

SUBMISSION OF EVIDENCE

Pursuant to S. Ct. Prac. R. X, Section 7, Respondent Secretary of State Jennifer Brunner submits the following evidence in support of her arguments in this case.

- Respondent's Exhibit 1 – Affidavit of Gretchen A. Quinn
- Respondent's Exhibit 2 – Affidavit of Alicia M. Harrison
- Respondent's Exhibit 3 – Affidavit of Traci J. Washington
- Respondent's Exhibit 4 – Affidavit of Jeffrey A. Ruppert
- Respondent's Exhibit 5 – Affidavit of John M. Stephan
- Respondent's Exhibit 6 – Affidavit of Senator Teresa Fedor
- Respondent's Exhibit 7 – Ohio Senate Journal Log
- Respondent's Exhibit 8 – Ohio House of Representatives Journal Log
- Respondent's Exhibit 9 – 1975 Letter from Governor James Rhodes to Secretary Ted Brown

Respectfully submitted,

MARC DANN (0039425)
Attorney General of Ohio



BRIAN J. LALIBERTE* (0071125)

**Counsel of Record*

MICHAEL W. DEEMER (0075501)

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30 East Broad Street, 17th Floor

Columbus, Ohio 43215

(614) 466-8980 – telephone

(614) 466-5807 – fax

blaliberte@ag.state.oh.us

Counsel for Respondent

CERTIFICATE OF SERVICE

I hereby certify that on April 2, 2007 a copy of the foregoing *Respondent's Submission of Evidence* was served by electronic mail and regular U.S. Mail, postage prepaid, upon:

Suzanne K. Richards
C. William O'Neill
Richard D. Schuster
Vorys, Sater, Seymour and Pease LLP
52 E. Gay St.
Columbus, Ohio 43215
skrichards@vssp.com
cwoneill@vssp.com
rdschuster@vssp.com

Counsel for Relators


FRANK M. STRIGARI
Assistant Attorney General

**RESPONDENT'S
EXHIBIT 1**

8. To the best of my knowledge, the Governor's Office Bill Record is located in the Secretary of State's Office as a matter of convenience for the Governor's staff due to the size and weight of the Governor's Office Bill Record.

9. Because the Governor's Office Bill Record is not the official property of the Secretary of State, the Secretary of State's staff does not alter, change or modify any entries entered by the Governor's staff in the Governor's Office Bill Record.

10. The Secretary of State maintains, for her own internal administrative purposes, electronic records regarding legislation filed with her.

11. However, the electronic records maintained by the Secretary of State are not required by the Ohio Revised Code.

12. Although the Secretary of State's electronic records are maintained for internal administrative purposes, the Secretary of State has exercised her discretion to make the electronic records available to the public.

13. In my former capacity as Assistant Elections Counsel and as current Elections Counsel, I am familiar with the procedures and practices of the Secretary of State with regard to her duty pursuant to Revised Code 111.08 to "keep the laws and resolutions passed by the general assembly and such other papers and documents as are required to be deposited in [her] office."

14. On January 17, 2007, as a representative of the Secretary of State, I received a letter written, signed and hand-delivered by Laura P. Clemens, Clerk of the Ohio House of Representatives.

15. In Ms. Clemens' January 17, 2007 letter, she asked Secretary Brunner to replace pages from a version of Am. Sub. H.B. 694 ("H.B. 694") that was filed with the Secretary of

State on January 5, 2007 as File No. 181, with pages from another version that Ms. Clemens described as the "correct" version of H.B. 694.

16. A true and accurate copy of the January 17, 2007 letter from Laura P. Clemens is attached as Exhibit 2a of the Agreed Statement of Facts entered into by the parties in this litigation.

17. On or about January 17, 2007, in response to Ms. Clemens' request, David Farrell, Director of Elections at the Secretary of State's office, and I accepted from Ms. Clemens pages 1 to 33 of the purportedly correct version of H.B. 694.

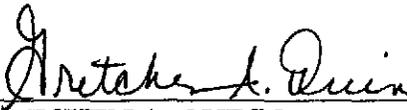
18. On or about January 17, 2007, pages 1 to 33 of H.B. 694 as previously filed on January 5, 2007 with the Secretary of State were replaced with new pages 1 to 33 purported by Laura Clemens to be the correct version of H.B. 694.

19. No changes or substitutions were made to the pages of H.B. 694 bearing the signatures of Senate President Bill Harris, Speaker of the House of Representatives Jon Husted, former Governor Taft, and former Secretary of State J. Kenneth Blackwell.

20. Laura Clemens represented to me that, in the past, House Clerks have corrected errors in the enrolled version of bills filed with the Secretary of State by substituting the incorrect pages with corrected pages. Ms. Clemens also represented to me that these substitutions did not affect the signature pages.

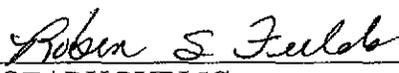
21. The substitution of pages 1 to 33 of H.B. 694 was carried out consistent with the past practices of prior Secretaries of State.

FURTHER AFFIANT SAYETH NAUGHT.



GRETCHEN A. QUINN

Sworn to before me and subscribed in my presence this 30th day of March 2007.



NOTARY PUBLIC

My commission expires 10/26, 2008

**RESPONDENT'S
EXHIBIT 2**

7. In the Governor's Office Bill Record, there are eight specific columns of information regarding legislation.

8. Those eight columns of information are as follows:

- i. File number
- ii. Number of Bill
- iii. Author
- iv. Presented to Governor
- v. Action taken by Governor
- vi. Delivered to Secy. of State
- vii. By Whom Received
- viii. Remarks

9. Entries in the first six columns of the Governor's Office Bill Record (File Number, Number of Bill, Author, Presented to Governor, Action taken by Governor and Delivered to Secy. of State) are completed by the Governor's staff.

10. Entries in the seventh column of the Governor's Office Bill Record (By Whom Received) have historically been made by the Secretary of State's staff.

11. The seventh column entitled (By Whom Received) represents the signature of the Secretary of State's staff member who received a bill delivered to the Secretary of State by the Governor's staff.

12. Historically, the eighth and final column (Remarks) was used to note the expiration date of the referendum period, and is generally not filled in by the Secretary of State's staff at the time the bill was filed, but sometime later.

13. Historically, on occasion, the Governor's staff makes entries in the eighth column (Remarks).

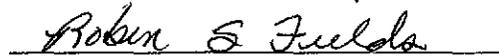
14. Historically, when the Governor vetoes a bill, the Secretary of State does not calculate a referendum date.

15. According to the Governor's Office Bill Record, the Governor was presented with approximately forty-seven bills on December 27, 2006, including Senate Bill 117.

FURTHER AFFIANT SAYETH NAUGHT.


ALICIA M. HARRISON

Sworn to before me and subscribed in my presence this 30th day of March 2007.


NOTARY PUBLIC

My commission expires 10/26, 20008.

**RESPONDENT'S
EXHIBIT 3**

6. The Governor's Office Bill Record is located in the Secretary of State's Office as a matter of convenience for the Governor's staff due to the size and weight of the Governor's Office Bill Record.

7. Once a Governor's Office Bill Record volume is filled to capacity, a courier from the Governor retrieves that filled Governor's Office Bill Record volume from the Secretary of State and delivers a new Governor's Office Bill Record volume to the Secretary of State.

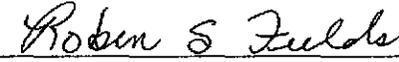
8. During my time of service with the Secretary of State, I have personally seen a courier from the Governor retrieve a filled Governor's Office Bill Record volume and deliver a new Governor's Office Bill Record volume to the Secretary of State.

9. The Secretary of State does not keep or store old Governor's Office Bill Record volumes once they are filled. Each Governor's Office Bill Record volume returns to the Governor.

FURTHER AFFIANT SAYETH NAUGHT.


TRACI J. WASHINGTON

Sworn to before me and subscribed in my presence this 30th day of March 2007.


NOTARY PUBLIC

My commission expires 10/26, 2008.

**RESPONDENT'S
EXHIBIT 4**

7. As **Exhibit 1(a)** of this Affidavit indicates, Mr. Hoeffel requested copies of certain pages “of the journal or log book that is kept to record the transmittal of legislative bills and enactments to the Secretary of State’s office.”

8. After I reviewed Mr. Hoeffel’s public record request, I performed an investigation within the Governor’s Office to try to answer the public record request.

9. During my investigation, I searched the Governor’s Office to try to find the “journal or log book” that Mr. Hoeffel sought to inspect.

10. Although I found other registers concerning clemency, extraditions/renditions, and appointment in the Governor’s Office, I did not find any journal, register and/or log of legislation in the Governor’s Office.

11. I informed Mr. Hoeffel that I was unable to locate any journal, register and/or log of legislation in the Governor’s Office.

12. I provided Mr. Hoeffel with the contact information for the State Archivist, as many of the previous administration’s documents and materials had been transferred to the Ohio Historical Society.

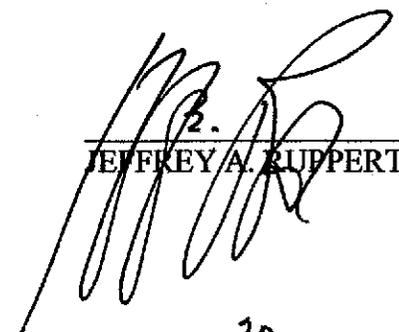
13. To this date, I have not found any journal, register and/or log of legislation in the Governor’s Office.

14. Based on my investigation, I discovered that the current register that the Governor is required to keep pursuant to R.C. 107.10(A) is not located in the Governor’s office.

15. It is my understanding that the register that the Governor is required to keep pursuant to R.C. 107.10(A) is located in the Secretary of State’s office and is entitled the Governor’s Office Bill Record.

16. It is my further understanding that although the Governor's Office Bill Record is located in the Secretary of State's office, the Governor's Office Bill Record is the official property of the Governor of Ohio.

FURTHER AFFIANT SAYETH NAUGHT.



JEFFREY A. RUPPERT

Sworn to before me and subscribed in my presence this 30 day of March 2007.



NOTARY PUBLIC

My commission expires 5-21, 2011.

**TAMIYKA KOGER
NOTARY PUBLIC
STATE OF OHIO
MY COMM. EXP. 05-21-2011**

1-16-2007

PUBLIC RECORDS REQUEST

RE: Legislative Journal or Log Book

I would like to inspect and possibly request copies of a few pages of the journal or log book that is kept to record the transmittal of legislative bills and enactments to the Secretary of State's office. I am interested in seeing the journal entries made during January 2007 in particular. I would like to conduct this review today if at all possible.

THANK YOU,

David Hoeffel

Vorys, Sater, Seymour & Pease LLP

mobile phone: (614) 439-3655

PENNSAID 800-637-6888

EXHIBIT

4(a)

**RESPONDENT'S
EXHIBIT 5**

7. A true and accurate copy of Governor Strickland's veto message is attached to Exhibit J of Relators' complaint and has been authenticated in paragraph 27 of the Agreed Statement of Facts entered into by the parties in this litigation.

8. On January 8, 2007 at 4:55pm, I, as a representative of Governor Strickland, first attempted to deliver Governor Strickland's veto message for Am. Sub. S.B. 117 and the original Am. Sub. S.B. 117 (collectively "Veto") to the office of the Clerk for the Ohio Senate. The office being locked, I proceeded to go next door to the office of the Ohio Senate Majority Caucus, which was open.

9. I delivered the Veto to the office of the Ohio Senate Majority Caucus. I requested a date-stamped copy of the Veto, but was informed the office did not have the ability to give a date-stamp.

10. The Veto was handled and received by Mary Amos, Majority Counsel for the Ohio Senate, and David Battocletti, Clerk of the Ohio Senate.

11. Ms. Amos and Mr. Battocletti asked that I wait in the reception area of the office of the Ohio Senate Majority Caucus while they discussed in private the Veto. After approximately fifteen minutes, Mr. Battocletti asked that I continue to wait and represented to me that he might not be willing to accept the Veto.

12. On January 8, 2007, approximately 30 minutes after delivering the Veto to Ms. Amos and Mr. Battocletti, I left the office of the Ohio Senate Majority Caucus.

13. At approximately 5:50pm on January 8, 2007, I sent an email to Kent Markus, Chief Legal Counsel to Governor Ted Strickland, and copied Ms. Amos, Mr. Battocletti, and Matt Schuler, Majority Chief of Staff for the Ohio Senate, that stated the following: "Kent - Pursuant to your instructions, I delivered Governor Strickland's veto of Am. Sub. SB 117 to the

Ohio Senate Majority Caucus at 4:55pm on January 8, 2007. It was received by Mary Amos, Majority Counsel for the Ohio Senate, and David Battocletti, Clerk for the Ohio Senate. John”.

14. At approximately 6:00pm on January 8, 2007, Mr. Battocletti responded to me in an email transmission and copied Mr. Markus, Ms. Amos, and Mr. Schuler. In his email, Mr. Battocletti stated that: “FYI: The Ohio Senate has not received Governor’s Strickland’s veto message on Am. Sub. S.B. 117. Thanks, David Battocletti Senate Clerk”.

15. A true and accurate copy of these email transmissions is attached as **Exhibit (a)** of this Affidavit.

FURTHER AFFIANT SAYETH NAUGHT.



JOHN M. STEPHAN

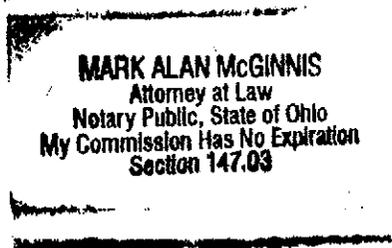
Sworn to before me and subscribed in my presence this 30 day of March 2007.



NOTARY PUBLIC

My commission expires _____, 200

HAS NO EXPIRATION


MARK ALAN MCGINNIS
Attorney at Law
Notary Public, State of Ohio
My Commission Has No Expiration
Section 147.03

From: Battocletti, David [mailto:DBattocletti@mail.sen.state.oh.us]
Sent: Monday, January 08, 2007 6:00 PM
To: Stephan, John; kent.markus@governor.ohio.gov
Cc: Amos, Mary; Battocletti, David; Schuler, Matt
Subject: RE: Delivery of Veto

FYI: The Ohio Senate has not received Governor Strickland's veto message on Am. Sub. S.B. 117.

Thanks,

David Battocletti
Senate Clerk

-----Original Message-----

From: "Stephan, John" <John.Stephan@oh.state.oh.us>
To: "kent.markus@governor.ohio.gov" <kent.markus@governor.ohio.gov>
Cc: "Amos, Mary" <MAmos@mail.sen.state.oh.us>; "Battocletti, David" <DBattocletti@mail.sen.state.oh.us>; "Schuler, Matt" <MSchuler@mail.sen.state.oh.us>
Sent: 1/8/07 5:50 PM
Subject: Delivery of Veto

Kent -

Pursuant to your instructions, I delivered Governor Strickland's veto of Am. Sub. SB 117 to the Ohio Senate Majority Caucus at 4:55pm on January 8, 2007. It was received by Mary Amos, Majority Counsel for the Ohio Senate, and David Battocletti, Clerk for the Ohio Senate.

John

PHENIX 800-631-6089

EXHIBIT

5(a)

**RESPONDENT'S
EXHIBIT 6**

7. On January 8, 2007, between 6:00 pm and 8:00 pm, I attempted to hand deliver a copy of Governor Strickland's veto message for S.B. 117 and S.B. 117 (collectively "Veto") to the office of David Battocletti, Clerk of the Ohio Senate.
8. The office of the Clerk of the Ohio Senate is located on the second floor of the Statehouse in Columbus, Ohio.
9. The door to the Clerk of the Ohio Senate was locked. I knocked on the door, but no one responded.
10. On January 8, 2007, at approximately 8:00 pm, I attempted to hand-deliver a copy of Governor Strickland's Veto to the office of Senate President Bill Harris.
11. Senator Harris office is located on the second floor of the Statehouse in Columbus, Ohio.
12. The door to Senator Harris' office was locked. I knocked on the door, but no one responded.
13. After ascertaining that no one within Senator Harris' office would respond to my knocking, I placed a copy of Governor Strickland's Veto under the door of Senator Harris' office.
14. The copy of the Veto was not visible or accessible from the exterior of Senator Harris' office.
15. I delivered the copy of the Veto to Senator Harris' office with my letter dated January 8, 2007, addressed to Senator Harris, which states as follows: "Dear President Harris: I attempted to deliver these documents to members of the Senate Staff this evening but was unable to do so. I have left them at your office at just after 8:00 pm, today, so that you would have received them today on behalf of the Senate. Warm regards, Teresa Fedor, Senator."

16. A true and accurate copy of my January 8, 2007 letter to Senator Harris, bearing my signature, is attached as **Exhibit (a)** of this Affidavit.

17. To this date, I have received no communications from Senator Harris acknowledging receipt of Governor Strickland's Veto.

FURTHER AFFIANT SAYETH NAUGHT.


TERESA FEDOR

Sworn to before me and subscribed in my presence this 1st day of April 2007.





RICK BAUM
Notary Public - State of Ohio
My commission has no expiration date.
Section 147.03 R.C.

Senator Teresa Fedor
Ohio Senate
Columbus, Ohio

January 8, 2007

Hon. William Harris
President, The Ohio Senate
The Statehouse
Columbus, OH 43215

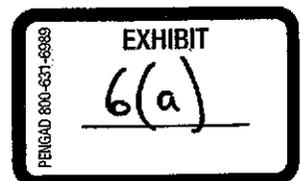
Dear President Harris:

I attempted to deliver these documents to members of the Senate Staff this evening but was unable to do so. I have left them at your office at just after 8:00 pm, today, so that you would have received them today on behalf of the Senate.

Warm regards,


Teresa Fedor
Senator

cc: Governor Ted Strickland



**RESPONDENT'S
EXHIBIT 7**



Ohio Senate
Statehouse
Columbus, Ohio 43215
(614) 466-4900
Fax (614) 466-8261

David A. Battocletti
Senate Clerk

CERTIFICATION
CLERK OF THE OHIO SENATE

Attached hereto are true and accurate copies of certain entries in the original Ohio Senate Journal related to Senate Bill 117 of the 126th General Assembly.

The Ohio Senate Clerk prepares and maintains the Ohio Senate Journal in the ordinary and regular course of business of the Ohio Senate pursuant to Article II, Section 9 of the Ohio Constitution and Sections 101.54 through 101.543 of the Revised Code.

A handwritten signature in cursive script that reads "David A. Battocletti".

