

**OHIO**

**House**

**of**

**Representatives**

**JOURNAL**

**CORRECTED VERSION**  
**TUESDAY, FEBRUARY 15, 2005**

## SEVENTEENTH DAY

Hall of the House of Representatives, Columbus, Ohio  
**Tuesday, February 15, 2005 at 11:00 o'clock a.m.**

The House met pursuant to adjournment.

Prayer was offered by Reverend Steve Smith of the Rome Church of Christ in Proctorville, Ohio, followed by the Pledge of Allegiance to the Flag.

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

The following guests of the House of Representatives were recognized by Speaker Husted prior to the commencement of business:

Jackie Kidd-Lutzman, Barb Phillips, Carla McNeill, Steve, Pam, Greg and Laura Lynch, guests of Representative Ujvagi-47th district.

Dr. Pam Popper, a guest of Representative Reidelbach-21st district.

**INTRODUCTION OF BILLS**

The following bills were introduced:

**H. B. No. 57**-Representative Blessing.

To enact section 4905.84 of the Revised Code to provide for wireless telephone number listings in wireline directories.

**H. B. No. 58**-Representative Dolan.

To amend sections 109.71, 109.73, 109.79, 4973.17, and 4973.171 of the Revised Code relative to the appointment and commissioning of amusement park police officers and to the training of those officers.

**H. B. No. 59**-Representatives Law, Harwood.

To amend sections 3714.02, 3714.03, 3714.06, and 3714.13 of the Revised Code to require the Director of Environmental Protection to adopt rules establishing siting requirements applicable to construction and demolition debris facilities that are at least as stringent as siting criteria applicable to solid waste facilities.

**H. B. No. 60**-Representatives Driehaus, Hartnett, Carano, Miller, Allen, Williams, Healy, Skindell, Barrett, D. Stewart, Strahorn, Beatty, Garrison, Otterman.

To amend sections 3517.01, 3517.081, and 3517.992 and to enact sections 3517.093 and 3517.094 of the Revised Code to prohibit the Secretary of State from serving on the campaign committee of a candidate or a committee supporting or opposing a ballot issue or question, and from soliciting

contributions, making contributions, and speaking in support of or opposition to any candidate or ballot issue or question.

**H. B. No. 61**-Representatives Driehaus, McGregor, Skindell, Miller, DeGeeter, Hartnett, Strahorn, Garrison, Otterman, Harwood.

To enact sections 101.91, 101.92, 101.921, 101.922, 101.923, 101.924, 101.925, 101.926, and 101.927 of the Revised Code to provide for appraisal of the effectiveness of tax expenditures and for their expiration after appraisal if not renewed.

**H. B. No. 62**-Representative Blessing.

To amend section 145.201 of the Revised Code to allow magistrates to purchase additional service credit in the Public Employees Retirement System.

**H. B. No. 63**-Representatives Carano, Reidelbach, Ujvagi, Perry, Miller, Setzer, Brown, Barrett, Collier, S. Patton.

To amend section 955.99 and to enact sections 955.501 and 955.502 of the Revised Code to require certain persons who sell dogs not older than fifteen months of age to provide remedies to a buyer of a dog that exhibits a congenital defect or common hereditary disorder, dies from a congenital defect or common hereditary disorder, or is discovered to be of a different registration status with a pedigree organization than the seller represented.

**H. B. No. 64**-Representative Cassell.

To amend sections 1711.53 and 1711.56 and to enact section 1711.552 of the Revised Code to make changes in the Amusement Rides Law governing electrical grounding and connections of an amusement ride.

**H. B. No. 65**-Representative Schaffer.

To amend section 125.021 of the Revised Code to allow the Industrial Commission to make contracts concerning telecommunications and computer services and to make appropriations for the Industrial Commission for the biennium beginning July 1, 2005, and ending June 30, 2007, and to provide authorization and conditions for the operation of Commission programs.

**H. B. No. 66**-Representative Calvert.

To amend sections 9.24, 108.05, 109.57, 109.91, 120.06, 120.13, 120.23, 120.52, 120.53, 121.37, 121.38, 122.011, 122.17, 122.171, 122.603, 122.71, 122.72, 122.73, 122.74, 122.75, 122.751, 122.76, 122.77, 122.78, 122.79, 122.82, 122.83, 123.152, 123.17, 124.01, 124.02, 124.04, 124.07, 124.09,

