

OHIO

House

of

Representatives

JOURNAL

CORRECTED VERSION
WEDNESDAY, APRIL 20, 2005

FORTIETH DAY

Hall of the House of Representatives, Columbus, Ohio
Wednesday, April 20, 2005 at 1:30 o'clock p.m.

The House met pursuant to adjournment.

Prayer was offered by Pastor Tim Luoma of the First Presbyterian Church in Gallipolis, Ohio, followed by the Pledge of Allegiance to the Flag.

The journal of yesterday was read and approved.

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

The Newark Catholic High School girls volleyball team, guests of Representative D. Evans-71st district.

Heather Vakes and Leslie Ondrey, guests of Representative Schaffer-5th district.

Fourth grade students from Madison Christian Church, guests of Representative Flowers-19th district.

Derek Conklin and Melissa Koehler, a guest of Representative Combs-54th district.

Members of the Kent State University Board of Trustees, guests of Representative Chandler-68th district.

Darryl Mehaffie and Lew Blackford, guests of Representatives Faber-77th district, Fessler-78th district, Seaver-79th district.

Emily Pratt, a guest of Representative Bulp-88th district.

Scott Colman, a guest of Representative Dolan-98th district.

INTRODUCTION OF BILLS

The following bills were introduced:

H. B. No. 207-Representatives Seaver, Gibbs, Faber, Willamowski, Kearns, Perry, Seitz, Gilb.

To amend sections 2915.01, 2915.08, 2915.091, 2915.092, 2915.094, and 2915.13 of the Revised Code to provide that a fraternal organization need only be in continuous existence in Ohio for a period of two years to qualify for a bingo license, to eliminate the felony of the fifth degree penalty for certain violations of the Charitable Gaming Law involving bingo, and to authorize a veteran's or fraternal organization to purchase and lease instant bingo ticket dispensers for use by the organization's members and invited guests on the organization's premises.

H. B. No. 208-Representatives Raga, Gibbs, D. Evans, Wolpert, Kearns, White, Raussen.

To amend sections 1345.81, 4738.01, 4738.03, 4738.18, 4738.19, 4738.99, 4775.01, 4775.02, 4775.03, 4775.04, 4775.05, 4775.06, 4775.07, 4775.08, 4775.09, 4775.10, 4775.11, 4775.99, and 5703.21 of the Revised Code to allow licensed salvage motor vehicle auctions and pools to sell salvage motor vehicles only to specified authorized purchasers, to require the registration of motor vehicle mechanical repair facilities, to change the name of the Board of Motor Vehicle Collision Repair Registration to the Board of Motor Vehicle Repair Registration, and to further amend section 4775.03 of the Revised Code on January 1, 2006, to dissolve the Board of Motor Vehicle Repair Registration and replace it with a new board of the same name.

H. B. No. 209-Representatives Combs, Carano, Chandler, C. Evans, Harwood, Martin, Perry, Trakas.

To amend section 4303.181 of the Revised Code to qualify the owner or operator of a community arts center for issuance of a D-5h liquor permit.

H. B. No. 210-Representatives T. Patton, Allen, Cassell, Distel, D. Evans, Fende, Fessler, Hartnett, Hood, Hughes, McGregor, S. Patton, Perry, Seaver, Yuko.

To amend sections 319.202, 323.152, 323.153, 323.154, 4503.06, 4503.064, 4503.065, 4503.066, and 4503.067 of the Revised Code to freeze the taxes on primary residences owned and occupied by persons 65 years of age or older.

H. B. No. 211-Representatives Oelslager, Kearns, Carano, Healy, Hartnett, Ujvagi, Perry, Seaver, Garrison, Cassell, Mason, Chandler, Hughes, Skindell, Key.

To amend sections 4301.62 and 4301.99 and to enact section 4301.65 of the Revised Code to prohibit the sale, offering for sale, purchase, and use of alcohol vaporizing devices and to allow opened bottles of wine that are purchased at restaurants to be transported in vehicles under certain conditions.

