

OHIO

House

of

Representatives

JOURNAL

CORRECTED VERSION
THURSDAY, MARCH 16, 2006

ONE HUNDRED FIFTY-FIFTH DAY
Hall of the House of Representatives, Columbus, Ohio
Thursday, March 16, 2006 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 Dolan was selected to preside under the Rule.

The journal of yesterday was read and approved.

INTRODUCTION OF BILLS

The following bill was introduced:

H. B. No. 537-Representatives Smith, G., McGregor, R..

To amend sections 109.42, 2743.191, 2907.02, 2907.05, 2921.34, 2929.01, 2929.13, 2929.14, 2929.19, 2930.16, 2941.148, 2950.01, 2950.09, 2950.11, 2967.12, 2967.121, 2971.03, 2971.04, 2971.05, 2971.06, 2971.07, 5120.49, 5120.61, 5120.66, and 5149.10 of the Revised Code to require that a person convicted of rape when the victim is less than 13 or when the person purposely compels the victim to submit by force or threat of force be sentenced to an indefinite prison term of 25 years to life, to require that a person convicted of gross sexual imposition when the victim is less than 13 be sentenced to an indefinite prison term of 15 or 25 years to life, to require that a person so sentenced serve that term under the Sexually Violent Predator Law as if a sexually violent predator and automatically is classified a sexual predator for the SORN Law, and to permit the court to subject a person so sentenced to supervision with an active global positioning system device if released from a state correctional institution.

Said bill was 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. 531 - Representative Blasdel, et al

TO REVISE THE REQUIREMENTS GOVERNING SEWAGE
TREATMENT SYSTEMS RULES THAT THE PUBLIC HEALTH
COUNCIL MUST ADOPT AND TO REQUIRE THE DIRECTOR OF
HEALTH TO ADOPT RULES DEVELOPED WITH THE SEWAGE

TREATMENT SYSTEM ADVISORY COMMITTEE THAT ESTABLISH STANDARDS AND GUIDELINES FOR APPROVING A SEWAGE TREATMENT SYSTEM OR COMPONENTS OF A SYSTEM.

To the committee on Economic Development and Environment

H.B. No. 532 - Representative Fessler, et al

TO MODIFY THE DEFINITION OF "CHILD-CARE STAFF MEMBER."

To the committee on Health

H.B. No. 533 - Representative Webster, et al

TO REMOVE PIT BULLS FROM THE DEFINITION OF "VICIOUS DOG" IN STATE LAW AND TO AUTHORIZE THE ADOPTION OF LOCAL ORDINANCES OR RESOLUTIONS THAT DEFINE "DANGEROUS DOG" AND "VICIOUS DOG" MORE BROADLY THAN STATE LAW DEFINES THOSE TERMS.

To the committee on Agriculture and Natural Resources

H.B. No. 534 - Representative Setzer, et al

TO REVISE THE LAW GOVERNING THE GIFT OR SALE OF RAW MILK TO ULTIMATE CONSUMERS.

To the committee on Agriculture and Natural Resources

JON A. HUSTED
JIM CARMICHAEL
KEVIN DEWINE
TOM RAGA
ARLENE J. SETZER
LARRY L. WOLPERT
KENNETH A. CARANO
WILLIAM J. HEALY
ROBERT J. OTTERMAN

CHARLES E. CALVERT
ANTHONY CORE
LARRY L. FLOWERS
JOHN SCHLICHTER
GEOFFREY C. SMITH
JOYCE BEATTY
TIMOTHY J. DEGEETER
JOSEPH KOZIURA
CHRIS REDFERN

Representative Schlichter 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 all 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:

Sub. H. B. No. 478 - Representatives Wagoner, Ujvagi, Brown, Perry, Latta, Webster, Miller, Core, Hartnett, Evans, C., Hoops, McGregor, J., Sykes, Skindell, Coley, Barrett, Beatty, Blessing, Book, Buehrer, Calvert, Carano, Cassell, Collier, Combs, DeBose, DeGeeter, Distel, Dolan, Domenick, Evans, D., Fende, Flowers, Gilb, Hughes, Key, Martin, Mason, Mitchell, Otterman, Patton, S., Patton, T., Raga, Redfern, Reidelbach, Seitz, Setzer, Smith, G., Smith, S., Stewart, J., Willamowski, Williams, Woodard, Yates, Yuko
Senators Gardner, Amstutz, Armbruster, Carey, Clancy, Coughlin, Fedor, Fingerhut, Harris, Kearney, Miller, R., Mumper, Padgett, Prentiss, Spada, Wachtmann, Zurz, Austria, Grendell, Jacobson, Miller, D.