124.11, 124.133, 124.14, 124.15, 124.20, 124.23, 124.231, 124.241, 124.25,  
124.26, 124.27, 124.29, 124.30, 124.31, 124.311, 124.32, 124.321, 124.322,  
124.323, 124.324, 124.325, 124.33, 124.34, 125.05, 125.831, 125.832, 126.25,  
127.16, 131.23, 140.01, 140.08, 141.011, 141.04, 147.05, 147.10, 147.11,  
147.12, 147.371, 149.43, 153.50, 153.51, 153.52, 173.20, 173.21, 173.26,  
173.40, 173.99, 181.251, 181.51, 181.52, 181.54, 181.55, 181.56, 183.28,  
307.88, 317.08, 317.36, 319.20, 319.302, 319.54, 321.24, 323.01, 323.152,  
329.04, 329.051, 339.72, 339.88, 340.03, 340.16, 742.59, 901.43, 905.32,  
905.33, 905.331, 905.36, 905.37, 905.38, 905.381, 905.50, 905.66, 907.16,  
911.02, 913.02, 913.23, 915.02, 915.16, 915.24, 921.02, 921.16, 923.44,  
923.45, 923.46, 927.69, 1327.511, 1327.62, 1327.99, 1502.02, 1503.01,  
1517.02, 1521.062, 1525.11, 1525.12, 1531.27, 1533.10, 1533.11, 1533.111,  
1533.881, 1533.99, 1541.03, 1548.06, 1713.03, 1901.26, 1907.24, 2113.041,  
2151.416, 2152.74, 2303.201, 2305.234, 2329.66, 2744.05, 2901.07, 2923.25,  
3107.10, 3111.04, 3119.54, 3121.12, 3121.50, 3125.18, 3301.311, 3301.32,  
3301.86, 3301.88, 3313.975, 3313.976, 3313.977, 3313.978, 3313.98,  
3314.03, 3314.074, 3314.08, 3314.13, 3315.37, 3317.012, 3317.013, 3317.02,  
3317.022, 3317.023, 3317.024, 3317.026, 3317.027, 3317.028, 3317.029,  
3317.0212, 3317.0217, 3317.03, 3317.05, 3317.052, 3317.053, 3317.06,  
3317.081, 3317.10, 3317.16, 3317.20, 3317.21, 3317.22, 3317.23, 3317.50,  
3317.51, 3318.33, 3319.22, 3319.235, 3323.021, 3323.091, 3323.14, 3323.16,  
3332.092, 3333.04, 3333.044, 3333.12, 3333.121, 3333.27, 3333.28, 3333.38,  
3334.01, 3334.02, 3334.03, 3334.07, 3334.08, 3334.09, 3334.10, 3334.11,  
3334.12, 3334.15, 3334.16, 3334.17, 3334.18, 3345.32, 3353.01, 3353.06,  
3353.07, 3365.01, 3365.02, 3375.48, 3375.49, 3375.54, 3375.55, 3377.03,  
3383.02, 3701.146, 3702.141, 3702.51, 3702.68, 3702.74, 3703.01, 3703.03,  
3703.04, 3703.05, 3703.06, 3703.07, 3703.08, 3703.10, 3703.99, 3705.24,  
3709.29, 3709.34, 3712.03, 3721.01, 3721.02, 3721.03, 3721.07, 3721.15,  
3721.19, 3721.50, 3721.51, 3721.52, 3721.56, 3721.58, 3722.01, 3722.02,  
3722.04, 3722.16, 3734.01, 3734.02, 3734.021, 3734.022, 3734.05, 3734.28,  
3734.57, 3734.901, 3734.9010, 3743.57, 3745.11, 3745.12, 3746.04,  
3746.071, 3748.07, 3748.13, 3773.34, 3773.38, 3773.39, 3773.40, 3773.57,  
3793.09, 3901.021, 3901.17, 3905.36, 3923.27, 4112.12, 4117.24, 4123.27,  
4301.42, 4301.43, 4305.01, 4505.06, 4511.75, 4519.02, 4519.04, 4519.09,  
4561.17, 4561.18, 4561.21, 4705.09, 4731.65, 4731.71, 4736.11, 4736.12,  
4761.07, 4905.10, 4905.54, 4905.95, 4911.18, 4973.171, 5101.181, 5101.21,  
5101.24, 5101.241, 5101.26, 5101.31, 5101.35, 5101.36, 5101.46, 5101.47,  
5101.75, 5101.752, 5101.80, 5101.801, 5101.821, 5104.01, 5104.32, 5104.38,  
5107.05, 5107.10, 5107.26, 5107.30, 5107.58, 5110.01, 5110.05, 5110.352,  
5111.019, 5111.02, 5111.021, 5111.023, 5111.025, 5111.042, 5111.06,  
5111.071, 5111.082, 5111.11, 5111.111, 5111.113, 5111.16, 5111.19,  
5111.20, 5111.204, 5111.21, 5111.22, 5111.231, 5111.25, 5111.26, 5111.263,  
5111.28, 5111.29, 5111.30, 5111.31, 5111.32, 5111.33, 5111.62, 5111.85,  
5111.88, 5111.97, 5111.99, 5112.03, 5112.08, 5112.17, 5112.30, 5112.31,  
5115.20, 5115.22, 5115.23, 5119.61, 5120.09, 5120.51, 5121.01, 5121.02,  
5121.03, 5121.04, 5121.05, 5121.06, 5121.061, 5121.07, 5121.08, 5121.09,