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

H.B. No. 174 - Representative McGregor, et al

TO EXPAND THE AUTHORITY OF THE OHIO BOARD OF REGENTS TO REGULATE THE PROGRAMS AND RESOURCES OF STATE INSTITUTIONS OF HIGHER EDUCATION.

To the committee on Finance and Appropriations

H.B. No. 175 - Representative McGregor, et al

TO LIMIT THE SALARY AND EMPLOYEE BENEFITS OF CERTAIN EXECUTIVES OF STATE AGENCIES AND STATE-ASSISTED ENTITIES.

To the committee on State Government

H.B. No. 176 - Representative McGregor, et al

TO PROHIBIT STATE AGENCIES AND ENTITIES THAT RECEIVE STATE FUNDS FROM PROVIDING THEIR EXECUTIVE STAFF WITH PRIVATE AIR TRAVEL OR LIMOUSINE SERVICE, TO REGULATE THE MANNER OF AIR AND SURFACE TRAVEL FOR THEIR EXECUTIVE STAFF, AND TO GENERALLY REQUIRE THAT STATE AGENCIES AND THOSE ENTITIES DIVEST THEMSELVES OF PRIVATE AIRCRAFT AND LIMOUSINES AND PRIVATE AIR TRAVEL AND LIMOUSINE SERVICES.

To the committee on State Government

H.B. No. 177 - Representative Harwood, et al

TO PERMIT SCHOOL DISTRICTS AND EDUCATIONAL SERVICE CENTERS TO OFFER HEALTH CARE BENEFITS TO EMPLOYEES THROUGH PARTICIPATION IN STATE EMPLOYEE HEALTH CARE PLANS.

To the committee on Insurance

H.B. No. 178 - Representative Reidelbach, et al

TO ENACT SECTION 3109.64 OF THE REVISED CODE TO EXPAND THE CLASS OF PERSONS WHO MAY EXECUTE A CARETAKER AUTHORIZATION AFFIDAVIT OR BE DESIGNATED AS ATTORNEY IN FACT UNDER A POWER OF ATTORNEY FOR THE PURPOSE OF EXERCISING AUTHORITY OVER THE CARE, CUSTODY, AND CONTROL OF A CHILD.

To the committee on Juvenile and Family Law

H.B. No. 179 - Representative Reidelbach, et al

TO PROHIBIT HUMAN CLONING.

To the committee on Judiciary

H.B. No. 181 - Representative Domenick, et al

TO DIRECT THE BOARD OF BUILDING STANDARDS TO ADOPT RULES REQUIRING A CARBON MONOXIDE DETECTOR BE INSTALLED IN EACH RESIDENTIAL DWELLING UNIT IN A MULTIFAMILY BUILDING.

To the committee on Commerce and Labor

H.B. No. 182 - Representative Domenick, et al

TO REQUIRE A PHYSICIAN OR OTHER SPECIFIED MEDICAL PROFESSIONAL TO EXAMINE CONTESTANTS IN TOUGH MAN OR TOUGH GUY CONTESTS AFTER EACH BOUT FOUGHT IN A CONTEST.

To the committee on Health

H.B. No. 183 - Representative Domenick, et al

TO REQUIRE EACH HOSPITAL TO MAKE AVAILABLE TO THE PUBLIC AN ANNUAL REPORT ON THE NUMBER OF CASES OF EACH OF THE INFECTIOUS DISEASES, ILLNESSES, AND HEALTH CONDITIONS THAT MUST BE REPORTED TO THE OHIO DEPARTMENT OF HEALTH.

To the committee on Health

H.B. No. 184 - Representative Faber, et al

TO REQUIRE SCHOOL DISTRICTS AND COMMUNITY SCHOOLS THAT RECEIVE DONATED COPIES OF THE MOTTOES OF THE UNITED STATES OF AMERICA OR THE STATE OF OHIO TO DISPLAY THE MOTTOES IN SCHOOL BUILDINGS.