To amend sections 145.011, 151.04, 154.01, 3305.01, 3307.01, 3333.045, 3334.01, 3345.04, 3345.12, 3345.17, 3345.31, 3345.32, 3345.50, 3345.51, and 3345.71; to enact sections 3364.01, 3364.02, 3364.03, 3364.04, 3364.05, and 3364.06; to repeal sections 3350.01, 3350.02, 3350.03, 3350.04, 3350.05, 3360.01, 3360.02, 3360.03, 3360.04, and 3360.05 of the Revised Code; and to amend Sections 209.63, 209.63.57, and 209.64.22 of Am. Sub. H.B. 66 of the 126th General Assembly to combine the University of Toledo and the Medical University of Ohio at Toledo.

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:

Sub. S. B. No. 269 - Senators Amstutz, Austria, Clancy, Gardner, Grendell, Jacobson, Jordan, Padgett, Schuler, Wachtmann, Zurz, Spada, Roberts, Fingerhut, Dann, Armbruster, Carey, Goodman, Harris, Kearney, Schuring

To amend section 5741.02 of the Revised Code to exempt from the use tax items held by a person, but not for that person's own use, and donated to a charitable organization, or to the state or its political subdivisions for exclusively public purposes.

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 concurred in the passage of the following bill:

Sub. H. B. No. 231 - Representatives Mason, McGregor, Otterman, Allen, Brown, Chandler, Williams, Carano, S. Smith, Boccieri, Fende, Driehaus, Ujvagi, Harwood, Oelslager, C. Evans, Key, S. Patton, DeBose, Collier, Reidelbach, Yuko, Beatty, Barrett, Blessing, Book, Buehrer, Cassell, Coley, DeGeeter, Domenick, Flowers, Garrison, Gibbs, Gilb, Hartnett, Hoops, Hughes, Latta, Law, Mitchell, Patton, T., Perry, Peterson, Raussen, Sayre, Schaffer, Schneider, Seaver, Skindell, Smith, G., Stewart, D., Stewart, J., Sykes, Walcher, Willamowski, Woodard, Yates Senators Dann, Kearney, Spada, Jacobson, Grendell, Harris, Roberts, Wilson, Zurz, Austria, Stivers, Goodman, Armbruster, Coughlin, Gardner, Miller, D., Hagan, Fingerhut, Padgett, Miller, R., Schuler, Mumper

To amend section 2909.21 and to enact section 2909.081 of the Revised Code to prohibit a person from knowingly discharging a laser into the cockpit of an aircraft and to expand definitions related to terrorism.

As a substitute bill, in which the concurrence of the House is requested:

Attest:

David A. Battocletti,
Clerk.

The Senate amendments were laid over under the Rule.

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. 235 - Representatives Wagner, Distel, Flowers, Harwood, Kearns, McGregor, Seitz, Wolpert, Willamowski, Barrett, Blessing, Chandler, Coley, Collier, Combs, Domenick, Evans, D., Fende, Gibbs, Hoops, Hughes, Law, Perry, Raussen, Reidelbach, Schaffer, Schneider, Taylor, Uecker Senators Grendell, Harris, Spada, Kearney

To amend sections 313.05, 313.08, 313.10, 325.17, 3705.16, 3705.29, 3705.99, 3901.21, 4705.01, and 4731.053 and to enact sections 313.123 and

313.23 of the Revised Code to make changes to the Coroner's Law and associated provisions of the Death and Fetal Death Certificate Law, to require that the rules of the State Medical Board allow a coroner's investigator who is not a physician to recite facts permitting a physician to pronounce a person dead without a personal examination, to permit a journalist or insurer to request certain information from the coroner, to allow a coroner to practice as an attorney at law in a court except under specified circumstances, and to specify who may view an autopsy.

