303.11, 2323.07, 2327.01, 2327.02, 2329.17, 2329.18, 2329.19, 2329.26, 2329.27, 2329.31, 2329.36, 5309.64, 5721.18, 5721.19, and 5723.01 and to enact section 2329.271 of the Revised Code to require purchasers of real property at a judicial sale to provide certain identifying information, to allow municipal corporations to conduct inspections of property subject to a writ of execution, to require judicial sales to be confirmed within thirty days of sale, to require officers who sell real property at a judicial sale to file a deed within fourteen days of confirmation, to authorize courts and county boards of revision to transfer certain tax delinquent lands subject to judicial foreclosure without appraisal or sale, to permit a summary property description to be read at a judicial sale, and to offer property that did not sell at a judicial sale to a political subdivision before forfeiture to the state, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 91, nays 2, as follows:

Those who voted in the affirmative were: Representatives

Adams	Aslanides	Bacon	Barrett
Batchelder	Beatty	Blessing	Book
Boyd	Brady	Budish	Carmichael
Celeste	Chandler	Collier	Combs
Core	Daniels	DeBose	DeGeeter
DeWine	Distel	Dodd	Dolan
Domenick	Driehaus	Dyer	Evans
Fende	Fessler	Flowers	Foley
Gerberry	Gibbs	Goodwin	Goyal
Hagan J.	Hagan R.	Harwood	Healy
Heard	Hite	Hottinger	Huffman
Hughes	Jones	Koziura	Latta
Letson	Luckie	Lundy	Mallory
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.	Wolpert	Yates
Yuko	Zehringer		Husted-91.

Representatives Brinkman and Coley voted in the negative-2.

The bill passed.

Representative Foley moved to amend the title as follows:

Add the names: "Bacon, Beatty, Celeste, Chandler, DeBose, Dyer, Evans, Fende, Goyal, Healy, Heard, Hite, Huffman, Hughes, Koziura, Mallory, Okey, Otterman, Peterson, Schneider, Setzer, Szollosi, Uecker, Webster, Williams, B., Yates."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**Am. H. B. No. 289**-Representative Core.

Cosponsors: Representatives Distel, Hite, Gibbs, Sayre, Zehringer, Reinhard.

To amend sections 931.02, 931.03, 931.04, 931.99, and 5709.28 of the Revised Code to make changes to the law governing agricultural security areas, 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 0, as follows:

Those who voted in the affirmative were: Representatives

Adams	Aslanides	Bacon	Barrett
Batchelder	Beatty	Blessing	Book
Boyd	Brady	Brinkman	Budish
Carmichael	Celeste	Chandler	Coley
Collier	Combs	Core	Daniels
DeBose	DeGeeter	DeWine	Distel
Dodd	Dolan	Domenick	Driehaus
Dyer	Evans	Fende	Fessler
Flowers	Foley	Gerberry	Gibbs
Goodwin	Goyal	Hagan J.	Hagan R.
Harwood	Healy	Heard	Hite
Hottinger	Huffman	Hughes	Jones
Koziura	Latta	Letson	Luckie
Lundy	Mallory	McGregor J.	McGregor R.
Mecklenborg	Miller	Oelslager	Okey
Otterman	Patton	Peterson	Rausen
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.
Wolpert	Yates	Yuko	Zehringer Husted-93.

The bill passed.

Representative Core moved to amend the title as follows:

Add the names: "Batchelder, Chandler, Collier, Combs, Daniels, Domenick, Dyer, Evans, Flowers, Goodwin, Huffman, Hughes, Luckie, Mallory, McGregor, J., Otterman, Patton, Schneider, Setzer, Webster."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**H. B. No. 297**-Representative Carmichael.

Cosponsors: Representatives Aslanides, Brown, Domenick, Evans, Fende, Flowers, Harwood, Hughes, Latta, Letson, McGregor, J., Miller, Peterson, Stebelton, Strahorn, Webster, Yuko, Daniels, Book, Collier, Lundy, Reinhard, Schneider, Setzer, Sykes, Hite.

To enact section 5.2235 of the Revised Code to designate the month of May as Ohio Lyme Disease Awareness Month, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Carmichael moved to amend as follows:

In line 4, delete "5.2235" and insert "5.2237"

In line 6, delete "5.2235" and insert "5.2237"

In line 1 of the title, delete "5.2235" and insert "5.2237"

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

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 93, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Adams	Aslanides	Bacon	Barrett
Batchelder	Beatty	Blessing	Book
Boyd	Brady	Brinkman	Budish
Carmichael	Celeste	Chandler	Coley
Collier	Combs	Core	Daniels
DeBose	DeGeeter	DeWine	Distel
Dodd	Dolan	Domenick	Driehaus
Dyer	Evans	Fende	Fessler
Flowers	Foley	Gerberry	Gibbs
Goodwin	Goyal	Hagan J.	Hagan R.
Harwood	Healy	Heard	Hite
Hottinger	Huffman	Hughes	Jones
Koziura	Latta	Letson	Luckie
Lundy	Mallory	McGregor J.	McGregor R.
Mecklenborg	Miller	Oelslager	Okey
Otterman	Patton	Peterson	Rausen
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.
Wolpert	Yates	Yuko	Zehringer
			Husted-93.

The bill passed.

Representative Carmichael moved to amend the title as follows:

Add the names: "Bacon, Beatty, Budish, Chandler, Coley, Combs, DeBose, Dolan, Dyer, Gerberry, Gibbs, Hagan, J., Luckie, Otterman, Patton, Sayre, Schlichter, Skindell, Wagoner, Williams, B., Yates, Zehringer."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**H. B. No. 314**-Representative Jones.

Cosponsors: Representatives Adams, Barrett, Batchelder, Brinkman, Bubb, Coley, Collier, Distel, Dodd, Dolan, Evans, Fessler, Garrison, Goodwin, Hottinger, Huffman, Latta, Mandel, McGregor, J., Patton, Schindel,

Schneider, Seitz, Setzer, Uecker, Wachtmann, Wagoner, Widener, Wolpert, Zehringer, Mecklenborg.

To amend section 4731.22 and enact section 2317.561 of the Revised Code to require that a woman who is to have an abortion be given the opportunity to view any available obstetric ultrasound image, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Flowers moved to amend as follows:

In line 5, delete the first "section" and insert "sections 2151.421 and"

Between lines 6 and 7, insert:

**"Sec. 2151.421.** (A)(1)(a) No person described in division (A)(1)(b) of this section who is acting in an official or professional capacity and knows, or has reasonable cause to suspect based on facts that would cause a reasonable person in a similar position to suspect, that a child under eighteen years of age or a mentally retarded, developmentally disabled, or physically impaired child under twenty-one years of age has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect of the child shall fail to immediately report that knowledge or reasonable cause to suspect to the entity or persons specified in this division. Except as provided in section 5120.173 of the Revised Code, the person making the report shall make it to the public children services agency or a municipal or county peace officer in the county in which the child resides or in which the abuse or neglect is occurring or has occurred. In the circumstances described in section 5120.173 of the Revised Code, the person making the report shall make it to the entity specified in that section.

(b) Division (A)(1)(a) of this section applies to any person who is an attorney; physician, including a hospital intern or resident; dentist; podiatrist; practitioner of a limited branch of medicine as specified in section 4731.15 of the Revised Code; registered nurse; licensed practical nurse; visiting nurse; other health care professional; licensed psychologist; licensed school psychologist; independent marriage and family therapist or marriage and family therapist; speech pathologist or audiologist; coroner; administrator or employee of a child day-care center; administrator or employee of a residential camp or child day camp; administrator or employee of a certified child care agency or other public or private children services agency; school teacher; school employee; school authority; person engaged in social work or the practice of professional counseling; agent of a county humane society; person, other than a cleric, rendering spiritual treatment through prayer in accordance with the tenets of a well-recognized religion; superintendent, board member, or employee of a county board of mental retardation; investigative agent contracted with by a county board of mental retardation; employee of the department of mental retardation and developmental disabilities; employee of a facility or home that



provides respite care in accordance with section 5123.171 of the Revised Code; employee of a home health agency; employee of an entity that provides homemaker services; a person performing the duties of an assessor pursuant to Chapter 3107. or 5103. of the Revised Code; or third party employed by a public children services agency to assist in providing child or family related services.