David A. Battocletti
Clerk of the Ohio Senate

3-29-07

Date

PENGAD 800-631-6989

EXHIBIT

7

THIRTY-FIFTH DAY
Senate Chamber, Columbus, Ohio
Friday, April 1, 2005, 11:00 o'clock a.m.

The Senate met pursuant to adjournment.

The journal of the last legislative day was read and approved.

INTRODUCTION AND FIRST CONSIDERATION OF BILLS

The following bills were introduced and considered the first time:

S. B. No. 116-Senators Spada, Gardner, Schuring, Hottinger, Fedor, Fingerhut, Miller, Hagan, Dann, Zurz.

To amend sections 1739.05, 1751.01, 1751.02, 3923.28, 3923.30, and 3923.51 and to enact sections 3923.281 and 3923.282 of the Revised Code to prohibit, subject to certain exceptions, discrimination in group health care policies, contracts, and agreements in the coverage provided for the diagnosis, care, and treatment of biologically based mental illnesses.

S. B. No. 117-Senators Mallory, Dann, Fedor, Jacobson, Miller.

To amend section 2307.60 of the Revised Code to provide that a final judgment, entered after a trial or upon a plea of guilty in certain criminal actions generally precludes the offender from denying any fact essential to sustain that judgment when entered in evidence in a civil proceeding that is based on the criminal act.

S. B. No. 118-Senator Mumper.

To amend section 3901.386 of the Revised Code to require insurers and other third-party payers to accept and honor assignment-of-benefit agreements entered into between plan beneficiaries and treating health care providers.

OFFERING OF RESOLUTIONS

Pursuant to Senate Rule No. 54, the following resolutions were offered:

S. R. No. 46-Senator Mumper.

Honoring the Upper Sandusky High School boys basketball team on winning the 2005 Division II State Championship.

S. R. No. 47-Senator Gardner.

Honoring Ralph Cubberly as the 2005 Ohio Division II Wrestling Coach of the Year.

S. R. No. 48-Senator Miller.

Honoring the Africentric High School boys basketball team as the 2005 Division IV State Champion.

S. R. No. 49-Senator Fedor.

Honoring Jon Hendricks for Outstanding Achievement in the Arts.

S. R. No. 50-Senator Mumper.

Honoring Matt Guhn as a 2005 Division II State Wrestling Champion.

The question being, "Shall the resolutions listed under the President's prerogative be adopted?"

So the resolutions were adopted.

COMMUNICATIONS FROM THE GOVERNOR

The President handed down the following messages from the Governor which were read by the Clerk:

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

I, Bob Taft, Governor of the State of Ohio, do hereby appoint, William Brantingham, Democrat, from Winona, Columbiana County, Ohio, as a Member of the Emergency Response Commission for a new term beginning March 11, 2005 and ending at the close of business January 13, 2007.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 11th day of March in the year of our Lord, two thousand and five.

[Seal]

Bob Taft,
Governor.

bill passed.

question being, "Shall the title be agreed to?"

Mr Coughlin moved to amend the title as follows:

The names: "Coughlin, Jacobson."

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

The motion was agreed to and the title so amended.

Sub. H. B. No. 209-Representatives Combs, Carano, Chandler, C. Evans, Martin, Perry, Trakas, Daniels, Fende, Yuko, Wolpert, Allen, Blessing, Boccieri, Brown, Distel, Domenick, D. Evans, Flowers, Kearns, Key, Otterman, Reidelbach, Schneider, Seaver, Seitz, Yates.

To amend sections 4301.24 and 4303.181 and to enact section 4301.242 of the Revised Code to allow manufacturers and wholesale distributors of alcohol to other manufacturers or wholesale distributors travel, lodging, and beverages and to liquor permit holders food, beverages, and other activities, to qualify the owner or operator of a community arts center at a community theater meeting specified qualifications for issuance of a liquor permit, to exclude wine sales from the total gross receipts of a permit governing the issuance of a D-5i liquor permit, to modify the permit requirements for the issuance of a D-5i liquor permit, and to create a new permit qualification under which a D-5j liquor permit may be issued in a community entertainment district, was considered the third time.

question being, "Shall the bill, **Sub. H. B. No. 209**, pass?"

The yeas and nays were taken and resulted - yeas 31, nays 0, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Brady
Carey	Cates	Clancy	Coughlin
Dann	Fedor	Fingerhut	Gardner
Goodman	Hagan	Hottinger	Jacobson
Jordan	Mallory	Miller	Mumper
Niehaus	Padgett	Prentiss	Roberts
Schuler	Schuring	Spada	Wachtmann
Wilson	Zurz		Harris-31.

bill passed.

question being, "Shall the title be agreed to?"

Mr Mumper moved to amend the title as follows:

The name: "Mumper."

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

The motion was agreed to and the title so amended.

Sub. S. B. No. 40-Senators Jordan, Spada.

To enact section 4734.162 of the Revised Code regarding solicitation of chiropractic business, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 40**, pass?"

The yeas and nays were taken and resulted - yeas 28, nays 3, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Brady
Carey	Cates	Clancy	Coughlin
Dann	Fedor	Fingerhut	Gardner
Hagan	Harris	Hottinger	Jordan
Mallory	Miller	Mumper	Niehaus
Padgett	Prentiss	Roberts	Schuler
Schuring	Spada	Wilson	Zurz-28.

Senators Goodman, Jacobson, and Wachtmann voted in the negative-3.

So the bill passed.

The question being, "Shall the title be agreed to?"

Senator Jordan moved to amend the title as follows:

Add the names: "Gardner, Schuler, Schuring, Hagan."

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

The motion was agreed to and the title so amended.

Sub. S. B. No. 117-Senators Mallory, Dann, Fedor, Jacobson, Miller, Schuler, Amstutz, Zurz.

To amend section 2307.60 of the Revised Code to provide that a final judgment, entered after a trial or upon a plea of guilty in certain criminal actions generally precludes the offender from denying any fact essential to sustain that judgment when entered in evidence in a civil proceeding that is based on the criminal act, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 117**, pass?"

The yeas and nays were taken and resulted - yeas 31, nays 0, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Brady
Carey	Cates	Clancy	Coughlin

Dann	Fedor	Fingerhut	Gardner
Goodman	Hagan	Hottinger	Jacobson
Jordan	Mallory	Miller	Mumper
Niehaus	Padgett	Prentiss	Roberts
Schuler	Schuring	Spada	Wachtmann
Wilson	Zurz		Harris-31.

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

So the bill passed.

The question being, "Shall the title be agreed to?"

Senator Mallory moved to amend the title as follows:

Add the names: "Armbruster, Brady, Clancy, Fingerhut, Goodman, Hagan, Jordan, Mumper, Niehaus, Padgett, Schuring, Wachtmann, Wilson, Harris, Spada, Cates."

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

The motion was agreed to and the title so amended.

Sub. S. B. No. 141-Senators Hottinger, Jacobson, Gardner, Clancy, Dann, Zurz, Goodman.

To amend sections 2152.02, 2152.19, 4510.07, 4510.13, 4510.14, 4510.17, 4510.31, 4511.19, 4511.191, 4511.193, and 4511.195 of the Revised Code to increase the administrative license suspension periods for persons who are arrested for OVI and refuse a request of a law enforcement officer to consent to a chemical test of the person's whole blood, blood serum or plasma, breath, or urine to determine its alcohol content; to increase the period that a person must serve under such an administrative license suspension in certain circumstances before becoming eligible for limited driving privileges; to provide that the suspension period for a judicial post-conviction OVI suspension of a person serving an administrative license suspension must be not less than the greater of the period of time remaining in the administrative license suspension or the minimum applicable judicial post-conviction suspension period specified for the offender; to clarify the circumstances in which a person serving an administrative license suspension for refusal to consent to a chemical test or for having a prohibited concentration of alcohol in the person's system or serving a judicial post-conviction OVI suspension never is eligible for limited driving privileges; to increase from six years to twenty years the "look back" period during which a person's prior convictions or chemical test refusals are considered in determining certain specified sanctions against the person; to clarify and reaffirm that acts that would be minor misdemeanors if committed by an adult are delinquent acts when committed by a juvenile; and to specify as a presumptive disposition for the

committed by a juvenile either a requirement of confinement in a facility for a specified minimum period of time or a requirement assessment, counseling, or treatment plus probation, or both, was the third time.

The question being, "Shall the bill, **Sub. S. B. No. 141**, pass?"

The yeas and nays were taken and resulted - yeas 28, nays 3, a

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	C.
Cates	Clancy	Coughlin	D
Fedor	Fingerhut	Gardner	G
Hagan	Hottinger	Jacobson	Jc
Mallory	Miller	Mumper	N
Padgett	Schuler	Schuring	Sf
Wachtmann	Wilson	Zurz	H.

Senators Brady, Prentiss, and Roberts voted in the negative-3.

So the bill passed.

The question being, "Shall the title be agreed to?"

Senator Amstutz moved to amend the title as follows:

Add the names: "Cates, Coughlin."

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

The motion was agreed to and the title so amended.

Sub. S. B. No. 171-Senators Coughlin, Zurz.

To amend sections 1901.02 and 2301.02 of the Revised Code t the former township of Northampton is no longer within the juris Akron Municipal Court and to create one additional judge for the County Court of Common Pleas to be elected in 2006, was consic third time.

The question being, "Shall the bill, **Sub. S. B. No. 171**, pass?"

The yeas and nays were taken and resulted - yeas 31, nays 0, as

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Br
Carey	Cates	Clancy	Cc
Dann	Fedor	Fingerhut	Ga
Goodman	Hagan	Hottinger	Jac
Jordan	Mallory	Miller	Ma

The yeas and nays were taken and resulted - yeas 23, nays 7, as follows:

Those who voted in the affirmative were: Senators

Armbruster	Austria	Carey	Clancy
Fedor	Gardner	Goodman	Grendell
Hagan	Hottinger	Kearney	Miller D
Mumper	Niehaus	Padgett	Prentiss
Roberts	Schuring	Spada	Stivers
Wilson	Zurz		Harris-23.

Senators Amstutz, Cates, Coughlin, Jacobson, Jordan, Schuler, and Wachtmann voted in the negative-7.

So the Senate concurred in the amendments of the House of Representatives.

Message from the House of Representatives

Mr. President:

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

Am. Sub. S. B. No. 117 - Senators Mallory, Dann, Fedor, Jacobson, Miller, R., Schuler, Amstutz, Zurz, Armbruster, Brady, Clancy, Fingerhut, Goodman, Hagan, Jordan, Mumper, Niehaus, Padgett, Schuring, Wachtmann, Wilson, Harris, Spada, Cates Representatives Aslanides, Blasdel, Blessing, Bupp, Buehrer, Coley, Collier, Flowers, Gibbs, Hood, Raussen, Schaffer, Schneider, Seitz, Setzer, White, D., Wolpert

To amend sections 1345.09, 2307.60, 2307.71, 2307.73, and 2317.02 of the Revised Code to specify the nature of damages that may be recovered in certain actions based on unfair or deceptive sales practices, to provide that a final judgment, entered after a trial or upon a plea of guilty in certain criminal actions generally precludes the offender from denying any fact essential to sustain that judgment when entered in evidence in a civil proceeding that is based on the criminal act, to make an exception to the attorney-client privilege for communications related to an attorney's aiding or furthering an ongoing or future commission of bad faith by a client that is an insurance company, to prohibit the use of enterprise theories of liability against manufacturers in product liability claims, and to include public nuisance claims under the definition of product liability claims.

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

In line 106, after "violence" insert "punishable by death or imprisonment in excess of one year"

Attest:

Laura P. Clemens,
Clerk.

Senator Jacobson moved that the amendments of the House of Representatives to **Am. Sub. S.B. No. 117**, be brought up for consideration.

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

A roll call was requested which was properly supported.

The yeas and nays were taken and resulted - yeas 20, nays 10, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Carey
Clancy	Coughlin	Gardner	Goodman
Grendell	Hottinger	Jacobson	Jordan
Mumper	Niehaus	Schuler	Schuring
Spada	Stivers	Wachtmann	Harris-20.

Those who voted in the negative were: Senators

Cates	Fedor	Hagan	Kearney
Miller D	Padgett	Prentiss	Roberts
Wilson			Zurz-10.

The motion was agreed to.

The question being, "Shall the Senate concur in the amendments of the House of Representatives?"

The yeas and nays were taken and resulted - yeas 19, nays 12, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Carey
Clancy	Coughlin	Gardner	Goodman
Grendell	Hottinger	Jordan	Mumper
Niehaus	Schuler	Schuring	Spada
Stivers	Wachtmann		Harris-19.

Those who voted in the negative were: Senators

Cates	Fedor	Hagan	Jacobson
Kearney	Miller D	Miller R	Padgett
Prentiss	Roberts	Wilson	Zurz-12.

So the Senate concurred in the amendments of the House of Representatives.

1 Senator Hagan moved to amend the title as follows:

Remove the name: "Hagan."

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

The motion was agreed to.

Senator Cates moved to amend the title as follows:

Remove the name: "Cates."

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

The motion was agreed to.

Senator Miller, R. moved to amend the title as follows:

Remove the name: "Miller, R.."

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

The motion was agreed to.

Senator Wilson moved to amend the title as follows:

Remove the name: "Wilson."

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

The motion was agreed to.

Senator Padgett moved to amend the title as follows:

Remove the name: "Padgett."

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

The motion was agreed to.

Senator Zurz moved to amend the title as follows:

Remove the name: "Zurz."

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

The motion was agreed to.

Senator Fedor moved to amend the title as follows:

Remove the name: "Fedor."

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

The motion was agreed to.

Senator Jacobson moved to amend the title as follows:

Remove the name: "Jacobson."

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

The motion was agreed to.

Senator Spada moved to amend the title as follows:

Remove the name: "Spada."

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

The motion was agreed to.

Senator Armbruster moved to amend the title as follows:

Remove the name: "Armbruster."

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

The motion was agreed to.

MESSAGE FROM THE PRESIDENT

December 14, 2006

President Bill Harris
Ohio Senate
Statehouse
Room 201, Second Floor
Columbus, OH 43215

Dear President Harris:

I would like to respectfully request that my name be removed as a co-sponsor of Senator Mallory's SB 117.

Thank you for your consideration of this request.

Sincerely,
/s/ Dan Brady
Dan Brady

Senator Jacobson moved to amend the title as follows:

Remove the name: "Brady."

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

The motion was agreed to.

MESSAGE FROM THE PRESIDENT

December 14, 2006

President Bill Harris
Ohio Senate
Statehouse
Room 201, Second Floor
Columbus, OH 43215

Dear President Harris:

Due to the fact that my flight from Washington D.C. this morning was cancelled, I have been unable to attend session today. I have made every effort to return to Ohio, but inclement weather has kept me from doing so. I would like to respectfully request that my name be removed as a co-sponsor of

Senator Mallory's SB 117.

Thank you for your consideration of this request.

Sincerely,
/s/Marc Dann
Marc Dann

Senator Jacobson moved to amend the title as follows:

Remove the name: "Dann."

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

The motion was agreed to.

MESSAGE FROM THE PRESIDENT

December 14, 2006

President Bill Harris
Ohio Senate
Statehouse
Room 201, Second Floor
Columbus, OH 43215

Dear President Harris:

Unfortunately, I was unable to be in Senate Session today, December 14, 2006. It has been brought to my attention that Senate Bill 117, a bill that I am a co-sponsor of, will be voted on today. I am respectfully requesting that my name be removed from the list of co-sponsors.

Thank you for your consideration.

Sincerely yours,
/s/ Eric D. Fingerhut

Senator Jacobson moved to amend the title as follows:

Remove the name: "Fingerhut."

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

The motion was agreed to.

MESSAGE FROM THE PRESIDENT

December 14, 2006

Dear Senate President Harris,

Please remove my name as the sponsor of Senate Bill 117.

Sincerely,

/s/ Mary Mallory
Mayor

Senator Jacobson moved to amend the title as follows:

Remove the name: "Mallory."

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

The motion was agreed to.

Message from the House of Representatives

Mr. President:

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

Am. Sub. S. B. No. 171 - Senators Coughlin, Zurz
Representatives Blessing, Boccieri, Coley, Combs, DeBose, Evans, C.,
Hughes, Key, Luckie, McGregor, J., Otterman, Williams

To amend sections 1901.01, 1901.02, 1901.03, 1901.07, 1901.08, 1901.31, 1901.34, 1907.11, and 2501.012 of the Revised Code, to create the Carroll County Municipal Court and abolish the Carroll County County Court on January 1, 2007, to provide one full-time judge for the Carroll County Municipal Court to be elected in 2009, to create the Erie County Municipal court on January 1, 2008, to establish one full-time judgeship in that court, to abolish the Erie County County Court on that date, to provide for the election for the Erie County Municipal Court of one full-time judge in 2007, to add one additional judge to the Twelfth District Court of Appeals to be elected at the 2008 general election, to abolish the Cuyahoga Falls Municipal Court and to create the Stow Municipal Court as its replacement effective January 1, 2009, to clarify that the former township of Northampton is no longer within the jurisdiction of the Akron Municipal Court, to amend the versions of sections 1901.01, 1901.02, 1901.03, 1901.08, 1901.31, 1901.34, and 1907.11 of the Revised Code that are scheduled to take effect January 18, 2007, to continue the provisions of this act on and after that effective date, and to declare an emergency.

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

In line 30, delete "109.57, 109.60,"

In line 32, delete "be amended and sections 1901.43, 1907.181, and 2301.10"

In line 33, delete "enacted" and insert "amended"

Delete lines 34 through 552

**RESPONDENT'S
EXHIBIT 8**



Laura P. Clemens

Clerk

**CERTIFICATION
CLERK OF THE OHIO HOUSE OF REPRESENTATIVES**

Attached hereto is a true and accurate copy of the original *Journal* of the Ohio House of Representatives of October 27, 2005 and December 14, 2006.

The Ohio House Clerk prepares and maintains the Ohio House *Journal* in the ordinary and regular course of business of the Ohio House of Representatives pursuant to Article II, Section 9 of the Ohio Constitution, Sections 101.54 through 101.543 of the Ohio Revised Code, and Rule 22 of the *Rules of the Ohio House of Representatives*.

Laura P. Clemens

Laura P. Clemens
Clerk, Ohio House of Representatives

4.2.07

Date



OHIO

House

of

Representatives

JOURNAL

THURSDAY, OCTOBER 27, 2005

ONE HUNDRED FIFTH DAY
Hall of the House of Representatives, Columbus, Ohio
Thursday, October 27, 2005 at 11:00 o'clock a.m.

The House met pursuant to adjournment.

Pursuant to House Rule No. 23, the Clerk called the House to order.

Representative Evans, C. was selected to preside under the Rule.