5121.10, 5121.11, 5121.12, 5121.21, 5122.03, 5122.31, 5123.01, 5123.046, 5123.047, 5123.049, 5123.0412, 5123.34, 5123.701, 5123.71, 5123.76, 5126.01, 5126.035, 5126.042, 5126.054, 5126.055, 5126.056, 5126.057, 5126.12, 5139.01, 5139.36, 5153.16, 5502.01, 5701.03, 5703.052, 5703.053, 5703.50, 5703.70, 5703.80, 5705.091, 5705.392, 5711.21, 5711.22, 5713.01, 5713.08, 5713.34, 5727.01, 5727.02, 5727.06, 5727.10, 5727.11, 5727.111, 5727.12, 5727.81, 5727.84, 5727.85, 5731.01, 5731.05, 5731.131, 5731.14, 5731.18, 5731.181, 5731.39, 5733.01, 5733.40, 5733.41, 5739.02, 5739.025, 5739.10, 5741.02, 5743.02, 5743.32, 5743.51, 5743.62, 5743.63, 5747.01, 5747.02, 5747.05, 5747.08, 5747.70, 5747.98, 5749.02, 6109.21, and 6111.034; to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 181.251 (5502.63), 181.51 (5502.61), 181.52 (5502.62), 181.54 (5502.64), 181.55 (5502.65), 181.56 (5502.66), 3317.21 (3318.47), 3317.22 (3318.48), 3317.23 (3318.49), 5101.75 (173.42), 5101.752 (173.43), 5111.02 (5111.021), 5111.021 (5111.022), 5111.022 (5111.023), 5111.023 (5111.0114), 5111.071 (5111.07), 5111.112 (5111.113), 5111.113 (5111.114), 5111.231 (5111.24), 5111.25 (5111.27), 5111.26 (5111.23), 5111.263 (5111.25), 5111.29 (5111.30), 5111.30 (5111.224), 5111.31 (5111.222), 5111.32 (5111.223), 5111.33 (5111.26), 5111.88 (5111.97), 5111.97 (5111.86), 5121.01 (5121.02), 5121.02 (5121.03), and 5121.03 (5121.01); to enact new sections 5111.02, 5111.112, 5111.221, 5111.231, 5111.251, 5111.29, 5111.31, and 5111.88, and sections 120.36, 121.381, 121.382, 121.403, 125.18, 173.39, 173.391, 173.392, 173.393, 173.44, 173.45, 173.46, 173.47, 173.48, 173.49, 173.50, 341.192, 901.44, 1327.70, 1327.71, 1517.052, 1521.151, 1533.122, 1547.721, 1547.722, 1547.723, 1547.724, 1547.725, 1547.726, 3125.191, 3310.01, 3310.02, 3310.03, 3310.04, 3310.05, 3310.06, 3310.07, 3310.08, 3310.09, 3317.201, 3318.111, 3325.10, 3325.11, 3325.12, 3325.15, 3325.16, 3325.17, 3333.047, 3333.122, 3333.162, 3702.83, 3705.242, 3715.04, 3721.032, 3721.541, 3721.561, 3745.015, 3745.114, 3770.061, 5101.07, 5101.071, 5101.461, 5101.802, 5107.301, 5111.061, 5111.062, 5111.10, 5111.176, 5111.177, 5111.191, 5111.65, 5111.66, 5111.661, 5111.67, 5111.671, 5111.672, 5111.673, 5111.674, 5111.675, 5111.676, 5111.677, 5111.68, 5111.681, 5111.682, 5111.683, 5111.684, 5111.685, 5111.686, 5111.687, 5111.688, 5111.851, 5111.852, 5111.853, 5111.854, 5111.855, 5111.881, 5111.882, 5111.883, 5111.884, 5111.89, 5111.891, 5111.892, 5111.893, 5111.914, 5111.98, 5112.341, 5121.30, 5121.31, 5121.32, 5121.33, 5121.34, 5121.35, 5121.36, 5121.37, 5121.38, 5121.39, 5121.40, 5121.41, 5121.42, 5121.43, 5121.44, 5121.45, 5121.46, 5121.47, 5121.49, 5121.50, 5121.51, 5121.52, 5121.53, 5121.54, 5121.55, 5703.057, 5727.031, 5747.056, 5751.01, 5751.011, 5751.012, 5751.02, 5751.03, 5751.031, 5751.032, 5751.04, 5751.05, 5751.06, 5751.07, 5751.08, 5751.081, 5751.09, 5751.10, 5751.11, 5751.12, 5751.20, 5751.21, 5751.22, 5751.31, 5751.50, 5751.51, 5751.52, 5751.98, 5751.99, and 5919.341; and to repeal sections 181.53, 339.77, 742.36, 1541.221, 3301.31, 3301.33, 3301.34, 3301.35, 3301.36, 3301.37, 3301.38, 3301.80, 3301.85, 3301.87, 3317.0213, 3353.02, 3353.03, 3353.04,

3721.511, 5101.751, 5101.753, 5101.754, 5111.041, 5111.07, 5111.205, 5111.221, 5111.23, 5111.235, 5111.24, 5111.241, 5111.251, 5111.255, 5111.257, 5111.261, 5111.262, 5111.264, 5111.27, 5111.291, 5111.34, 5115.10, 5115.11, 5115.12, 5115.13, 5115.14, 5123.041, 5123.048, 5731.20, and 5733.122 of the Revised Code; to amend Section 4 of Am. Sub. H.B. 516 of the 125th General Assembly; to amend Section 3 of Am. Sub. H.B. 621 of the 122nd General Assembly, as subsequently amended; to amend Section 153 of Am. Sub. H.B. 117 of the 121st General Assembly, as subsequently amended; to amend Section 5 of Am. Sub. S.B. 50 of the 121st General Assembly, as subsequently amended; and to repeal Sections 59.19 and 147 of Am. Sub. H.B. 95 of the 125th General Assembly to make operating appropriations for the biennium beginning July 1, 2005 and ending June 30, 2007, and to provide authorization and conditions for the operation of state programs.

