

OHIO

House

of

Representatives

JOURNAL

TUESDAY, FEBRUARY 22, 2005

NINETEENTH DAY

Hall of the House of Representatives, Columbus, Ohio
Tuesday, February 22, 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 Gilb 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. 73-Representative Trakas.

To amend sections 5747.01, 5747.011, 5747.012, 5747.02, and 5748.01, and to repeal sections 5747.24 and 5747.25 of the Revised Code to establish new income tax domicile tests.

H. B. No. 74-Representatives Gibbs, Aslanides, Blasdel, Brinkman, Bulp, Buehrer, Calvert, Carmichael, Cassell, Chandler, Collier, Core, Daniels, DeWine, Distel, Domenick, C. Evans, D. Evans, Faber, Fessler, Flowers, Gilb, Hagan, Hoops, Kearns, Kilbane, Latta, Martin, McGregor, Otterman, S. Patton, Perry, Raga, Raussen, Reidelbach, Reinhard, Schaffer, Schlichter, Schneider, Seaver, Seitz, Setzer, J. Stewart, Taylor, Trakas, Wagner, Walcher, Webster, White, Widener, Willamowski, Wolpert.

To amend sections 5739.031, 5739.033, 5739.034, 5739.035, 5739.123, and 5740.10 of the Revised Code to phase-in destination-based sourcing of sales for small businesses.

H. B. No. 75-Representatives Harwood, Law, Carano, Kearns, S. Patton, Miller, Distel, Skindell.

To amend sections 3714.01, 3714.02, 3714.03, 3714.04, 3714.05, 3714.06, 3714.08, and 3714.09, to enact sections 3714.051, 3714.101, and 3714.30 to 3714.40, and to repeal section 3714.021 of the Revised Code to revise the siting criteria for a construction and demolition debris facility, to establish an application fee for an initial construction and demolition debris facility license, to require monthly inspections of construction and demolition debris facilities, to require background checks for the operation of such a facility, to require post-closure bonding for certain construction and demolition debris facilities, and to make other changes in the Construction and Demolition Debris Law.

H. B. No. 76-Representative Trakas.

To amend section 733.48 of the Revised Code to permit the electors of a statutory village to vote on a question to authorize the mayor to appoint the village solicitor with the advice and consent of the village's legislative authority.

H. B. No. 77-Representatives Gilb, Faber, Seitz, Willamowski, Wagner, Brinkman, Seaver, Reidelbach, McGregor, Martin, Walcher, Buehrer, Hood.

To amend sections 121.02, 121.03, 121.05, 121.06, 121.07, 121.11, 121.13, 121.15, and 121.17, to enact new section 121.04, and to repeal section 121.04 of the Revised Code to reorganize the executive branch of state government.

Said bills were considered the first time.

On motion of Representative McGregor, the House recessed.

The House met pursuant to recess.

**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. 65**-Representative Schaffer, having had the same under consideration, reports it back and recommends its passage.

RE: 06-07 INDUSTRIAL COMMISSION BUDGET

CHARLES E. CALVERT

JIMMY STEWART

KEVIN DEWINE

DIXIE J. ALLEN

MATTHEW J. DOLAN

MICHELLE G. SCHNEIDER

JOHN SCHLICHTER

JAMES M. HOOPS

FRED STRAHORN

JOYCE BEATTY

LARRY L. FLOWERS

ANTHONY CORE

BRIAN G. WILLIAMS

BARBARA A. SYKES

TOM RAGA

BILL COLEY

EARL MARTIN

DALE MILLER

THOMAS F. PATTON

JAMES PETER TRAKAS

SHAWN N. WEBSTER

MERLE GRACE KEARNS

TYRONE K. YATES

MARK D. WAGONER

MICHAEL J. SKINDELL

PETER S. UJVAGI

WILLIAM J. HARTNETT

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. 67**-Representative Schaffer, having had the same under consideration, reports it back and recommends its passage.

RE: 06-07 BUREAU OF WORKERS' COMPENSATION BUDGET

Representative Calvert moved to amend the title as follows:

Add the names: "Beatty, Flowers, Hartnett, Miller, Strahorn."

CHARLES E. CALVERT

TOM RAGA

EARL MARTIN

DALE MILLER

ANTHONY CORE

TYRONE K. YATES

JOYCE BEATTY

PETER S. UJVAGI

JAMES PETER TRAKAS

BARBARA A. SYKES

JOHN SCHLICHTER

MERLE GRACE KEARNS

LARRY L. FLOWERS

MATTHEW J. DOLAN

BILL COLEY

JIMMY STEWART

DIXIE J. ALLEN

KEVIN DEWINE

CLYDE EVANS

FRED STRAHORN

MICHAEL J. SKINDELL

BRIAN G. WILLIAMS

WILLIAM J. HARTNETT

MARK D. WAGONER

JAMES M. HOOPS

MICHELLE G. SCHNEIDER

SHAWN N. WEBSTER

THOMAS F. PATTON

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, Senate Bill, and House Joint Resolution be considered for the second time and referred to the following committees for consideration:

H.B. No. 69 - Representative Beatty, et al

RELATIVE TO PEACE OFFICER MOTOR VEHICLE PURSUIT POLICIES.