The journal of yesterday was read and approved.

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

Representative DeGeeter submitted the following report:

The standing committee on Criminal Justice to which was referred **H. B. No. 259**-Representative Wagner, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: PROHIBIT HARRASSMENT WITH BODILY SUBSTANCE

Representative Latta moved to amend the title as follows:

Add the names: "Perry, Mason, Hughes."

ROBERT E. LATTA
JOHN R. WILLAMOWSKI
JEANINE PERRY
DAVID R. EVANS
JIM HUGHES
KENNY YUKO
LANCE T. MASON
TIMOTHY J. DEGEETER
SALLY CONWAY KILBANE

STEPHEN BUEHRER
DANNY R. BUBP
WILLIAM J. HEALY
MIKE GILB
WILLIAM J. SEITZ
ANNIE L. KEY
TYRONE K. YATES
RONALD HOOD

The report was agreed to.

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

Representative DeGeeter submitted the following report:

The standing committee on Criminal Justice to which was referred **H. B. No. 310**-Representative Oelslager, et al., having had the same under consideration, reports it back and recommends its passage.

RE: VIDEO RECORDING - PROHIBITIONS

Representative Latta moved to amend the title as follows:

Add the names: "Hughes, Evans, D., Seitz, Willamowski, Bulp, Perry."

ROBERT E. LATTA

DAVID R. EVANS

MIKE GILB
WILLIAM J. SEITZ
JOHN R. WILLAMOWSKI
JEANINE PERRY
KENNY YUKO
LANCE T. MASON
TIMOTHY J. DEGEETER
SALLY CONWAY KILBANE

JIM HUGHES
STEPHEN BUEHRER
DANNY R. BUBP
WILLIAM J. HEALY
ANNIE L. KEY
TYRONE K. YATES
RONALD HOOD

The report was agreed to.

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

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

H.B. No. 211 - Representative Oelslager, et al

TO PROHIBIT THE SALE, OFFERING FOR SALE, PURCHASE, AND USE OF ALCOHOL VAPORIZING DEVICES AND TO ALLOW OPENED BOTTLES OF WINE THAT ARE PURCHASED AT RESTAURANTS TO BE TRANSPORTED IN VEHICLES UNDER CERTAIN CONDITIONS.

To the committee on State Government

H.B. No. 260 - Representative S. Smith, et al

TO STUDY THE IMPOSITION AND ADMINISTRATION OF CAPITAL PUNISHMENT IN OHIO AND TO MAKE RECOMMENDATIONS FOR IMPROVING OHIO'S PROCEDURES IN CAPITAL CASES AND ITS CAPITAL SENTENCING PROCEDURES.

To the committee on Judiciary

H.B. No. 306 - Representative Seitz, et al

TO REVISE THE STATUTES GOVERNING THE TERMINATION OF MANUFACTURERS' FRANCHISE AGREEMENTS WITH WINE DISTRIBUTORS, TO ELIMINATE THE LIQUOR CONTROL COMMISSION'S AUTHORITY TO SET MINIMUM MARK-UPS ON WHOLESALE WINE SALES AND TO FIX MINIMUM PRICES ON WHOLESALE WINE SALES, TO PROHIBIT VOLUME AND QUANTITY DISCOUNTING FOR THE PURPOSE OF ASSISTING THE WHOLESALE OR RETAIL SALE OF BEER OR INTOXICATING LIQUOR, TO ALLOW WINE DISTRIBUTORS AND WINE RETAILERS A MAXIMUM OF THIRTY DAYS OF CREDIT WHEN PURCHASING WINE, AND TO CREATE THE WHOLESALE WINE DISTRIBUTION STUDY COMMITTEE.

To the committee on Finance and Appropriations

H.B. No. 314 - Representative Brinkman, et al

TO REMOVE ANY REQUIREMENT UNDER THE PUBLIC EMPLOYEES

COLLECTIVE BARGAINING LAW THAT PUBLIC EMPLOYEES JOIN OR PAY DUES TO ANY EMPLOYEE ORGANIZATION, TO EXPAND THE SCOPE OF UNFAIR LABOR PRACTICES UNDER THAT LAW, TO MAKE OTHER CHANGES IN THE PUBLIC EMPLOYEES COLLECTIVE BARGAINING LAW, TO PROHIBIT ANY REQUIREMENT THAT EMPLOYEES OF PRIVATE EMPLOYERS JOIN OR PAY DUES TO ANY EMPLOYEE ORGANIZATION AND TO REQUIRE PUBLIC AND PRIVATE EMPLOYERS TO POST NOTICES TO THAT EFFECT, TO PROHIBIT CERTAIN ACTIONS BY PRIVATE EMPLOYERS RELATIVE TO EMPLOYEE ORGANIZATION MEMBERSHIP, AND TO ESTABLISH CIVIL AND CRIMINAL PENALTIES AGAINST PRIVATE EMPLOYERS WHO VIOLATE THOSE PROHIBITIONS.

To the committee on Local and Municipal Government and Urban Revitalization

H.B. No. 347 - Representative Aslanides, et al

TO REVISE THE LAWS REGARDING LICENSES TO CARRY A CONCEALED HANDGUN AND THE AUTHORITY TO CARRY A CONCEALED HANDGUN UNDER SUCH A LICENSE; TO LIMIT JOURNALIST ACCESS TO INFORMATION REGARDING PERSONS WHO HAVE SUCH A LICENSE AND WHO ASSERT REASONABLE CAUSE TO FEAR A CRIMINAL ATTACK; TO PROVIDE EXEMPTIONS FROM CERTAIN CARRYING OF FIREARMS-RELATED OFFENSES FOR PERSONS IN COMPLIANCE WITH THE OHIO PEACE OFFICER TRAINING COMMISSION'S FIREARMS REQUALIFICATION PROGRAM; TO SPECIFICALLY PROVIDE A SELF-DEFENSE AFFIRMATIVE DEFENSE TO DISCHARGE OF A FIREARM WHILE IN OR ON A VESSEL OR MOTOR VEHICLE-RELATED OFFENSES; TO CLARIFY WHEN A FIREARM IS LOADED FOR PURPOSES OF OFFENSES RELATING TO POSSESSION OF A LOADED FIREARM WHILE IN OR ON A VESSEL OR MOTOR VEHICLE AND CARRYING CONCEALED WEAPONS; TO PROVIDE THAT THE SEALING OR EXPUNGEMENT OF A CONVICTION OR DELINQUENT CHILD RECORD IS AN AFFIRMATIVE DEFENSE TO FALSIFICATION BASED ON THE FAILURE TO REPORT THE RECORD ON AN APPLICATION FOR A CONCEALED HANDGUN LICENSE; AND TO IDENTIFY, AS A GENERAL LAW AND MATTER OF STATEWIDE CONCERN, THE RIGHT OF ANY PERSON, EXCEPT AS PROVIDED IN THE REVISED CODE, TO OWN, POSSESS, PURCHASE, OTHERWISE ACQUIRE, TRANSPORT, CARRY, SELL, OR OTHERWISE TRANSFER A FIREARM, FIREARM COMPONENT, OR AMMUNITION.

To the committee on Criminal Justice

H.B. No. 348 - Representative Setzer, et al

TO DESIGNATE JUNE 14 TO JULY 14 AS "AMERICAN FLAG MONTH."

To the committee on State Government

H.B. No. 349 - Representative J. Stewart

TO ADOPT THE PAWPAW AS THE STATE FRUIT.

To the committee on State Government

H.B. No. 396 - Representative Hoops, et al

TO PROVIDE FOR AN INTERMEDIATE CARE FACILITY FOR THE MENTALLY RETARDED TO HAVE ITS MEDICAID RATE ADJUSTED IN FISCAL YEARS 2006 AND 2007 FOR CERTAIN RENOVATIONS.

To the committee on Finance and Appropriations

H.J.R. No. 10 - Representative Koziura, Allen, Barrett, Beatty, Boccieri, Book, Carano, Cassell, DeBose, DeGeeter, Distel, Domenick, Driehaus, Garrison, Hartnett, Harwood, Hood, Mason, Miller, Otterman, S. Patton, Redfern, Skindell, S. Smith, Strahorn, Ujvagi, Wagoner, Williams, Woodard, Fende

PROPOSING TO AMEND SECTION 19 OF ARTICLE I AND SECTION 3 OF ARTICLE XVIII OF THE CONSTITUTION OF THE STATE OF OHIO TO PROHIBIT THE USE OF EMINENT DOMAIN FOR ECONOMIC DEVELOPMENT PURPOSES WHEN THE SOLE OR A PRIMARY DRIVING FORCE BEHIND THE ACQUISITION OF PRIVATE PROPERTY IS A PRIVATE INDIVIDUAL OR BUSINESS ENTITY THAT SEEKS THE PRIVATE PROPERTY OF ANOTHER FOR ITS OWN ECONOMIC BENEFIT.

To the committee on Civil and Commercial Law

JON A. HUSTED
 CHARLES E. CALVERT
 ANTHONY CORE
 LARRY L. FLOWERS
 JOHN SCHLICHTER
 SHAWN N. WEBSTER
 KENNETH A. CARANO
 WILLIAM J. HEALY
 ROBERT J. OTTERMAN

CHARLES R. BLASDEL
 JIM CARMICHAEL
 KEVIN DEWINE
 TOM RAGA
 GEOFFREY C. SMITH
 JOYCE BEATTY
 TIMOTHY J. DEGEETER
 JOSEPH KOZIURA

Representative Dolan moved that the House and Constitutional Rules requiring bills to be considered by each house on three different days be suspended as to the second consideration of the House Bills and House Joint Resolution contained in the report of the committee on Rules and Reference.

The motion was agreed to without objection.

The report was agreed to.

Said House Bills and House Joint Resolution were considered a second time and referred as recommended.

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. 40 - Senators Jordan, Spada, Gardner, Schuler, Schuring, Hagan

To enact section 4734.162 of the Revised Code regarding solicitation of chiropractic business.

Sub. S. B. No. 117 - Senators Mallory, Dann, Fedor, Jacobson, Miller, Schuler, Amstutz, Zurz, Armbruster, Brady, Clancy, Fingerhut, Goodman, Hagan, Jordan, Mumper, Niehaus, Padgett, Schuring, Wachtmann, Wilson, Harris, Spada, Cates

To amend section 2307.60 of the Revised Code to provide that a final judgment, entered after a trial or upon a plea of guilty in certain criminal actions generally precludes the offender from denying any fact essential to sustain that judgment when entered in evidence in a civil proceeding that is based on the criminal act.

Sub. S. B. No. 141 - Senators Hottinger, Jacobson, Gardner, Clancy, Dann, Zurz, Goodman, Cates, Coughlin

To amend sections 2152.02, 2152.19, 4510.07, 4510.13, 4510.14, 4510.17, 4510.31, 4511.19, 4511.191, 4511.193, and 4511.195 of the Revised Code to increase the administrative license suspension periods for persons who are arrested for OVI and refuse a request of a law enforcement officer to consent to a chemical test of the person's whole blood, blood serum or plasma, breath, or urine to determine its alcohol content; to increase the period that a person must serve under such an administrative license suspension in certain circumstances before becoming eligible for limited driving privileges; to provide that the suspension period for a judicial post-conviction OVI suspension of a person serving an administrative license suspension must be not less than the greater of the period of time remaining in the administrative license suspension or the minimum applicable judicial post-conviction suspension period specified for the offender; to clarify the circumstances in which a person serving an administrative license suspension for refusal to consent to a chemical test or for having a prohibited concentration of alcohol in the person's system or serving a judicial post-conviction OVI suspension never is eligible for limited driving privileges; to increase from six years to twenty years the "look back" period during which a person's prior convictions or chemical test refusals are considered in determining certain specified sanctions against the person; to clarify and reaffirm that acts that would be

minor misdemeanors if committed by an adult are delinquent acts when committed by a juvenile; and to specify as a presumptive disposition for the offenses of trafficking in marihuana and possession of marihuana when committed by a juvenile either a requirement of confinement in a detention facility for a specified minimum period of time or a requirement of drug assessment, counseling, or treatment plus probation, or both.

Sub. S. B. No. 171 - Senators Coughlin, Zurz

To amend sections 1901.02 and 2301.02 of the Revised Code to clarify that the former township of Northampton is no longer within the jurisdiction of the Akron Municipal Court and to create one additional judge for the Summit County Court of Common Pleas to be elected in 2006.

S. B. No. 153 - Senators Wachtmann, Fedor, Gardner, Harris, Spada

To enact section 5533.811 of the Revised Code to designate a bridge on State Route 108 over the Maumee River as the "Henry County Veterans Bridge."

Attest:

David A. Battocletti,
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 adopted the following concurrent resolution in which the concurrence of the House is requested:

S. C. R. No. 17 - Senators Jacobson, Coughlin, Dann, Fingerhut, Goodman, Jordan, Miller, Mumper, Prentiss, Schuler, Wachtmann, Padgett, Carey, Clancy, Armbruster, Spada, Niehaus, Fedor, Gardner, Brady, Zurz, Wilson, Harris

To focus on the Darfur genocide, which the United States Department of State has concluded is genocide, occurring in the Darfur region of Sudan, to encourage the United States to continue its support of humanitarian efforts in and contributions of humanitarian aid to the region, to encourage the United States to lead multilateral efforts to bring those responsible for the egregious human rights violations to justice, and to encourage Ohio companies and

institutions, multinational corporations operating in Ohio, and agencies and political subdivisions of the state to divest themselves of interests in any companies that conduct business in Sudan.

Attest:

David A. Battocletti,
Clerk.

Said concurrent resolution was referred to the committee on Rules and Reference under the Rule.

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. H. B. No. 122 - Representative Wagoner - et al.

Attest:

David A. Battocletti,
Clerk.

On motion of Representative Dolan, the House adjourned until Tuesday, November 1, 2005 at 11:00 o'clock a.m.

Attest:


LAURA P. CLEMENS,
Clerk.

OHIO
House
of
Representatives
JOURNAL

CORRECTED VERSION
THURSDAY, DECEMBER 14, 2006

TWO HUNDRED FORTY-FIRST DAY
Hall of the House of Representatives, Columbus, Ohio
Thursday, December 14, 2006 at 1:00 o'clock p.m.

The House met pursuant to adjournment.

Prayer was offered by Reverend Dr. Gary Blaine of the First Unitarian Church in Toledo, 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:

Sam Borchers received House Resolution 286, presented by Representative Widener-84th district.

Laura Clemens received House Resolution 288, presented by Speaker Husted-37th district.

Former State Representative Lynn Olman, a guest of Representative Peterson-2nd district.

Paul Montgomery, Midshipman Eric Montgomery, Denis and Sheila Nowacki, guests Representative Fende-62nd district.

Congresswoman Jean Schmidt, a guest of Representatives Uecker-66th district, Schneider-35th district.

INTRODUCTION OF BILLS

The following bill was introduced:

H. B. No. 707-Representative Oelslager.

To amend sections 3307.14, 3307.141, 3307.19, 3307.26, 3307.28, 3307.292, 3307.35, 3307.351, 3307.352, 3307.39, and 3307.61 and to enact sections 3307.143, 3307.262, 3307.281, and 3307.393 of the Revised Code to create the Health Care Fund in the State Teachers Retirement System (STRS) and make other changes in STRS law.

Said bill was considered the first time.

CONSIDERATION OF SENATE AMENDMENTS

The Senate amendments to **Sub. H. B. No. 9**-Representative Oelslager, et al., were taken up for consideration.

Sub. H. B. No. 9-Representatives Oelslager, Flowers, Buehrer, White, Trakas, Aslanides, Beatty, Blessing, Book, Carano, Cassell, Chandler, Collier, DeBose, Domenick, Evans, C., Evans, D., Fende, Fessler, Garrison, Hagan,

Hartnett, Harwood, Healy, Key, Law, Mason, McGregor, R., Otterman, Patton, T., Peterson, Redfern, Reidelbach, Sayre, Schneider, Seitz, Setzer, Skindell, Willamowski, Williams, Woodard, Yuko. -Senators Goodman, Schuring.

To amend sections 149.011, 149.31, 149.38, 149.39, 149.41, 149.42, 149.43, 321.46, 2923.129, 3319.321, and 4123.88 and to enact sections 109.43, 149.411, and 149.412 of the Revised Code and to amend Section 1 of Sub. H.B. 101 of the 126th General Assembly to revise the Public Records Law, to create a library records commission in each public library and a special taxing district records commission in each special taxing district, to allow county treasurers to use certain public records training to satisfy part of their continuing education requirement, to extend the Local Government Public Notice Task Force until May 1, 2008, and to revise the records commissions laws.

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

Representative Oelslager moved that the Senate amendments to **Sub. H. B. No. 9**-Representative Oelslager, et al., be informally passed and retain their place on the calendar.

The motion was agreed to.

The Senate amendments to **Sub. H. B. No. 73**-Representative Trakas, et al., were taken up for consideration.

Sub. H. B. No. 73-Representatives Trakas, Kilbane, Latta, Gibbs, Blessing, Collier, Schaffer, Blasdel, Hagan, Brinkman, Gilb, Ujvagi, Taylor, Chandler, Combs, Domenick, Evans, C., Evans, D., Hartnett, Koziura, Oelslager, Patton, T., Peterson, Redfern, Reidelbach, Setzer, Smith, G.. -Senators Fingerhut, Goodman, Schuler, Austria, Amstutz, Dann, Cates, Clancy, Coughlin, Grendell, Hottinger, Jacobson, Jordan, Mumper, Niehaus, Prentiss, Spada, Stivers, Harris, Armbruster, Kearney, Schuring.

To amend sections 5747.01, 5747.24, and 5748.01, and to repeal sections 5747.25 and 5748.011 of the Revised Code to increase the amount of time an individual may spend in Ohio before being presumed to be a resident for income tax purposes and to exempt from taxation military pay and allowances.

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

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

Those who voted in the affirmative were: Representatives

Aslanides	Barrett	Blasdel	Blessing
Boccieri	Book	Brinkman	Brown
Bubp	Buehrer	Calvert	Carano
Carmichael	Cassell	Chandler	Coley
Collier	Combs	Core	Daniels
DeBose	DeGeeter	DeWine	Distel

Dolan	Domenick	Driehaus	Evans C.
Evans D.	Faber	Fende	Fessler
Flowers	Foley	Garrison	Gibbs
Gilb	Hagan	Hartnett	Harwood
Healy	Hood	Hoops	Hughes
Key	Kilbane	Koziura	Latta
Law	Luckie	Martin	Mason
McGregor J.	McGregor R.	Mitchell	Oelslager
Otterman	Patton S.	Patton T.	Perry
Peterson	Raga	Rausen	Redfern
Reidelbach	Reinhard	Sayre	Schaffer
Schlichter	Schneider	Seitz	Setzer
Skindell	Smith G.	Smith S.	Stewart D.
Stewart J.	Strahorn	Sykes	Taylor
Trakas	Uecker	Ujvagi	Wagner
Wagoner	Webster	White D.	White J.
Widener	Widowfield	Williams	Wolpert
Yates	Yuko		Husted-95.