**H. B. No. 67**-Representative Schaffer.

To amend sections 121.08, 4121.12, 4121.121, 4121.37, 4123.511, 4167.02, 4167.06, 4167.07, 4167.08, 4167.09, 4167.10, 4167.11, 4167.12, 4167.14, 4167.15, 4167.16, 4167.17, 4167.19, and 4167.27, to enact section 4121.48, and to repeal section 4167.18 of the Revised Code to transfer the Public Employees Risk Reduction Program and the Occupational Safety and Health Act On-site Consultation Program from the Department of Commerce to the Bureau of Workers' Compensation, to make appropriations for the Bureau of Workers' Compensation for the biennium beginning July 1, 2005, and ending June 30, 2007, and to provide authorization and conditions for the operation of the Bureau's programs.

**H. B. No. 68**-Representative T. Patton.

To amend sections 109.572, 4501.04, 4501.26, 4503.02, 4503.26, 4503.40, 4503.42, 4508.06, 4509.27, 4511.191, 4513.263, 4749.03, 4749.06, 4749.10, 4765.07, 4765.11, 5503.04, 5513.04, 5525.01, 5525.10, 5525.15, 5531.09, 5531.10, 5537.17, 5735.05, 5735.23, 5735.25, 5735.27, 5735.28, and 5735.29; to enact sections 4508.10 and 5531.11; and to repeal sections 4501.12 and 4501.35 of the Revised Code to make appropriations for programs related to transportation and public safety for the biennium beginning July 1, 2005, and ending June 30, 2007, and to provide authorization and conditions for the operation of those programs.

**H. B. No. 69**-Representatives Beatty, Key, Kearns, Hartnett, Healy, Sykes, Miller.

To amend section 2935.031 of the Revised Code relative to peace officer motor vehicle pursuit policies.

Said bills were considered the first time.

### BILLS FOR THIRD CONSIDERATION

**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, Fessler, Seaver, Webster, Peterson, Wagner, Hood, Williams, Garrison, Barrett, Distel, Allen.

To amend section 3313.616 of the Revised Code to grant high school diplomas to certain veterans of the Vietnam Conflict, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Redfern moved to amend as follows:

In line 4, delete "section" and insert "sections 169.05, 2969.14,"; after "3313.616" insert ", and 5919.33"

Between lines 5 and 6, insert:

**"Sec. 169.05.** (A) Every holder required to file a report under section 169.03 of the Revised Code shall, at the time of filing, pay to the director of commerce ten per cent of the aggregate amount of unclaimed funds as shown on such report, except for aggregate amounts of fifty dollars or less in which case one hundred per cent shall be paid. Such funds may be deposited by the director in the state treasury to the credit of the unclaimed funds trust fund, which is hereby created, or placed with a financial organization. Any interest earned on money in the trust fund shall be credited to the trust fund. The remainder of such aggregate amount of unclaimed funds as shown on such report, plus earnings accrued to date of payment to the director, shall, at the option of the director, be retained by the holder or paid to the director for deposit as agent for the mortgage funds with a financial organization as defined in section 169.01 of the Revised Code, such funds to be in income-bearing accounts to the credit of the mortgage funds, or the holder may enter into an agreement with the director specifying the obligations of the United States in which funds are to be invested, and agree to pay the interest on such obligations to the state. Holders retaining such funds not in obligations of the United States shall enter into an agreement with the director specifying the classification of income-bearing account in which the funds will be held and pay the state interest thereon at a rate equal to the prevailing market rate for similar funds. Moneys which the holder is required to pay to the director rather than to retain may be deposited with the treasurer of state, or placed with a financial organization.

Securities and other intangible property transferred to the director shall, within a reasonable time, be converted to cash and the proceeds deposited as

provided for other funds.

One-half of the funds evidenced by such agreements or in such income-bearing accounts or on deposit with the treasurer of state shall be allocated on the records of the director to the mortgage insurance fund created by section 122.561 of the Revised Code. Out of the remaining half, after allocation of sufficient moneys to the minority business bonding fund to meet the provisions of division (B) of this section and other transfers of sufficient moneys pursuant to section 5919.33 of the Revised Code, an equal amount shall be allocated to the housing guarantee fund created by division (D) of section 175.10 of the Revised Code and the housing development fund created by division (C) of section 175.10 of the Revised Code.

