

**OHIO**

**House**

**of**

**Representatives**

**JOURNAL**

**THURSDAY, FEBRUARY 3, 2005**

## THIRTEENTH DAY

Hall of the House of Representatives, Columbus, Ohio  
**Thursday, February 3, 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 Latta was selected to preside under the Rule.

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

**INTRODUCTION OF BILLS**

The following bills were introduced:

**H. B. No. 33**-Representatives Wagner, Combs, Allen, Barrett, Hartnett, McGregor, Brown, Reidelbach, Wolpert, C. Evans, Harwood, Taylor.

To amend section 309.09 of the Revised Code to permit the prosecuting attorney to be the legal adviser to a joint ambulance district, to a fire and ambulance district, and to a joint emergency medical services district.

**H. B. No. 34**-Representatives Setzer, Flowers, Kearns, Allen, Webster, DeGeeter, Carano, Taylor.

To amend section 2933.24 of the Revised Code to expand the time in which a search warrant must be returned in the investigation of an offense of importuning by means of a telecommunications device.

**H. B. No. 35**-Representatives Hartnett, Kearns, Chandler, Seitz, Schaffer, McGregor, Brinkman, S. Patton, Oelslager, Koziura, Setzer, Aslanides, Skindell, Perry, Key, Carano, Allen, Hughes, Raga, Webster, Faber, Ujvagi, C. Evans, Flowers, Willamowski, Woodard, Barrett, DeGeeter, Strahorn, Taylor, Beatty, Brown, Driehaus, Reidelbach, Raussen, Collier, Otterman, Williams, Distel, Harwood.

To amend sections 3301.0710 and 3301.0711 of the Revised Code to change the dates by which certain achievement tests are administered and the results are released to school districts.

**H. B. No. 36**-Representatives Carmichael, Blasdel, J. Stewart, Daniels, McGregor, C. Evans, Kearns, Hoops, T. Patton, Seitz, Skindell, Flowers, Oelslager, Combs, Hughes, D. Evans, Carano, Hartnett, Aslanides, DeWine, Raga, DeGeeter, Allen, Ujvagi, Setzer, Barrett, Reidelbach, Perry, Miller, Strahorn, Taylor, Chandler, Reinhard, Hagan, Schlichter, Brown, Buehrer.

To enact section 5.2230 of the Revised Code to designate September as

"Leukemia, Lymphoma, and Myeloma Awareness Month."

**H. B. No. 37**-Representatives Hartnett, Wolpert, McGregor, Schaffer, S. Patton, Koziura, Aslanides, Carano, Allen, Webster, Driehaus, Reidelbach, Collier, Otterman, C. Evans.

To amend section 2329.66 and to enact section 2329.663 of the Revised Code to permit the attachment of retirement accounts in certain situations.

**H. B. No. 38**-Representatives Schaffer, Fessler, Ujvagi, Allen.

To amend sections 2903.08, 2903.081, 2929.01, 4510.17, and 4511.181 of the Revised Code to create the offense of negligent vehicular assault.

**H. B. No. 39**-Representatives Schaffer, Fessler, Taylor, Gilb.

To amend sections 131.44 and 5747.02 of the Revised Code to reduce income taxes by the amount of additional revenue generated by a state sales tax rate above 5%.

**H. B. No. 40**-Representatives Schaffer, McGregor, Latta, Faber, Hoops, Taylor, Hartnett, Willamowski, Gilb, Allen, Buehrer.

To amend sections 5747.08 and 5747.98 and to enact section 5747.71 of the Revised Code to allow a credit against the personal income tax for amounts spent by teachers for instructional materials.

**H. B. No. 41**-Representatives Schaffer, Fessler, Faber, Taylor, Kearns, C. Evans.

To enact section 718.17 of the Revised Code to require municipal corporations with more than \$100 million in annual income tax collections to provide a tax credit to nonresident taxpayers.