The Senate amendments were concurred in.

The Senate amendments to **Sub. H. B. No. 141**-Representative Willamowski, et al., were taken up for consideration.

Sub. H. B. No. 141-Representatives Willamowski, Aslanides, Combs, McGregor, J., Seitz, Perry, Hartnett, Faber, Barrett, Taylor, Gilb, Hagan, Reidelbach, Schaffer, Bulp, Domenick, Evans, C., Flowers, Latta, Otterman, Schneider, Setzer, Smith, G. -Senators Kearney, Zurz, Carey, Harris, Jacobson, Spada, Padgett.

To amend sections 149.43, 2921.24, 2921.25, and 4501.271 of the Revised Code to give parole officers, prosecuting attorneys in most cases, assistant prosecuting attorneys, and certain correctional and youth services employees the same options as peace officers with respect to confidentiality of certain personal information; to expand the materials excluded from the definition of "public record" to also include a photograph of a peace officer who holds a position or has an assignment that may include undercover or plain clothes positions or assignments as determined by the peace officer's appointing authority; and to eliminate the exclusion from the definition of "public record" that currently applies to a record that identifies a person's occupation as a peace officer, firefighter, or EMT and is not related to the Campaign Finance Law.

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

Representative Blasdel moved that the Senate amendments to **Sub. H. B. No. 141**-Representative Willamowski, et al., be informally passed and retain their place on the calendar.

The motion was agreed to.

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

Sub. H. B. No. 149-Representatives Calvert, Raga, McGregor, J., Evans, C., Latta, Aslanides, Hartnett, Chandler, Oelslager, Gibbs, Seitz, Gilb, Collier, Schaffer, Kilbane, Hagan, Barrett, Blessing, Buehrer, Cassell, Combs, Core, DeBose, DeGeeter, Dolan, Evans, D., Faber, Fende, Flowers, Garrison, Healy, Hughes, Law, Martin, Mason, McGregor, R., Patton, T., Peterson, Reidelbach, Reinhard, Sayre, Schlichter, Schneider, Seaver, Setzer, Smith, G., Stewart, J., Trakas, Wagoner, Widener, Wolpert, Woodard, Yates, Yuko. -Senators Amstutz, Austria, Cates, Clancy, Coughlin, Fingerhut, Gardner, Grendell, Harris, Kearney, Miller, D., Mumper, Niehaus, Padgett, Roberts, Schuring, Stivers, Zurz, Hagan, Prentiss, Wilson, Fedor.

To amend sections 5725.24, 5733.01, 5733.98, 5739.011, and 5747.98 and to enact sections 149.311, 5725.151, 5733.47, and 5747.76 of the Revised Code to authorize refundable tax credits for rehabilitating historic buildings and to exempt from the sales and use taxes property used to clean manufacturing equipment that produces dairy products.

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

12/14/06

The Honorable Jon A. Husted, Speaker
The Ohio House of Representatives
Columbus, Ohio
Speaker Husted,

Pursuant to House Rule No. 57, I respectfully request that I be excused from voting on the Senate amendments to **Sub. H. B. No. 149**-Representative Calvert, et al., because it might be construed that I have an interest in the legislation.

Sincerely yours,

/s/ MARY TAYLOR
MARY TAYLOR
State Representative
43rd House District

The request was granted.

The yeas and nays were taken and resulted - yeas 88, nays 6, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Barrett	Blasdel	Blessing
Bocchieri	Book	Brinkman	Brown
Bubp	Buehrer	Calvert	Carano
Carmichael	Cassell	Chandler	Coley
Collier	Combs	Core	Daniels
DeBose	DeGeeter	DeWine	Distel
Dolan	Domenick	Evans C.	Evans D.
Faber	Fende	Fessler	Flowers
Garrison	Gibbs	Gilb	Hagan
Hartnett	Harwood	Healy	Hood
Hoops	Hughes	Key	Kilbane
Koziura	Latta	Law	Luckie
Martin	Mason	McGregor J.	McGregor R.
Mitchell	Oelslager	Otterman	Patton T.
Perry	Peterson	Raga	Raussen
Redfern	Reidelbach	Reinhard	Sayre
Schaffer	Schlichter	Schneider	Seitz
Setzer	Skindell	Smith G.	Smith S.
Stewart D.	Stewart J.	Trakas	Uecker
Ujvagi	Wagner	Wagoner	Webster
White D.	White J.	Widener	Widowfield
Wolpert	Yates	Yuko	Husted-88.

Representatives Driehaus, Foley, Patton S., Strahorn, Sykes, and Williams voted in the negative-6.

The Senate amendments were concurred in.

The Senate amendments to **Sub. H. B. No. 251**-Representative Uecker, et al., were taken up for consideration.

Sub. H. B. No. 251-Representatives Uecker, Kearns, Raga, McGregor, J., Martin, Schneider, Collier, Wagoner, Bubp, Law, Brown, Williams, Mason, Hagan, Stewart, J., Hartnett, Barrett, Blessing, Calvert, Carano, Cassell, Chandler, Domenick, Evans, C., Faber, Fende, Flowers, Garrison, Hughes, Miller, Mitchell, Oelslager, Otterman, Patton, T., Raussen, Reidelbach, Schlichter, Seitz, Setzer, Skindell, Smith, G., Stewart, D., Strahorn, Webster, Yates, Yuko. -Senators Niehaus, Goodman, Schuler, Wilson, Gardner, Kearney, Padgett, Fedor, Fingerhut.

To amend sections 122.075, 123.011, 125.15, 125.834, 1510.04, 4905.90, 4928.01, 4928.57, 4928.58, 4928.61, 4928.62, and 4928.63 and to enact section 3345.69 of the Revised Code; to amend Section 203.99 of Am. Sub. H.B. 66 of the 126th General Assembly, as subsequently amended; to amend Section 203.99.45 of Am. Sub. H.B. 66 of the 126th General Assembly, as subsequently amended; and to amend Section 235.30 of Am. Sub. H.B. 530 of the 126th General Assembly to specify certain energy efficiency and conservation standards relating to facility construction and leasing that the Office of Energy Services in the Department of Administrative Services must

promulgate and with which state agencies must comply; to require certain additional duties, and additional cooperation between the Office and the Office of Energy Efficiency of the Department of Development, relating to state purchasing; to require boards of trustees of state institutions of higher education to adopt rules to carry out on- and off-campus building, energy efficiency and conservation guidelines developed by a committee of those institutions in consultation with the Office of Energy Services; to make other changes relative to energy programs; to increase the maximum amount that can be assessed to fund the Oil and Natural Gas Marketing Program; to change the Energy Efficiency Revolving Loan Program into an Advanced Energy Program; and to make an appropriation.

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

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

Those who voted in the affirmative were: Representatives

Aslanides	Barrett	Blasdel	Blessing
Bocchieri	Book	Brinkman	Brown
Bubp	Buehrer	Calvert	Carano
Carmichael	Cassell	Chandler	Coley
Collier	Combs	Core	Daniels
DeBose	DeGeeter	DeWine	Distel
Dolan	Domenick	Driehaus	Evans C.
Evans D.	Faber	Fende	Fessler
Flowers	Foley	Garrison	Gibbs
Gilb	Hagan	Hartnett	Harwood
Healy	Hood	Hoops	Hughes
Key	Kilbane	Koziura	Latta
Law	Luckie	Martin	Mason
McGregor J.	McGregor R.	Mitchell	Oelslager
Otterman	Patton S.	Patton T.	Perry
Peterson	Raga	Raussen	Redfern
Reidelbach	Reinhard	Sayre	Schaffer
Schlichter	Schneider	Seitz	Setzer
Skindell	Smith G.	Smith S.	Stewart D.
Stewart J.	Strahorn	Sykes	Taylor
Trakas	Uecker	Ujvagi	Wagner
Wagoner	Webster	White D.	White J.
Widener	Widowfield	Williams	Wolpert
Yates	Yuko		Husted-95.

The Senate amendments were concurred in.

The Senate amendments to **Sub. H. B. No. 293**-Representative Kilbane, et al., were taken up for consideration.

Sub. H. B. No. 293-Representatives Kilbane, Miller, Trakas, McGregor, J., Wolpert, Evans, C., Reidelbach, Gilb, Faber, Cassell, Kearns, Hartnett, Carano, Bocchieri, Healy, Buehrer, Aslanides, Barrett, Beatty, Blessing, Book,

Brinkman, Brown, Bubp, Calvert, Chandler, Coley, Collier, Combs, DeBose, DeGeeter, DeWine, Distel, Dolan, Domenick, Evans, D., Fessler, Garrison, Gibbs, Hagan, Harwood, Hughes, Key, Koziura, Latta, Law, Martin, Mason, Oelslager, Otterman, Patton, T., Perry, Peterson, Raussen, Reed, Sayre, Schaffer, Schlichter, Schneider, Seitz, Setzer, Skindell, Smith, S., Stewart, D., Stewart, J., Strahorn, Taylor, Ujvagi, Wagoner, Webster, Williams, Woodard, Yates, Yuko. -Senators Schuler, Armbruster, Cates, Clancy, Grendell, Kearney, Miller, R., Mumper, Padgett, Spada, Miller, D., Roberts, Schuring, Zurz, Prentiss, Fedor.

To amend sections 135.353 and 5739.01 and to enact sections 135.804, 135.805, 135.806, and 135.807 of the Revised Code to authorize boards of county commissioners to establish property tax payment linked deposit programs to assist senior citizens and permanently and totally disabled citizens in paying property taxes on their homesteads, and to change who pays sales or use taxes when employment service personnel are supplied by the purchaser to a third party as an employment service.

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

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

Those who voted in the affirmative were: Representatives

Aslanides	Barrett	Blasdel	Blessing
Boccieri	Book	Brinkman	Brown
Bubp	Buehrer	Calvert	Carano
Carmichael	Cassell	Chandler	Coley
Collier	Combs	Core	Daniels
DeBose	DeGeeter	DeWine	Distel
Dolan	Domenick	Driehaus	Evans C.
Evans D.	Faber	Fende	Fessler
Flowers	Foley	Garrison	Gibbs
Gilb	Hagan	Hartnett	Harwood
Healy	Hood	Hoops	Hughes
Key	Kilbane	Koziura	Latta
Law	Luckie	Martin	Mason
McGregor J.	McGregor R.	Mitchell	Oelslager
Otterman	Patton S.	Patton T.	Perry
Peterson	Raga	Raussen	Redfern
Reidelbach	Reinhard	Sayre	Schaffer
Schlichter	Schneider	Seitz	Setzer
Skindell	Smith G.	Smith S.	Stewart D.
Stewart J.	Strahorn	Sykes	Taylor
Trakas	Uecker	Ujvagi	Wagner
Wagoner	Webster	White D.	White J.
Widener	Widowfield	Williams	Wolpert
Yates	Yuko		Husted-95.

The Senate amendments were concurred in.

The Senate amendments to **Sub. H. B. No. 343**-Representative Raga, et al., were taken up for consideration.

Sub. H. B. No. 343-Representatives Raga, Bulp, Evans, D., Key, Law, Widowfield, Barrett, Chandler, Collier, Combs, DeBose, DeWine, Domenick, Evans, C., Gilb, Harwood, Koziura, Oelslager, Patton, T., Setzer, Ujvagi, Wagoner, Webster, Williams. -Senators Schuring, Kearney, Fedor, Miller, D., Mumper, Niehaus, Cates, Fingerhut, Gardner, Hagan, Harris, Roberts, Spada, Wilson, Zurz, Clancy.

To amend sections 4507.05, 4507.071, and 4511.81 of the Revised Code to place certain restrictions on the operation of motor vehicles by probationary license holders and temporary instruction permit holders who are less than 18 years of age, to require children who are between four and fifteen years of age to be restrained in either a child restraint system or an occupant restraining device when being transported in a motor vehicle, and to eliminate the nonresident exemption from the motor vehicle child restraint law.

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

The yeas and nays were taken and resulted - yeas 93, nays 2, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Barrett	Blasdel	Blessing
Bocchieri	Book	Brown	Bulp
Buehrer	Calvert	Carano	Carmichael
Cassell	Chandler	Coley	Collier
Combs	Core	Daniels	DeBose
DeGeeter	DeWine	Distel	Dolan
Domenick	Drichaus	Evans C.	Evans D.
Faber	Fende	Fessler	Flowers
Foley	Garrison	Gibbs	Gilb
Hagan	Hartnett	Harwood	Healy
Hoops	Hughes	Key	Kilbane
Koziura	Latta	Law	Luckie
Martin	Mason	McGregor J.	McGregor R.
Mitchell	Oelslager	Otterman	Patton S.
Patton T.	Perry	Peterson	Raga
Rausen	Redfern	Reidelbach	Reinhard
Sayre	Schaffer	Schlichter	Schneider
Seitz	Setzer	Skindell	Smith G.
Smith S.	Stewart D.	Stewart J.	Strahorn
Sykes	Taylor	Trakas	Uecker
Ujvagi	Wagner	Wagoner	Webster
White D.	White J.	Widener	Widowfield
Williams	Wolpert	Yates	Yuko
			Husted-93.

Representatives Brinkman and Hood voted in the negative-2.

The Senate amendments were concurred in.

REPORTS OF CONFERENCE COMMITTEES

Representative Latta submitted the following report:

The Committee of Conference to which the matters of difference between the two houses were referred on Am. Sub. H.B. 259, Representative Wagner-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 10, delete "section" and insert "sections"; after "2921.38" insert "and 2921.51"

Between lines 55 and 56, insert:

" **Sec. 2921.51** . (A) As used in this section:

(1) "Peace officer" means a sheriff, deputy sheriff, marshal, deputy marshal, member of the organized police department of a municipal corporation, or township constable, who is employed by a political subdivision of this state, a member of a police force employed by a metropolitan housing authority under division (D) of section 3735.31 of the Revised Code, a member of a police force employed by a regional transit authority under division (Y) of section 306.35 of the Revised Code, a state university law enforcement officer appointed under section 3345.04 of the Revised Code, a veterans' home police officer appointed under section 5907.02 of the Revised Code, a special police officer employed by a port authority under section 4582.04 or 4582.28 of the Revised Code, or a state highway patrol trooper and whose primary duties are to preserve the peace, to protect life and property, and to enforce the laws, ordinances, or rules of the state or any of its political subdivisions.

(2) "Private police officer" means any security guard, special police officer, private detective, or other person who is privately employed in a police capacity.

(3) "Federal law enforcement officer" means an employee of the United States who serves in a position the duties of which are primarily the investigation, apprehension, or detention of individuals suspected or convicted of offenses under the criminal laws of the United States.

(4) "Impersonate" means to act the part of, assume the identity of, wear the uniform or any part of the uniform of, or display the identification of a particular person or of a member of a class of persons with purpose to make another person believe that the actor is that particular person or is a member of that class of persons.

(B) No person shall impersonate a peace officer ~~or~~ , a private police officer ~~,~~ or a federal law enforcement officer .

(C) No person, by impersonating a peace officer ~~or~~ , a private police

officer or a federal law enforcement officer , shall arrest or detain any person, search any person, or search the property of any person.

(D) No person, with purpose to commit or facilitate the commission of an offense, shall impersonate a peace officer, a private police officer, a federal law enforcement officer, or an officer, agent, or employee of the state.

(E) No person shall commit a felony while impersonating a peace officer, a private police officer, a federal law enforcement officer, or an officer, agent, or employee of the state.

(F) It is an affirmative defense to a charge under division (B) of this section that the impersonation of the peace officer was for a lawful purpose.

(G) Whoever violates division (B) of this section is guilty of a misdemeanor of the fourth degree. Whoever violates division (C) or (D) of this section is guilty of a misdemeanor of the first degree. If the purpose of a violation of division (D) of this section is to commit or facilitate the commission of a felony, a violation of division (D) is a felony of the fourth degree. Whoever violates division (E) of this section is guilty of a felony of the third degree."

In line 56, delete "section" and insert "sections"; after "2921.38" insert "and 2921.51"

In line 57, delete "is" and insert "are"

In line 1 of the title, delete "section" and insert "sections"; after "2921.38" insert "and 2921.51"

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

In line 9 of the title, after "bacteria" insert ", and to prohibit the impersonation of a federal law enforcement officer"

Managers on the Part of the House of Representatives

- /s/ ROBERT E. LATTA
ROBERT E. LATTA
- /s/ JEFF WAGNER
JEFF WAGNER
- /s/ TIMOTHY J. DEGEETER
TIMOTHY J. DEGEETER

Managers on the Part of the Senate

- /s/ JAMES D. JORDAN
JAMES D. JORDAN
- /s/ PATRICIA CLANCY
PATRICIA CLANCY
- /s/ ERIC KEARNEY
ERIC KEARNEY

The question being, "Shall the report of the committee of Conference be agreed to?"

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

Those who voted in the affirmative were: Representatives

- | | | | |
|------------|---------|----------|----------|
| Aslanides | Barrett | Blasdel | Blessing |
| Boccieri | Book | Brinkman | Brown |
| Bubp | Buehrer | Calvert | Carano |
| Carmichael | Cassell | Chandler | Coley |
| Collier | Combs | Core | Daniels |

DeBose	DeGeeter	DeWine	Distel
Dolan	Domenick	Driehaus	Evans C.
Evans D.	Faber	Fende	Fessler
Flowers	Foley	Garrison	Gibbs
Gilb	Hagan	Hartnett	Harwood
Healy	Hood	Hoops	Hughes
Key	Kilbane	Koziura	Latta
Law	Luckie	Martin	Mason
McGregor J.	McGregor R.	Mitchell	Oelslager
Otterman	Patton S.	Patton T.	Perry
Peterson	Raga	Rausen	Redfern
Reidelbach	Reinhard	Sayre	Schaffer
Schlichter	Schneider	Seitz	Setzer
Skindell	Smith G.	Smith S.	Stewart D.
Stewart J.	Strahorn	Sykes	Taylor
Trakas	Uecker	Ujvagi	Wagner
Wagoner	Webster	White D.	White J.
Widener	Widowfield	Williams	Wolpert
Yates	Yuko		Husted-95.

The report of the committee of Conference was agreed to.