(2) Except as provided in division (A)(3) of this section, an attorney or a physician is not required to make a report pursuant to division (A)(1) of this section concerning any communication the attorney or physician receives from a client or patient in an attorney-client or physician-patient relationship, if, in accordance with division (A) or (B) of section 2317.02 of the Revised Code, the attorney or physician could not testify with respect to that communication in a civil or criminal proceeding.

(3) The client or patient in an attorney-client or physician-patient relationship described in division (A)(2) of this section is deemed to have waived any testimonial privilege under division (A) or (B) of section 2317.02 of the Revised Code with respect to any communication the attorney or physician receives from the client or patient in that attorney-client or physician-patient relationship, and the attorney or physician shall make a report pursuant to division (A)(1) of this section with respect to that communication, if all of the following apply:

(a) The client or patient, at the time of the communication, is either a child under eighteen years of age or a mentally retarded, developmentally disabled, or physically impaired person under twenty-one years of age.

(b) The attorney or physician knows, or has reasonable cause to suspect based on facts that would cause a reasonable person in similar position to suspect, as a result of the communication or any observations made during that communication, that the client or patient has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect of the client or patient.

(c) The abuse or neglect does not arise out of the client's or patient's attempt to have an abortion without the notification of her parents, guardian, or custodian in accordance with section 2151.85 of the Revised Code.

(4)(a) No cleric and no person, other than a volunteer, designated by any church, religious society, or faith acting as a leader, official, or delegate on behalf of the church, religious society, or faith who is acting in an official or professional capacity, who knows, or has reasonable cause to believe based on facts that would cause a reasonable person in a similar position to believe, that a child under eighteen years of age or a mentally retarded, developmentally disabled, or physically impaired child under twenty-one years of age has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect of the child, and who knows, or has reasonable cause to believe based on facts that would cause a reasonable person in a similar position to believe, that another

cleric or another person, other than a volunteer, designated by a church, religious society, or faith acting as a leader, official, or delegate on behalf of the church, religious society, or faith caused, or poses the threat of causing, the wound, injury, disability, or condition that reasonably indicates abuse or neglect shall fail to immediately report that knowledge or reasonable cause to believe to the entity or persons specified in this division. Except as provided in section 5120.173 of the Revised Code, the person making the report shall make it to the public children services agency or a municipal or county peace officer in the county in which the child resides or in which the abuse or neglect is occurring or has occurred. In the circumstances described in section 5120.173 of the Revised Code, the person making the report shall make it to the entity specified in that section.

(b) Except as provided in division (A)(4)(c) of this section, a cleric is not required to make a report pursuant to division (A)(4)(a) of this section concerning any communication the cleric receives from a penitent in a cleric-penitent relationship, if, in accordance with division (C) of section 2317.02 of the Revised Code, the cleric could not testify with respect to that communication in a civil or criminal proceeding.

(c) The penitent in a cleric-penitent relationship described in division (A)(4)(b) of this section is deemed to have waived any testimonial privilege under division (C) of section 2317.02 of the Revised Code with respect to any communication the cleric receives from the penitent in that cleric-penitent relationship, and the cleric shall make a report pursuant to division (A)(4)(a) of this section with respect to that communication, if all of the following apply:

(i) The penitent, at the time of the communication, is either a child under eighteen years of age or a mentally retarded, developmentally disabled, or physically impaired person under twenty-one years of age.

(ii) The cleric knows, or has reasonable cause to believe based on facts that would cause a reasonable person in a similar position to believe, as a result of the communication or any observations made during that communication, the penitent has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect of the penitent.

(iii) The abuse or neglect does not arise out of the penitent's attempt to have an abortion performed upon a child under eighteen years of age or upon a mentally retarded, developmentally disabled, or physically impaired person under twenty-one years of age without the notification of her parents, guardian, or custodian in accordance with section 2151.85 of the Revised Code.

(d) Divisions (A)(4)(a) and (c) of this section do not apply in a cleric-penitent relationship when the disclosure of any communication the cleric receives from the penitent is in violation of the sacred trust.

(e) As used in divisions (A)(1) and (4) of this section, "cleric" and "sacred trust" have the same meanings as in section 2317.02 of the Revised

Code.

(B) Anyone who knows, or has reasonable cause to suspect based on facts that would cause a reasonable person in similar circumstances to suspect, that a child under eighteen years of age or a mentally retarded, developmentally disabled, or physically impaired person under twenty-one years of age has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or other condition of a nature that reasonably indicates abuse or neglect of the child may report or cause reports to be made of that knowledge or reasonable cause to suspect to the entity or persons specified in this division. Except as provided in section 5120.173 of the Revised Code, a person making a report or causing a report to be made under this division shall make it or cause it to be made to the public children services agency or to a municipal or county peace officer. In the circumstances described in section 5120.173 of the Revised Code, a person making a report or causing a report to be made under this division shall make it or cause it to be made to the entity specified in that section.

(C) Any report made pursuant to division (A) or (B) of this section shall be made forthwith either by telephone or in person and shall be followed by a written report, if requested by the receiving agency or officer. The written report shall contain:

(1) The names and addresses of the child and the child's parents or the person or persons having custody of the child, if known;

(2) The child's age and the nature and extent of the child's injuries, abuse, or neglect that is known or reasonably suspected or believed, as applicable, to have occurred or of the threat of injury, abuse, or neglect that is known or reasonably suspected or believed, as applicable, to exist, including any evidence of previous injuries, abuse, or neglect;

(3) Any other information that might be helpful in establishing the cause of the injury, abuse, or neglect that is known or reasonably suspected or believed, as applicable, to have occurred or of the threat of injury, abuse, or neglect that is known or reasonably suspected or believed, as applicable, to exist.

Any person, who is required by division (A) of this section to report child abuse or child neglect that is known or reasonably suspected or believed to have occurred, may take or cause to be taken color photographs of areas of trauma visible on a child and, if medically indicated, cause to be performed radiological examinations of the child.

(D) As used in this division, "children's advocacy center" and "sexual abuse of a child" have the same meanings as in section 2151.425 of the Revised Code.

(1) When a municipal or county peace officer receives a report concerning the possible abuse or neglect of a child or the possible threat of abuse or neglect of a child, upon receipt of the report, the municipal or county peace

officer who receives the report shall refer the report to the appropriate public children services agency.

(2) When a public children services agency receives a report pursuant to this division or division (A) or (B) of this section, upon receipt of the report, the public children services agency shall do both of the following:

(a) Comply with section 2151.422 of the Revised Code;

(b) If the county served by the agency is also served by a children's advocacy center and the report alleges sexual abuse of a child or another type of abuse of a child that is specified in the memorandum of understanding that creates the center as being within the center's jurisdiction, comply regarding the report with the protocol and procedures for referrals and investigations, with the coordinating activities, and with the authority or responsibility for performing or providing functions, activities, and services stipulated in the interagency agreement entered into under section 2151.428 of the Revised Code relative to that center.

(E) No township, municipal, or county peace officer shall remove a child about whom a report is made pursuant to this section from the child's parents, stepparents, or guardian or any other persons having custody of the child without consultation with the public children services agency, unless, in the judgment of the officer, and, if the report was made by physician, the physician, immediate removal is considered essential to protect the child from further abuse or neglect. The agency that must be consulted shall be the agency conducting the investigation of the report as determined pursuant to section 2151.422 of the Revised Code.

(F)(1) Except as provided in section 2151.422 of the Revised Code or in an interagency agreement entered into under section 2151.428 of the Revised Code that applies to the particular report, the public children services agency shall investigate, within twenty-four hours, each report of child abuse or child neglect that is known or reasonably suspected or believed to have occurred and of a threat of child abuse or child neglect that is known or reasonably suspected or believed to exist that is referred to it under this section to determine the circumstances surrounding the injuries, abuse, or neglect or the threat of injury, abuse, or neglect, the cause of the injuries, abuse, neglect, or threat, and the person or persons responsible. The investigation shall be made in cooperation with the law enforcement agency and in accordance with the memorandum of understanding prepared under division (J) of this section. A representative of the public children services agency shall, at the time of initial contact with the person subject to the investigation, inform the person of the specific complaints or allegations made against the person. The information shall be given in a manner that is consistent with division (H)(1) of this section and protects the rights of the person making the report under this section.

