

OHIO

House

of

Representatives

JOURNAL

WEDNESDAY, FEBRUARY 1, 2006

ONE HUNDRED THIRTY-SIXTH DAY
Hall of the House of Representatives, Columbus, Ohio
Wednesday, February 1, 2006 at 1:30 o'clock p.m.

The House met pursuant to adjournment.

The journal of yesterday was read and approved.

INTRODUCTION OF BILLS

The following bills were introduced:

H. B. No. 495-Representatives Cassell, McGregor, J., Bocchieri, Harwood, Williams, DeGeeter, Reidelbach, Hartnett, Driehaus, Collier, Distel, Wagoner, Fende.

To amend section 2907.28 of the Revised Code to allow a court in sentencing an offender for a sex offense to require the offender to reimburse the appropriate entity for the costs of any medical tests performed on the offender that are related to that sex offense.

H. B. No. 496-Representatives Widener, McGregor, J., Trakas, Reidelbach, Setzer, Martin, Evans, D., Collier, Aslanides.

To amend sections 3704.02, 3704.03, and 3704.09 of the Revised Code to make changes in the Air Pollution Control Law regarding statutory construction, the costs of compliance with rules, permits to install, air quality monitoring, best available technology, and affirmative defenses in private civil actions.

H. B. No. 497-Representatives Hagan, Buehrer, Evans, D., McGregor, J., Aslanides, Flowers, Brown, Mason, Miller, Stewart, D., Smith, S..

To amend sections 153.12, 153.13, 153.14, 4113.61, 4113.62, and 5559.14 and to enact section 4113.63 of the Revised Code to modify provisions governing the practice of withholding a percentage of payment from contractors, subcontractors, and material suppliers in the form of retainage.

H. B. No. 498-Representative Book.

To enact section 5533.801 of the Revised Code to designate State Route Number 93 within Lawrence County the "Glenn Presnell Memorial Highway."

H. B. No. 499-Representative Book.

To enact section 5.2230 of the Revised Code to designate April 24 of each year "Armenian Genocide Remembrance Day."

Said bills were considered the first time.

REPORTS OF STANDING AND SELECT COMMITTEES AND BILLS FOR SECOND CONSIDERATION

Representative Mason submitted the following report:

The standing committee on Civil and Commercial Law to which was referred **H. B. No. 416**-Representative Wagoner, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: OHIO TRUST CODE

Representative Oelslager moved to amend the title as follows:

Add the names: "Mason, Book, Core."

LANCE T. MASON	T. TODD BOOK
SANDRA STABILE HARWOOD	W. SCOTT OELSLAGER
MICHAEL J. SKINDELL	ROBERT E. LATTA
BILL COLEY	ANTHONY CORE

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 be considered for the second time and referred to the following committees for consideration:

H. B. No. 486 - Representative Faber, et al

TO CONFER IMMUNITY FROM CIVIL LIABILITY UPON SCHOOL DISTRICTS, COMMUNITY SCHOOLS, NONPUBLIC SCHOOLS, AND SCHOOL EMPLOYEES FOR AN ALLEGED INJURY TO A STUDENT CAUSED BY SCHOOL DISCIPLINE, PROVIDED THAT SUCH DISCIPLINE DOES NOT RESULT IN STUDENT ENDANGERMENT.

To the committee on Civil and Commercial Law

H. B. No. 487 - Representative Widener, et al

TO SPECIFY THAT AN OWNER, PART OWNER, OR LESSEE OF REAL PROPERTY, WITH RESPECT TO A HOME CONSTRUCTION CONTRACT, MUST RECORD A NOTICE OF COMMENCEMENT ONLY IF REQUIRED BY A LENDING INSTITUTION, TO STIPULATE THAT A NOTICE OF COMMENCEMENT FOR A HOME CONSTRUCTION CONTRACT EXPIRES SIX YEARS AFTER IT IS RECORDED, AND TO PERMIT COURT COSTS AND REASONABLE ATTORNEY FEES TO BE INCLUDED IN DAMAGES AN OWNER MAY RECOVER FROM A LIENHOLDER WHO REFUSES TO RELEASE THE LIEN AFTER THE OWNER MAKES FULL PAYMENT AND TO STIPULATE FOR ALL

TYPES OF LIENS THAT A MORTGAGE IS CONSIDERED FILED FIRST IF A MORTGAGE AND NOTICE OF COMMENCEMENT ARE FILED ON THE SAME DAY.