REPORTS OF STANDING AND SELECT COMMITTEES AND BILLS FOR SECOND CONSIDERATION

Representative Perry submitted the following report:

The standing committee on Transportation, Public Safety, and Homeland Security to which was referred **H. B. No. 166**-Representative Boccieri, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: LIGHT TRAILERS/SEMIS-HAVE CERTIF OF TITLE

Representative Reinhard moved to amend the title as follows:

Add the names: "Evans, D., Key."

JOSEPH W. UECKER
STEVE REINHARD
JOHN WIDOWFIELD
LORRAINE M. FENDE
ANNIE L. KEY

JAMES M. HOOPS
DANNY R. BUBP
ALLAN R. SAYRE
JEANINE PERRY
DAVID R. EVANS

The following members voted "NO"

RANDY LAW

STEPHEN BUEHRER

The report was agreed to.

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

Representative Perry submitted the following report:

The standing committee on Transportation, Public Safety, and Homeland Security to which was referred **H. B. No. 627**-Representative Carmichael, having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: FARM MACHINERY - ROAD AND HIGHWAY OPERATION

Representative Reinhard moved to amend the title as follows:

Add the names: "Evans, D.."

- | | |
|------------------|-------------------|
| JOSEPH W. UECKER | STEVE REINHARD |
| DANNY R. BUBP | STEPHEN BUEHRER |
| JOHN WIDOWFIELD | RANDY LAW |
| ALLAN R. SAYRE | LORRAINE M. FENDE |
| JEANINE PERRY | ANNIE L. KEY |
| DAVID R. EVANS | JAMES M. HOOPS |

The report was agreed to.

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

The standing committee on Transportation, Public Safety, and Homeland Security to which was referred **S. B. No. 114**-Senator Goodman, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: INTERSTATES 70 AND 71 - "PURPLE HEART TRAIL"

Representative Reinhard moved to amend the title as follows:

Add the names: "Representatives Bulp, Evans, D., Perry, Sayre, Uecker."

- | | |
|-------------------|------------------|
| JAMES M. HOOPS | DAVID R. EVANS |
| ANNIE L. KEY | JEANINE PERRY |
| LORRAINE M. FENDE | ALLAN R. SAYRE |
| JOHN WIDOWFIELD | DANNY R. BUBP |
| STEVE REINHARD | STEPHEN BUEHRER |
| RANDY LAW | JOSEPH W. UECKER |

The report was agreed to.

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

Representative Harwood submitted the following report:

The standing committee on Judiciary to which was referred **Sub. S. B. No. 117**-Senator Mallory, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: CRIMINAL JUDGEMENT FACT - UNDENIBLE IN CIVIL CASE

- | | |
|-------------------|---------------------|
| LOUIS W. BLESSING | TIMOTHY O. SCHAFFER |
|-------------------|---------------------|

BILL COLEY
RANDY LAW

MATTHEW J. DOLAN
DANNY R. BUBP

The following members voted "NO"

SANDRA STABILE HARWOOD
MIKE FOLEY

TIMOTHY J. DEGEETER

The report was agreed to.

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

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

H.B. No. 702 - Representative Reinhard, Schlichter

TO ESTABLISH A BIODIESEL, BLENDED BIODIESEL, AND E85 BLEND FUEL QUALITY TESTING PROGRAM; TO ESTABLISH RENEWABLE FUEL USAGE REQUIREMENTS FOR FUELING FACILITIES OWNED OR OPERATED BY THE STATE; AND TO AUTHORIZE TAX CREDITS AGAINST THE CORPORATION FRANCHISE AND INCOME TAXES FOR THE SALE OF E85 BLEND FUEL, AND AGAINST THE INCOME TAX FOR THE SALE OF RENEWABLE FUELS.

To the committee on Transportation, Public Safety and Homeland Security

H.B. No. 703 - Representative Brown, et al

TO REQUIRE THAT GIRLS ENTERING THE SIXTH GRADE BE VACCINATED AGAINST THE HUMAN PAPILLOMAVIRUS (HPV) AND TO CREATE THE HPV IMMUNIZATION ADVISORY COMMITTEE.

To the committee on Health

H.B. No. 704 - Representative Wolpert

TO REVISE THE LAW REGARDING DETERMINING AND REPORTING SCHOOL DISTRICT AND SCHOOL BUILDING ACADEMIC PERFORMANCE RATINGS.

To the committee on Finance and Appropriations

Am. S.B. No. 323 - Senator Spada, et al

TO PROHIBIT THE PURCHASE OF MERCURY OR MERCURY-ADDED MEASURING DEVICES BY SCHOOLS, TO PROHIBIT THE SALE AND DISTRIBUTION OF MERCURY-CONTAINING THERMOMETERS, MERCURY-ADDED NOVELTIES, AND MERCURY-CONTAINING THERMOSTATS, TO ESTABLISH CERTAIN EXCEPTIONS FROM THE PROHIBITIONS, AND TO ESTABLISH OTHER REQUIREMENTS CONCERNING MERCURY AND CERTAIN MERCURY-CONTAINING

PRODUCTS.

To the committee on Economic Development and Environment

S.B. No. 380 - Senator Stivers, et al

TO DESIGNATE A PORTION OF INTERSTATE ROUTE 270 WITHIN FRANKLIN COUNTY THE "BOBBY RAHAL EXPRESSWAY."

To the committee on Transportation, Public Safety and Homeland Security

JON A. HUSTED
CHARLES E. CALVERT
BILL COLEY
KEVIN DEWINE
JOHN SCHLICHTER
GEOFFREY C. SMITH
JOYCE BEATTY
WILLIAM J. HEALY
ROBERT J. OTTERMAN

CHARLES R. BLASDEL
JIM CARMICHAEL
ANTHONY CORE
LARRY L. FLOWERS
ARLENE J. SETZER
LARRY L. WOLPERT
TIMOTHY J. DEGEETER
JOSEPH KOZIURA

Representative Blasdel moved that the House and Constitutional Rules requiring bills to be considered by each house on three different days be suspended as to the second consideration of all House Bills and Senate Bills contained in the report of the committee on Rules and Reference.

The motion was agreed to without objection.

The report was agreed to.

Said House Bills and Senate Bills were considered a second time and referred as recommended.

MOTIONS AND RESOLUTIONS

Representative Healy reported for the Rules and Reference Committee recommending that the following Senate Concurrent Resolutions be introduced and referred to the following committees for consideration:

S. Con. R. No. 33 - Senators Padgett, Carey, Harris, Armbruster, Schuler, Miller, D., Gardner, Mumper, Goodman, Fingerhut, Cates, Grendell, Kearney, Austria, Clancy, Coughlin, Fedor, Roberts, Wilson, Spada, Zurz
TO URGE THE CONGRESS OF THE UNITED STATES TO RECOGNIZE THE SIGNIFICANCE OF THE EASTERN STATES, INCLUDING OHIO, IN THE PREPARATION FOR, AND RETURN OF, THE LEWIS AND CLARK EXPEDITION BY ENACTING LEGISLATION EXTENDING THE LEWIS AND CLARK NATIONAL HISTORIC TRAIL EAST TO ITS ORIGIN AT MONTICELLO.

To the committee on State Government

S. Con. R. 35 - Senators Coughlin, Schuler, Hagan, Armbruster, Carey, R. Miller

TO DESIGNATE NOVEMBER 15 AS CHRONIC OBSTRUCTIVE

PULMONARY DISEASE AWARENESS DAY IN OHIO.

To the committee on State Government

/s/ JON A. HUSTED

Jon A. Husted, Chair

Representative Blasdel moved that the Rules and Reference Committee Report on resolutions be agreed to and that the resolutions contained therein be introduced and referred as recommended.

The motion was agreed to.

Said resolutions were introduced and referred as recommended.

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

H.R. No. 291 - Representative Law, Speaker Husted, Representatives Beatty, Aslanides, Barrett, Blasdel, Blessing, Bocchieri, Book, Brinkman, Brown, Bulp, Buehrer, Calvert, Carano, Carmichael, Cassell, Chandler, Coley, Collier, Combs, Core, Daniels, DeBose, DeGeeter, DeWine, Distel, Dolan, Domenick, Driehaus, C. Evans, D. Evans, Faber, Fende, Fessler, Flowers, Foley, Garrison, Gibbs, Gilb, Hagan, Hartnett, Harwood, Healy, Hood, Hoops, Hughes, Key, Kilbane, Koziura, Latta, Luckie, Martin, Mason, J. McGregor, R. McGregor, Mitchell, Oelslager, Otterman, S. Patton, T. Patton, Perry, Peterson, Raga, Raussen, Redfern, Reidelbach, Reinhard, Sayre, Schaffer, Schlichter, Schneider, Seaver, Seitz, Setzer, Skindell, G. Smith, S. Smith, D. Stewart, J. Stewart, Strahorn, Sykes, Taylor, Trakas, Uecker, Ujvagi, Wagner, Wagoner, Webster, D. White, J. White, Widener, Widowfield, Willamowski, Williams, Wolpert, Woodard, Yates, Yuko

IN MEMORY OF SPECIALIST MARCO MILLER.

/s/ JON A. HUSTED

Jon A. Husted, Chair

Representative Blasdel moved that the Rules and Reference Committee Report on resolutions be agreed to and that the resolution contained therein be approved.

The motion was agreed to.

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

**H.R. No. 290 - Representatives Hughes, Reidelbach
HONORING THE WORTHINGTON CHRISTIAN HIGH SCHOOL BOYS
SOCCER TEAM AS THE 2006 DIVISION III STATE CHAMPION.**

Add the names: G. Smith, Flowers, Beatty

/s/ JON A. HUSTED

Jon A. Husted, Chairman

Representative Blasdel moved that the Rules and Reference Committee Report on resolutions be agreed to and that the resolution contained therein be approved.

The motion was agreed to.

Representative Carmichael moved that majority party members asking leave to be absent or absent the week of Tuesday, December 12, 2006, be excused, so long as a written request is on file in the majority leadership offices.

The motion was agreed to.

Representative Driehaus moved that minority party members asking leave to be absent or absent the week of Tuesday, December 12, 2006, be excused, so long as a written request is on file in the minority leadership offices.

The motion was agreed to.

BILLS FOR THIRD CONSIDERATION

Sub. S. B. No. 114-Senators Goodman, Harris, Coughlin, Amstutz, Spada, Wachtmann, Gardner, Jordan, Carey, Schuler, Schuring, Padgett, Fedor, Dann, Armbruster, Austria, Brady, Cates, Clancy, Fingerhut, Grendell, Hagan, Hottinger, Jacobson, Mallory, Miller, R., Mumper, Niehaus, Prentiss, Roberts, Wilson, Zurz. -Representatives Bulp, Evans, D., Perry, Sayre, Uecker.

To amend sections 121.403, 4501.21, 4501.27, 5511.09, and 5533.09 and to enact sections 5.033, 5.074, 5.075, 5.081, 5.082, 5.091, 5.2233, 5.2235, 5.2236, 5.2237, 5.2238, 5.2239, 5.2240, 5.2241, 5.2242, 5.2243, 5.2244, 5.2245, 5.2246, 5.2247, 5.2248, 5.2249, 901.91, 3701.0211, 4503.433, 4503.492, 4503.503, 4503.513, 4503.523, 4503.531, 4503.542, 4503.546, 4503.553, 4503.712, 4503.722, 4503.731, 4503.92, 4503.93, 5533.101, 5533.116, 5533.281, 5533.321, 5533.332, 5533.632, 5533.75, 5533.76, 5533.77, 5533.791, 5533.801, 5533.811, 5533.871, 5533.91, 5533.92, and 5533.93 of the Revised Code to name certain highways, to create certain special license plates, to designate certain days and months as particular days and months, and to give official state status to certain objects and animals, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Driehaus moved to amend as follows:

In line 23, after "4503.546" insert "4503.547"

Between lines 905 and 906, insert:

"Sec. 4503.547. (A) Any person who served in the armed forces of the United States as a paratrooper may apply to the registrar of motor vehicles for the registration of any passenger car, noncommercial motor vehicle, recreational vehicle, or other vehicle of a class approved by the registrar the person owns or

leases and for issuance of "U.S. paratrooper" license plates. The application for "U.S. paratrooper" license plates may be combined with a request for a special reserved license plate under section 4503.40 or 4503.42 of the Revised Code. The application shall be accompanied by such written evidence of the applicant's service in the armed forces of the United States as a paratrooper as the registrar requires by rule, which may include requiring the submission of a copy of the applicant's DD-214 form or an equivalent document.

Upon receipt of the completed application for registration of a motor vehicle under this section, presentation by the applicant of evidence of service in the armed forces of the United States as a paratrooper, and compliance by the applicant with this section, the registrar shall issue to the applicant the appropriate motor vehicle registration and a set of "U.S. paratrooper" license plates and a validation sticker, or a validation sticker alone when required by section 4503.191 of the Revised Code.

In addition to the letters and numbers ordinarily inscribed thereon, "U.S. paratrooper" license plates shall be inscribed with the words "U.S. paratrooper" and an appropriate symbol approved by the registrar.

"U.S. paratrooper" license plates and validation stickers shall be issued upon payment of the regular license fees required by section 4503.04 of the Revised Code, payment of any local motor vehicle license tax levied under Chapter 4504, of the Revised Code, and compliance with all other applicable laws relating to the registration of motor vehicles. If the application is combined with a request for a special reserved license plate under section 4503.40 or 4503.42 of the Revised Code, the license plates and validation sticker shall be issued upon payment of the fees and taxes contained in this section and the additional fee prescribed under section 4503.40 or 4503.42 of the Revised Code.

(B) Sections 4503.77 and 4503.78 of the Revised Code do not apply to license plates issued under this section."

In line 8 of the title, after "4503.546" insert "4503.547"

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

The yeas and nays were taken and resulted - yeas 90, nays 3, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Barrett	Blasdel	Blessing
Boccieri	Book	Brown	Bubp
Buehrer	Calvert	Carano	Carmichael
Cassell	Chandler	Coley	Combs
Core	Daniels	DeBose	DeGeeter
DeWine	Distel	Dolan	Domenick
Driehaus	Evans C.	Evans D.	Faber
Fende	Fessler	Flowers	Foley
Garrison	Gibbs	Gilb	Hagan
Hartnett	Harwood	Hood	Hoops
Hughes	Key	Kilbane	Koziura
Latta	Law	Luckie	Martin
Mason	McGregor J.	McGregor R.	Mitchell

Oelslager	Otterman	Patton S.	Patton T.
Perry	Peterson	Raga	Rausen
Redfern	Reidelbach	Reinhard	Sayre
Schaffer	Schlichter	Seitz	Setzer
Skindell	Smith G.	Smith S.	Stewart D.
Stewart J.	Strahorn	Sykes	Taylor
Trakas	Uecker	Ujvagi	Wagner
Wagoner	White D.	White J.	Widener
Widowfield	Williams	Wolpert	Yates
Yuko			Husted-90.

Representatives Brinkman, Healy, and Schneider voted in the negative-3.

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 86, nays 8, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Barrett	Blessing	Bocchieri
Book	Brinkman	Brown	Bubp
Buehrer	Carano	Cassell	Chandler
Coley	Collier	Combs	DeBose
DeGeeter	DeWine	Distel	Dolan
Domenick	Driehaus	Evans C.	Evans D.
Faber	Fende	Fessler	Flowers
Foley	Garrison	Gibbs	Gilb
Hagan	Hartnett	Harwood	Hood
Hoops	Hughes	Key	Kilbane
Koziura	Latta	Law	Luckie
Martin	Mason	McGregor J.	McGregor R.
Mitchell	Oelslager	Otterman	Patton S.
Patton T.	Perry	Peterson	Redfern
Reidelbach	Reinhard	Sayre	Schaffer
Schlichter	Schneider	Seitz	Setzer
Skindell	Smith G.	Smith S.	Stewart D.
Stewart J.	Strahorn	Sykes	Taylor
Trakas	Uecker	Ujvagi	Wagner
Wagoner	White D.	White J.	Widener
Widowfield	Williams	Wolpert	Yates
Yuko			Husted-86.

Representatives Blasdel, Calvert, Carmichael, Core, Daniels, Healy, Raga, and Rausen voted in the negative-8.

The bill passed.

Representative Reinhard moved to amend the title as follows:

Add the names: "Barrett, Blessing, Book, Carano, Cassell, Combs, DeBose, DeGeeter, Distel, Fende, Fessler, Flowers, Garrison, Hughes, Key, Koziura, Law, Luckie, McGregor, J., Mitchell, Patton, S., Peterson, Redfern, Schaffer, Schlichter, Seitz, Stewart, J., Ujvagi, Yates, Yuko."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Sub. S. B. No. 116-Senators Spada, Gardner, Schuring, Hottinger, Fedor, Fingerhut, Miller, R., Hagan, Dann, Zurz, Jacobson, Roberts, Prentiss, Austria, Harris, Armbruster, Goodman, Kearney, Miller, D.. -Representatives Redfern, Schneider, Smith, S., Peterson, Mason, Brown, Otterman, Barrett.

To amend sections 1739.05, 1751.01, 1751.02, 3923.28, 3923.30, and 3923.51 and to enact sections 3923.281 and 3923.282 of the Revised Code to prohibit, subject to certain exceptions, discrimination in group health care policies, contracts, and agreements in the coverage provided for the diagnosis, care, and treatment of biologically based mental illnesses, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Martin moved to amend as follows:

In line 100, delete "all" and insert "either"

In line 101, after "(a)" insert "If all of the following occur:

(i)"

In line 106, after "corporation's" insert "aggregate"

In line 108, after "services" insert "in this state"

In line 110, delete "(b)" and insert "(ii)"

In line 112, after "in" insert "aggregate"

In line 114, after "in" insert "all of"

In line 116, after "services" insert "in this state"

In line 117, delete "(c)" and insert "(iii)"; delete "makes the following"

In line 118, delete "determinations" and insert "determines"

In line 119, after "(a)" insert "(i)"; delete "(b)" and insert "(ii)"; delete the underlined colon

In line 120, delete "(i) Incurred" and insert "that any incurred"

In line 122, after "corporation's" insert "aggregate"

In line 124, after "services" insert "in this state"

In line 125, delete the underlined period

In line 126, delete "(ii) The" and insert "and the"

In line 127, after "in" insert "all of"

In line 129, after "services" insert "in this state"

In line 130, delete "this"

In line 131, after "division" insert "(A)(3)(a)(iii) of this section"

Between lines 131 and 132, insert:

"(b) On request of a group or individual seeking coverage and before issuing or renewing any policy, contract, certificate, or agreement for basic health care services to that group or individual, a health insuring corporation shall determine whether the annual premiums or rates charged to that group or individual will increase in either of the following ways:

(i) For groups or individuals seeking renewals, by more than one per cent of the immediately preceding annual premiums or rates charged to that group or individual as a result of the coverage required by division (A)(1)(g) of this section;

(ii) For groups or individuals seeking new coverage, by more than one per cent of the immediately preceding annual premiums or rates charged to a group or individuals with similar case characteristics as a result of the coverage required by division (A)(1)(g) of this section."

