

OHIO

House

of

Representatives

JOURNAL

TUESDAY, JANUARY 25, 2005

NINTH DAY

Hall of the House of Representatives, Columbus, Ohio
Tuesday, January 25, 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 Schlichter was selected to preside under the Rule.

The journal of yesterday was read and approved.

INTRODUCTION OF BILLS

The following bills were introduced:

H. B. No. 11-Representatives Schlichter, J. Stewart, Latta, Hartnett, C. Evans, S. Patton, Buehrer, Wolpert, Oelslager, Willamowski, Carano, Kearns, Setzer, Reidelbach, Combs, Hughes, Flowers, DeWine, Chandler, Brown, McGregor, Harwood, T. Patton, Calvert, Walcher, Taylor, Raga.

To amend section 3313.616 of the Revised Code to grant high school diplomas to certain veterans of the Vietnam Conflict.

H. B. No. 12-Representatives Carano, S. Patton, J. Stewart, Seitz, Perry, Blasdel, Skindell, McGregor, Trakas, Chandler.

To amend section 4301.62 and to enact section 4303.232 of the Revised Code to create the T-1 permit to authorize certain colleges and universities and professional athletic teams to allow the consumption of beer and intoxicating liquor brought into restricted areas on the property they own or lease.

H. B. No. 13-Representative Wagner.

To amend section 5739.026 of the Revised Code to permit the levy by a board of county commissioners of a sales and use tax for the purpose of providing emergency medical services.

H. B. No. 14-Representatives J. Stewart, Kearns, Miller, Aslanides, Woodard, Webster, Ujvagi, Garrison, Hartnett, C. Evans.

To enact section 4928.141 of the Revised Code to further state policy under the Electric Restructuring Law by providing for implementation of rate stabilizations plans where there is insufficient, generation market development or a lack of effective competition in an electric utility's service area and ensuring against any undue competitive disadvantage between Ohio and regional customers of an electric utility or its affiliates, and to declare an emergency.

H. B. No. 15-Representatives Hoops, Aslanides, Blessing, Bubp, Calvert, Collier, Combs, C. Evans, Fessler, Gibbs, Hagan, Hughes, Kearns, Latta, Law, Martin, McGregor, T. Patton, Reidelbach, Setzer, Schaffer, Webster, White, Widener, Widowfield, Willamowski, Wolpert, Allen, Barrett, Carano, DeGeeter, Distel, Driehaus, Hartnett, Otterman, S. Patton, Perry, Ujvagi.

To amend sections 2929.20, 2967.01, 2967.03, 2967.12, and 2967.26 and to enact section 5120.66 of the Revised Code to require the Department of Rehabilitation and Correction to establish and operate an Internet database that contains specified offense, sentence, and release information for each inmate serving a prison term for certain designated violence-related or sex-related offenses; to grant any person a right to submit a written statement regarding certain possible releases or transfers of any such inmate; to require the judge or the Adult Parole Authority to consider any such statement prior to granting or recommending the release of or transfer for any such inmate; and to specify that these provisions are to be known as "Laura's Law."

H. B. No. 16-Representative Calvert.

To amend sections 9.98, 105.41, 123.10, 125.28, 126.11, 131.02, 133.01, 151.01, 154.01, 154.02, 154.07, 755.16, 755.18, 2716.11, 3318.01, 3318.02, 3318.03, 3318.04, 3318.11, 3318.37, 3318.41, 3345.50, 3383.01, 3383.02, 3383.07, 3770.073, 5537.01, 5540.01, 5709.61, 5709.62, 5709.632, 5709.75, 5709.91, 5733.121, and 5747.12, to enact sections 105.42, 122.012, 123.17, 131.021, 154.23, 1541.23, 2743.712, 3301.21, 3333.072, 3345.51, 5715.70, and 5715.701, and to repeal section 123.023 of the Revised Code and to amend Sections 6 and 31 of Am. Sub. H.B. 95 of the 125th General Assembly and to amend Sections 18.02, 18.16, 22, 26.10, 26.14, 26.19, 26.48, and 27 of Am. Sub. S.B. 189 of the 125th General Assembly to make capital and other appropriations, and to provide authorization and conditions for the operation of state programs.

H. B. No. 17-Representatives Miller, Key, C. Evans, Allen, Barrett, Sykes, S. Patton, Skindell, Beatty, Brown, Healy, Woodard, Schaffer, Koziura, Carano, DeGeeter, Otterman.