**H. B. No. 42**-Representatives Schaffer, McGregor, Reidelbach, Hoops, Taylor, Seitz, Raussen, J. Stewart, C. Evans, Beatty, Carano, D. Evans, Hartnett, Perry, Willamowski, Gilb, Allen, Hagan, Buehrer.

To amend sections 1702.01, 1702.02, 1702.08, 1702.11, 1702.17, 1702.18, 1702.19, 1702.20, 1702.22, 1702.25, 1702.27, 1702.31, 1702.33, 1702.38, 1702.39, 1702.42, 1702.47, and 1702.58 of the Revised Code relating to the use of authorized communications equipment, including electronic or telephonic transmissions, in certain meetings and votings of nonprofit corporations and the authority to take action on behalf of a nonprofit corporation without a meeting of incorporators, directors, or members.

Said bills were considered the first time.

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

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. 27 - Representative Skindell**

TO ALLOW THE STATE LOTTERY COMMISSION TO ADOPT RULES GOVERNING THE DISPLAY OF ADVERTISING AND CELEBRITY IMAGES ON LOTTERY TICKETS AND OTHER ITEMS USED IN THE CONDUCT OF, OR TO PROMOTE, THE STATEWIDE LOTTERY AND STATEWIDE JOINT LOTTERY GAMES.

To the committee on State Government

### **H.B. No. 28 - Representative Miller et, al**

TO AMEND THE REVISED CODE TO PROHIBIT DISCRIMINATION ON THE BASIS OF SEXUAL ORIENTATION.

To the committee on Civil and Commercial Law

### **H.B. No. 29 - Representative Raussen et, al**

TO REQUIRE A COURT TO CONSIDER CERTAIN FACTORS BEFORE SETTING BAIL FOR A PERSON IF THE PERSON IS CHARGED WITH AN OFFENSE OF VIOLENCE INVOLVING A VICTIM WHO IS A FAMILY OR HOUSEHOLD MEMBER AND TO REQUIRE THE PERSON TO APPEAR BEFORE THE COURT BEFORE THE COURT SETS BAIL FOR THAT PERSON.

To the committee on Judiciary

### **H.B. No. 30 - Representative Reidelbach et, al**

TO REQUIRE ANY PLACE OF PUBLIC ACCOMMODATION TO ALLOW A MOTHER TO BREAST-FEED WITHIN THE PLACE OF PUBLIC ACCOMMODATION.

To the committee on Health

### **H.B. No. 31 - Representative Brown et, al**

TO ALLOW ANY QUALIFIED ELECTOR TO VOTE BY ABSENT VOTER'S BALLOTS.

To the committee on Elections and Ethics

### **H.B. No. 32 - Representative Trakas et, al**

TO PROHIBIT THE ADMINISTRATION OF MEDICATION TO A CHILD IN A CHILD-CARE SETTING WITHOUT AUTHORIZATION FROM THE CHILD'S PARENTS.

To the committee on Health

JON A. HUSTED  
CHARLES E. CALVERT

CHARLES R. BLASDEL  
JIM CARMICHAEL

ANTHONY CORE  
LARRY L. FLOWERS  
TOM RAGA  
SHAWN N. WEBSTER  
KENNETH A. CARANO  
WILLIAM J. HEALY

KEVIN DEWINE  
MERLE GRACE KEARNS  
JOHN SCHLICHTER  
CHRIS REDFERN  
TIMOTHY J. DEGEETER

Representative Daniels 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.

