

OHIO

House

of

Representatives

JOURNAL

WEDNESDAY, FEBRUARY 8, 2006

ONE HUNDRED THIRTY-NINTH DAY
Hall of the House of Representatives, Columbus, Ohio
Wednesday, February 8, 2006 at 1:30 o'clock p.m.

The House met pursuant to adjournment.

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

Representative Coley 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. 509-Representatives Ujvagi, Yuko, Perry, Williams, Miller, Brown, Chandler, Fessler, Skindell, Koziura, Allen, Beatty.

To repeal section 4911.021 of the Revised Code to reinstate the Consumer's Counsel's authority to operate a call center.

H. B. No. 510-Representatives Cassell, DeGeeter, McGregor, J., Wagner, Patton, S., Hartnett, Fende, Carano, Koziura, Distel, Faber, Hood, Perry.

To amend section 4123.54 of the Revised Code to make an employee who is injured on the job while committing a third degree misdemeanor or worse offense and who is convicted of or pleads guilty to the offense ineligible for workers' compensation benefits.

H. B. No. 511-Representatives Cassell, Boccieri, Skindell, Hartnett, Koziura, Garrison, Patton, S., Yuko, Harwood, Mitchell.

To amend sections 3517.13 and 3517.992 of the Revised Code to revise the law governing contracts for the purchase of goods or services between a business entity and a state agency or political subdivision to subject such contracts between a business entity and all boards and commissions to the existing contribution limit requirements, and to require applicable vendors to certify compliance with the contribution limit requirements before receipt of a contract award.

H. B. No. 512-Representatives Gilb, Brinkman, Bulp, Combs, Evans, D., Faber, Fessler, Hood, McGregor, J., Reidelbach, Schaffer, Setzer, Wagner, Allen, Fende, Perry.

To amend sections 2907.01 and 3314.031 of the Revised Code to define "hard-core pornography" and specify that it always is obscene.

H. B. No. 513-Representatives Williams, Cassell, Carano, Strahorn, Yuko, Seitz.

To amend sections 2915.02 and 2915.092 of the Revised Code to allow a charitable organization to conduct games of chance and raffles three times per year at certain food service facilities.

Said bills were considered the first time.

REPORTS OF STANDING AND SELECT COMMITTEES AND BILLS FOR SECOND CONSIDERATION

Representative Williams submitted the following report:

The standing committee on Finance and Appropriations to which was referred **H. B. No. 438**-Representative Wolpert, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: STUDY COUNCIL FOR SCHOOL FUNDING

CHARLES E. CALVERT
MATTHEW J. DOLAN
LARRY L. FLOWERS
BILL COLEY
DIXIE J. ALLEN
BRIAN G. WILLIAMS
PETER S. UJVAGI
JOHN SCHLICHTER
JAMES M. HOOPS
MICHAEL J. SKINDELL
WILLIAM J. HARTNETT

TOM RAGA
ROSS MCGREGOR
KEITH L. FABER
TYRONE K. YATES
DALE MILLER
ANTHONY CORE
MARK D. WAGONER
JIM MCGREGOR
KEVIN DEWINE
MICHELLE G. SCHNEIDER

The following member voted "NO"

CLYDE EVANS

The report was agreed to.

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

Representative Williams submitted the following report:

The standing committee on Finance and Appropriations to which was referred **H. B. No. 478**-Representative Wagoner, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: UNIVERSITY OF TOLEDO-COMBINE

Representative Calvert moved to amend the title as follows:

Add the names: "Miller, Core, Hartnett, Evans, C., Hoops, McGregor, J., Sykes, Skindell, Coley."

CHARLES E. CALVERT	TOM RAGA
ROSS MCGREGOR	MATTHEW J. DOLAN
LARRY L. FLOWERS	KEITH L. FABER
BILL COLEY	TYRONE K. YATES
CLYDE EVANS	DIXIE J. ALLEN
DALE MILLER	BARBARA A. SYKES
BRIAN G. WILLIAMS	MARK D. WAGONER
WILLIAM J. HARTNETT	PETER S. UJVAGI
JIM MCGREGOR	THOMAS F. PATTON
JOHN SCHLICHTER	ANTHONY CORE
JAMES M. HOOPS	KEVIN DEWINE
MICHAEL J. SKINDELL	MICHELLE G. SCHNEIDER

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

H.B. No. 489 - Representative Reinhard

TO DESIGNATE A PORTION OF UNITED STATES ROUTE 30 WITHIN CRAWFORD COUNTY THE "LIEUTENANT HARRY L. MARTIN MEMORIAL HIGHWAY."