(B) The director shall serve as agent for the director of development, and as agent for the Ohio housing finance agency, in the making of deposits and withdrawals and maintenance of records pertaining to the minority business bonding fund created by section 122.88 of the Revised Code, the mortgage insurance fund, the housing guarantee fund, and the housing development fund created by division (C) of section 175.10 of the Revised Code. Funds from the mortgage insurance fund shall be available to the director of development when such funds are to be disbursed to prevent or cure, or upon the occurrence of, a default of a mortgage insured pursuant to section 122.451 of the Revised Code. Funds from the housing guarantee fund shall be available to the Ohio housing finance agency when such funds are to be disbursed under a guarantee authorized by section 175.04 of the Revised Code to satisfy a guaranteed mortgage which is in default. Funds from the housing development fund shall be available to the Ohio housing finance agency for the purposes of section 175.04 of the Revised Code when it so requests. Funds from the minority business bonding fund shall be available to the director of development upon request for the purpose of paying obligations on bonds written by the director pursuant to section 122.88 of the Revised Code; except that, unless additional amounts are authorized by the general assembly, the total maximum amount of moneys that may be allocated to the minority business bonding fund under this division is ten million dollars.

When such funds are to be so disbursed, the appropriate agency shall call upon the director to transfer to it the necessary funds. The director shall first withdraw the funds paid by the holders and deposited with the treasurer of state or in a financial institution as agent for such funds. Whenever these funds are inadequate to meet the request, the director shall provide for a withdrawal of funds, within a reasonable time, in such amount as is necessary to meet the request, from financial institutions in which such funds were retained or placed by a holder and from other holders who have retained funds, in an equitable manner as prescribed by the director. In the event that the amount to be withdrawn from any one such holder is less than five hundred dollars, the amount to be withdrawn shall be at the discretion of the director. The director shall then transfer to the agency the amount of funds requested.

Funds which are deposited in the unclaimed funds trust fund shall be subject to call by the director when necessary to pay claims allowed by the director under section 169.08 of the Revised Code, in accordance with the rules of the director, to defray the necessary costs of making publications required by this chapter, and to pay other operating and administrative expenses incurred by the department of commerce in the administration and enforcement of this chapter.

The unclaimed funds trust fund shall be assessed a proportionate share of the administrative costs of the department of commerce in accordance with procedures prescribed by the director of commerce and approved by the director of budget and management. Such assessment shall be paid from the unclaimed funds trust fund to the division of administration fund.

(C) Earnings on the accounts in financial organizations to the credit of the mortgage funds shall at the option of such a financial organization be credited to such accounts at such times and at such rates as earnings are paid on other accounts of the same classification held in the financial organization or paid to the director. The director shall be notified annually, and at such other times as the director may request, of the amount of such earnings credited to the accounts. Interest on unclaimed funds retained by a holder shall be paid to the director or credited as specified in the agreement under which the organization retains the funds. Interest payable to the director under an agreement to invest unclaimed funds and obligations of the United States shall be paid annually by such holder to the director. Any earnings or interest received by the director under this division shall be deposited in and credited to the mortgage funds.

**Sec. 2969.14.** (A) If a separate account has been maintained in the name of an offender in the crime victims recovery fund and if there is no further requirement to pay into the fund money, or the monetary value of property, pursuant to section 2929.32 of the Revised Code, unless otherwise ordered by a court of record in which a judgment has been rendered against the offender or the representatives of the offender, the clerk of the court of claims shall pay the money remaining in the separate account in accordance with division (B) of this section, if all of the following apply:

(1) The applicable period of time that governs the making of payments from the separate account, as set forth in division (C)(1) of section 2969.12 of the Revised Code, has elapsed.

(2) None of the civil actions against the offender or the representatives of the offender of which the clerk of the court of claims has been notified pursuant to division (B)(1) of section 2969.12 of the Revised Code is pending.

(3) All judgments for which payment was requested pursuant to division (B)(3) of section 2969.12 of the Revised Code have been paid.

(B) If the clerk of the court of claims is required by division (A) of this section to pay the money remaining in the separate account established in the name of an offender in accordance with this division, the clerk shall pay the

money as follows:

(1) If the offender was confined for a felony in a prison or other facility operated by the department of rehabilitation and correction under a sanction imposed pursuant to section 2929.14 or 2929.16 of the Revised Code, the clerk shall pay the money to the treasurer of state, in accordance with division (C)(1) of section 2929.18 of the Revised Code, to cover the costs of the confinement. If any money remains in the separate account after the payment of the costs of the confinement pursuant to this division, the clerk shall pay the remaining money in accordance with divisions (B)(2), (3), and (5) of this section.

(2) If the offender was confined for a felony in a facility operated by a county or a municipal corporation, after payment of any costs required to be paid under division (B)(1) of this section, the clerk shall pay the money to the treasurer of the county or of the municipal corporation that operated the facility, in accordance with division (C)(2) or (3) of section 2929.18 of the Revised Code, to cover the costs of the confinement. If more than one county or municipal corporation operated a facility in which the offender was confined, the clerk shall equitably apportion the money among each of those counties and municipal corporations. If any money remains in the separate account after the payment of the costs of the confinement pursuant to this division, the clerk shall pay the remaining money in accordance with divisions (B)(3) and (5) of this section.