A failure to make the investigation in accordance with the memorandum is not grounds for, and shall not result in, the dismissal of any charges or

complaint arising from the report or the suppression of any evidence obtained as a result of the report and does not give, and shall not be construed as giving, any rights or any grounds for appeal or post-conviction relief to any person. The public children services agency shall report each case to the uniform statewide automated child welfare information system that the department of job and family services shall maintain in accordance with section 5101.13 of the Revised Code. The public children services agency shall submit a report of its investigation, in writing, to the law enforcement agency.

(2) The public children services agency shall make any recommendations to the county prosecuting attorney or city director of law that it considers necessary to protect any children that are brought to its attention.

(G)(1)(a) Except as provided in division (H)(3) of this section, anyone or any hospital, institution, school, health department, or agency participating in the making of reports under division (A) of this section, anyone or any hospital, institution, school, health department, or agency participating in good faith in the making of reports under division (B) of this section, and anyone participating in good faith in a judicial proceeding resulting from the reports, shall be immune from any civil or criminal liability for injury, death, or loss to person or property that otherwise might be incurred or imposed as a result of the making of the reports or the participation in the judicial proceeding.

(b) Notwithstanding section 4731.22 of the Revised Code, the physician-patient privilege shall not be a ground for excluding evidence regarding a child's injuries, abuse, or neglect, or the cause of the injuries, abuse, or neglect in any judicial proceeding resulting from a report submitted pursuant to this section.

(2) In any civil or criminal action or proceeding in which it is alleged and proved that participation in the making of a report under this section was not in good faith or participation in a judicial proceeding resulting from a report made under this section was not in good faith, the court shall award the prevailing party reasonable attorney's fees and costs and, if a civil action or proceeding is voluntarily dismissed, may award reasonable attorney's fees and costs to the party against whom the civil action or proceeding is brought.

(H)(1) Except as provided in divisions (H)(4) and (M) of this section, a report made under this section is confidential. The information provided in a report made pursuant to this section and the name of the person who made the report shall not be released for use, and shall not be used, as evidence in any civil action or proceeding brought against the person who made the report. In a criminal proceeding, the report is admissible in evidence in accordance with the Rules of Evidence and is subject to discovery in accordance with the Rules of Criminal Procedure.

(2) No person shall permit or encourage the unauthorized dissemination of the contents of any report made under this section.

(3) A person who knowingly makes or causes another person to make a

false report under division (B) of this section that alleges that any person has committed an act or omission that resulted in a child being an abused child or a neglected child is guilty of a violation of section 2921.14 of the Revised Code.

(4) If a report is made pursuant to division (A) or (B) of this section and the child who is the subject of the report dies for any reason at any time after the report is made, but before the child attains eighteen years of age, the public children services agency or municipal or county peace officer to which the report was made or referred, on the request of the child fatality review board, shall submit a summary sheet of information providing a summary of the report to the review board of the county in which the deceased child resided at the time of death. On the request of the review board, the agency or peace officer may, at its discretion, make the report available to the review board. If the county served by the public children services agency is also served by a children's advocacy center and the report of alleged sexual abuse of a child or another type of abuse of a child is specified in the memorandum of understanding that creates the center as being within the center's jurisdiction, the agency or center shall perform the duties and functions specified in this division in accordance with the interagency agreement entered into under section 2151.428 of the Revised Code relative to that advocacy center.

(5) A public children services agency shall advise a person alleged to have inflicted abuse or neglect on a child who is the subject of a report made pursuant to this section, including a report alleging sexual abuse of a child or another type of abuse of a child referred to a children's advocacy center pursuant to an interagency agreement entered into under section 2151.428 of the Revised Code, in writing of the disposition of the investigation. The agency shall not provide to the person any information that identifies the person who made the report, statements of witnesses, or police or other investigative reports.

(I) Any report that is required by this section, other than a report that is made to the state highway patrol as described in section 5120.173 of the Revised Code, shall result in protective services and emergency supportive services being made available by the public children services agency on behalf of the children about whom the report is made, in an effort to prevent further neglect or abuse, to enhance their welfare, and, whenever possible, to preserve the family unit intact. The agency required to provide the services shall be the agency conducting the investigation of the report pursuant to section 2151.422 of the Revised Code.

(J)(1) Each public children services agency shall prepare a memorandum of understanding that is signed by all of the following:

(a) If there is only one juvenile judge in the county, the juvenile judge of the county or the juvenile judge's representative;

(b) If there is more than one juvenile judge in the county, a juvenile judge or the juvenile judges' representative selected by the juvenile judges or, if they are unable to do so for any reason, the juvenile judge who is senior in point of

service or the senior juvenile judge's representative;

(c) The county peace officer;

(d) All chief municipal peace officers within the county;

(e) Other law enforcement officers handling child abuse and neglect cases in the county;

(f) The prosecuting attorney of the county;

(g) If the public children services agency is not the county department of job and family services, the county department of job and family services;

(h) The county humane society;

(i) If the public children services agency participated in the execution of a memorandum of understanding under section 2151.426 of the Revised Code establishing a children's advocacy center, each participating member of the children's advocacy center established by the memorandum.

(2) A memorandum of understanding shall set forth the normal operating procedure to be employed by all concerned officials in the execution of their respective responsibilities under this section and division (C) of section 2919.21, division (B)(1) of section 2919.22, division (B) of section 2919.23, and section 2919.24 of the Revised Code and shall have as two of its primary goals the elimination of all unnecessary interviews of children who are the subject of reports made pursuant to division (A) or (B) of this section and, when feasible, providing for only one interview of a child who is the subject of any report made pursuant to division (A) or (B) of this section. A failure to follow the procedure set forth in the memorandum by the concerned officials is not grounds for, and shall not result in, the dismissal of any charges or complaint arising from any reported case of abuse or neglect or the suppression of any evidence obtained as a result of any reported child abuse or child neglect and does not give, and shall not be construed as giving, any rights or any grounds for appeal or post-conviction relief to any person.

(3) A memorandum of understanding shall include all of the following:

(a) The roles and responsibilities for handling emergency and nonemergency cases of abuse and neglect;

(b) Standards and procedures to be used in handling and coordinating investigations of reported cases of child abuse and reported cases of child neglect, methods to be used in interviewing the child who is the subject of the report and who allegedly was abused or neglected, and standards and procedures addressing the categories of persons who may interview the child who is the subject of the report and who allegedly was abused or neglected.

(4) If a public children services agency participated in the execution of a memorandum of understanding under section 2151.426 of the Revised Code establishing a children's advocacy center, the agency shall incorporate the

contents of that memorandum in the memorandum prepared pursuant to this section.

(K)(1) Except as provided in division (K)(4) of this section, a person who is required to make a report pursuant to division (A) of this section may make a reasonable number of requests of the public children services agency that receives or is referred the report, or of the children's advocacy center that is referred the report if the report is referred to a children's advocacy center pursuant to an interagency agreement entered into under section 2151.428 of the Revised Code, to be provided with the following information:

- (a) Whether the agency or center has initiated an investigation of the report;
- (b) Whether the agency or center is continuing to investigate the report;
- (c) Whether the agency or center is otherwise involved with the child who is the subject of the report;
- (d) The general status of the health and safety of the child who is the subject of the report;
- (e) Whether the report has resulted in the filing of a complaint in juvenile court or of criminal charges in another court.

(2) A person may request the information specified in division (K)(1) of this section only if, at the time the report is made, the person's name, address, and telephone number are provided to the person who receives the report.

When a municipal or county peace officer or employee of a public children services agency receives a report pursuant to division (A) or (B) of this section the recipient of the report shall inform the person of the right to request the information described in division (K)(1) of this section. The recipient of the report shall include in the initial child abuse or child neglect report that the person making the report was so informed and, if provided at the time of the making of the report, shall include the person's name, address, and telephone number in the report.

Each request is subject to verification of the identity of the person making the report. If that person's identity is verified, the agency shall provide the person with the information described in division (K)(1) of this section a reasonable number of times, except that the agency shall not disclose any confidential information regarding the child who is the subject of the report other than the information described in those divisions.

(3) A request made pursuant to division (K)(1) of this section is not a substitute for any report required to be made pursuant to division (A) of this section.

(4) If an agency other than the agency that received or was referred the report is conducting the investigation of the report pursuant to section 2151.422 of the Revised Code, the agency conducting the investigation shall comply with



the requirements of division (K) of this section.