#### 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. 16** - Representatives Calvert, Allen, C. Evans, Flowers, Hartnett, McGregor, S. Patton, Trakas, Aslanides, Barrett, Beatty, Blessing, Book, Brown, Carano, Carmichael, Cassell, DeBose, Distel, Domenick, D. Evans, Fende, Hagan, Harwood, Hughes, Kearns, Key, Koziura, Law, Martin, Mason, Miller, Mitchell, T. Patton, Peterson, Schaffer, Schlichter, Schneider, Seitz, Setzer, G. Smith, J. Stewart, Walcher, White, Widowfield  
Senators Padgett, Clancy, Roberts, Goodman, Jacobson, Mumper, Armbruster, Austria, Miller, Brady, Harris, Fedor, Zurz

To amend sections 9.98, 105.41, 123.10, 125.28, 126.11, 131.02, 133.01, 145.011, 151.01, 151.04, 154.01, 154.02, 154.07, 755.16, 755.18, 2716.11, 3305.01, 3307.01, 3318.01, 3318.02, 3318.03, 3318.04, 3318.11, 3318.37, 3318.41, 3333.045, 3334.01, 3345.04, 3345.12, 3345.17, 3345.31, 3345.32, 3345.50, 3345.71, 3350.01, 3350.02, 3350.03, 3350.04, 3350.05, 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, to amend Sections 89, 89.04, and 89.08 of Am. Sub. H.B. 95 of the 125th General Assembly, as amended by Am. Sub. S.B. 189 of the 125th General Assembly, and to amend Sections 18.02, 18.16, 22, 26.10, 26.14, 26.19, 26.23, 26.48, and 27 of Am. Sub. S.B. 189 of the 125th General

Assembly to make capital and other appropriations, to change the name of the Medical College of Ohio at Toledo to the Medical University of Ohio at Toledo, to amend the versions of sections 3305.01 and 3307.01 of the Revised Code that are scheduled to take effect August 1, 2005, to continue the provisions of this act on and after that effective date, and to provide authorization and conditions for the operation of state programs.

Attest:

Matthew T. Schuler,  
Clerk.

MESSAGE FROM THE SPEAKER

Pursuant to Ohio Revised Code section 171.01(B), the Speaker hereby appoints the following members to the Ohio Retirement Study Council:

Representatives Schneider, C. Evans, and Book.

MESSAGE FROM THE SPEAKER

Pursuant to House Concurrent Resolution No. 1, the Speaker hereby appoints the following members to a committee to wait upon the Governor:

Representatives Blasdel, Kearns, Flowers, DeWine, Carmichael, Redfern, Beatty, Driehaus and Mason.

MESSAGE FROM THE SPEAKER

Pursuant to the Legislative Service Commission rules, the Speaker hereby appoints Representative Wolpert as Chair of the Legislative Information Systems Committee.

MESSAGE FROM THE SPEAKER

Pursuant Ohio Revised Code section 3379.02, Am. Sub. H.B. No. 516, 125th General Assembly, the Speaker hereby appoints the following members to the Ohio Arts Council:

Speaker Husted, Representative Ujvagi.

MESSAGE FROM THE SPEAKER

Pursuant Ohio Revised Code section 101.37(A), and Section 4, Am. Sub. H.B. No. 516, 125th General Assembly, the Speaker hereby appoints the following members to the Joint Council on Mental Retardation and Developmental Disabilities:

Representatives Collier, Peterson, Barrett.

## MESSAGE FROM THE SPEAKER

Pursuant Ohio Revised Code section 3750.02(A), Am. Sub. H.B. No. 516, 125th General Assembly, the Speaker hereby appoints the following member to the Emergency Response Commission:

Representative Collier.

## MESSAGE FROM THE SPEAKER

Pursuant Ohio Revised Code section 991.02, and Section 4, Am. Sub. H.B. No. 516, 125th General Assembly, the Speaker hereby appoints the following member to the Ohio Expositions Commission:

Representative Aslanides.

## MESSAGE FROM THE SPEAKER

Pursuant Ohio Revised Code section 5902.15(B), and Section 4, Am. Sub. H.B. No. 516, 125th General Assembly, the Speaker hereby appoints the following members to the Military Activation Task Force:

Representatives Wolpert, Chandler.