To the committee on Transportation, Public Safety and Homeland Security

H.B. No. 490 - Representative Reinhard, et al

TO REQUIRE HEALTH INSURING CORPORATIONS TO RETROACTIVELY COVER BASIC HEALTH CARE SERVICES PROVIDED BY A PROVIDER PRIOR TO ENTERING INTO A PARTICIPATION CONTRACT IF THE HEALTH INSURING CORPORATION ENTERS INTO A PARTICIPATION CONTRACT WITH THE PROVIDER.

To the committee on Insurance

H.B. No. 491 - Representative Widener, et al

TO ADD DEFINITIONS TO REAL ESTATE BROKER LAW AND TO EXPAND DUTIES OF LICENSEES.

To the committee on Financial Institutions, Real Estate and Securities

H.B. No. 493 - Representative Chandler, et al

TO REQUIRE FIRE EXTINGUISHERS AND CARBON MONOXIDE DETECTORS IN RESIDENTIAL BUILDINGS AND RESIDENTIAL

UNITS, TO DIRECT THE BOARD OF BUILDING STANDARDS TO ADOPT RULES THAT ESTABLISH PRODUCT AND INSTALLATION STANDARDS FOR FIRE EXTINGUISHERS AND CARBON MONOXIDE DETECTORS, TO REQUIRE TRANSFERORS OF RESIDENTIAL REAL PROPERTY TO DISCLOSE WHETHER FIRE EXTINGUISHERS AND CARBON MONOXIDE DETECTORS ARE INSTALLED IN THEIR PROPERTY, AND TO PROHIBIT A TRANSFEROR OF RESIDENTIAL REAL PROPERTY FROM ENTERING INTO A TRANSFER AGREEMENT UNLESS FIRE EXTINGUISHERS AND CARBON MONOXIDE DETECTORS ARE INSTALLED AS THE BILL REQUIRES.

To the committee on Commerce and Labor

H.B. No. 494 - Representative Fessler, et al

TO PROHIBIT THE INCLUSION OF SOCIAL SECURITY NUMBERS ON MOTOR VEHICLE REGISTRATION RENEWAL NOTICES.

To the committee on Civil and Commercial Law

H.B. No. 495 - Representative Cassell, et al

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.

To the committee on Judiciary

H.B. No. 496 - Representative Widener, et al

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.

To the committee on Economic Development and Environment

H.B. No. 497 - Representative Hagan, et al

TO MODIFY PROVISIONS GOVERNING THE PRACTICE OF WITHHOLDING A PERCENTAGE OF PAYMENT FROM CONTRACTORS, SUBCONTRACTORS, AND MATERIAL SUPPLIERS IN THE FORM OF RETAINAGE.

To the committee on Commerce and Labor

H.B. No. 498 - Representative Book

TO DESIGNATE STATE ROUTE NUMBER 93 WITHIN LAWRENCE COUNTY THE "GLENN PRESNELL MEMORIAL HIGHWAY."

To the committee on Transportation, Public Safety and Homeland Security

H.B. No. 499 - Representative Book

TO DESIGNATE APRIL 24 OF EACH YEAR "ARMENIAN GENOCIDE REMEMBRANCE DAY."

To the committee on State Government

H.B. No. 500 - Representative Gilb, et al

TO REQUIRE THE DIRECTOR OF HEALTH TO ESTABLISH THE CORD BLOOD DONATION PROGRAM.

To the committee on Health

H.B. No. 501 - Representative Hood, et al

TO DESIGNATE FEBRUARY 6 AS "RONALD REAGAN DAY."

To the committee on Financial Institutions, Real Estate and Securities

S.B. No. 235 - Senator Padgett, et al

TO REVISE THE DEFINITION OF "AIR QUALITY FACILITY" UNDER THE AIR QUALITY DEVELOPMENT AUTHORITY LAW.

To the committee on Economic Development and Environment

JON A. HUSTED
CHARLES E. CALVERT
ANTHONY CORE
LARRY L. FLOWERS
JOHN SCHLICHTER
GEOFFREY C. SMITH
CHRIS REDFERN
KENNETH A. CARANO
WILLIAM J. HEALY
ROBERT J. OTTERMAN

CHARLES R. BLASDEL
JIM CARMICHAEL
KEVIN DEWINE
TOM RAGA
ARLENE J. SETZER
LARRY L. WOLPERT
JOYCE BEATTY
TIMOTHY J. DEGEETER
JOSEPH KOZIURA

Representative Core 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 Senate Bill 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 Bill 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. 24 - Senator Grendell, et al

TO RECOGNIZE FEBRUARY 6, 2006, AS "RONALD REAGAN DAY."