(L) The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. The department of job and family services may enter into a plan of cooperation with any other governmental entity to aid in ensuring that children are protected from abuse and neglect. The department shall make recommendations to the attorney general that the department determines are necessary to protect children from child abuse and child neglect.

(M)(1) As used in this division:

(a) "Out-of-home care" includes a nonchartered nonpublic school if the alleged child abuse or child neglect, or alleged threat of child abuse or child neglect, described in a report received by a public children services agency allegedly occurred in or involved the nonchartered nonpublic school and the alleged perpetrator named in the report holds a certificate, permit, or license issued by the state board of education under section 3301.071 or Chapter 3319. of the Revised Code.

(b) "Administrator, director, or other chief administrative officer" means the superintendent of the school district if the out-of-home care entity subject to a report made pursuant to this section is a school operated by the district.

(2) No later than the end of the day following the day on which a public children services agency receives a report of alleged child abuse or child neglect, or a report of an alleged threat of child abuse or child neglect, that allegedly occurred in or involved an out-of-home care entity, the agency shall provide written notice of the allegations contained in and the person named as the alleged perpetrator in the report to the administrator, director, or other chief administrative officer of the out-of-home care entity that is the subject of the report unless the administrator, director, or other chief administrative officer is named as an alleged perpetrator in the report. If the administrator, director, or other chief administrative officer of an out-of-home care entity is named as an alleged perpetrator in a report of alleged child abuse or child neglect, or a report of an alleged threat of child abuse or child neglect, that allegedly occurred in or involved the out-of-home care entity, the agency shall provide the written notice to the owner or governing board of the out-of-home care entity that is the subject of the report. The agency shall not provide witness statements or police or other investigative reports.

(3) No later than three days after the day on which a public children services agency that conducted the investigation as determined pursuant to section 2151.422 of the Revised Code makes a disposition of an investigation involving a report of alleged child abuse or child neglect, or a report of an alleged threat of child abuse or child neglect, that allegedly occurred in or involved an out-of-home care entity, the agency shall send written notice of the disposition of the investigation to the administrator, director, or other chief administrative officer and the owner or governing board of the out-of-home care

entity. The agency shall not provide witness statements or police or other investigative reports."

In line 655, delete "section" and insert "sections 2151.421 and"

In line 656, delete "is" and insert "are"

In line 1 of the title, delete the first "section" and insert "sections 2151.421 and"; after "and" insert "to"

In line 4 of the title, after "image" insert "and to make corrections in the laws pertaining to child abuse and neglect reports"

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

The yeas and nays were taken and resulted - yeas 71, nays 13, as follows:

Those who voted in the affirmative were: Representatives

Adams	Aslanides	Bacon	Batchelder
Beatty	Blessing	Book	Brady
Brinkman	Carmichael	Celeste	Coley
Collier	Combs	Core	Daniels
DeBose	DeGeeter	DeWine	Dodd
Dolan	Domenick	Driehaus	Dyer
Evans	Flowers	Gibbs	Goodwin
Goyal	Hagan J.	Harwood	Hite
Hottinger	Huffman	Hughes	Jones
Koziura	Latta	Lundy	McGregor J.
McGregor R.	Mecklenborg	Oelslager	Okey
Otterman	Patton	Peterson	Raussen
Redfern	Reinhard	Sayre	Schindel
Schlichter	Schneider	Setzer	Skindell
Stebelton	Stewart J.	Sykes	Uecker
Wachtmann	Wagner	Wagoner	Webster
White	Widener	Widowfield	Williams B.
Wolpert	Zehringer		Husted-71.

Those who voted in the negative were: Representatives

Budish	Chandler	Foley	Hagan R.
Healy	Heard	Letson	Luckie
Mallory	Miller	Strahorn	Yates
			Yuko-13.

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 73, nays 20, as follows:

Those who voted in the affirmative were: Representatives

Adams	Aslanides	Bacon	Barrett
Batchelder	Blessing	Book	Brady
Brinkman	Carmichael	Celeste	Coley
Collier	Combs	Core	Daniels

DeBose	DeGeeter	DeWine	Distel
Dodd	Dolan	Domenick	Driehaus
Dyer	Evans	Fende	Fessler
Flowers	Gibbs	Goodwin	Goyal
Hagan J.	Harwood	Hite	Hottinger
Huffman	Hughes	Jones	Koziura
Latta	Lundy	McGregor J.	McGregor R.
Mecklenborg	Oelslager	Okey	Otterman
Patton	Peterson	Raussen	Reinhard
Sayre	Schindel	Schlichter	Schneider
Setzer	Skindell	Stebelton	Stewart J.
Uecker	Ujvagi	Wachtmann	Wagner
Wagoner	Webster	White	Widener
Widowfield	Williams B.	Wolpert	Zehringer
			Husted-73.

Those who voted in the negative were: Representatives

Beatty	Boyd	Budish	Chandler
Foley	Gerberry	Hagan R.	Healy
Heard	Letson	Luckie	Mallory
Miller	Redfern	Stewart D.	Strahorn
Sykes	Szollosi	Yates	Yuko-20.

The bill passed.

Representative Jones moved to amend the title as follows:

Add the names: "Aslanides, Blessing, Brady, Combs, DeBose, DeGeeter, Domenick, Driehaus, Dyer, Flowers, Gibbs, Hagan, J., Hite, Lundy, Oelslager, Raussen, Reinhard, Schlichter, Wagner, White, Widowfield."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

On motion of Representative DeWine, the House recessed.

The House met pursuant to recess.

Representative Flowers moved that the House revert to the sixth order of business, being motions and resolutions.

The motion was agreed to.

## MOTIONS AND RESOLUTIONS

### Message from the Speaker

November 28, 2007

The Honorable Jon Husted  
Speaker  
Ohio House of Representatives  
77 South High Street, 14th floor  
Columbus, Ohio 43215-6111

Dear Speaker Husted,

It is with profound respect for this great institution that I submit this letter of resignation from the Ohio House of Representatives effective December 31, 2007. It has been my great honor and privilege to serve the citizens of Ohio's 45th House District these past seven years.

Thank you and Leader Beatty for your strong leadership. I take many fond memories with me when I go.

Sincerely,

/s/ ROBERT J. OTTERMAN  
Robert J. Otterman  
State Representative  
45th House District

### Message from the Speaker

The Honorable Robert J. Otterman  
Ohio House of Representatives  
77 South High Street  
Columbus, Ohio 43215-6111

Dear Representative Otterman:

This is to acknowledge receipt and acceptance of your letter of resignation from the Ohio House of Representatives, effective December 31, 2007.

You have served your constituents well over the years and I'm confident you will continue to do so in your future endeavors.

Sincerely,

/s/ JON A. HUSTED  
Jon A. Husted  
Speaker  
Ohio House of Representatives

Representative Flowers moved that the following resolution be read by title only and brought up for immediate adoption:

**H. R. No. 111**-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, 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, 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.

Honoring Representative Robert J. Otterman for outstanding service to the Ohio House of Representatives.

The question being, "Shall the resolution be adopted?"

The resolution was adopted.

Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has concurred in the passage of the following bill:

**Am. Sub. H. B. No. 104** -Representative Core  
Cosponsors: Representatives Setzer, Seitz, Hughes, Dodd, Flowers, Combs, Adams, White, Webster, McGregor, R., Bubb, Collier, McGregor, J., Stebelton, Blessing, Dyer, Batchelder, Bacon, Coley, Domenick, Hagan, J., Huffman, Latta, Mandel, Patton, Uecker, Wagoner Senators Seitz, Cates

To amend sections 109.572, 2953.32, 4717.04, 4725.09, 4725.44, 4730.14, 4730.28, 4731.15, 4731.222, 4731.281, 4731.296, 4740.04, 4755.06, 4755.61, 4757.10, 4759.05, 4760.06, 4761.03, 4762.06, and 4779.08 and to enact sections 113.041, 4701.08, 4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4731.081, 4731.171, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 4755.70, 4757.101, 4759.061, 4760.032, 4761.051, 4762.031, 4776.01, 4776.02, 4776.03, 4776.04, and 4779.091 of the Revised Code to require initial license applicants and applicants for restoration of licenses for specified licensed professions to obtain a criminal background check from the bureau of criminal investigation and identification, to require the appropriate licensing board to consider the results of those checks in determining a person's eligibility for licensure, and to permit the Treasurer of State to request the Bureau of Criminal Identification and Investigation to conduct a criminal records check of any individual seeking or holding employment with the Treasurer of State's office.