(3) If the offender was sentenced for a felony to any community control sanction other than a sanction described in division (B)(2) of this section, after payment of any costs required to be paid under division (B)(1) or (2) of this section, the clerk shall pay the money to the treasurer of the county or of the municipal corporation that incurred costs pursuant to the sanction, in accordance with division (C)(2) or (3) of section 2929.18 of the Revised Code, to cover the costs so incurred. If more than one county or municipal corporation incurred costs pursuant to the sanction, the clerk shall equitably apportion the money among each of those counties and municipal corporations. If any money remains in the separate account after the payment of the costs of the sanction pursuant to this division, the clerk shall pay the remaining money in accordance with division (B)(5) of this section.

(4) If the offender was imprisoned or incarcerated for a misdemeanor, to the treasurer of the political subdivision that operates the facility in which the offender was imprisoned or incarcerated, to cover the costs of the imprisonment or incarceration. If more than one political subdivision operated a facility in which the offender was confined, the clerk shall equitably apportion the money among each of those political subdivisions. If any money remains in the separate account after the payment of the costs of the imprisonment or incarceration under this division, the clerk shall pay the remaining money in accordance with division (B)(5) of this section.

(5) If any money remains in the separate account after payment of any costs required to be paid under division (B)(1), (2), (3), or (4) of this section, or

if no provision of division (B)(1), (2), (3), or (4) of this section applies, the clerk shall distribute the amount of the money remaining in the separate account as otherwise provided by law for the distribution of money paid in satisfaction of a fine, as if that amount was a fine paid by the offender, and in accordance with section 5919.33 of the Revised Code."

Between lines 40 and 41, insert:

**"Sec. 5919.33.** ~~Upon certification of availability of funds by the director of budget and management, the request of the adjutant general shall, the director of budget and management shall request that the clerk of the court of claims transfer sufficient moneys every fiscal year from the crime victims recovery fund to pay a death benefit of twentyone hundredthousand dollars from the appropriations for operating expenses to the beneficiary or beneficiaries of any active duty member of the Ohio national guard who dies while performing state active duty under orders issued by the adjutant general on behalf of the governor, if the beneficiary or beneficiaries has or have been so designated in a written statement as prescribed by the adjutant general. If the moneys the clerk of the court of claims transfers are insufficient to pay the death benefit required by this section, the adjutant general shall request the director of budget and management to request that the director of commerce transfer sufficient moneys from unclaimed funds to supplement the moneys transferred by the clerk of the court of claims to pay the death benefit required by this section.~~

As used in this section, "active duty member" means a member of the Ohio national guard under active duty pursuant to an executive order of the president of the United States, an act of the congress of the United States, or section 5919.29 or 5923.21 of the Revised Code."

In line 41, delete "section" and insert "sections 169.05, 2969.14,"; after "3313.616" insert ", and 5919.33"

In line 42, delete "is" and insert "are"

In line 1 of the title, delete "section" and insert "sections 169.05, 2969.14,"; after "3313.616" insert ", and 5919.33"

In line 3 of the title, after "Conflict" insert "and to provide a \$100,000 death benefit to active duty members of the Ohio National Guard"

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

Representative Widowfield 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 41, 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 D.	Faber
Fessler	Flowers	Gibbs	Gilb
Hagan	Hoops	Kearns	Kilbane
Latta	Law	Martin	McGregor
Patton T.	Peterson	Raga	Raussen
Reinhard	Schaffer	Schlichter	Schneider
Seaver	Seitz	Setzer	Smith G.
Stewart J.	Taylor	Trakas	Uecker
Wagner	Wagoner	Walcher	Webster
White	Widener	Widowfield	Willamowski
Wolpert			Husted-54.

Those who voted in the negative were: Representatives

Allen	Barrett	Beatty	Book
Brinkman	Brown	Carano	Cassell
Chandler	DeGeeter	Distel	Domenick
Driehaus	Evans C.	Fende	Garrison
Hartnett	Harwood	Healy	Hood
Hughes	Key	Koziura	Mason
Miller	Mitchell	Oelslager	Otterman
Patton S.	Perry	Redfern	Reidelbach
Sayre	Skindell	Stewart D.	Strahorn
Sykes	Ujvagi	Williams	Yates
			Yuko-41.

The motion to amend was laid on the table.

The question recurring, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 94, nays 1, as follows:

Those who voted in the affirmative were: Representatives

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

Webster  
Willamowski  
Yuko

White  
Williams

Widener  
Wolpert

Widowfield  
Yates  
Husted-94.

Representative Brinkman voted in the negative-1.

The bill passed.

Representative Schlichter moved to amend the title as follows:

Add the names: "Aslanides, Barrett, Blessing, Book, Bulp, Carmichael, Cassell, Coley, Collier, Core, Daniels, DeGeeter, Dolan, Domenick, Driehaus, D. Evans, Faber, Fende, Gibbs, Gilb, Hagan, Healy, Hoops, Key, Koziura, Law, Martin, Mason, Miller, Mitchell, Otterman, Perry, Redfern, Reinhard, Sayre, Schaffer, Skindell, G. Smith, D. Stewart, Strahorn, Sykes, Trakas, Uecker, Ujvagi, Wagoner, White, Widener, Widowfield."

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.

Representative Raga moved that the House revert to the fifth order of business, being reports of standing and select committees and bills for second consideration.

The motion was agreed to.