To amend sections 1345.75 and 1345.77 of the Revised Code to prohibit a court of common pleas or other court of competent jurisdiction and the attorney general from offsetting a consumer's award of the full purchase price of a motor vehicle by the mileage accrued by the consumer on the new motor vehicle in a warranty dispute.

H. B. No. 18-Representatives Miller, Skindell, Perry, Allen, Barrett, Brown, Beatty.

To amend sections 3937.18, 4501.01, 4503.01, 4503.04, 4503.182, 4503.21,

4503.22, 4503.30, 4503.31, 4504.01, 4507.01, 4507.05, 4507.23, 4507.24, 4509.01, 4510.34, 4511.01, 4511.521, 4513.03, 4513.20, and 4513.24 of the Revised Code to permit certain motorized scooters to be operated in the same manner and in the same locations as motorized bicycles.

H. B. No. 19-Representatives Miller, Skindell, Allen, Ujvagi, Barrett, Brown, Beatty.

To amend sections 4510.036, 4511.98, 4513.03, and 5501.27 of the Revised Code to require that vehicles display lighted lights within construction zones during the hours of actual work within such zones and to assess one point against an offender's driving record for a violation of the requirement to display lighted lights in addition to the criminal penalty.

H. B. No. 20-Representatives Miller, Skindell, Allen, Ujvagi, Barrett, Brown, Beatty, Strahorn.

To amend section 5747.98 and to enact section 5747.71 of the Revised Code to grant a state earned income tax credit equal to 20 per cent of the federal earned income tax credit.

H. B. No. 21-Representatives Miller, Skindell, Allen, Ujvagi, Brown, Beatty.

To enact sections 125.112 and 153.592 of the Revised Code to require firms that enter into a public works contract or a contract with the state to provide supplies or services, to implement the MacBride Principles of Fair Employment with respect to their business activities in Northern Ireland.

H. B. No. 22-Representatives Beatty, Hughes, DeWine, Kearns, McGregor, Calvert, Taylor, J. Stewart, Chandler, Seitz, Cassell, Schaffer, Widener, Combs, Miller, Skindell, Raussen, S. Patton, Oelslager, Allen, Sykes, Woodard, Ujvagi, Latta, Barrett, Hartnett, Gilb, Brown, Strahorn, Reidelbach, Otterman.

To enact section 5.2230 of the Revised Code to designate the month of May as "Nurses Month."

H. B. No. 23-Representatives Reidelbach, Wolpert, Wagner, Flowers, McGregor, Faber, Hood, Calvert, Taylor, Seitz, Raga, Schaffer, Fessler, White, Combs, Brinkman, Allen, Webster, Barrett, Hartnett, DeGeeter, Gilb, Brown, Otterman, Collier, Aslanides.

To amend sections 303.02, 503.29, 519.02, 2505.08, 2506.01, 2506.02, 2506.03, 2506.04, 2907.01, and 4301.25, to amend, for the purpose of adopting a new section number as indicated in parentheses, section 503.29

(503.53), to enact new sections 503.51 and 503.52 and sections 2506.05, 2506.06, 2506.07, 2506.08, 2907.38, 3768.01, 3768.02, 3768.03, 3768.04, 3768.05, 3768.06, and 3768.99, and to repeal sections 503.51, 503.52, 503.53, 503.54, 503.55, 503.56, 503.57, 503.58, 503.59, 503.65, and 503.99 of the Revised Code to generally regulate adult entertainment establishments; to permit townships to regulate the location and operation of those establishments; to create an expedited appeal from orders, adjudications, or decisions denying an application for, or suspending or revoking, a license or permit to locate or operate such an establishment; to create an expedited appeal in any case in which a court determines there is a threat of restraint of protected expression; and to create the offense of permitting unlawful operation of viewing booths depicting sexual conduct.

Said bills were considered the first time.

The following joint resolution was introduced:

H. J. R. No. 4-Representatives Reidelbach, Faber, Brinkman, Fessler, Hood, Wagner, Willamowski.

Proposing to enact Sections 14 and 15 of Article XII of the Constitution of the State of Ohio to establish limitations on the state and local governments regarding expenditures, taxes, and other aspects of governmental finance.

Said joint resolution was considered the first time.

On motion of Representative DeWine, the House recessed.

The House met pursuant to recess.