## MESSAGE FROM THE SPEAKER

Pursuant Ohio Revised Code section 3353.07(C)(1), the Speaker hereby appoints the following members to the Program Committee of Ohio Government Telecommunications:

Speaker Husted, Representative Redfern.

## MESSAGE FROM THE SPEAKER

Pursuant Ohio Revised Code section 5139.44(A)(1)(e), the Speaker hereby appoints the following member to the RECLAIM Advisory Committee:

Representative Core.

## MESSAGE FROM THE SPEAKER

Pursuant Ohio Revised Code section 3333.01, the Speaker hereby appoints the following member to the Ohio Board of Regents:

Representative Setzer.

## MESSAGE FROM THE SPEAKER

Pursuant Ohio Revised Code section 2108.17(A)(1), and Section 4, Am. Sub. H.B. No. 516, 125th General Assembly, the Speaker hereby appoints the following member to the Second Chance Trust Fund Advisory Committee:

Representative White.

## MESSAGE FROM THE SPEAKER

Pursuant Ohio Revised Code section 3332.081 and Section 4, Am. Sub. H.B. No. 516, 125th General Assembly, the Speaker hereby appoints the following member to the Student Tuition Recovery Authority:

Representative Setzer.

## MESSAGE FROM THE SPEAKER

Pursuant Ohio Revised Code section 5540.02(C)(1)(h), the Speaker hereby appoints the following members to the Transportation Improvement District Board of Trustees of Butler County:

Representatives Coley, Webster, and Combs.

## MESSAGE FROM THE SPEAKER

Pursuant Ohio Revised Code section 5540.02(C)(2)(b), the Speaker hereby appoints the following member to the Transportation Improvement District Board of Trustees of Licking County:

Representative D. Evans.

## MESSAGE FROM THE SPEAKER

Pursuant Ohio Revised Code section 5540.02(C)(2)(b), the Speaker hereby appoints the following member to the Transportation Improvement District Board of Trustees of Lorain County:

Representative Walcher.

## MESSAGE FROM THE SPEAKER

Pursuant Ohio Revised Code section 5540.02(C)(2)(b), the Speaker hereby appoints the following member to the Transportation Improvement District Board of Trustees of Montgomery County:

Representative Setzer.

## MESSAGE FROM THE SPEAKER

Pursuant Ohio Revised Code section 5540.02(C)(2)(b), the Speaker hereby appoints the following member to the Transportation Improvement District Board of Trustees of Muskingum County:

Representative Aslanides.

## MESSAGE FROM THE SPEAKER

Pursuant Ohio Revised Code section 5540.02(C)(2)(b), the Speaker hereby appoints the following member to the Transportation Improvement District Board of Trustees of Rossford, Ohio:

Representative Latta.



MESSAGE FROM THE SPEAKER

Pursuant Ohio Revised Code section 5540.02(C)(2)(b), the Speaker hereby appoints the following member to the Transportation Improvement District Board of Trustees of Stark County:

Representative Hagan.

MESSAGE FROM THE SPEAKER

Pursuant Ohio Revised Code section 5540.02(C)(2)(b), the Speaker hereby appoints the following member to the Transportation Improvement District Board of Trustees of Wood County:

Representative Latta.

MESSAGE FROM THE SPEAKER

Pursuant Ohio Revised Code section 4121.12(A)(D), and Section 4, Am. Sub. H.B. No. 516, 125th General Assembly, the Speaker hereby appoints the following members to the Workers' Compensation Oversight Commission:

Representatives Schaffer, Distel.

MESSAGE FROM THE SPEAKER

Pursuant Ohio Revised Code section 3702.92(A), Am. Sub. H.B. No. 516, 125th General Assembly, the Speaker hereby appoints the following member to the Dentist Loan Repayment Advisory Board:

Representative Willamowski.

On motion of Representative Daniels, the House adjourned until Tuesday, February 8, 2005 at 11:00 o'clock a.m.

Attest:

LAURA P. CLEMENS,  
Clerk.