As a substitute bill with the following additional amendments, in which the concurrence of the House is requested:

In line 138, delete "any photograph or suicide"

In line 139, delete "note in the coroner's records" and insert "a copy of the full and complete records of the coroner with respect to a decedent"

In line 140, delete "a" and insert "the"; delete "who is the subject of the"

In line 141, delete "photograph or suicide note"

In line 163, delete "a photograph or suicide note" and insert "a copy of the full and complete records of the coroner"

In line 166, delete "any photograph or suicide note"

In line 167, delete "in" and insert "a copy of"; delete "coroner's" and insert "full and complete"; after "records" insert "of the coroner with respect to a decedent"; delete "a" and insert "the"

In line 168, delete "photograph or suicide note" and insert "records"

In line 183, delete "view" and insert "obtain a copy of"

In line 186, delete everything after the underlined period

Delete lines 187 through 201

In line 203, delete "view the" and insert "obtain a copy of"; delete "described in" and insert "pursuant to"

In line 205, after "request" insert "to obtain a copy of records"

In line 206, delete "described in division (E)(1)"

In line 207, delete "of this section"

In line 218, delete the second "the"; delete "described in" and insert "that are the subject of a request made pursuant to"

In line 246, after "(1)" insert "Full and complete records of the coroner includes, but is not limited to, the following:

(a) The detailed descriptions of the observations written by the coroner or

by anyone acting under the coroner's direction or supervision during the progress of an autopsy and the conclusions drawn from those observations that are filed in the office of the coroner under division (A) of section 313.13 of the Revised Code;

(b) Preliminary autopsy and investigative notes and findings made by the coroner or by anyone acting under the coroner's direction or supervision;

(c) Photographs of a decedent made by the coroner or by anyone acting under the coroner's direction or supervision;

(d) Suicide notes;

(e) Medical and psychiatric records provided to the coroner, a deputy coroner, or a representative of the coroner or a deputy coroner under section 313.091 of the Revised Code.

(2)"

In line 248, delete "(2)" and insert "(3)"

Attest:

David A. Battocletti,
Clerk.

The Senate amendments were laid over under the Rule.

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. H. B. No. 265 - Representatives Seitz, T. Patton, Fende, Wagoner, McGregor, Fessler, D. Evans, C. Evans, Gilb, Core, Harwood, Walcher, Cassell, Martin, Buehrer, Willamowski, Barrett, Collier, Oelslager, Daniels, Brown, Raga, Schneider, Combs, Hartnett, Reidelbach, Gibbs, Sayre, Latta, Dolan, DeGeeter, Blessing, Miller, Coley, Allen, Book, Bulp, Hughes, Seaver, Setzer, J. Stewart, Taylor, Webster Senators Amstutz, Cates, Harris, Kearney

To amend section 2107.27 and to enact section 2107.24 of the Revised Code to provide a procedure for a probate court to treat a document as a will notwithstanding its noncompliance with the statutory formalities for executing wills.

With the following additional amendments, in which the concurrence of the House is requested:

In line 8, after "2107.24." insert "(A)"; after "document" insert "that is executed"

In line 16, delete "(A)" and insert "(1)"

In line 18, delete "(B)" and insert "(2)"

In line 20, delete "(C)" and insert "(3)"

In line 21, delete "(B)" and insert "(A)(2)"

Between lines 21 and 22, insert:

"(B) If the probate court holds a hearing pursuant to division (A) of this section and finds that the proponent of the document as a purported will has established by clear and convincing evidence the requirements under divisions (A)(1), (2), and (3) of this section, the executor may file an action in the probate court to recover court costs and attorney's fees from the attorney, if any, responsible for the execution of the document."

Attest:

David A. Battocletti,
Clerk.

The Senate amendments were laid over under the Rule.

On motion of Representative Schlichter, the House adjourned until Tuesday, March 21, 2006 at 11:00 o'clock a.m.

Attest:

LAURA P. CLEMENS,
Clerk.