#### **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. 44 - Representative S. Smith, et al**

TO CREATE THE MINORITY HIV AND AIDS TASK FORCE, TO REQUIRE THE DEPARTMENT OF HEALTH TO DEVELOP AND ADMINISTER A STATEWIDE HIV AND AIDS PREVENTION CAMPAIGN DIRECTED TOWARD AT-RISK MEMBERS OF MINORITY GROUPS, AND TO MAKE AN APPROPRIATION.

To the committee on Health

##### **H.B. No. 45 - Representative Webster, et al**

TO REQUIRE PARENTS IN A PROCEEDING FOR DIVORCE, DISSOLUTION OF MARRIAGE, LEGAL SEPARATION, ANNULMENT, OR ALLOCATION OF PARENTAL RIGHTS AND RESPONSIBILITIES TO CONSIDER THE COST OF EACH CHILD'S POSTSECONDARY EDUCATION.

To the committee on Judiciary

**H.B. No. 46 - Representative Schaffer, et al**

TO INCREASE TAX-DEDUCTIBILITY OF UNREIMBURSED MEDICAL EXPENSES AND TO EXPRESSLY INCORPORATE FAVORABLE TAX TREATMENT OF NEW HEALTH SAVINGS ACCOUNTS.

To the committee on Health

**H.B. No. 47 - Representative Beatty, et al**

TO REQUIRE THAT EVERY HIGH SCHOOL INCLUDE INSTRUCTION IN PERSONAL ECONOMICS IN THE REQUIREMENTS FOR GRADUATION.

To the committee on Education

**H.B. No. 48 - Representative Hughes, et al**

TO INCREASE THE PENALTY FOR IDENTITY FRAUD AGAINST AN ELDERLY PERSON OR DISABLED ADULT, AND TO CREATE THE IDENTITY FRAUD PASSPORT.

To the committee on Criminal Justice

**H.B. No. 49 - Representative DeGeeter, et al**

TO CLARIFY WHAT CONSTITUTES VISUAL REPRESENTATIONS OF A MINOR FOR PROSECUTIONS OF PANDERING SEXUALLY ORIENTED MATTER INVOLVING A MINOR.

To the committee on Criminal Justice

**H.B. No. 50 - Representative Setzer, et al**

TO EXPAND AND MODIFY THE PENALTY FOR THE OFFENSE OF PUBLIC INDECENCY.

To the committee on Criminal Justice

**H.B. No. 51 - Representative Koziura, et al**

TO REQUIRE THAT AN APPROPRIATIONS BILL FOR EDUCATION AGENCIES BE ENACTED SEPARATE FROM AND PRIOR TO ANY OTHER OPERATING APPROPRIATIONS BILLS.

To the committee on Finance and Appropriations

**H.B. No. 52 - Representative White, et al**

TO ENABLE A BOARD OF COUNTY COMMISSIONERS TO ADOPT A PLAN FOR THE TEMPORARY APPOINTMENT OF EMERGENCY INTERIM SUCCESSORS TO COUNTY OFFICES TO SERVE DURING A DISASTER, EMERGENCY, OR WHEN AN OFFICER IS UNAVAILABLE.

To the committee on Local and Municipal Government and Urban Revitalization

**H.B. No. 53 - Representative White, et al**

TO CREATE THE CORRECTIONAL FAITH-BASED INITIATIVES TASK FORCE

To the committee State Government

**H.B. No. 54 - Representative T. Patton, et al**

TO CREATE "ONE NATION UNDER GOD" LICENSE PLATES.

To the committee on Transportation, Public Safety and Homeland Security

**H.B. No. 55 - Representative Hoops, et al**

TO IDENTIFY MATTERS THAT MUST BE ADDRESSED IN RULES GOVERNING DEPARTMENT OF JOB AND FAMILY SERVICES - ADMINISTERED MEDICAID HOME AND COMMUNITY-BASED SERVICES PROGRAMS.

To the committee on Health

**H.B. No. 56 - Representative Raussen, et al**

TO GENERALLY PROHIBIT THE USE BY LAW ENFORCEMENT AGENCIES OF TRAFFIC LAW PHOTO-MONITORING DEVICES.

To the committee on Transportation, Public Safety and Homeland Security

**H.B. No. 57 - Representative Blessing**

TO PROVIDE FOR WIRELESS TELEPHONE NUMBER LISTINGS IN WIRELINE DIRECTORIES.

To the committee on Public Utilities

**H.B. No. 58 - Representative Dolan**

TO THE APPOINTMENT AND COMMISSIONING OF AMUSEMENT PARK POLICE OFFICERS AND TO THE TRAINING OF THOSE OFFICERS.

To the committee on Judiciary

**H.B. No 59. - Representative Law, et al**

TO REQUIRE THE DIRECTOR OF ENVIRONMENTAL PROTECTION TO ADOPT RULES ESTABLISHING SITING REQUIREMENTS APPLICABLE TO CONSTRUCTION AND DEMOLITION DEBRIS FACILITIES THAT ARE AT LEAST AS STRINGENT AS SITING CRITERIA APPLICABLE TO SOLID WASTE FACILITIES.