REPORTS OF STANDING AND SELECT COMMITTEES AND BILLS FOR SECOND CONSIDERATION

Representative Koziura reported for the Rules and Reference Committee recommending that the following House Bills and House Joint Resolutions, be considered for the second time and referred to the following committee for consideration:

H.B. No. 1 - Representative Kilbane

TO FORMALLY STATE THE GENERAL ASSEMBLY'S INTENTIONS IN ITS UPCOMING DELIBERATIONS ON REFORMING OHIO'S TAX LAWS.

To the committee on Ways and Means

H.B. No. 2 - Representative Widowfield

TO GRANT TO ALL MEMBERS OF THE NATIONAL GUARD AND RESERVE COMPONENTS OF THE UNITED STATES ARMED FORCES WHO HAVE BEEN CALLED TO ACTIVE DUTY AN EXTENSION OF TIME IN WHICH TO FILE INCOME TAX RETURNS AND PAY INCOME

TAXES AND TO INCREASE THE NUMBER OF AUTHORIZED PARTICIPANTS IN THE OHIO NATIONAL GUARD SCHOLARSHIP PROGRAM FOR THE 2005 SUMMER TERM.

To the committee on State Government

H.B. No. 3 - Representative DeWine

TO REQUIRE THE SECRETARY OF STATE TO ESTABLISH A COMPUTERIZED STATEWIDE VOTER REGISTRATION DATABASE IN COMPLIANCE WITH THE HELP AMERICA VOTE ACT OF 2002; TO REQUIRE ELECTORS WHO REGISTER TO VOTE BY MAIL AND HAVE NOT PREVIOUSLY VOTED IN AN ELECTION TO PROVIDE IDENTIFICATION BEFORE BEING PERMITTED TO CAST A BALLOT; TO PERMIT CERTAIN ELECTORS TO VOTE BY PROVISIONAL BALLOT IN FEDERAL, STATE, AND LOCAL ELECTIONS; TO SPECIFY COUNTING STANDARDS FOR OPTICAL SCAN BALLOTS; AND TO REQUIRE THAT THE APPLICANT FOR A NON-AUTOMATIC RECOUNT PAY THE ENTIRE COST OF THE RECOUNT IF ITS RESULTS DO NOT CHANGE THE RESULT OF THE ELECTION.

To the committee on Ethics and Elections

H.B. No. 4 - Representative Dolan

TO CREATE THE OHIO INCIDENT-BASED REPORTING SYSTEM IN THE OFFICE OF CRIMINAL JUSTICE SERVICES AND TO REQUIRE THAT LAW ENFORCEMENT AGENCIES THAT RECEIVE CERTAIN TYPES OF FUNDING PARTICIPATE IN THE SYSTEM OR IN THE UNIFORM CRIME REPORTING PROGRAM OF THE F.B.I.

To the committee on Criminal Justice

H.B. No. 5 - Representative Raussen

TO PERMIT SMALL EMPLOYERS TO OFFER HEALTH CARE PLANS WITHOUT BENEFITS OTHERWISE REQUIRED BY STATUTE, TO PROVIDE FOR THE OPERATION OF HEALTH SAVINGS ACCOUNTS CONSISTENT WITH FEDERAL LAWS, AND TO LIMIT THE AMOUNT OF COPAYMENTS AND DEDUCTIBLES PAID BY PERSONS INSURED BY HEALTH BENEFIT PLANS.

To the committee on Insurance

H.B. No. 6 - Representative J. Stewart

TO ESTABLISH THE PARTNERSHIP FOR CONTINUED LEARNING TO MAKE RECOMMENDATIONS FOR FACILITATING COLLABORATION AMONG PROVIDERS OF PRESCHOOL THROUGH POSTSECONDARY EDUCATION AND FOR MAINTAINING A HIGH-QUALITY WORKFORCE IN OHIO.

To the committee on Education

H.B. No. 7 - Representative Buehrer

TO DIRECT THE GENERAL ASSEMBLY IN ITS DELIBERATIONS REGARDING THE ENACTMENT OF REFORMS OF THE STATE'S WORKERS' COMPENSATION LAW.