To the committee on Education

H.B. No. 185 - Representative Latta, et al

TO REQUIRE A DEPOSITORY INSTITUTION MAINTAINING AN INTEREST-BEARING TRUST ACCOUNT (IOLTA) FOR A LAWYER, LAW FIRM, OR LEGAL PROFESSIONAL ASSOCIATION TO NOTIFY THE OHIO SUPREME COURT WHEN A PROPERLY PAYABLE ITEM IS PRESENTED FOR PAYMENT FROM AN IOLTA HAVING INSUFFICIENT FUNDS.

To the committee on Financial Institutions, Real Estate and Securities

H.B. No. 186 - Representative Buehrer, et al

TO REQUIRE THE OFFICE OF BUDGET AND MANAGEMENT TO REVIEW ALL SERVICES PERFORMED BY THE STATE, AND ALL GOODS PROVIDED BY THE STATE, THAT ARE OF A COMMERCIAL NATURE TO DETERMINE WHICH OF THEM MAY BE OPENED TO COMPETITION BY PRIVATE ENTERPRISE, TO REVIEW THE DELIVERY STRUCTURE OF ALL STATE ADMINISTRATIVE SERVICES TO DETERMINE THE EFFICIENCY OF THEIR PROVISION, AND TO DEVELOP A RATING SYSTEM FOR EVALUATING THE EFFECTIVENESS OF ALL STATE PROGRAMS; TO EARMARK FUNDS APPROPRIATED TO THE OFFICE TO SUPPORT THESE DUTIES; AND TO CREATE THE ASSET AND ENTERPRISE REVIEW COMMITTEE TO INVENTORY AND APPRAISE ALL STATE ASSETS AND ENTERPRISES.

To the committee on Finance and Appropriations

H.B. No. 187 - Representative Buehrer, et al

TO IMPLEMENT RECOMMENDATIONS OF THE CIVIL SERVICE

REVIEW COMMISSION.

To the committee on Local and Municipal Government and Urban Revitalization

H.B. No. 188 - Representative Buehrer, et al

TO ADOPT THE ELECTRONIC GOVERNMENT SERVICES ACT TO PROHIBIT A GOVERNMENT AGENCY FROM PROVIDING DUPLICATIVE OR COMPETING ELECTRONIC COMMERCE SERVICES WITH THE PRIVATE SECTOR UNLESS THE GOVERNMENT AGENCY COMPLIES WITH SPECIFIED PROCEDURES.

To the committee on Commerce and Labor

H.B. No. 189 - Representative Walcher, et al

TO ESTABLISH A PROCESS BY WHICH OWNERS, KEEPERS, OR HARBORERS OF DOGS THAT HAVE BEEN DESIGNATED AS DANGEROUS OR VICIOUS MAY APPEAL THAT DESIGNATION, TO REVISE THE DEFINITIONS OF "DANGEROUS DOG," "VICIOUS DOG," AND "WITHOUT PROVOCATION," TO INCREASE THE FEE IMPOSED FOR THE TRANSFER OF OWNERSHIP OF A DOG, AND TO MAKE OTHER CHANGES TO THE LAWS GOVERNING DOGS.

To the committee on Agriculture and Natural Resources

H.B. No. 190 - Representative Cassell, et al

TO PROHIBIT THE DIVISION OF PARKS AND RECREATION IN THE DEPARTMENT OF NATURAL RESOURCES FROM ADOPTING RULES ESTABLISHING A FEE FOR PARKING A MOTOR VEHICLE IN A STATE PARK OR FOR ADMISSION TO A STATE PARK AND TO DECLARE AN EMERGENCY.

To the committee on Agriculture and Natural Resources

H.B. No. 191 - Representative DeGeeter, et al

TO MAKE A VIOLATION OF THE PROHIBITION UNDER THE SEX OFFENDER REGISTRATION AND NOTIFICATION LAW AGAINST CERTAIN OFFENDERS RESIDING WITHIN 1,000 FEET OF ANY SCHOOL PREMISES A FELONY OF THE FIFTH DEGREE.