To the committee on Criminal Justice

H.B. No. 70 - Representative C. Evans, et al

TO AUTHORIZE BOARDS OF COUNTY COMMISSIONERS TO EXEMPT FROM TAXATION THE HOMESTEADS OF MEMBERS OF THE NATIONAL GUARD AND RESERVE COMPONENTS OF THE ARMED FORCES WHO HAVE BEEN DEPLOYED OUTSIDE THE STATE.

To the committee on Ways and Means

H.B. No. 71 - Representative J. Stewart, et al

TO PERMIT A MEMBER OF THE PUBLIC EMPLOYEES RETIREMENT SYSTEM TO PURCHASE MILITARY SERVICE CREDIT FOR INACTIVE DUTY IN THE OHIO NATIONAL GUARD OR RESERVES.

To the committee on Financial Institutions, Real Estate and Securities

H.B. No. 72 - Representative Buehrer

TO MAKE VARIOUS CHANGES TO THE WORKERS' COMPENSATION LAW.

To the committee on State Government

Sub. S.B. No. 8 - Senator Austria, et al

TO PROHIBIT THE OPERATION OF A VEHICLE OR VESSEL IF A STATUTORILY SPECIFIED CONCENTRATION OF AMPHETAMINE, COCAINE, COCAINE METABOLITE, HEROIN, 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.J.R. No. 5 - Representative Buehrer

TO PRESERVE THE RIGHT TO TAKE WILD ANIMALS, BIRDS, AND FISH THROUGH HUNTING, TRAPPING AND FISHING.

To the committee on Agriculture and Natural Resources

JON A. HUSTED
CHARLES E. CALVERT
ANTHONY CORE
LARRY L. FLOWERS
TOM RAGA
GEOFFREY C. SMITH
WILLIAM J. HEALY

CHARLES R. BLASDEL
JIM CARMICHAEL
KEVIN DEWINE
MERLE GRACE KEARNS
JOHN SCHLICHTER
TIMOTHY J. DEGEETER

Representative Willamowski 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, Senate Bill, and House Joint Resolution 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, Senate Bills, and House Joint Resolution 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 introduced and referred to the following committees for consideration:

H. Con. R. No. 7 - Representative White

TO DECLARE THE WEEK OF APRIL 4 TO APRIL 10, 2005, PUBLIC HEALTH WEEK IN OHIO.

To the committee on State Government

Add the name: "Flowers"

H.R. No. 16 - Representative Flowers, et al

TO JOIN THE TEAM OF MUNICIPAL CORPORATIONS, BUSINESSES, ORGANIZATIONS, AND STATE AND LOCAL LEADERS TO PROTECT THE DEFENSE SUPPLY CENTER COLUMBUS (DSCC) FROM THE BASE REALIGNMENT AND CLOSURE PROCESS.

To the committee on State Government

/s/ JON A. HUSTED

Jon A. Husted, Chair

Representative Willamowski 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. 17 - Representative Faber

HONORING THE ST. HENRY HIGH SCHOOL FOOTBALL TEAM ON WINNING THE 2004 DIVISION V STATE CHAMPIONSHIP

H.R. No. 18 - Representative Faber

HONORING THE ST. HENRY HIGH SCHOOL GIRLS VOLLEYBALL TEAM AS THE 2004 DIVISION IV STATE CHAMPION.

H.R. No. 19 - Representative Gilb

HONORING BEN ROETHLISBERGER AS THE 2004 NFL OFFENSIVE ROOKIE OF THE YEAR.

Add the names: "Raga, Schlichter, Kearns, G. Smith"

/s/ JON A. HUSTED

Jon A. Husted, Chair

Representative Willamowski 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.

Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has passed the following bills in which the concurrence of the House is requested:

Sub. S. B. No. 18 - Senators Wachtmann, Austria, Spada, Dann

To amend section 4729.01 of the Revised Code regarding the compounding of drugs by pharmacists.

Am. Sub. S. B. No. 38 - Senators Grendell, Jacobson, Dann, Zurz, Spada, Clancy, Cates

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 and to declare an emergency.

Attest:

Matthew T. Schuler,
Clerk.

Said bills were 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. 3 - Senators Wachtmann, Austria, Amstutz, Gardner, Goodman, Mumper, Grendell, Niehaus, Clancy, Miller, Zurz, Brady, Spada, Prentiss, Mallory, Hagan, Dann, Armbruster, Carey, Cates, Coughlin, Fedor, Harris, Hottinger, Jordan, Jacobson, Padgett, Roberts, Schuler, Schuring, Wilson

To designate the week of April 3rd-9th, 2005 as Public Health Week in Ohio.

Attest: Matthew T. Schuler,
Clerk.

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

MESSAGE FROM THE SPEAKER

Pursuant to Ohio Revised Code section 3773.33(A), the Speaker hereby appoints Representative Schlichter to the Ohio Athletic Commission.

MESSAGE FROM THE SPEAKER

Pursuant to Ohio Revised Code section 181.22, the Speaker hereby appoints the following members to the State Criminal Sentencing Advisory Committee:

Representatives Latta, S. Smith

On motion of Representative Willamowski, the House adjourned until Wednesday, February 23, 2005 at 1:30 o'clock p.m.

Attest: LAURA P. CLEMENS,
Clerk.