To the committee on Commerce and Labor

H.B. No. 8 - Representative Hughes

TO PROHIBIT THE OPERATION OF A VEHICLE OR VESSEL IF A STATUTORILY SPECIFIED CONCENTRATION OF AMPHETAMINE, COCAINE, COCAINE METABOLITE, HEROIN, HEROIN METABOLITE (MORPHINE), HEROIN METABOLITE (6-MONOACETYL MORPHINE), L.S.D., MARIHUANA, MARIHUANA METABOLITE, METHAMPHETAMINE, OR PHENCYCLIDINE IS PRESENT IN THE OPERATOR'S BLOOD OR URINE, SUBJECT TO CERTAIN EXCEPTIONS AND TO EXTEND THE TIME WITHIN WHICH A CHEMICAL TEST OF AN ARRESTED PERSON'S WHOLE BLOOD, BLOOD SERUM OR PLASMA, BREATH, OR URINE MUST BE TAKEN IN ORDER FOR THE RESULTS OF THE TEST TO BE ADMISSIBLE AS EVIDENCE.

To the committee on Criminal Justice

H.B. No. 9 - Representative Oelslager, et al

TO REVISE THE PUBLIC RECORDS LAW.

To the committee on Civil and Commercial Law

H.B. No. 10 - Representative Schneider, et al

TO AMEND SECTIONS OF THE REVISED CODE REGARDING AN ELECTION BY A RETIRANT OF ONE OF THE STATE'S PUBLIC RETIREMENT SYSTEMS WHO HAS MARRIED OR REMARRIED TO CHANGE THE PLAN UNDER WHICH A RETIREMENT BENEFIT IS PAID.

To the committee on Financial Institutions

H.B. No. 11 - Representative Schlichter, et al

TO GRANT HIGH SCHOOL DIPLOMAS TO CERTAIN VETERANS OF THE VIETNAM CONFLICT

To the committee on Education

H.B. No. 12 - Representative Carano, et al

TO CREATE THE T-1 PERMIT TO AUTHORIZE CERTAIN COLLEGE AND UNIVERSITIES AND PROFESSIONAL ATHLETIC TEAMS TO ALLOW THE CONSUMPTION OF BEER AND INTOXICATING LIQUOR BROUGHT INTO RESTRICTED AREAS ON THE PROPERTY THEY OWN OR LEASE.

To the committee on State Government

H.B. No 13 - Representative Wagner

TO PERMIT THE LEVY BY A BOARD OF COUNTY COMMISSIONERS OF A SALES AND USE TAX FOR THE PURPOSE OF PROVIDING EMERGENCY MEDICAL SERVICES.

To the committee on Ways and Means

H.B. No. 14 - Representative J. Stewart, et al

TO FURTHER STATE POLICY UNDER THE ELECTRIC

RESTRUCTURING LAW BY PROVIDING FOR IMPLEMENTATION OF RATE STABILIZATION PLANS WHERE THERE IS INSUFFICIENT, GENERATION MARKET DEVELOPMENT OR A LACK OF EFFECTIVE COMPETITION IN AN ELECTRIC UTILITY'S SERVICE AREA AND ENSURING AGAINST ANY UNDUE COMPETITIVE DISADVANTAGE BETWEEN OHIO AND REGIONAL CUSTOMERS OF AN ELECTRIC UTILITY OR ITS AFFILIATES, AND TO DECLARE AN EMERGENCY.
To the committee on Public Utilities

H.B. No. 15 - Representative Hoops, et al

TO REQUIRE THE DEPARTMENT OF REHABILITATION AND CORRECTION TO ESTABLISH AND OPERATE AN INTERNET DATABASE THAT CONTAINS SPECIFIED OFFENSE, SENTENCE, AND RELEASE INFORMATION FOR EACH INMATE SERVING A PRISON TERM FOR CERTAIN DESIGNATED VIOLENCE-RELATED OR SEX-RELATED OFFENSES; TO GRANT ANY PERSON A RIGHT TO SUBMIT A WRITTEN STATEMENT REGARDING CERTAIN POSSIBLE RELEASES OR TRANSFERS OF ANY SUCH INMATE; TO REQUIRE THE JUDGE OR ADULT PAROLE AUTHORITY TO CONSIDER ANY SUCH STATEMENT PRIOR TO GRANTING OR RECOMMENDING THE RELEASE OF OR TRANSFER FOR ANY SUCH INMATE; AND TO SPECIFY THAT THESE PROVISIONS ARE TO BE KNOWN AS "LAURA'S LAW."

To the committee on Criminal Justice

H.B. No. 16 - Representative Calvert

CAPITAL BUDGET

To the committee on Finance and Appropriations

H.B. No. 17 - Representative Miller, et al

TO PROHIBIT A COURT OF COMMON PLEAS OR OTHER COURT OF COMPETENT JURISDICTION AND THE ATTORNEY GENERAL FROM OFFSETTING A CONSUMER'S AWARD OF THE FULL PURCHASE PRICE OF A MOTOR VEHICLE BY THE MILEAGE ACCRUED BY THE CONSUMER ON THE NEW MOTOR VEHICLE IN A WARRANTY DISPUTE.