To the committee on Criminal Justice

H.B. No. 192 - Representative DeGeeter, et al

TO REQUIRE THAT MOTOR VEHICLES CARRY ONLY ONE LICENSE PLATE, TO BE DISPLAYED ON THE REAR OF THE VEHICLE.

To the committee on Transportation, Public Safety and Homeland Security

H.B. No. 193 - Representative Daniels, et al

TO PERMIT THE SALE OF GROUP LIFE INSURANCE TO SPECIFIED GROUPS AND PROVIDE THE SUPERINTENDENT OF INSURANCE WITH THE DISCRETION TO AUTHORIZE THE SALE OF GROUP LIFE INSURANCE TO ADDITIONAL GROUPS.

To the committee on Insurance

H.B. No. 194 - Representative Kearns, et al

TO REQUIRE PRIMARY ELECTIONS, INCLUDING THOSE HELD IN PRESIDENTIAL ELECTION YEARS, TO BE HELD ON THE FIRST TUESDAY AFTER THE FIRST MONDAY IN MAY.

To the committee on Ethics and Elections

H.B. No. 195 - Representative Kearns, et al

TO DESIGNATE INTERSTATE ROUTES 70 AND 71 AS THE "PURPLE HEART TRAIL."

To the committee on Transportation, Public Safety and Homeland Security

H.B. No. 196 - Representative Kearns, et al TO ALLOW ADVANCED PRACTICE NURSES TO MAKE HOSPITAL ADMISSIONS.

To the committee on Health

H.B. No. 197 - Representative Raussen, et al

TO REVISE THE LAW GOVERNING INFORMATION HOSPITALS ARE TO PROVIDE TO THE DEPARTMENT OF HEALTH AND THE PUBLIC.

To the committee on Health

H.B. No. 198 - Representative Blessing

TO REGULATE GLASS TECHNICIANS AND CREATE THE STATE BOARD OF GLASS TECHNICIANS.

To the committee on Commerce and Labor

H.B. No. 199 - Representative Trakas, et al

TO REQUIRE THAT THE DEPARTMENTS OF JOB AND FAMILY SERVICES, MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES, MENTAL HEALTH, AND ALCOHOL AND DRUG ADDICTION SERVICES AND OTHER DEPARTMENTS IMPLEMENT PROCEDURES FOR ACCEPTING PRIVATE ACCREDITATION FOR PURPOSES OF LICENSING AND CERTIFYING FACILITIES, PROGRAMS, AND SERVICES AND TO REQUIRE THAT THE DEPARTMENTS ACCEPT FINANCIAL AUDITS COMPLETED IN ACCORDANCE WITH GOVERNMENTAL AUDITING STANDARDS ESTABLISHED BY THE AUDITOR OF STATE.

To the committee on Health

S.B. No. 55 - Senator Spada, et al

TO CREATE "ONE NATION UNDER GOD" LICENSE PLATES.

To the committee on Transportation, Public Safety and Homeland Security

Am. Sub. S.B. No. 115 - Senator Jacobson

TO ESTABLISH POLITICAL CONTRIBUTION ENTITIES FOR THE PURPOSE OF THE CAMPAIGN FINANCE LAW AND TO DECLARE AN EMERGENCY.

To the committee on Elections and Ethics

Sub. S.B. No. 26 - Senator Amstutz, et al

TO PHASE-IN DESTINATION-BASED SOURCING OF SALES FOR SMALL BUSINESSES.