To the committee on Economic Development and Environment

**H.B. No. 60 - Representative Driehaus, et al**

TO PROHIBIT THE SECRETARY OF STATE FROM SERVING ON THE CAMPAIGN COMMITTEE OF A CANDIDATE OR A COMMITTEE SUPPORTING OR OPPOSING A BALLOT ISSUE OR QUESTION, AND FROM SOLICITING CONTRIBUTIONS, MAKING CONTRIBUTIONS, AND SPEAKING IN SUPPORT OF OR OPPOSITION TO ANY CANDIDATE OR BALLOT ISSUE OR QUESTION.

To the committee on Ethics and Elections

**H.B. No. 61 - Representative Driehaus, et al**

TO PROVIDE FOR APPRAISAL OF THE EFFECTIVENESS OF TAX EXPENDITURES AND FOR THEIR EXPIRATION AFTER APPRAISAL IF NOT RENEWED.

To the committee on Ways and Means

**H.B. No. 62 - Representative Blessing**

TO ALLOW MAGISTRATES TO PURCHASE ADDITIONAL SERVICE CREDIT IN THE PUBLIC EMPLOYEES RETIREMENT SYSTEM.

To the committee on Financial Institutions, Real Estate and Securities

**H.B. No. 63 - Representative Carano, et al**

TO REQUIRE CERTAIN PERSONS WHO SELL DOGS NOT OLDER THAN FIFTEEN MONTHS OF AGE TO PROVIDE REMEDIES TO A BUYER OF A DOG THAT EXHIBITS A CONGENITAL DEFECT OR COMMON HEREDITARY DISORDER, DIES FROM A CONGENITAL DEFECT OR COMMON HEREDITY DISORDER, OR IS DISCOVERED TO BE OF A DIFFERENT REGISTRATION STATUS WITH A PEDIGREE ORGANIZATION THAN THE SELLER REPRESENTED.

To the committee on Agriculture and Natural Resources

**H.B. No. 64 - Representative Cassell**

TO MAKE CHANGES IN THE AMUSEMENT RIDES LAW GOVERNING ELECTRICAL GROUNDING AND CONNECTIONS OF AN AMUSEMENT RIDE.

To the committee on Agriculture and Natural Resources

**H.B. No. 65 - Representative Schaffer**

TO ALLOW THE INDUSTRIAL COMMISSION TO MAKE CONTRACTS CONCERNING TELECOMMUNICATIONS AND COMPUTER SERVICES AND TO MAKE APPROPRIATIONS FOR THE INDUSTRIAL COMMISSION FOR THE BIENNIUM BEGINNING JULY 1, 2005, AND ENDING JUNE 30, 2007, AND TO PROVIDE AUTHORIZATION AND CONDITIONS FOR THE OPERATION OF COMMISSION PROGRAMS.

To the committee on Finance and Appropriations

**H.B. No. 66 - Representative Calvert**

TO MAKE OPERATING APPROPRIATIONS FOR THE BIENNIUM BEGINNING JULY 1, 2005 AND ENDING JUNE 30, 2007, AND TO PROVIDE AUTHORIZATION AND CONDITIONS FOR THE OPERATION OF STATE PROGRAMS.

To the committee on Finance and Appropriations

**H.B. No. 67 - Representative Schaffer**

TO TRANSFER THE PUBLIC EMPLOYEES RISK REDUCTION PROGRAM AND THE OCCUPATIONAL SAFETY AND HEALTH ACT ON-SITE CONSULTATION PROGRAM FROM THE DEPARTMENT OF COMMERCE TO THE BUREAU OF WORKERS' COMPENSATION, TO MAKE APPROPRIATIONS FOR THE BUREAU OF WORKERS' COMPENSATION FOR THE BIENNIUM BEGINNING JULY 1, 2005, AND ENDING JUNE 30, 2007, AND TO PROVIDE AUTHORIZATION AND CONDITIONS FOR THE OPERATION OF THE BUREAU'S PROGRAMS.

To the committee on Finance and Appropriations

**H.B. No. 68 - Representative T. Patton**

TO MAKE APPROPRIATIONS FOR PROGRAMS RELATED TO TRANSPORTATION AND PUBLIC SAFETY FOR THE BIENNIUM BEGINNING JULY 1, 2005, AND ENDING JUNE 30, 2007, AND TO

PROVIDE AUTHORIZATION AND CONDITIONS FOR THE  
OPERATION OF THOSE PROGRAMS.

To the committee on Finance and Appropriations

JON A. HUSTED  
CHARLES E. CALVERT  
ANTHONY CORE  
LARRY L. FLOWERS  
TOM RAGA  
GEOFFREY C. SMITH  
JOYCE BEATTY  
TIMOTHY J. DEGEETER  
JOSEPH KOZIURA

CHARLES R. BLASDEL  
JIM CARMICHAEL  
KEVIN DEWINE  
MERLE GRACE KEARNS  
JOHN SCHLICHTER  
SHAWN N. WEBSTER  
KENNETH A. CARANO  
WILLIAM J. HEALY  
ROBERT J. OTTERMAN

Representative Raga 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 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.

On motion of Representative Raga, the House adjourned until Thursday, February 17, 2005 at 11:00 o'clock a.m.

Attest:

LAURA P. CLEMENS,  
Clerk.