To the committee on Financial Institutions, Real Estate and Securities

H. B. No. 488 - Representative Blasdel

TO AMEND THE COAL SURFACE MINING LAW TO ADDRESS ISSUES OF MODERNIZATION AND SAFETY.

To the committee on Agriculture and Natural Resources

JON A. HUSTED
CHARLES E. CALVERT
ANTHONY CORE
TOM RAGA
ARLENE J. SETZER
LARRY L. WOLPERT
KENNETH A. CARANO
WILLIAM J. HEALY
ROBERT J. OTTERMAN

CHARLES R. BLASDEL
JIM CARMICHAEL
LARRY L. FLOWERS
JOHN SCHLICHTER
GEOFFREY C. SMITH
CHRIS REDFERN
TIMOTHY J. DEGEETER
JOSEPH KOZIURA

Representative Coley 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 contained in the report of the committee on Rules and Reference.

The motion was agreed to without objection.

The report was agreed to.

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

MOTIONS AND RESOLUTIONS

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

H. R. No. 150 - Representative Schlichter

HONORING RHONDA SHAPPERT AS MRS. OHIO 2005.

Add the names: Flowers, Otterman, Carano, G. Smith

H. R. No. 151 - Representative Latta

HONORING THE ELMWOOD FFA PARLIAMENTARY PROCEDURE TEAM AS THE 2005 STATE CHAMPION.

H. R. No. 152 - Representative DeWine

HONORING DR. NATHAN KLINGBEIL AS OHIO'S PROFESSOR OF THE YEAR.

Add the names: Flowers, Setzer, Carano, G. Smith

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

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

The motion was agreed to

Representative Coley moved that the majority and minority party members asking leave to be absent or absent the week of Tuesday, January 31, 2006, be excused, so long as a written request is on file in the majority and minority leadership offices.

The motion was agreed to.

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. 3 - Representative DeWine - 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 adoption of the following concurrent resolution:

H. C. R. No. 19 - Representatives White, Gilb, Perry, Ujvagi, C. Evans, Boccieri, Latta, Taylor, Kearns, Hood, Wolpert, Strahorn, Willamowski, McGregor, Sykes, Reidelbach, Combs, Allen, Aslanides, Book, Brown, Cassell, Chandler, DeGeeter, Distel, Dolan, Domenick, Driehaus, Faber, Fende, Flowers, Hartnett, Hughes, Kilbane, Koziura, Martin, Mason, Miller, Mitchell, Oelslager, Otterman, Patton, T., Redfern, Sayre, Schaffer, Setzer, Smith, G., Stewart, J., Trakas, Uecker, Wagoner, Walcher, Williams, Yates, Beatty, Stewart, D. Senators Jacobson, Coughlin, Dann, Fingerhut, Goodman, Jordan, Miller, Mumper, Prentiss, Schuler, Padgett, Carey, Clancy, Armbruster, Spada, Niehaus, Fedor, Gardner, Brady, Zurz, Wilson, Harris, Amstutz, Grendell, Hagan, Kearney, Cates, Austria

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.

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. 154 - Senator Wachtmann- 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 passed the following bill in which the concurrence of the House is requested:

S. B. No. 235 - Senators Padgett, Wilson, Amstutz, Armbruster, Carey, Cates, Clancy, Fingerhut, Mumper, Niehaus, Schuring, Zurz, Hottinger, Fedor, Brady, Hagan, Austria, Dann, Gardner, Grendell, Harris, Kearney, Miller, Prentiss, Roberts, Schuler, Spada, Stivers, Wachtmann, Jordan, Jacobson

To amend section 3706.01 of the Revised Code to revise the definition of "air quality facility" under the Air Quality Development Authority Law.

Attest: David A. Battocletti,
Clerk.

Said bill was 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. 24 - Senators Grendell, Wachtmann, Jacobson, Jordan, Mumper, Fingerhut, Armbruster, Schuler, Clancy, Hottinger, Amstutz, Gardner, Austria, Carey, Coughlin, Harris, Padgett, Schuring, Spada, Stivers, Cates, Goodman, Niehaus

To recognize February 6, 2006, as "Ronald Reagan Day."

Attest:

David A. Battocletti,
Clerk.

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

On motion of Representative Coley, the House adjourned until Thursday, February 2, 2006 at 11:00 o'clock a.m.

Attest:

LAURA P. CLEMENS,
Clerk.