To the committee on Ways and Means

S.B. No. 41 - Senator Clancy, et al

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

To the committee on Health

S.B. No. 81 - Senator Armbruster, et al

TO CONFORM STATE LAW TO FEDERAL REQUIREMENTS IN THE ESTABLISHMENT OF CIVIL AND CRIMINAL PENALTIES FOR MANIPULATING PAYROLL AND BUSINESS TRANSFER INFORMATION TO OBTAIN LOWER CONTRIBUTION RATES AND IN THE TREATMENT OF INDIAN TRIBES AS EMPLOYERS, TO ESTABLISH A STATE DISASTER UNEMPLOYMENT BENEFIT PAYMENT TO PAY THE FIRST WEEK OF AN INDIVIDUAL'S UNEMPLOYMENT CAUSED BY A MAJOR DISASTER, TO MAKE CHANGES INVOLVING THE APPEAL PROCESS FOR CLAIMS UNDER THE UNEMPLOYMENT COMPENSATION LAW, AND TO MAKE VARIOUS CHANGES IN THE ADMINISTRATION OF THE UNEMPLOYMENT COMPENSATION LAW.

To the committee on Commerce and Labor

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

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

Representative Blasdel 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 and Senate 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 and Senate Bills were considered a second time and referred as recommended.

Representative Driehaus submitted the following report:

The standing committee on Elections and Ethics to which was referred **Am. Sub. S. B. No. 115**-Senator Jacobson, having had the same under consideration, reports it back and recommends its passage.

RE: ELECTION PETITIONS-CIRCULATION CLARIFY

RANDY LAW
LARRY L. WOLPERT
JOHN J. WHITE
KEVIN DEWINE
EDNA BROWN
STEVE L. DRIEHAUS

JOSEPH W. UECKER
JAMES PETER TRAKAS
W. SCOTT OELSLAGER
JIM HUGHES
ANNIE L. KEY
ALLAN R. SAYRE

The report was agreed to.

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

Representative Carano submitted the following report:

The standing committee on Education to which was referred **H. B. No. 121**-Representative Reinhard, et al., having had the same under consideration, reports it back and recommends its passage.

RE: SCHOOLS CALAMITY DAYS MAKE UP

Representative Setzer moved to amend the title as follows:

Add the names: "Chandler, Allen, Wagner, Schlichter, Barrett, Woodard, Hood."

KATHLEEN CHANDLER
SHAWN N. WEBSTER
JON M. PETERSON
CLYDE EVANS
JEFF WAGNER
BRIAN G. WILLIAMS
CLAUDETTE J. WOODARD
L. GEORGE DISTEL
STEVE REINHARD
RONALD HOOD

ARLENE J. SETZER
KENNETH A. CARANO
MARY TAYLOR
JOHN SCHLICHTER
LINDA S. REIDELBACH
JENNIFER GARRISON
CATHERINE L. BARRETT
DIXIE J. ALLEN
DIANA M. FESSLER
DERRICK SEAVER

The report was agreed to.

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

MOTIONS AND RESOLUTIONS

Representative Healy reported for the Rules and Reference Committee recommending that the following House Concurrent Resolutions be introduced and referred to the following committees for consideration:

H. Con. R. No. 14 - Representative Domenick, et al

TO MEMORIALIZE THE UNITED STATES POSTAL SERVICE TO ISSUE A COMMEMORATIVE UNITED STATES POSTAGE STAMP HONORING AMERICA'S COAL MINERS.

To the committee on State Government

H. Con. R. No. 15 - Representative G. Smith, et al

TO MEMORIALIZE THE UNITED STATES CONGRESS TO OPPOSE THE STATE MODERNIZATION AND REGULATORY TRANSPARENCY (SMART) ACT, WHICH WOULD CREATE FEDERAL INSURANCE STANDARDS.

To the committee on Insurance

H. Con. R. No. 16 - Representative Cassell, et al

TO MEMORIALIZE THE CONGRESS OF THE UNITED STATES TO REJECT ANY PLAN TO PRIVATIZE THE SOCIAL SECURITY PROGRAM BY CUTTING THE PROGRAM'S GUARANTEED BENEFITS OR DIVERTING MONEY FROM THE PROGRAM INTO PRIVATE INVESTMENT ACCOUNTS.