In line 586, delete "all" and insert "either"

In line 588, after "(1)" insert "All of the following occur:

(a)"

In line 593, after "insurer's" insert "aggregate"

In line 594, after "disorders" insert "in this state"

In line 596, delete "(2)" and insert "(b)"

In line 598, after "increase" insert "aggregate costs"

In line 599, after "(1)" insert "(a)"

In line 600, after "in" insert "all of"

In line 602, after "disorders" insert "in this state"

In line 603, delete "(3)" and insert "(c)"

In line 605, after "(1)" insert "(a)"; delete "(2)" and insert "(b)"

In line 606, delete "(a)" and insert "(i)"

In line 608, after "insurer's" insert "aggregate"

In line 610, after "disorders" insert "in this state"

In line 612, delete "(b)" and insert "(ii)"

In line 613, after "in" insert "all of"

In line 615, after "disorders" insert "in this state"

In line 616, delete "this"

In line 617, after "division" insert "(E)(1)(c) of this section"

Between lines 617 and 618, insert:

"(2)(b) On request of a group and before issuing or renewing any policy of sickness and accident insurance to that group or individual, an insurer shall determine whether the annual premiums or rates charged to that group will increase in either of the following ways:

(i) For groups seeking renewals, by more than one per cent of the immediately preceding annual premiums or rates charged to that group as a result of the coverage required by division (A)(1)(g) of this section;

(ii) For groups seeking new coverage, by more than one per cent of the immediately preceding annual premiums or rates charged to a group with similar case characteristics as a result of the coverage required by division (A)(1)(g) of this section."

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

Representative Driehaus moved that the motion be laid on the table.

The question being, "Shall the motion to amend be laid on the table?"

The yeas and nays were taken and resulted - yeas 53, nays 40, as follows:

Those who voted in the affirmative were: Representatives

Barrett	Blasdel	Blessing	Bocchieri
Book	Brown	Carano	Carmichael
Chandler	Collier	DeBose	DeGeeter
Distel	Domenick	Driehaus	Fende
Flowers	Foley	Garrison	Hartnett
Harwood	Healy	Hoops	Hughes
Key	Kilbane	Koziura	Latta
Luckie	Mason	McGregor J.	McGregor R.
Mitchell	Oelslager	Otterman	Patton S.
Patton T.	Perry	Peterson	Redfern
Sayre	Schneider	Skindell	Smith S.
Stewart D.	Stewart J.	Strahorn	Sykes
Ujvagi	Williams	Yates	Yuko
			Husted-53.

Those who voted in the negative were: Representatives

Aslanides	Brinkman	Bubp	Buehrer
Calvert	Cassell	Coley	Combs
Core	Daniels	Dolan	Evans C.
Evans D.	Faber	Fessler	Gibbs
Gilb	Hagan	Hood	Law
Martin	Raga	Raussen	Reidelbach
Reinhard	Schaffer	Schlichter	Seitz
Setzer	Smith G.	Taylor	Trakas
Uecker	Wagner	Wagoner	White D.
White J.	Widener	Widowfield	Wolpert-40.

The motion to amend was laid on the table.

The question recurring, "Shall the bill pass?"

Representative Martin moved to amend as follows:

In line 64, after "(A)(2)" delete "and" and insert an underlined comma; after "(3)" insert ", and (4)"

In line 96, after "(3)" insert "A health insuring corporation that offers coverage for basic health care services to the employees of an employer of fifty or fewer employees or to a self-employed individual is not required to offer coverage for diagnostic and treatment services for biologically based mental illnesses in combination with the offer of coverage for all other listed basic health care services.

(4)"

In line 113, delete "(3)" and insert "(4)"

In line 119, delete "(3)" and insert "(4)"

In line 540, delete "Notwithstanding" and insert "(1) Except as provided in division (B)(2) of this section and notwithstanding"

In line 549, delete "(1)" and insert "(a)"

In line 558, delete "(2)" and insert "(b)"

Between lines 560 and 561, insert:

"(2) Division (B)(1) of this section does not apply to any policy that provides benefits for the employees of an employer of fifty or fewer employees or for a self-employed individual."

In line 631, delete "Notwithstanding" and insert "(1) Except as provided in division (B)(2) of this section and notwithstanding"

In line 639, delete "(1)" and insert "(a)"

In line 648, delete "(2)" and insert "(b)"

Between lines 650 and 651, insert:

"(2) Division (B)(1) of this section does not apply to any plan of health insurance that provides benefits for the employees of an employer of fifty or fewer employees or for a self-employed individual."

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

Representative Collier moved that the motion be laid on the table.

The question being, "Shall the motion to amend be laid on the table?"

The yeas and nays were taken and resulted - yeas 58, nays 36, as follows:

Those who voted in the affirmative were: Representatives

Barrett

Blasdel

Blessing

Bocchieri

Book	Brown	Carano	Carmichael
Cassell	Chandler	Collier	DeBose
DeGeeter	DeWine	Distel	Domenick
Driehaus	Fende	Flowers	Foley
Garrison	Hartnett	Harwood	Healy
Hoops	Hughes	Key	Kilbane
Koziura	Latta	Luckie	Mason
McGregor J.	McGregor R.	Mitchell	Oelslager
Otterman	Patton S.	Patton T.	Perry
Peterson	Redfern	Sayre	Schlichter
Schneider	Seitz	Setzer	Skindell
Smith S.	Stewart D.	Stewart J.	Strahorn
Sykes	Ujvagi	Williams	Yates
Yuko			Husted-58.

Those who voted in the negative were: Representatives

Aslanides	Brinkman	Bubp	Buehrer
Calvert	Coley	Combs	Core
Daniels	Dolan	Evans C.	Evans D.
Faber	Fessler	Gibbs	Gilb
Hagan	Hood	Law	Martin
Raga	Rausen	Reidelbach	Reinhard
Schaffer	Smith G.	Taylor	Trakas
Uecker	Wagner	Wagoner	White D.
White J.	Widener	Widowfield	Wolpert-36.

The motion to amend was laid on the table.

The question recurring, "Shall the bill pass?"

Representative McGregor, R. moved to amend as follows:

After line _____, insert:

"Section _____. (A) As used in this section, "special hospital" means a hospital that is primarily or exclusively engaged in the care and treatment of one or more of the following:

- (1) Patients with a cardiac condition.
- (2) Patients with an orthopedic condition.
- (3) Patients receiving a surgical procedure.

(4) Patients receiving any other specialized category of services specified by the Director of Health.

(B) Except as provided in division (C) of this section, during the ninety-day period beginning on the effective date of this act, no person, political subdivision, or agency or instrumentality of this state shall establish, develop, or construct a special hospital in a county with a population of more than one hundred forty thousand but less than one hundred fifty thousand individuals.

(C) The moratorium in division (B) of this section does not affect a

project for which all local permits necessary to begin construction were obtained on or prior to the effective date of this act.

(D) The director of health may petition the court of common pleas of the county in which a special hospital is located for an order enjoining any person, political subdivision, or agency or instrumentality of this state from violating division (B) of this section. Irrespective of any other remedy the director may have in law or equity, the court may grant the order on a showing that the respondent named in the petition is violating division (B) of this section."

In line _____ of the title, after "illnesses" insert ", and to prohibit for ninety days, the establishment of special hospitals in counties with a population of more than one hundred forty thousand but less than one hundred fifty thousand individuals"

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

The yeas and nays were taken and resulted - yeas 70, nays 24, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Barrett	Blessing	Bocchieri
Brown	Bubp	Buehrer	Calvert
Carano	Carmichael	Chandler	Collier
Combs	DeBose	DeGeeter	DeWine
Distel	Dolan	Domenick	Driehaus
Evans C.	Evans D.	Fende	Flowers
Foley	Garrison	Gilb	Hagan
Hartnett	Harwood	Hoops	Hughes
Key	Kilbane	Latta	Martin
Mason	McGregor J.	McGregor R.	Mitchell
Oelslager	Otterman	Patton S.	Patton T.
Perry	Peterson	Raga	Sayre
Schaffer	Schlichter	Seitz	Setzer
Skindell	Smith G.	Smith S.	Stewart D.
Stewart J.	Taylor	Trakas	Uecker
Ujvagi	Wagner	Wagoner	White D.
Widener	Williams	Wolpert	Yates
Yuko			Husted-70.

Those who voted in the negative were: Representatives

Blasdel	Book	Brinkman	Cassell
Coley	Core	Daniels	Faber
Fessler	Gibbs	Healy	Hood
Koziura	Law	Luckie	Rausen
Redfern	Reidelbach	Reinhard	Schneider
Strahorn	Sykes	White J.	Widowfield-24.

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 70, nays 24, as follows:

Those who voted in the affirmative were: Representatives

Barrett	Blessing	Bocchieri	Book
Brown	Calvert	Carano	Carmichael
Cassell	Chandler	Collier	Combs
Core	DeBose	DeGeeter	DeWine
Distel	Dolan	Domenick	Driehaus
Evans C.	Fende	Flowers	Foley
Garrison	Gilb	Hagan	Hartnett
Harwood	Healy	Hoops	Hughes
Key	Kilbane	Koziura	Latta
Luckie	Mason	McGregor J.	McGregor R.
Mitchell	Oelslager	Otterman	Patton S.
Patton T.	Perry	Peterson	Redfern
Reinhard	Sayre	Schlichter	Schneider
Seitz	Setzer	Skindell	Smith S.
Stewart D.	Stewart J.	Strahorn	Sykes
Trakas	Ujvagi	Wagoner	White J.
Widener	Widowfield	Williams	Yates
Yuko			Husted-70.

Those who voted in the negative were: Representatives

Aslanides	Blasdel	Brinkman	Bubp
Buehrer	Coley	Daniels	Evans D.
Faber	Fessler	Gibbs	Hood
Law	Martin	Raga	Rausen
Reidelbach	Schaffer	Smith G.	Taylor
Uecker	Wagner	White D.	Wolpert-24.

The bill passed.

Representative Peterson moved to amend the title as follows:

Add the names: "Blessing, Bocchieri, Book, Calvert, Carano, Cassell, Chandler, Collier, DeBose, DeGeeter, Distel, Domenick, Driehaus, Evans, C., Fende, Flowers, Foley, Garrison, Hartnett, Hoops, Key, Kilbane, Koziura, Mitchell, Oelslager, Patton, S., Patton, T., Perry, Sayre, Schlichter, Seitz, Skindell, Stewart, D., Stewart, J., Strahorn, Sykes, Ujvagi, Wagoner, Williams, Yates, Yuko."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

On motion of Representative Blasdel, the House recessed.

The House met pursuant to recess.

Sub. S. B. No. 117-Senators Mallory, Dann, Fedor, Jacobson, Miller, R., Schuler, Amstutz, Zurz, Armbruster, Brady, Clancy, Fingerhut, Goodman, Hagan, Jordan, Mumper, Niehaus, Padgett, Schuring, Wachtmann, Wilson, Harris, Spada, Cates.

To amend sections 1345.09, 2307.60, 2307.71, 2307.73, and 2317.02 of the Revised Code to specify the nature of damages that may be recovered in certain actions based on unfair or deceptive sales practices, to provide that a final judgment, entered after a trial or upon a plea of guilty in certain criminal actions generally precludes the offender from denying any fact essential to sustain that judgment when entered in evidence in a civil proceeding that is based on the criminal act, to make an exception to the attorney-client privilege for communications related to an attorney's aiding or furthering an ongoing or future commission of bad faith by a client that is an insurance company, to prohibit the use of enterprise theories of liability against manufacturers in product liability claims, and to include public nuisance claims under the definition of product liability claims, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Flowers moved to amend as follows:

In line 106, after "violence" insert "punishable by death or imprisonment in excess of one year"

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

The yeas and nays were taken and resulted - yeas 89, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Barrett	Blasdel	Blessing
Bocchieri	Book	Brinkman	Bubp
Buehrer	Calvert	Carano	Carmichael
Cassell	Chandler	Coley	Collier
Combs	Core	Daniels	DeBose
DeGeeter	DeWine	Distel	Dolan
Domenick	Driehaus	Evans C.	Evans D.
Faber	Fende	Fessler	Flowers
Foley	Garrison	Gibbs	Gilb
Hagan	Hartnett	Harwood	Healy
Hood	Hoops	Key	Kilbane
Koziura	Latta	Law	Luckie
Martin	Mason	McGregor J.	McGregor R.
Mitchell	Oelslager	Otterman	Patton T.
Perry	Peterson	Raga	Raussen
Redfern	Reidelbach	Reinhard	Sayre
Schaffer	Schlichter	Schneider	Seitz
Setzer	Skindell	Smith G.	Stewart D.
Stewart J.	Strahorn	Sykes	Taylor
Trakas	Uecker	Ujvagi	Wagner
Wagoner	White D.	White J.	Widener
Widowfield	Williams	Wolpert	Yuko
			Husted-89.

The motion was agreed to and the bill so amended.
The question being, "Shall the bill as amended pass?"
Representative Book moved to amend as follows:

- In line 20, delete "1345.09,"
- Delete lines 22 through 89
- In line 801, delete "1345.09,"
- In line 825, delete everything after "5."
- Delete lines 826 through 829
- In line 830, delete "6" and insert "5"
- In line 845, delete "7" and insert "6"
- In line 1 of the title, delete "1345.09,"
- In line 2 of the title, delete "to specify the"
- Delete lines 3 and 4 of the title
- In line 5 of the title, delete "practices,"

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

Representative Flowers moved that the motion be laid on the table.

The question being, "Shall the motion to amend be laid on the table?"

The yeas and nays were taken and resulted - yeas 54, nays 37, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Blasdel	Blessing	Bubp
Buehrer	Calvert	Carmichael	Coley
Collier	Combs	Core	Daniels
DeWine	Dolan	Evans C.	Evans D.
Faber	Fessler	Flowers	Gibbs
Gilb	Hagan	Hood	Hoops
Kilbane	Latta	Law	Martin
McGregor J.	McGregor R.	Patton T.	Peterson
Raga	Rausen	Reidelbach	Reinhard
Schaffer	Schlichter	Schneider	Seitz
Setzer	Smith G.	Stewart J.	Taylor
Trakas	Uecker	Wagner	Wagoner
White D.	White J.	Widener	Widowfield
Wolpert			Husted-54.

Those who voted in the negative were: Representatives

Barrett	Bocchieri	Book	Brinkman
Carano	Cassell	Chandler	DeBose
DeGeeter	Distel	Domenick	Driehaus
Fende	Foley	Garrison	Hartnett
Harwood	Healy	Key	Koziura

Luckie	Mason	Mitchell	Oelslager
Otterman	Perry	Redfern	Sayre
Skindell	Smith S.	Stewart D.	Strahorn
Sykes	Ujvagi	Williams	Yates
			Yuko-37.

The motion to amend was laid on the table.

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

Representative Book moved to amend as follows:

In line 20, delete "2307.71, 2307.73,"

Delete lines 138 through 304

In line 801, delete "2307.71,"

In line 802, delete "2307.73,"

In line 803, delete everything after the period

Delete lines 804 through 824

In line 825, delete "Section 5."

In line 830, delete "6" and insert "4"

In line 845, delete "7" and insert "5"

In line 1 of the title, delete "2307.71, 2307.73,"

In line 11 of the title, after the comma insert "and"

In line 15 of the title, delete ", to prohibit the use of"

Delete lines 16 through 18 of the title

In line 19 of the title, delete everything before the period

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

Representative Flowers moved that the motion be laid on the table.

The question being, "Shall the motion to amend be laid on the table?"

The yeas and nays were taken and resulted - yeas 54, nays 37, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Blasdel	Blessing	Bubp
Buehrer	Calvert	Carmichael	Coley
Collier	Combs	Core	Daniels
DeWine	Dolan	Evans C.	Evans D.
Faber	Fessler	Flowers	Gibbs
Gilb	Hagan	Hood	Hoops
Kilbane	Latta	Law	Martin
McGregor J.	McGregor R.	Patton T.	Peterson
Raga	Raussen	Reidelbach	Reinhard
Schaffer	Schlichter	Schneider	Seitz

Setzer	Smith G.	Stewart J.	Taylor
Trakas	Uecker	Wagner	Wagoner
White D.	White J.	Widener	Widowfield
Wolpert			Husted-54.

Those who voted in the negative were: Representatives

Barrett	Bocchieri	Book	Brinkman
Carano	Cassell	Chandler	DeBose
DeGeeter	Distel	Domenick	Driehaus
Fende	Foley	Garrison	Hartnett
Harwood	Healy	Key	Koziura
Luckie	Mason	Mitchell	Oelslager
Otterman	Perry	Redfern	Sayre
Skindell	Smith S.	Stewart D.	Strahorn
Sykes	Ujvagi	Williams	Yates
			Yuko-37.

The motion to amend was laid on the table.

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

The yeas and nays were taken and resulted - yeas 57, nays 34, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Barrett	Blasdel	Blessing
Brinkman	Bubp	Buehrer	Calvert
Carmichael	Coley	Collier	Combs
Core	Daniels	DeWine	Dolan
Evans C.	Evans D.	Faber	Fessler
Flowers	Gibbs	Gilb	Hagan
Hood	Hoops	Kilbane	Latta
Law	Luckie	Martin	McGregor J.
McGregor R.	Patton T.	Peterson	Raga
Rausen	Reidelbach	Reinhard	Schaffer
Schlichter	Schneider	Seitz	Setzer
Smith G.	Stewart J.	Taylor	Trakas
Uecker	Wagner	Wagoner	White D.
White J.	Widener	Widowfield	Wolpert
			Husted-57.

Those who voted in the negative were: Representatives

Bocchieri	Book	Carano	Cassell
Chandler	DeBose	DeGeeter	Distel
Domenick	Driehaus	Fende	Foley
Garrison	Hartnett	Harwood	Healy
Key	Koziura	Mason	Mitchell
Oelslager	Otterman	Perry	Redfern
Sayre	Skindell	Smith S.	Stewart D.
Strahorn	Sykes	Ujvagi	Williams
Yates			Yuko-34.

The bill passed.