As a substitute bill with the following additional amendments, in which the concurrence of the House is requested;

In line 25, delete "4709.05,"

In line 29, delete "4709.071,"

In lines 345, 400, 430, 446, 469, and 478, delete " 4709.071,"

Delete lines 854 through 959

In line 2335, delete " 4709.,"

In line 2448, delete "4709.05,"

In line 1 of the title, delete "4709.05,"

In line 6 of the title, delete "4709.071,"

Attest:

Vincent L. Keeran,  
Clerk.

Pursuant to Joint Rule 16, Representative DeWine moved that the Senate amendments to **Am. Sub. H. B. No. 104**-Representative Core, et al., be taken up for immediate consideration.

The motion was agreed to without objection.

The Senate amendments to **Am. Sub. H. B. No. 104**-Representative Core, et al., were taken up for consideration.

**Am. Sub. H. B. No. 104**-Representative Core.

Cosponsors: Representatives Setzer, Seitz, Hughes, Dodd, Flowers, Combs, Adams, White, Webster, McGregor, R., Bulp, Collier, McGregor, J., Stebelton, Blessing, Dyer, Batchelder, Bacon, Coley, Domenick, Hagan, J., Huffman, Latta, Mandel, Patton, Uecker, Wagoner. Senators Seitz, Cates.

To amend sections 109.572, 2953.32, 4717.04, 4725.09, 4725.44, 4730.14, 4730.28, 4731.15, 4731.222, 4731.281, 4731.296, 4740.04, 4755.06, 4755.61, 4757.10, 4759.05, 4760.06, 4761.03, 4762.06, and 4779.08 and to enact sections 113.041, 4701.08, 4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4731.081, 4731.171, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 4755.70, 4757.101, 4759.061, 4760.032, 4761.051, 4762.031, 4776.01, 4776.02, 4776.03, 4776.04, and 4779.091 of the Revised Code to require initial license applicants and applicants for restoration of licenses for specified licensed professions to obtain a criminal background check from the bureau of criminal investigation and identification, to require the appropriate licensing board to consider the results of those checks in determining a person's eligibility for licensure, and to permit the Treasurer of State to request the Bureau of Criminal Identification and Investigation to conduct a criminal records check of any individual seeking or holding

employment with the Treasurer of State's office.

The question being, "Shall the Senate amendments be concurred in?"

The yeas and nays were taken and resulted - yeas 89, nays 3, as follows:

Those who voted in the affirmative were: Representatives

Adams	Aslanides	Bacon	Barrett
Batchelder	Beatty	Blessing	Book
Boyd	Brady	Brinkman	Budish
Carmichael	Celeste	Coley	Collier
Combs	Core	Daniels	DeBose
DeGeeter	DeWine	Distel	Dodd
Dolan	Domenick	Driehaus	Dyer
Evans	Fende	Flowers	Foley
Gerberry	Gibbs	Goodwin	Goyal
Hagan J.	Hagan R.	Harwood	Healy
Hite	Hottinger	Huffman	Hughes
Jones	Koziura	Latta	Letson
Luckie	Lundy	Mallory	McGregor J.
McGregor R.	Mecklenborg	Miller	Oelslager
Okey	Otterman	Patton	Peterson
Rausen	Redfern	Reinhard	Sayre
Schindel	Schlichter	Schneider	Setzer
Stebelton	Stewart D.	Stewart J.	Strahorn
Sykes	Szollosi	Uecker	Ujvagi
Wachtmann	Wagner	Wagoner	Webster
White	Widener	Widowfield	Williams B.
Wolpert	Yates	Yuko	Zehringer
			Husted-89.

Representatives Chandler, Fessler, and Skindell voted in the negative-3.

The Senate amendments were concurred in.

Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has concurred in the passage of the following bill:

**Sub. H. B. No. 149** -Representatives Daniels, Strahorn

Cosponsors: Representatives Stewart, J., Driehaus, Aslanides, Bolon, McGregor, J., Wolpert, Luckie, Gibbs, Hagan, R., Combs, Flowers, Healy, Setzer, Hagan, J., Lundy, Williams, S., Heard, Sykes, Widener, Hughes, Adams, Garrison, Uecker, Huffman, DeBose, Fessler, Distel, Blessing, Patton, Domenick, Fende, Bubb, Beatty, Collier, Peterson, Okey, Stewart, D., Foley, Boyd, Carmichael, Reinhard, Hite, Brown, Gerberry, Koziura, Miller, Sayre, Seitz, Ujvagi, Wachtmann, Webster, Zehringer Senators Coughlin, Gardner, Miller, D., Morano, Mumper, Seitz, Austria, Cates, Fedor, Grendell, Harris, Niehaus, Padgett, Roberts, Sawyer, Schaffer, Schuler, Schuring, Spada,

Stivers, Wilson, Faber, Carey

To amend sections 4725.01, 4725.09, 4725.16, 4725.23, 4725.26, 4725.28, 4725.40, and 4731.44 and to enact sections 4725.011 and 4725.091 of the Revised Code to modify the laws governing the State Board of Optometry and the practice of optometry, including the laws authorizing optometrists to administer and prescribe drugs, and to require the Ohio Optical Dispensers Board to regulate the dispensing of cosmetic contact lenses.

As a substitute bill, in which the concurrence of the House is requested.

Attest: Vincent L. Keeran,  
Clerk.

Pursuant to Joint Rule 16, Representative DeWine moved that the Senate amendments to **Sub. H. B. No. 149**-Representatives Daniels, Strahorn, et al., be taken up for immediate consideration.

The motion was agreed to without objection.

The Senate amendments to **Sub. H. B. No. 149**-Representatives Daniels, Strahorn, et al., were taken up for consideration.

**Sub. H. B. No. 149**-Representatives Daniels, Strahorn.

Cosponsors: Representatives Stewart, J., Driehaus, Aslanides, Bolon, McGregor, J., Wolpert, Luckie, Gibbs, Hagan, R., Combs, Flowers, Healy, Setzer, Hagan, J., Lundy, Williams, S., Heard, Sykes, Widener, Hughes, Adams, Garrison, Uecker, Huffman, DeBose, Fessler, Distel, Blessing, Patton, Domenick, Fende, Bulp, Beatty, Collier, Peterson, Okey, Stewart, D., Foley, Boyd, Carmichael, Reinhard, Hite, Brown, Gerberry, Koziura, Miller, Sayre, Seitz, Ujvagi, Wachtmann, Webster, Zehringer. Senators Coughlin, Gardner, Miller, D., Morano, Mumper, Seitz, Austria, Cates, Fedor, Grendell, Harris, Niehaus, Padgett, Roberts, Sawyer, Schaffer, Schuler, Schuring, Spada, Stivers, Wilson, Faber, Carey.

To amend sections 4725.01, 4725.09, 4725.16, 4725.23, 4725.26, 4725.28, 4725.40, and 4731.44 and to enact sections 4725.011 and 4725.091 of the Revised Code to modify the laws governing the State Board of Optometry and the practice of optometry, including the laws authorizing optometrists to administer and prescribe drugs, and to require the Ohio Optical Dispensers Board to regulate the dispensing of cosmetic contact lenses.

The question being, "Shall the Senate amendments be concurred in?"

The yeas and nays were taken and resulted - yeas 91, nays 1, as follows:

Those who voted in the affirmative were: Representatives

Adams Aslanides Bacon Barrett



Batchelder	Beatty	Blessing	Book
Boyd	Brady	Brinkman	Budish
Carmichael	Celeste	Chandler	Coley
Collier	Combs	Core	Daniels
DeBose	DeGeeter	DeWine	Distel
Dodd	Dolan	Domenick	Driehaus
Dyer	Evans	Fende	Fessler
Flowers	Foley	Gerberry	Gibbs
Goodwin	Goyal	Hagan J.	Hagan R.
Harwood	Healy	Hite	Hottinger
Huffman	Hughes	Jones	Koziura
Latta	Luckie	Lundy	Mallory
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.	Wolpert	Yates
Yuko	Zehringer		Husted-91.

Representative Letson voted in the negative-1.

The Senate amendments were concurred in.

#### Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has concurred in the passage of the following bill:

#### **Sub. 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, Blessing, Bolon, Book, Brown, Bupp, Chandler, Collier, Combs, Daniels, Dodd, Dyer, Garrison, Gerberry, Goyal, Hagan, R., Harwood, Hughes, Letson, Mallory, Okey, Otterman, Raussen, Schneider, Widener Senators Schuring, Amstutz, Buehrer, Faber, Grendell, Harris, Kearney, Morano, Mumper, Niehaus, Roberts, Seitz, Fedor, Wilson

To amend sections 924.01, 924.02, 924.08, 924.09, and 924.99 and to enact sections 924.20 to 924.30 and 3717.53 of the Revised Code to establish a grain marketing program, to provide that the Director of Agriculture has exclusive authority to regulate the provision of food nutrition information at food service operations, and to provide incentives for bioproducts innovation in the Ohio polymer industry.

As a substitute bill, in which the concurrence of the House is requested.

Attest: Vincent L. Keeran,  
Clerk.

Pursuant to Joint Rule 16, Representative DeWine moved that the Senate amendments to **Sub. H. B. No. 217**-Representative Reinhard, et al., be taken up for immediate consideration.

The motion was agreed to without objection.

The Senate amendments to **Sub. H. B. No. 217**-Representative Reinhard, et al., were taken up for consideration.

**Sub. 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, Blessing, Bolon, Book, Brown, Bupp, Chandler, Collier, Combs, Daniels, Dodd, Dyer, Garrison, Gerberry, Goyal, Hagan, R., Harwood, Hughes, Letson, Mallory, Okey, Otterman, Raussen, Schneider, Widener. Senators Schuring, Amstutz, Buehrer, Faber, Grendell, Harris, Kearney, Morano, Mumper, Niehaus, Roberts, Seitz, Fedor, Wilson.

To amend sections 924.01, 924.02, 924.08, 924.09, and 924.99 and to enact sections 924.20 to 924.30 and 3717.53 of the Revised Code to establish a grain marketing program, to provide that the Director of Agriculture has exclusive authority to regulate the provision of food nutrition information at food service operations, and to provide incentives for bioproducts innovation in the Ohio polymer industry.

The question being, "Shall the Senate amendments be concurred in?"

The yeas and nays were taken and resulted - yeas 63, nays 29, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Bacon	Batchelder	Beatty
Blessing	Book	Budish	Carmichael
Coley	Collier	Combs	Core
Daniels	DeBose	DeGeeter	DeWine
Distel	Dodd	Dolan	Domenick
Driehaus	Dyer	Evans	Flowers
Gerberry	Gibbs	Goyal	Hagan J.
Harwood	Hite	Hughes	Jones
Latta	Letson	Lundy	McGregor J.
McGregor R.	Mecklenborg	Oelslager	Okey
Patton	Peterson	Raussen	Reinhard
Sayre	Schindel	Schlichter	Schneider
Setzer	Stewart D.	Stewart J.	Strahorn
Uecker	Ujvagi	Wachtmann	Wagner
Wagoner	Webster	Widener	Wolpert

Yuko                      Zehringer                      Husted-63.

Those who voted in the negative were: Representatives

Adams	Barrett	Boyd	Brady
Brinkman	Celeste	Chandler	Fende
Fessler	Foley	Goodwin	Hagan R.
Healy	Hottinger	Huffman	Koziura
Luckie	Mallory	Miller	Otterman
Redfern	Skindell	Stebelton	Sykes
Szollosi	White	Widowfield	Williams B.
			Yates-29.

The Senate amendments were concurred in.

Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has concurred in the passage of the following bill:

**Sub. H. B. No. 24** -Representative Wagner

Cosponsors: Representatives McGregor, J., Wagoner, Gibbs, Combs, Stebelton, Collier, Huffman, Blessing, Bulp, Latta, Schindel, Hagan, J., Wolpert, Adams, Aslanides, Bacon, Barrett, Batchelder, Boyd, Brown, Budish, Carmichael, Chandler, Coley, Core, Daniels, DeBose, Dolan, Domenick, Dyer, Evans, Fende, Fessler, Flowers, Goodwin, Goyal, Harwood, Healy, Hite, Hottinger, Hughes, Jones, Letson, Luckie, Lundy, Mandel, Miller, Oelslager, Otterman, Patton, Raussen, Reinhard, Sayre, Schneider, Seitz, Setzer, Szollosi, Uecker, Wachtmann, Webster, Williams, S., Yuko, Zehringer Senators Amstutz, Harris, Schaffer

To amend sections 718.01, 718.02, and 4763.16 of the Revised Code to authorize municipalities to allow self-employed taxpayers to take a municipal income tax deduction for amounts paid for medical care insurance, to authorize municipalities to allow individuals to deduct amounts paid into health savings accounts, to limit the entities that may apply for Real Estate Appraiser Recovery Fund payments, to allow certain property owners whose property is located in certain conservancy districts to have the Supreme Court review denials of their exceptions to an assessment, to establish a moratorium on the levying and collection of assessments by certain conservancy districts, to provide for the extension of the enhanced motor vehicle inspection and maintenance program, and to declare an emergency.

As a substitute bill with the following additional amendments, in which the concurrence of the House is requested.

Between lines 616 and 617, insert:

"**Section 7.** (A) Notwithstanding division (E) of section 3704.14 of the Revised Code, the Governor, by executive order, may extend through June 30, 2008, the enhanced motor vehicle inspection and maintenance program that is operating on the effective date of this section in certain counties in this state. In addition, the Governor, by executive order, may extend the terms of any contract concerning that program in those counties through June 30, 2008.

(B) If the Governor, in consultation with the Director of Environmental Protection, determines that the implementation of the enhanced motor vehicle inspection and maintenance program referred to in division (A) of this section is necessary for the state to effectively comply with the requirements of the federal Clean Air Act after June 30, 2008, the Governor, by executive order, may order the program to be implemented from July 1, 2008, through June 30, 2009. The Director of Environmental Protection shall select a vendor to operate the program during that time period via a competitive selection process pursuant to Chapter 125. of the Revised Code. Upon the selection of a vendor by the Director, the Governor, by executive order, shall authorize the Director to enter into a contract with that vendor to operate the enhanced program through June 30, 2009.

(C) Implementation of this section depends upon a previously made appropriation of money for current expenses of state government. Therefore, under Ohio Constitution, Article II, Section 1d, this section goes into immediate effect."

In line 617, delete "7." and insert "8."

In line 14 of the title, after the comma insert "to provide for the extension of the enhanced motor vehicle inspection and maintenance program,"

Attest:

Vincent L. Keeran,  
Clerk.

Pursuant to Joint Rule 16, Representative DeWine moved that the Senate amendments to **Am. Sub. H. B. No. 24**-Representative Wagner, et al., be taken up for immediate consideration.

The motion was agreed to without objection.

The Senate amendments to **Am. Sub. H. B. No. 24**-Representative Wagner, et al., were taken up for consideration.

**Am. Sub. H. B. No. 24**-Representative Wagner.

Cosponsors: Representatives McGregor, J., Wagoner, Gibbs, Combs, Stebelton, Collier, Huffman, Blessing, Bulp, Latta, Schindel, Hagan, J., Wolpert, Adams, Aslanides, Bacon, Barrett, Batchelder, Boyd, Brown, Budish, Carmichael, Chandler, Coley, Core, Daniels, DeBose, Dolan, Domenick, Dyer, Evans, Fende, Fessler, Flowers, Goodwin, Goyal, Harwood, Healy, Hite, Hottinger, Hughes, Jones, Letson, Luckie, Lundy, Mandel,

Miller, Oelslager, Otterman, Patton, Raussen, Reinhard, Sayre, Schneider, Seitz, Setzer, Szollosi, Uecker, Wachtmann, Webster, Williams, S., Yuko, Zehringer. Senators Amstutz, Harris, Schaffer.

To amend sections 718.01, 718.02, and 4763.16 of the Revised Code to authorize municipalities to allow self-employed taxpayers to take a municipal income tax deduction for amounts paid for medical care insurance, to authorize municipalities to allow individuals to deduct amounts paid into health savings accounts, to limit the entities that may apply for Real Estate Appraiser Recovery Fund payments, to allow certain property owners whose property is located in certain conservancy districts to have the Supreme Court review denials of their exceptions to an assessment, to establish a moratorium on the levying and collection of assessments by certain conservancy districts, to provide for the extension of the enhanced motor vehicle inspection and maintenance program, and to declare an emergency.