To the committee on Judiciary

H. B. No. 18 - Representative Miller, et al

TO PERMIT CERTAIN MOTORIZED SCOOTERS T BE OPERATED IN THE SAME MANNER AND IN THE SAME LOCATIONS AS MOTORIZED BICYCLES.

To the committee on Transportation, Public Safety, and Homeland Security

H.B. No. 19 - Representative Miller, et al

TO REQUIRE THAT VEHICLES DISPLAY LIGHTED LIGHTS WITHIN CONSTRUCTION ZONES DURING THE HOURS OF ACTUAL WORK WITHIN SUCH ZONES AND TO ASSESS ONE POINT AGAINST AN OFFENDER'S DRIVING RECORD FOR A VIOLATION OF THE

REQUIREMENT TO DISPLAY LIGHTED LIGHTS IN ADDITION TO THE CRIMINAL PENALTY.

To the committee on Transportation, Public Safety and Homeland Security

H.B. No. 20 - Representative Miller, et al

TO GRANT A STATE EARNED INCOME TAX CREDIT EQUAL TO 20 PER CENT OF HE FEDERAL EARNED INCOME TAX CREDIT.

To the committee on Ways and Means

H.B. No. 21 - Representative Miller, et al

TO REQUIRE FIRMS THAT ENTER INTO A PUBLIC WORKS CONTRACT OR A CONTRACT WITH THE STATE TO PROVIDE SUPPLIES OR SERVICES, TO IMPLEMENT THE MACBRIDE PRINCIPLES OF FAIR EMPLOYMENT WITH RESPECT TO THEIR BUSINESS ACTIVITIES IN NORTHERN IRELAND.

To the committee on Commerce and Labor

H.B. No. 22 - Representative Beatty, et al

TO DESIGNATE THE MONTH OF MAY AS "NURSES MONTH."

To the committee on State Government

H.J.R. No. 2 - Representative Martin

TO FOSTER JOB CREATION, ECONOMIC DEVELOPMENT, AND COMMERCIALIZATION OF SCIENCE AND TECHNOLOGY-BASED RESEARCH AND DEVELOPMENT IN THIS STATE.

To the committee on Economic Development and Environment

H.J.R. No. 3 - Representative Law

TO PERMIT THE ISSUANCE OF GENERAL OBLIGATION BONDS TO FUND LOCAL GOVERNMENT PUBLIC INFRASTRUCTURE CAPITAL IMPROVEMENTS.

To the committee on Local and Municipal Government and Urban Revitalization

H.J.R. No. 4 - Representative Reidelbach, et al

TO ESTABLISH LIMITATIONS ON THE STATE AND LOCAL GOVERNMENTS REGARDING EXPENDITURES, TAXES, AND OTHER ASPECTS OF GOVERNMENTAL FINANCE.

To the committee on Finance and Appropriations

JON A. HUSTED
JIM CARMICHAEL
KEVIN DEWINE
MERLE GRACE KEARNS
JOHN SCHLICHTER
CHRIS REDFERN
KENNETH A. CARANO
JOSEPH KOZIURA

CHARLES R. BLASDEL
ANTHONY CORE
LARRY L. FLOWERS
TOM RAGA
SHAWN N. WEBSTER
JOYCE BEATTY
TIMOTHY J. DEGEETER

Representative DeWine moved that the House and Constitutional Rules requiring bills to be considered by each house on three different days be suspended as to the second consideration of the House Bills and House Joint Resolutions 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 Resolutions were considered a second time and referred as recommended.

MESSAGE FROM THE SPEAKER

Pursuant to Ohio Revised Code section 105.41(A)(2)(5), Am. Sub. H.B. No. 516, 125th General Assembly, the Speaker hereby appoints the following members to the Capital Square Review and Advisory Board:

Speaker Husted, Representative Redfern and former Speaker Jo Ann Davidson

MESSAGE FROM THE SPEAKER

Pursuant to House Rules 13, 28, and 30, the Speaker hereby makes the following appointment to the House Commerce and Labor committee:

Representative D. Stewart

On motion of Representative DeWine, the House adjourned until Wednesday, January 26, 2005 at 1:30 o'clock p.m.

Attest:

LAURA P. CLEMENS,
Clerk.