To the committee on Financial Institutions, Real Estate and Securities

S. Con. R. No. 25 - Senator Miller, et al

RECOGNIZING BLACK HISTORY MONTH IN OHIO, FEBRUARY 2006.

To the committee on State Government

Add the names: Carano, Beatty

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

Representative Core 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 Resolutions be read by title only and approved:

H.R. No. 153 - Representative Setzer

HONORING THE NORTHMONT HIGH SCHOOL MARCHING BAND AS THE 2006 NATIONAL GRAND CHAMPION.

H.R. No. 154 - Speaker Husted

HONORING THE OHIO MILITARY HALL OF FAME ON ITS SEVENTH ANNUAL INDUCTION CEREMONY.

Add the names: Carano, Calvert, Carmichael, Flowers, Setzer, Beatty, Koziura, Healy, DeGeeter, Schlichter, G. Smith, Raga, Otterman, Core, DeWine, Blasdel, Redfern.

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

Representative Core 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 Core moved that the majority and minority party members asking leave to be absent or absent the week of Tuesday, February 7, 2006, be excused, so long as a written request is on file in the majority and minority leadership offices.

The motion was agreed to.

BILLS FOR THIRD CONSIDERATION

Sub. H. B. No. 197-Representatives Raussen, Gibbs, McGregor, J., Carmichael, Evans, C., Flowers, Evans, D., Faber, Ujvagi, Koziura, Schaffer, Blasdel, Martin.

To amend sections 3727.11, 3727.12, 3727.14, and 3727.16, to amend for

the purpose of adopting new section numbers as indicated in parentheses sections 3727.11 (3727.34), 3727.12 (3727.42), 3727.121 (3727.43), 3727.14 (3727.36), and 3727.16 (3727.45), to enact sections 3727.30, 3727.301, 3727.302, 3727.303, 3727.304, 3727.305, 3727.31, 3727.32, 3727.33, 3727.331, 3727.332, 3727.35, 3727.37, 3727.38, 3727.39, 3727.40, 3727.41, and 3727.44, and to repeal sections 3727.13 and 3727.15 of the Revised Code concerning hospitals submitting information about performance measures and disclosing price data, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Core moved that **Sub. H. B. No. 197** - Representative Raussen, et al., be informally passed and that it be taken up for consideration on February 14, 2006.

The motion was agreed to.

Sub. H. B. No. 311-Representatives White, McGregor, J., Setzer, Schaffer, Oelslager, Coley, Allen, Peterson, Hood, Flowers, Brown, Evans, C., Barrett, Martin, Schneider, Reidelbach, Smith, S., DeBose.

To amend section 4715.39 of the Revised Code to allow a dental assistant to apply pit and fissure sealants under certain circumstances, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Core moved that **Sub. H. B. No. 311** - Representative White, et al., be informally passed and that it be taken up for consideration on February 14, 2006.

The motion was agreed to.

S. B. No. 184-Senators Gardner, Armbruster, Cates, Grendell, Mumper, Niehaus, Padgett, Wilson.

To amend sections 4511.21 and 4511.251 of the Revised Code to establish a 35-mile per hour speed limit for highways outside municipal corporations within island jurisdictions, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Core moved that **S. B. No. 184** - Senator Gardner, et al., be informally passed and that it be taken up for consideration on February 14, 2006.

The motion was agreed to.

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:

Am. S. B. No. 211 - Senators Carey, Stivers, Niehaus, Gardner, Jordan, Mumper, Fedor, Spada, Clancy, Padgett, Fingerhut, Amstutz, Dann, Hagan, Schuring, Wachtmann, Armbruster, Austria, Cates, Goodman, Harris, Hottinger, Kearney, Roberts, Schuler, Zurz, Jacobson, Prentiss

To amend section 5511.09 and to enact section 4503.546 of the Revised Code to create "Gold Star Family" license plates and to permit local jurisdictions to request the Director of Transportation to designate a name for a bridge that is part of the highway system.

Attest:

David A. Battocletti,
Clerk.

Said bill was considered the first time.

On motion of Representative Core, the House adjourned until Thursday, February 9, 2006 at 11:00 o'clock a.m.

Attest:

LAURA P. CLEMENS,
Clerk.