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

The yeas and nays were taken and resulted - yeas 74, nays 18, as follows:

Those who voted in the affirmative were: Representatives

Adams	Bacon	Barrett	Beatty
Blessing	Book	Boyd	Budish
Carmichael	Celeste	Chandler	Coley
Collier	Combs	Core	DeBose
DeGeeter	DeWine	Distel	Dodd
Driehaus	Evans	Fende	Fessler
Flowers	Foley	Gerberry	Gibbs
Goodwin	Goyal	Hagan J.	Hagan R.
Harwood	Healy	Hite	Hottinger
Huffman	Hughes	Jones	Koziura
Latta	Letson	Luckie	Mallory
McGregor R.	Mecklenborg	Oelslager	Okey
Otterman	Peterson	Raussen	Redfern
Reinhard	Sayre	Schlichter	Schneider
Setzer	Skindell	Stewart D.	Stewart J.
Strahorn	Sykes	Szollosi	Uecker
Ujvagi	Wagner	Wagoner	White
Widener	Wolpert	Yates	Yuko
Zehringer			Husted-74.

Those who voted in the negative were: Representatives

Aslanides	Batchelder	Brady	Brinkman
Daniels	Dolan	Domenick	Dyer
Lundy	McGregor J.	Miller	Patton
Schindel	Stebelton	Wachtmann	Webster
Widowfield			Williams B.-18.

Having received a constitutional majority, the emergency clause stood as part of the bill.

The question being, "Shall the Senate amendments be concurred in?"

The yeas and nays were taken and resulted - yeas 71, nays 21, as follows:

Those who voted in the affirmative were: Representatives

Adams	Bacon	Beatty	Blessing
Book	Boyd	Budish	Carmichael
Celeste	Coley	Collier	Combs
Core	DeBose	DeWine	Distel
Dodd	Driehaus	Evans	Fende
Fessler	Flowers	Foley	Gerberry
Gibbs	Goodwin	Goyal	Hagan J.
Hagan R.	Harwood	Healy	Hite
Hottinger	Huffman	Hughes	Jones
Koziura	Latta	Letson	Luckie
Mallory	McGregor R.	Mecklenborg	Oelslager
Okey	Otterman	Peterson	Rausen
Redfern	Reinhard	Sayre	Schlichter
Schneider	Setzer	Skindell	Stewart D.
Stewart J.	Strahorn	Sykes	Szollosi
Uecker	Ujvagi	Wagner	Wagoner
White	Widener	Wolpert	Yates
Yuko	Zehringer		Husted-71.

Those who voted in the negative were: Representatives

Aslanides	Barrett	Batchelder	Brady
Brinkman	Chandler	Daniels	DeGeeter
Dolan	Domenick	Dyer	Lundy
McGregor J.	Miller	Patton	Schindel
Stebelton	Wachtmann	Webster	Widowfield
			Williams B.-21.

The Senate amendments were concurred in.

Representative Wagner moved to amend the title as follows:

Remove the name: "Dolan."

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 concurred in the passage of the following bill:

**Sub. H. B. No. 372** -Representatives McGregor, R., Ujvagi  
 Cosponsors: Representatives Bubp, Wachtmann, Combs, Aslanides, White, Domenick, Healy, Reinhard, Bacon, Barrett, Batchelder, Beatty, Blessing, Bolon, Book, Boyd, Brady, Brown, Budish, Carmichael, Celeste, Chandler,

Coley, Collier, Daniels, DeBose, DeGeeter, DeWine, Distel, Dodd, Dolan, Driehaus, Dyer, Evans, Fende, Flowers, Foley, Garrison, Gerberry, Gibbs, Goodwin, Goyal, Hagan, J., Hagan, R., Harwood, Heard, Hite, Hottinger, Huffman, Hughes, Jones, Latta, Letson, Luckie, Lundy, Mallory, McGregor, J., Mecklenborg, Oelslager, Okey, Otterman, Patton, Peterson, Raussen, Redfern, Sayre, Schindel, Schlichter, Schneider, Setzer, Skindell, Stebelton, Stewart, D., Stewart, J., Strahorn, Sykes, Szollosi, Uecker, Wagner, Wagoner, Widener, Williams, B., Williams, S., Wolpert, Yates, Yuko, Zehringer Senators Spada, Goodman, Schaffer, Schuler, Miller, D., Austria, Buehrer, Carey, Cates, Faber, Gardner, Grendell, Niehaus, Roberts, Schuring, Wilson, Mumper, Mason, Padgett, Jacobson, Cafaro, Miller, R.

To amend sections 124.23, 124.93, 125.111, 153.59, 153.591, 176.04, 176.06, 717.01, 1751.18, 2101.16, 2927.03, 3905.55, 4112.01, 4112.02, 4112.021, 4112.04, 4112.05, 4112.08, 4117.19, 4503.571, 4735.16, 4735.55, 5533.09, 5747.01, 5903.10, and 5903.12 and to enact sections 1349.04, 2101.164, 4112.023, 4503.433, 4503.731, and 5903.121 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, to extend continuing education reporting periods for National Guard members ordered to duty by the Governor, to provide that standard "Purple Heart" license plates be issued without charge, to designate Interstate Routes 70 and 71 as the "Purple Heart Trail," to authorize the display of combat battle stars on certain special combat or military license plates, to prohibit discrimination under the Ohio Civil Rights Commission Law and certain other laws on the basis of military status, to require the Attorney General to appoint a staff member of the Consumer Protection Division to expedite certain cases or issues raised by a person, or the person's immediate family, who is deployed on active duty, to grant certain military persons additional civil service credit, to require relevant military experience to be considered in continuing education determinations, to create an incumbent worker training program, and to create Civil Air Patrol license plates.

As a substitute bill, in which the concurrence of the House is requested.

Attest:

Vincent L. Keeran,  
Clerk.

Pursuant to Joint Rule 16, Representative DeWine moved that the Senate amendments to **Sub. H. B. No. 372**-Representatives McGregor, R., Ujvagi, et al., be taken up for immediate consideration.

The motion was agreed to without objection.

The Senate amendments to **Sub. H. B. No. 372**-Representatives McGregor, R., Ujvagi, et al., were taken up for consideration.

**Sub. H. B. No. 372**-Representatives McGregor, R., Ujvagi.

Cosponsors: Representatives Bubp, Wachtmann, Combs, Aslanides, White, Domenick, Healy, Reinhard, Bacon, Barrett, Batchelder, Beatty, Blessing, Bolon, Book, Boyd, Brady, Brown, Budish, Carmichael, Celeste, Chandler, Coley, Collier, Daniels, DeBose, DeGeeter, DeWine, Distel, Dodd, Dolan, Driehaus, Dyer, Evans, Fende, Flowers, Foley, Garrison, Gerberry, Gibbs, Goodwin, Goyal, Hagan, J., Hagan, R., Harwood, Heard, Hite, Hottinger, Huffman, Hughes, Jones, Latta, Letson, Luckie, Lundy, Mallory, McGregor, J., Mecklenborg, Oelslager, Okey, Otterman, Patton, Peterson, Raussen, Redfern, Sayre, Schindel, Schlichter, Schneider, Setzer, Skindell, Stebelton, Stewart, D., Stewart, J., Strahorn, Sykes, Szollosi, Uecker, Wagner, Wagoner, Widener, Williams, B., Williams, S., Wolpert, Yates, Yuko, Zehringer. Senators Spada, Goodman, Schaffer, Schuler, Miller, D., Austria, Buehrer, Carey, Cates, Faber, Gardner, Grendell, Niehaus, Roberts, Schuring, Wilson, Mumper, Mason, Padgett, Jacobson, Cafaro, Miller, R.