Representative Seitz moved to amend the title as follows:

Add the names: "Aslanides, Blasdel, Blessing, Bubp, Buehrer, Coley, Collier, Flowers, Gibbs, Hood, Raussen, Schaffer, Schneider, Seitz, Setzer, White, D., Wolpert."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Sub. S. B. No. 137-Senators Goodman, Padgett, Clancy, Cates, Gardner, Jacobson, Dann, Stivers, Zurz, Kearney, Hottinger, Fedor, Spada.
-Representatives Latta, Gilb, Evans, D., Hughes.

To amend section 2151.99 of the Revised Code to increase the penalty for a failure to make a mandatory report of abuse or neglect of a child from a misdemeanor of the fourth degree to a misdemeanor of the first degree if the child who is the subject of the report that is not made suffers or faces the threat of suffering the wound, injury, disability, or condition that would be the basis of the report when the child is under either the direct care or supervision of the offender acting in the offender's official or professional capacity or the direct care or supervision of another person over whom the offender has supervisory control, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 90, nays 1, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Barrett	Blasdel	Blessing
Boccheri	Book	Brinkman	Bubp
Buehrer	Calvert	Carano	Carmichael
Cassell	Chandler	Coley	Collier
Combs	Core	Daniels	DeBose
DeGeeter	DeWine	Distel	Dolan
Domenick	Driehaus	Evans C.	Evans D.
Faber	Fende	Fessler	Flowers
Foley	Garrison	Gibbs	Gilb
Hagan	Hartnett	Harwood	Healy
Hoops	Hughes	Key	Kilbane
Koziura	Latta	Law	Luckie
Mason	McGregor J.	McGregor R.	Mitchell
Oelslager	Otterman	Patton T.	Perry
Peterson	Raga	Raussen	Redfern
Reidelbach	Reinhard	Sayre	Schaffer
Schlichter	Schneider	Seitz	Setzer
Skindell	Smith G.	Smith S.	Stewart D.
Stewart J.	Strahorn	Sykes	Taylor
Trakas	Uecker	Ujvagi	Wagner
Wagoner	White D.	White J.	Widener
Widowfield	Williams	Wolpert	Yates
Yuko			Husted-90.

Representative Hood voted in the negative-1.

The bill passed.

Representative Latta moved to amend the title as follows:

Add the names: "Blessing, Bubp, Chandler, Combs, DeBose, Domenick, Driehaus, Evans, C., Flowers, Harwood, Luckie, Mason, Mitchell, Otterman, Patton, T., Reidelbach, Schaffer, Schneider, Setzer, White, D., Williams, Yates, Yuko."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Sub. S. B. No. 245-Senators Cates, Clancy, Mumper, Padgett, Schuring, Dann, Fedor, Zurz, Amstutz, Coughlin, Fingerhut, Harris, Hottinger, Kearney, Miller, R., Niehaus, Schuler, Spada, Armbruster, Carey, Austria.
-Representatives Latta, Evans, D., Gilb, Healy.

To amend section 2907.09 and to enact section 2907.41 of the Revised Code to generally increase the penalties for public indecency when the victim is a minor and the offender has a previous public indecency conviction, to require that a person charged with a sexually oriented offense or with public indecency who has a previous conviction of a sexually oriented offense or of public indecency appear before the court before the court sets bail, and to generally require the court to consider certain factors before setting bail for that person, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 90, nays 1, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Barrett	Blasdel	Blessing
Bocchieri	Book	Brinkman	Bubp
Buehrer	Calvert	Carano	Carmichael
Cassell	Chandler	Coley	Collier
Combs	Core	Daniels	DeBose
DeGeeter	DeWine	Distel	Dolan
Domenick	Driehaus	Evans C.	Evans D.
Faber	Fende	Fessler	Flowers
Foley	Garrison	Gibbs	Gilb
Hagan	Hartnett	Harwood	Healy
Hood	Hoops	Hughes	Kilbane
Koziura	Latta	Law	Luckie
Mason	McGregor J.	McGregor R.	Mitchell
Oelslager	Otterman	Patton T.	Perry
Peterson	Raga	Rausen	Redfern
Reidelbach	Reinhard	Sayre	Schaffer
Schlichter	Schneider	Seitz	Setzer
Skindell	Smith G.	Smith S.	Stewart D.
Stewart J.	Strahorn	Sykes	Taylor
Trakas	Uecker	Ujvagi	Wagner

Wagoner
Widowfield
Yuko

White D.
Williams

White J.
Wolpert

Widener
Yates
Husted-90.

Representative Key voted in the negative-1.

The bill passed.

Representative Latta moved to amend the title as follows:

Add the names: "Blessing, Chandler, Combs, DeBose, Domenick, Driehaus, Evans, C., Faber, Fessler, Flowers, Law, Luckie, McGregor, J., Otterman, Patton, T., Raussen, Reidelbach, Schneider, Setzer, Smith, G., Stewart, D., Williams, Yuko."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Sub. S. B. No. 279-Senators Stivers, Cates, Spada, Armbruster, Goodman, Mumper, Wachtmann. -Representatives Smith, G., Daniels, Evans, D., Faber, Gibbs, Patton, T., Raussen, Wolpert.

To amend sections 3955.01, 3955.05, and 3955.12 of the Revised Code to exempt the Ohio Insurance Guaranty Association from being obligated to pay more than a single three hundred thousand dollar claim for injury or death to any one person and a claim of an insured whose net worth exceeds fifty million dollars and to exempt certain reciprocal insurers from participation in the Ohio Insurance Guaranty Association, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 86, nays 5, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Barrett	Blasdel	Blessing
Boccieri	Book	Brinkman	Bubp
Buehrer	Calvert	Carano	Carmichael
Cassell	Chandler	Coley	Collier
Combs	Core	Daniels	DeBose
DeGeeter	DeWine	Distel	Dolan
Domenick	Driehaus	Evans C.	Evans D.
Faber	Fende	Fessler	Flowers
Foley	Garrison	Gibbs	Gilb
Hagan	Hartnett	Harwood	Healy
Hood	Hoops	Hughes	Key
Kilbane	Koziura	Latta	Law
McGregor J.	McGregor R.	Mitchell	Oelslager
Otterman	Patton T.	Perry	Peterson
Raga	Raussen	Redfern	Reidelbach
Reinhard	Sayre	Schaffer	Schlichter
Schneider	Seitz	Setzer	Smith G.
Stewart D.	Stewart J.	Strahorn	Taylor

Trakas	Uecker	Ujvagi	Wagner
Wagoner	White D.	White J.	Widener
Widowfield	Williams	Wolpert	Yates
Yuko			Husted-86.

Representatives Luckie, Mason, Skindell, Smith S., and Sykes voted in the negative-5.

The bill passed.

Representative Faber moved to amend the title as follows:

Add the names: "Blessing, Combs, Domenick, Evans, C., Flowers, Schaffer, Schneider."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Sub. S. B. No. 393-Senators Mumper, Grendell, Niehaus, Schuler, Harris.
-Representatives Aslanides, Domenick, Gibbs, Schlichter, Widener, Distel, McGregor, J., Core, Reinhard.

To amend sections 903.08 and 6111.04 and to enact section 6111.451 of the Revised Code to make changes to the national pollutant discharge elimination system program with respect to concentrated animal feeding facilities, to require the Director of Environmental Protection to adopt rules specifying certain construction activities that may be conducted prior to approval of plans for a treatment or disposal works under the Water Pollution Control Law, and to establish the Preconstruction Rules Working Group for the purpose of developing the rules, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 85, nays 6, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Barrett	Blasdel	Blessing
Boccieri	Book	Brinkman	Bubp
Buehrer	Calvert	Carano	Carmichael
Cassell	Chandler	Coley	Collier
Combs	Core	Daniels	DeBose
DeGeeter	DeWine	Distel	Dolan
Domenick	Evans C.	Evans D.	Faber
Fende	Fessler	Flowers	Foley
Garrison	Gibbs	Gilb	Hagan
Hartnett	Harwood	Healy	Hood
Hoops	Hughes	Key	Kilbane
Koziura	Latta	Law	Luckie
Mason	McGregor J.	McGregor R.	Mitchell
Oelslager	Otterman	Patton T.	Perry
Peterson	Raga	Rausen	Redfern
Reidelbach	Reinhard	Sayre	Schaffer
Schlichter	Schneider	Seitz	Setzer

Smith G.	Stewart J.	Taylor	Trakas
Uecker	Ujvagi	Wagner	Wagoner
White D.	White J.	Widener	Widowfield
Williams	Wolpert	Yates	Yuko
			Husted-85.

Representatives Driehaus, Skindell, Smith S., Stewart D., Strahorn, and Sykes voted in the negative-6.

The bill passed.

Representative Aslanides moved to amend the title as follows:

Add the names: "Blessing, Collier, Combs, Dolan, Evans, C., Hagan, Hood, Schneider, Setzer."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Sub. H. B. No. 627-Representatives Carmichael, Evans, D..

To amend sections 4501.01, 4507.03, 4511.01, 4511.202, 4513.11, 4513.99, and 5739.01 of the Revised Code to require farm machinery that is designed by its manufacturer to operate at a speed greater than 25 miles per hour to display a speed identification symbol and a slow-moving vehicle emblem when operated on a road or highway, to further address the operation of such farm machinery on roads and highways, and to permit a trade-in allowance for construction equipment and certain farm machinery, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 90, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Barrett	Blasdel	Blessing
Bocchieri	Book	Brinkman	Bubp
Buehrer	Calvert	Carano	Carmichael
Cassell	Chandler	Coley	Collier
Combs	Core	Daniels	DeBose
DeGeeter	DeWine	Distel	Dolan
Domenick	Driehaus	Evans C.	Evans D.
Faber	Fende	Fessler	Flowers
Foley	Garrison	Gibbs	Gilb
Hagan	Hartnett	Harwood	Healy
Hood	Hoops	Hughes	Key
Kilbane	Koziura	Latta	Law
Luckie	Mason	McGregor J.	McGregor R.
Mitchell	Oelslager	Otterman	Patton T.
Perry	Peterson	Raga	Rausen
Redfern	Reidelbach	Reinhard	Sayre
Schaffer	Schlichter	Schneider	Seitz
Setzer	Skindell	Smith G.	Smith S.

Stewart D.	Stewart J.	Strahorn	Sykes
Taylor	Trakas	Uecker	Ujvagi
Wagner	Wagoner	White D.	Widener
Widowfield	Williams	Wolpert	Yates
Yuko			Husted-90.

The bill passed.

Representative Carmichael moved to amend the title as follows:

Add the names: "Aslanides, Barrett, Blessing, Bocchieri, Bubp, Calvert, Cassell, Coley, Collier, Combs, Core, Daniels, DeBose, DeWine, Dolan, Domenick, Evans, C., Faber, Fende, Fessler, Flowers, Gibbs, Hagan, Hartnett, Harwood, Hoops, Hughes, Law, Luckie, McGregor, J., McGregor, R., Patton, T., Perry, Reinhard, Sayre, Schaffer, Schlichter, Schneider, Seitz, Setzer, Smith, G., Stewart, D., Strahorn, Taylor, Trakas, Uecker, Wagoner, White, D.."

Remove the name: "Redfern."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Representative Blasdel moved that House Rule 66, pertaining to bills being placed on the calendar, be suspended and that **H. B. No. 32**-Representative Trakas, et al. be taken up for immediate consideration the third time.

The motion was agreed to without objection.

H. B. No. 32-Representatives Trakas, Fessler, Reidelbach, Peterson, Collier.

To enact sections 2919.221, 3301.561, and 5104.016 of the Revised Code to prohibit the administration of medication to a child in a child-care setting without authorization from the child's parents, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Faber moved to amend as follows:

In line 63, delete everything after "is"

In line 64, delete "child" and insert "necessary to treat or prevent a medical emergency or medical condition affecting the child or that the administration of the medication is given with the express authorization of the parent, guardian, or other person responsible for the care of the child"

In line 112, delete "necessitated by a"

In line 113, delete everything before the underlined period and insert

necessary to treat or prevent a medical emergency or medical condition affecting the child or that the administration of the medication is given with the express authorization of the parent, guardian, or other person responsible for the care of the child"

In line 157, delete "necessitated by a"

In line 158, delete everything before the underlined period and insert "necessary to treat or prevent a medical emergency or medical condition affecting the child or that the administration of the medication is given with the express authorization of the parent, guardian, or other person responsible for the care of the child"

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

The yeas and nays were taken and resulted - yeas 87, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Barrett	Blasdel	Blessing
Bocchieri	Book	Brinkman	Bubp
Buehrer	Calvert	Carano	Carmichael
Cassell	Chandler	Coley	Collier
Combs	Core	Daniels	DeBose
DeGeeter	DeWine	Distel	Dolan
Domenick	Driehaus	Evans C.	Evans D.
Faber	Fende	Fessler	Flowers
Foley	Garrison	Gibbs	Gilb
Hagan	Hartnett	Harwood	Healy
Hood	Hoops	Hughes	Key
Kilbane	Koziura	Latta	Law
Luckie	Mason	McGregor J.	McGregor R.
Mitchell	Oelslager	Otterman	Patton T.
Perry	Peterson	Raga	Rausen
Reidelbach	Reinhard	Sayre	Schaffer
Schlichter	Schneider	Setzer	Skindell
Smith G.	Stewart D.	Stewart J.	Strahorn
Taylor	Trakas	Uecker	Ujvagi
Wagner	Wagoner	White D.	White J.
Widener	Widowfield	Williams	Wolpert
Yates	Yuko		Husted-87.

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 87, nays 1, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Barrett	Blasdel	Blessing
Bocchieri	Book	Brinkman	Bubp
Buehrer	Calvert	Carano	Carmichael
Cassell	Chandler	Coley	Collier
Combs	Core	Daniels	DeBose

DeGeeter	DeWine	Distel	Dolan
Domenick	Driehaus	Evans C.	Evans D.
Faber	Fende	Fessler	Flowers
Foley	Garrison	Gibbs	Gilb
Hagan	Hartnett	Harwood	Healy
Hood	Hoops	Hughes	Key
Kilbane	Koziura	Latta	Law
Luckie	Mason	McGregor J.	McGregor R.
Mitchell	Oelslager	Otterman	Patton T.
Perry	Peterson	Raga	Rausen
Reidelbach	Reinhard	Sayre	Schaffer
Schlichter	Schneider	Seitz	Setzer
Skindell	Smith G.	Stewart D.	Stewart J.
Strahorn	Taylor	Trakas	Uecker
Ujvagi	Wagoner	White D.	White J.
Widener	Widowfield	Williams	Wolpert
Yates	Yuko		Husted-87.

Representative Wagner voted in the negative-1.

The bill passed.

Representative Trakas moved to amend the title as follows:

Add the names: "Bubb, Calvert, Carano, Cassell, Combs, DeBose, DeGeeter, Distel, Domenick, Evans, C., Faber, Fende, Flowers, Garrison, Harwood, Hughes, Key, Kilbane, Koziura, Luckie, Mason, McGregor, J., Otterman, Patton, T., Schaffer, Schlichter, Schneider, Setzer, Stewart, D., Strahorn, Taylor, Ujvagi, White, D., White, J., Williams, Yuko."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Representative Blasdel moved that House Rule 66, pertaining to bills being placed on the calendar, be suspended and that **Sub. S. B. No. 171**-Senators Coughlin, Zurz be taken up for immediate consideration the third time.

The motion was agreed to without objection.

Sub. S. B. No. 171-Senators Coughlin, Zurz.

To amend sections 109.57, 109.60, 1901.01, 1901.02, 1901.03, 1901.07, 1901.08, 1901.31, 1901.34, 1907.11, and 2501.012 and to enact sections 1901.43, 1907.181, and 2301.10 of the Revised Code, to create the Carroll County Municipal Court and abolish the Carroll County County Court on January 1, 2007, to provide one full-time judge for the Carroll County Municipal Court to be elected in 2009, to create the Erie County Municipal court on January 1, 2008, to establish one full-time judgeship in that court, to abolish the Erie County County Court on that date, to provide for the election for the Erie County Municipal Court of one full-time judge in 2007, to add one additional judge to the Twelfth District Court of Appeals to be elected at the 2008 general election, to abolish the Cuyahoga Falls Municipal Court and to create the Stow Municipal Court as its replacement effective January 1, 2009,

to clarify when a court must order a person to be fingerprinted, to clarify that the former township of Northampton is no longer within the jurisdiction of the Akron Municipal Court, to amend the versions of sections 1901.01, 1901.02, 1901.03, 1901.08, 1901.31, 1901.34, and 1907.11 of the Revised Code that are scheduled to take effect January 18, 2007, to continue the provisions of this act on and after that effective date, and to declare an emergency, was taken up for consideration the third time.

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

The yeas and nays were taken and resulted - yeas 76, nays 12, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Barrett	Blasdel	Blessing
Bocchieri	Bubp	Calvert	Carmichael
Chandler	Coley	Collier	Combs
Core	DeBose	DeGeeter	DeWine
Distel	Dolan	Domenick	Driehaus
Evans C.	Evans D.	Faber	Fende
Flowers	Foley	Gibbs	Gilb
Hagan	Hartnett	Harwood	Healy
Hoops	Hughes	Key	Kilbane
Koziura	Latta	Law	Luckie
McGregor J.	McGregor R.	Mitchell	Oelslager
Otterman	Patton T.	Perry	Peterson
Raga	Rausen	Reidelbach	Reinhard
Sayre	Schaffer	Schlichter	Schneider
Seitz	Setzer	Smith G.	Stewart D.
Strahorn	Taylor	Trakas	Uecker
Ujvagi	Wagner	Wagoner	White D.
White J.	Widener	Widowfield	Williams
Wolpert	Yates	Yuko	Husted-76.

Those who voted in the negative were: Representatives

Book	Brinkman	Buehrer	Carano
Cassell	Daniels	Fessler	Garrison
Hood	Mason	Skindell	Stewart J.-12.