To amend sections 124.23, 124.93, 125.111, 153.59, 153.591, 176.04, 176.06, 717.01, 1751.18, 2101.16, 2927.03, 3905.55, 4112.01, 4112.02, 4112.021, 4112.04, 4112.05, 4112.08, 4117.19, 4503.571, 4735.16, 4735.55, 5533.09, 5747.01, 5903.10, and 5903.12 and to enact sections 1349.04, 2101.164, 4112.023, 4503.433, 4503.731, and 5903.121 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, to extend continuing education reporting periods for National Guard members ordered to duty by the Governor, to provide that standard "Purple Heart" license plates be issued without charge, to designate Interstate Routes 70 and 71 as the "Purple Heart Trail," to authorize the display of combat battle stars on certain special combat or military license plates, to prohibit discrimination under the Ohio Civil Rights Commission Law and certain other laws on the basis of military status, to require the Attorney General to appoint a staff member of the Consumer Protection Division to expedite certain cases or issues raised by a person, or the person's immediate family, who is deployed on active duty, to grant certain military persons additional civil service credit, to require relevant military experience to be considered in continuing education determinations, to create an incumbent worker training program, and to create Civil Air Patrol license plates.

The question being, "Shall the Senate amendments be concurred in?"

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

Barrett



Batchelder	Beatty	Blessing	Book
Boyd	Brady	Brinkman	Budish
Carmichael	Celeste	Chandler	Coley
Collier	Combs	Core	Daniels
DeBose	DeGeeter	DeWine	Distel
Dodd	Dolan	Domenick	Driehaus
Dyer	Evans	Fende	Fessler
Flowers	Foley	Gerberry	Gibbs
Goodwin	Goyal	Hagan J.	Hagan R.
Harwood	Healy	Hite	Hottinger
Huffman	Hughes	Jones	Koziura
Latta	Letson	Luckie	Lundy
Mallory	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.	Wolpert
Yates	Yuko	Zehringer	Husted-92.

The Senate amendments were concurred in.

#### 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. 185** -Senator Schuler

Cosponsors: Senators Kearney, Cates, Grendell, Seitz, Carey, Gardner, Harris, Sawyer, Wilson, Fedor, Morano, Spada, Boccieri

To amend sections 127.14, 131.18, 131.44, 131.51, 133.10, 135.35, 135.352, 149.411, 321.08, 3375.05, 3375.121, 3375.32, 3375.35, 3375.36, 3375.37, 3375.38, 3375.39, 3375.40, 3375.404, 3375.41, 3375.42, 3375.85, 3375.91, 3375.92, 5705.28, 5705.281, 5705.31, 5705.32, 5705.321, 5705.37, 5715.36, 5719.041, 5747.03, 5747.46, 5747.47, 5747.48, 5747.51, and 5747.52 and to enact sections 3375.351, 3375.64, 3375.65, 3375.66, and 3375.67 of the Revised Code and to amend Section 323.10 of H.B. 119 of the 127th General Assembly to revise certain laws governing public libraries, to change the name of the Library and Local Government Support Fund, and to codify the creation of the Ohio Public Library Information Network.

**Am. S. B. No. 192** -Senators Gardner, Carey, Niehaus, Coughlin, Harris, Spada

To amend sections 3703.01, 3703.08, and 3781.03 of the Revised Code to permit the board of health of a health district to enter into a contract with a board of county commissioners to authorize the county building department to inspect plumbing in any type of building for which the county department is certified and to permit the board of health of a health district to enter into a contract with the board of health of another health district for the inspection of plumbing within the first board's district.

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 passed the following bills in which the concurrence of the House is requested:

**Sub. S. B. No. 217** -Senator Kearney

Cosponsors: Senators Schuler, Goodman, Gardner, Miller, R., Miller, D., Roberts, Mason, Schaffer, Bocchieri, Padgett, Clancy, Morano, Wilson, Sawyer, Smith, Cates, Grendell, Seitz, Niehaus, Amstutz, Buehrer, Carey, Fedor, Harris, Schuring, Spada, Stivers, Jacobson

To enact section 5.2236 of the Revised Code to designate the Saturday before Thanksgiving as "Adoption Day" and to declare an emergency.

**Sub. S. B. No. 241** -Senator Cates

Cosponsors: Senators Carey, Mumper, Schuring, Faber, Padgett, Seitz, Niehaus, Gardner, Grendell, Kearney, Spada, Schaffer, Stivers, Harris

To amend section 301.28 of the Revised Code to modify the law governing payment of county expenses by a financial transaction device.

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 passed the following bills in which the concurrence of the House is requested:

**S. B. No. 219** -Senator Schuring

Cosponsors: Senators Grendell, Faber, Niehaus, Padgett, Schaffer, Schuler, Stivers, Wilson

To amend section 2901.13 of the Revised Code to make the period of limitation for the criminal prosecution of a person for an offense directly related to misconduct in office of a public servant the same as the period of limitation for the criminal prosecution of that public servant for the offense involving the public servant's misconduct in office.

**S. B. No. 240** -Senators Grendell, Cates, Fedor, Harris, Wilson

To enact section 5.033 of the Revised Code to adopt the spotted salamander as the state amphibian.

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 agreed to the report of the Committee of Conference on matters of difference between the two houses on:

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

Attest:

Vincent L. Keeran,  
Clerk.

Message from the Speaker

December 12, 2007

Speaker Jon A. Husted  
State Representative, 37th House District  
77 South High Street, 14th Floor  
Columbus, OH 43215

Dear Speaker Husted,

It is with a heavy heart that I inform you of my resignation as State Representative for the 52nd District of Ohio effective December 31, 2007 at 11:59 p.m.

It has been an honor and a pleasure to serve as the voice of the residents of Canton, Canton Township, Perry Township, and Plain Township over the past three years in the House of Representatives.

While I am sad to be leaving the legislative seat that was once occupied by my father, I am excited to continue my service to the residents of the City of Canton as their newly-elected Mayor. I look forward to working with you and the other members of the General Assembly in the coming years as I undertake this new role.

If I can be any help to you during the transition, please do not hesitate to contact me.

Sincerely,

/s/ WILLIAM J. HEALY II

William J. Healy II  
State Representative  
52nd House District

Message from the Speaker

The Honorable William J. Healy, II  
Ohio House of Representatives  
77 South High Street  
Columbus, Ohio 43215-6111

Dear Representative Healy:

This is to acknowledge receipt and acceptance of your letter of resignation from the Ohio House of Representatives, effective December 31, 2007.

You have served your constituents well over the years and I'm confident you will continue to do so as mayor of the City of Canton.

Sincerely,

/s/ JON A. HUSTED

Jon A. Husted  
Speaker  
Ohio House of Representatives

Representative DeWine moved that the following resolution be read by title only and brought up for immediate adoption:

**H. R. No. 110**-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, 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.

Honoring Representative William J. Healy II for outstanding service to the Ohio House of Representatives.

The question being, "Shall the resolution be adopted?"

The resolution was adopted.

#### Message from the Speaker

The Honorable Speaker Jon Husted  
Ohio House of Representatives  
77 South High Street - 14th Floor  
Columbus, Ohio 43215

Dear Speaker Husted,

This letter is to inform you of my resignation from the Ohio House of Representatives effective at 12:00 a.m. on December 13, 2007 in order to serve as the U.S. Congressman of the 5th Congressional District of Ohio.

I have thoroughly enjoyed the many experiences afforded me in the House and deeply appreciate the friendship and leadership you have shared with me in my time here. I look forward to continuing the people's work in the United States House of Representatives.

I thank you for your many kindnesses over the years, and I thank the people of the 6th House District for having reposed their confidence in me during my tenure here in the House.

Sincerely,

/s/ ROBERT E. LATTA

Robert E. Latta  
State Representative  
6th House District

Message from the Speaker

The Honorable Robert Latta  
Ohio House of Representatives  
77 South High Street  
Columbus, Ohio 43215-6111

Dear Representative Latta:

This is to acknowledge receipt and acceptance of your letter of resignation from the Ohio House of Representatives, effective at 12:00 a.m. on December 13, 2007.

You have served your constituents well over the years and I'm confident you will continue to do so representing the 5th Congressional District as a member of the U.S. House of Representatives.

Sincerely,

/s/ JON A. HUSTED

Jon A. Husted  
Speaker  
Ohio House of Representatives

Representative DeWine moved that the following resolution be read by title only and brought up for immediate adoption:

**H. R. No. 112**-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, 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.

Honoring Representative Robert E. Latta for outstanding service to the Ohio House of Representatives.

The question being, "Shall the resolution be adopted?"

The resolution was adopted.

On motion of Representative DeWine, the House adjourned until Thursday, December 13, 2007 at 11:00 o'clock a.m.

Attest:

LAURA P. CLEMENS,  
Clerk.