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

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

Representative Blessing moved to amend as follows:

In line 30, delete "109.57, 109.60,"

In line 32, delete "be amended and sections 1901.43, 1907.181, and 2301.10"

In line 33, delete "enacted" and insert "amended"

Delete lines 34 through 552

Delete lines 2051 through 2077

Delete lines 2160 through 2213

In line 2301, delete "109.57, 109.60,"

In line 1 of the title, delete "109.57, 109.60,"

In line 3 of the title, delete "and to enact sections"

In line 4 of the title, delete "1901.43, 1907.181, and 2301.10"

Delete line 20 of the title

In line 21 of the title, delete "fingerprinted, to"

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

The yeas and nays were taken and resulted - yeas 87, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Barrett	Blasdel	Bocchieri
Book	Brinkman	Bubp	Buehrer
Calvert	Carano	Carmichael	Cassell
Chandler	Coley	Collier	Combs
Core	Daniels	DeBose	DeGeeter
DeWine	Distel	Dolan	Domenick
Driehaus	Evans C.	Evans D.	Faber
Fende	Fessler	Flowers	Foley
Garrison	Gibbs	Gilb	Hagan
Hartnett	Harwood	Healy	Hood
Hoops	Hughes	Key	Kilbane
Koziura	Latta	Law	Luckie
Mason	McGregor J.	McGregor R.	Mitchell
Oelslager	Otterman	Patton T.	Perry
Peterson	Raga	Rausen	Reidelbach
Reinhard	Sayre	Schaffer	Schlichter
Schneider	Seitz	Setzer	Skindell
Smith G.	Stewart D.	Stewart J.	Strahorn
Taylor	Trakas	Uecker	Ujvagi
Wagner	Wagoner	White D.	White J.
Widener	Widowfield	Williams	Wolpert
Yates	Yuko		Husted-87.

The motion was agreed to and the bill so amended.

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

The yeas and nays were taken and resulted - yeas 87, nays 1, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Barrett	Blasdel	Blessing
Bocchieri	Book	Brinkman	Bubp

Buehrer	Calvert	Carano	Carmichael
Chandler	Coley	Collier	Combs
Core	Daniels	DeBose	DeGeeter
DeWine	Distel	Dolan	Domenick
Driehaus	Evans C.	Evans D.	Faber
Fende	Fessler	Flowers	Foley
Garrison	Gibbs	Gilb	Hagan
Hartnett	Harwood	Healy	Hood
Hoops	Hughes	Key	Kilbane
Koziura	Latta	Law	Luckie
Mason	McGregor J.	McGregor R.	Mitchell
Oelslager	Otterman	Patton T.	Perry
Peterson	Raga	Rausen	Reidelbach
Reinhard	Sayre	Schaffer	Schlichter
Schneider	Seitz	Setzer	Skindell
Smith G.	Stewart D.	Stewart J.	Strahorn
Taylor	Trakas	Uecker	Ujvagi
Wagner	Wagoner	White D.	White J.
Widener	Widowfield	Williams	Wolpert
Yates	Yuko		Husted-87.

Representative Cassell voted in the negative-1.

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

Representative Blessing moved to amend the title as follows:

Add the names: "Representatives Blessing, Boccieri, Coley, Combs, DeBose, Evans, C., Hughes, Key, Luckie, McGregor, J., Otterman, Williams."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

MESSAGE FROM THE SPEAKER

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

Remove Representatives Flowers, Carmichael, DeWine, Raga, Schneider

Appoint Representatives Fessler, Taylor, Seaver, Hood, Wagner

Message from the Senate

Mr. Speaker:

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

Sub. S. B. No. 305 - Senator Stivers- et al.

Attest:

David A. Battocletti,

Clerk.

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. 285 - Representatives Willamowski, Beatty, Brown, Bubp, Carano, Cassell, Chandler, Collier, Core, DeBose, Domenick, Evans, C., Evans, D., Faber, Fende, Fessler, Flowers, Gibbs, Gilb, Hagan, Hartnett, Harwood, Hughes, Latta, Luckie, Mason, Otterman, Patton, T., Perry, Raussen, Reidelbach, Schaffer, Schlichter, Seaver, Seitz, Stewart, D., Stewart, J., Strahorn, Uecker, Wagoner, Williams, Yates, Yuko Senator Clancy

To enact section 5149.031 of the Revised Code to prohibit parole officers of the Adult Parole Authority from being required to use private vehicles for certain purposes during the course of their employment.

Attest:

David A. Battocletti,
Clerk.

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. 468 - Representatives Hagan, Miller, Skindell, Chandler, Ujvagi, Evans, C., Williams, McGregor, R., McGregor, J., Flowers, Trakas, Strahorn, Barrett, Beatty, Brown, Cassell, DeBose, DeGeeter, Distel, Domenick, Evans, D., Fende, Fessler, Foley, Garrison, Hartnett, Healy, Hughes, Key, Luckie, Mason, Otterman, Patton, S., Perry, Reidelbach, Sayre, Seaver, Smith, G., Smith, S., Stewart, D., Stewart, J., Wagner, White, D., White, J., Widener, Yates, Yuko Senators Hagan, Spada, Armbruster, Stivers, Miller, D., Fedor

To amend sections 127.16, 2921.13, 5110.01, 5110.02, 5110.05, 5110.08, 5110.09, 5110.12, 5110.13, 5110.16, 5110.17, 5110.18, 5110.19, 5110.21, 5110.23, 5110.29, 5110.32, 5110.33, 5110.35, 5110.352, 5110.353, 5110.354, 5110.38, 5110.39, 5110.55, 5110.56, 5110.57, 5110.58, and 5110.59; to amend, for the purpose of adopting new section numbers as indicated in

parentheses, sections 5110.05 (5110.14), 5110.07 (5110.16), 5110.08 (5110.17), 5110.09 (5110.18), 5110.12 (5110.20), 5110.13 (5110.21), 5110.16 (5110.22), 5110.17 (5110.23), 5110.18 (5110.24), 5110.19 (5110.25), 5110.21 (5110.27), 5110.23 (5110.54), 5110.29 (5110.11), 5110.32 (5110.42), 5110.33 (5110.43), and 5110.39 (5110.13); to enact new sections 5110.03, 5110.05, 5110.07, 5110.08, 5110.09, 5110.10, 5110.12, 5110.15, 5110.19, 5110.26, 5110.28, 5110.29, 5110.32, and 5110.39 and sections 5110.021, 5110.04, 5110.30, and 5110.31; and to repeal sections 5110.03, 5110.10, 5110.11, 5110.14, 5110.15, 5110.22, 5110.25, 5110.26, 5110.27, 5110.28, and 5110.351 of the Revised Code to modify the Ohio's Best Rx Program; and to amend sections 127.16, 173.06, 173.062, 173.99, 2921.13, 5110.01, 5110.02, 5110.021, 5110.03, 5110.04, 5110.05, 5110.07, 5110.08, 5110.09, 5110.10, 5110.11, 5110.12, 5110.13, 5110.14, 5110.15, 5110.16, 5110.17, 5110.18, 5110.19, 5110.20, 5110.21, 5110.22, 5110.23, 5110.24, 5110.25, 5110.26, 5110.27, 5110.28, 5110.29, 5110.30, 5110.31, 5110.32, 5110.35, 5110.352, 5110.353, 5110.354, 5110.36, 5110.37, 5110.38, 5110.39, 5110.40, 5110.42, 5110.43, 5110.45, 5110.47, 5110.54, 5110.55, 5110.56, 5110.57, 5110.58, and 5110.59; to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 173.062 (173.061), 5110.01 (173.71), 5110.02 (173.72), 5110.021 (173.721), 5110.03 (173.73), 5110.04 (173.731), 5110.05 (173.732), 5110.07 (173.74), 5110.08 (173.741), 5110.09 (173.742), 5110.10 (173.75), 5110.11 (173.751), 5110.12 (173.752), 5110.13 (173.753), 5110.14 (173.76), 5110.15 (173.77), 5110.16 (173.771), 5110.17 (173.772), 5110.18 (173.773), 5110.19 (173.78), 5110.20 (173.79), 5110.21 (173.791), 5110.22 (173.80), 5110.23 (173.801), 5110.24 (173.802), 5110.25 (173.803), 5110.26 (173.81), 5110.27 (173.811), 5110.28 (173.812), 5110.29 (173.813), 5110.30 (173.814), 5110.31 (173.815), 5110.32 (173.82), 5110.35 (173.83), 5110.352 (173.831), 5110.353 (173.832), 5110.354 (173.833), 5110.36 (173.84), 5110.37 (173.722), 5110.38 (173.724), 5110.39 (173.861), 5110.40 (173.723), 5110.42 (173.85), 5110.43 (173.86), 5110.45 (173.87), 5110.46 (173.871), 5110.47 (173.872), 5110.48 (173.873), 5110.49 (173.874), 5110.50 (173.875), 5110.51 (173.876), 5110.54 (173.88), 5110.55 (173.89), 5110.56 (173.891), 5110.57 (173.892), 5110.58 (173.90), and 5110.59 (173.91); and to repeal sections 173.061, 173.07, 173.071, 173.072, and 5110.99 of the Revised Code on July 1, 2007, to eliminate the prescription drug component of the Golden Buckeye Card Program and to transfer the Ohio's Best Rx Program to the Department of Aging.

Attest:

David A. Battocletti,
Clerk.

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. 546 - Representatives Dolan, Boccieri, Trakas, Evans, D., Seitz, Setzer, Hartnett, Allen, Yuko, Walcher, Chandler, Collier, Cassell, Aslanides, Schlichter, Willamowski, Combs, Widener, McGregor, J., Patton, T., Book, Stewart, D., Beatty, Blessing, Brown, Carano, Carmichael, Coley, Daniels, DeBose, Domenick, Driehaus, Gibbs, Harwood, Hoops, Key, Luckie, Martin, McGregor, R., Otterman, Patton, S., Perry, Sayre, Schneider, Stewart, J., Uecker, Wagoner, Webster, White, J. Senators Cates, Miller, D., Fedor, Kearney, Carey, Clancy, Grendell, Harris, Mumper, Niehaus, Schuler, Stivers, Armbruster, Spada, Amstutz

To amend sections 3769.083 and 3769.085 and to enact section 3769.22 of the Revised Code to authorize the State Racing Commission to enter into the National Racing Compact in order to provide for the licensure and regulation of individuals involved in the horse racing industry in the Compact states in a specified manner, to change the definition of "Ohio foaled horse," to specify that a thoroughbred mare may leave Ohio for breeding purposes with the Commission's permission and if the mare returns immediately after that activity, to require that all investment earnings on cash balances in the Ohio Thoroughbred Race Fund be credited to the Fund, and to make changes relating to allocations from the Ohio Standardbred Development Fund for harness races.

Attest:

David A. Battocletti,
Clerk.

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:

H. B. No. 571 - Representatives Hughes, Collier, Evans, C., Evans, D., Widener, Latta, Gilb, Mason, Yuko, Key, Seitz, Allen, Barrett, Beatty, Book, Brown, Bupp, Buehrer, Carano, Chandler, Combs, Daniels, DeBose, Dolan, Domenick, Driehaus, Faber, Fende, Garrison, Gibbs, Hartnett, Harwood, Hoops, Law, McGregor, J., Otterman, Patton, S., Patton, T., Perry, Reed, Reidelbach, Schaffer, Schlichter, Schneider, Seaver, Setzer, Smith, G., Stewart, D., Stewart, J., Strahorn, Wagoner Senators Clancy, Zurz, Kearney,

Stivers, Cates

To amend sections 109.741 and 313.08 and to enact sections 2901.41 and 2901.42 of the Revised Code relative to missing persons in Ohio.

Attest:

David A. Battocletti,
Clerk.

On motion of Representative Blasdel, the House adjourned until Tuesday,
December 19, 2006 at 11:00 o'clock a.m.

Attest:


LAURA P. CLEMENS,
Clerk.

**RESPONDENT'S
EXHIBIT 9**



JAMES A. RHODES
GOVERNOR

1715

STATE OF OHIO
OFFICE OF THE GOVERNOR
COLUMBUS 43215

July 1, 1975

Honorable Ted W. Brown
Secretary of State
The State Tower, 14th Floor
30 East Broad Street
Columbus, Ohio 43215

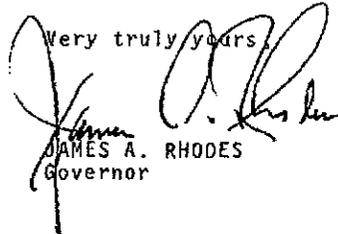
Dear Mr. Secretary:

Enclosed is a copy of page 112 of Amended Substitute House Bill 155, the original of which I filed with the Office of the Secretary of State on June 30, 1975.

The enclosed copy of page 112 is an amendment to, not a substitute for, the original page 112 of Amended Substitute House Bill 155. It conforms the enrolled bill to my Veto Message.

This action is taken within the 10 days provided me by the Ohio Constitution to approve or disapprove any item or items in any bill making an appropriation of money.

Very truly yours,



JAMES A. RHODES
Governor

JAR:TJM:pmj

Encl:

Received in the office of the Secretary of State on the first day of July, 1975.



TED W. BROWN
Secretary of State

(Amended Substitute House Bill No. 155)

a general and permanent
with the Revised Code.

A Johnston
Service Commission.

y of State at Columbus,
per _____, A. D. 1975.

Brown
Secretary of State.

Date January 14, 1976.

AN ACT

To amend sections 115.31, 124.15, 124.16, 124.18, 125.81, 126.09, 127.02, 127.03, 127.04, 127.21, 127.26, 143.62, 149.30, 153.04, 173.02, 742.36, 3317.02, 3317.05, 3317.06, 3317.062, 3318.04, 3333.12, 3343.05, 3706.02, 3901.07, 4751.03, 4905.10, 5121.04, 5123.94, 5139.06, 5315.02, 5728.08, 5735.26, 5735.291, 6101.451, 6123.02, and 6123.05, to amend to adopt a new section number as indicated in parentheses sections 127.21 (126.10), 127.26 (126.11), and 143.62 (124.82), to enact sections 124.181, 127.011, 127.11, 127.12, 127.13, 127.14, 127.15, 127.16, 127.17, 3311.40, 3333.041, and 3901.39, new section 124.14, and to repeal sections 124.14, 124.141, 5139.41, 5139.42, 5139.43, 5139.44, 5139.45, 5139.46, 5139.47, 5139.48, 5139.49, 5139.50, 5139.51, 5139.52, and 5139.53 of the Revised Code relative to eliminating existing classifications for state and county welfare positions, to provide state employee pay raises, to provide employee pay schedules, to establish a controlling board, to expand the membership and duties of the emergency board, to clarify the joint duties of the controlling board and the emergency board, to transfer the authority over the business

The above boxed material was disapproved June 29, 1975 by James A. Rhodes.

manager from the board of trustees at Central state university, to modify support provisions relative to institutions of the department of mental health and mental retardation, to make state institutions eligible for reimbursement of costs when a patient hospitalized in a state institution has insurance coverage, to raise the adjusted effective income upper limit for eligibility for instructional grants, to increase the assessment against public utilities for the support of the public utilities commission, to require the board of regents to promulgate rules to require affirmative action programs at the institutions of higher education, to increase the flexibility of the Ohio youth commission in releasing committed youth, to eliminate support payments for care of children to the Ohio youth commission, to require school districts to file amended official certificates, to change administrative responsibility for the state capital plan, and miscellaneous other changes regarding the employment of state employees and officers, to make general appropriations for the biennium beginning July 1, 1975, and ending June 30, 1977.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 115.31, 124.15, 124.16, 124.18, 125.81, 126.09, 127.02, 127.03, 127.04, 127.21, 127.26, 143.62, 149.30, 153.04, 173.02, 742.36, 3317.02, 3317.05, 3317.06, 3317.062, 3318.04, 3333.12, 3343.05, 3706.02, 3901.07, 4751.03, 4905.10, 5121.04, 5123.94, 5139.06, 5315.02, 5728.08, 5735.26, 5735.291, 6101.451, 6123.02, and 6123.05 be amended, that sections 127.21

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1.07, 4751.03, 4905.10,
3.08, 5735.26, 5735.291,
ed, that sections 127.21

1975 by James A. Rhodes.

(126.10), 127.26 (126.11), and 143.62 (124.82) be amended for the purpose of adopting a new section number as indicated in parentheses, and sections 124.181, 127.011, 127.11, 127.12, 127.13, 127.14, 127.15, 127.16, 127.17, 3311.40, 3333.041, and 3901.39 and new section 124.14 of the Revised Code be enacted to read as follows:

Sec. 115.31. Whenever a deficit exists in the general revenue fund or any other fund of the state, by reason of which the general operating expenses of the state cannot be paid from appropriations made from such fund, an emergency exists and the auditor of state may, with the approval of the ~~emergency~~ CONTROLLING board, make temporary transfers to such fund of any surplus moneys in any other fund available for state purposes. Any fund from which moneys are so transferred shall be reimbursed from the first moneys accruing and available for such purpose. The auditor of state may make the necessary transfers to reimburse funds from which moneys have been transferred, and he shall certify such action to the treasurer of state.

Sec. 124.14. (A) THE DIRECTOR OF ADMINISTRATIVE SERVICES WITH THE APPROVAL OF THE STATE EMPLOYEE COMPENSATION BOARD SHALL ESTABLISH, AND MAY MODIFY OR REPEAL, BY RULE A JOB CLASSIFICATION PLAN FOR ALL POSITIONS, OFFICES, AND EMPLOYMENTS THE SALARIES OF WHICH ARE PAID IN WHOLE OR IN PART BY THE STATE. THE DIRECTOR WITH THE APPROVAL OF THE BOARD SHALL GROUP JOBS WITHIN A CLASSIFICATION SO THAT THE POSITIONS ARE SIMILAR ENOUGH IN DUTIES AND RESPONSIBILITIES TO BE DESCRIBED BY THE SAME TITLE, TO HAVE THE SAME PAY ASSIGNED WITH EQUITY, AND TO HAVE THE SAME QUALIFICATIONS FOR SELECTION APPLIED. HOWEVER, THE DIRECTOR WITH THE APPROVAL OF THE BOARD SHALL CONSIDER IN ESTABLISHING CLASSIFICATIONS AND ASSIGNING PAY RANGES SUCH FACTORS AS DUTIES PERFORMED ONLY ON ONE SHIFT, SPECIAL SKILLS IN SHORT SUPPLY IN THE LABOR MARKET, RECRUITMENT PROBLEMS, SEPARATION RATES, COMPARATIVE SALARY RATES, THE AMOUNT OF TRAINING REQUIRED, AND OTHER CONDITIONS AFFECTING EMPLOYMENT. THE DIRECTOR WITH THE APPROVAL OF THE BOARD SHALL DESCRIBE THE DUTIES AND RESPONSIBILITIES OF THE CLASS AND ESTABLISH THE QUALIFICATIONS FOR BEING EMPLOYED IN THAT POSITION; THE BOARD SHALL FILE WITH THE SECRETARY OF STATE A COPY OF SPECIFICATIONS FOR ALL OF THE CLASSIFICATIONS. NEW, ADDITIONAL, OR REVISED SPECIFICATIONS SHALL BE FILED WITH THE SECRETARY OF STATE BEFORE BEING USED. THE DIRECTOR WITH THE APPROVAL OF THE BOARD SHALL BY RULE ASSIGN EACH CLASSIFICATION,

The above boxed material was disapproved June 29, 1975 by James A. Rhodes.