To the committee on State Government

H. Con. R. No. 17 - Representative Harwood, et al

TO MEMORIALIZE THE UNITED STATES POSTAL SERVICE TO ISSUE A COMMEMORATIVE UNITED STATES POSTAGE STAMP HONORING AMERICA'S STEELWORKERS.

To the committee on State Government

/s/ JON A. HUSTED

Jon A. Husted, Chair

Representative Blasdel 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. 36 - Representative Hartnett

HONORING ANNE EICHINGER AS OHIO JUNIOR MISS 2005

H.R. No. 37 - Representative Buehrer

HONORING MATT BLONIARZ AS A 2005 DIVISION III STATE WRESTLING CHAMPION.

H. R. No. 38 - Representative Yuko

HONORING THE REGINA HIGH SCHOOL GIRLS BASKETBALL TEAM AS THE 2005 DIVISION III STATE CHAMPION.

H. R. No. 39 - Representative Blessing

HONORING THE NORTH COLLEGE HILL HIGH SCHOOL BOYS BASKETBALL TEAM ON WINNING THE 2005 DIVISION III STATE CHAMPIONSHIP.

H.R. No. 40 - Representative Blessing

HONORING O.J. MAYO AS OHIO'S MR. BASKETBALL FOR 2005.

/s/ JON A. HUSTED

Jon A. Husted, Chair

Representative Blasdel 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 DeWine moved that majority party members asking leave to be absent or absent the week of Wednesday, April 20, 2005, be excused, so long as a written request is on file in the majority leadership offices.

The motion was agreed to.

Representative Driehaus moved that minority party members asking leave to be absent or absent the week of Wednesday, April 20, 2005, be excused, so long as a written request is on file in the minority leadership offices.

The motion was agreed to.

BILLS FOR THIRD CONSIDERATION

Sub. H. B. No. 50-Representatives Setzer, Hughes, C. Evans, DeWine, Gilb, McGregor, Fessler, Latta, Walcher, D. Evans, Willamowski, Seaver, Perry.

To amend section 2907.09 of the Revised Code to expand and modify the penalty for the offense of public indecency, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 97, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Beatty
Blasdel	Blessing	Boccieri	Book
Brinkman	Brown	Bubp	Buehrer
Calvert	Carano	Carmichael	Cassell
Chandler	Coley	Collier	Combs
Core	Daniels	DeBose	DeGeeter
DeWine	Distel	Dolan	Domenick
Driehaus	Evans C.	Evans D.	Faber
Fende	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.	Smith S.
Stewart D.	Stewart J.	Strahorn	Taylor
Trakas	Uecker	Ujvagi	Wagner
Wagoner	Walcher	Webster	White
Widener	Widowfield	Willamowski	Williams
Wolpert	Woodard	Yates	Yuko
			Husted-97.

The bill passed.

Representative Setzer moved to amend the title as follows:

Add the names: "Allen, Buehrer, Calvert, Carmichael, Cassell, Chandler, Collier, Combs, Daniels, DeBose, Domenick, Faber, Gibbs, Hagan, Harwood, Kearns, Kilbane, Law, Martin, Otterman, T. Patton, Peterson, Raga, Reidelbach, Schaffer, Schlichter, Schneider, D. Stewart, J. Stewart, Strahorn, Taylor, Uecker, Webster, Widener, Widowfield, Williams, Yuko."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Sub. H. B. No. 2-Representatives Widowfield, Buehrer, Flowers, Walcher, Hartnett, Mitchell, Uecker, Carmichael, Book, D. Stewart.

To amend sections 5101.184, 5747.026, 5747.08, and 5747.113 and to enact section 5903.21 of the Revised Code to grant to all members of the National Guard and reserve components of the United States armed forces who have been called to active duty an extension of time in which to file income tax returns and pay income taxes, to increase the number of authorized participants in the Ohio National Guard Scholarship Program for the 2005 summer term, to allow taxpayers to donate a portion of their Ohio income tax refund to injured military personnel, and to declare an emergency, was taken up for consideration the third time.

The question being, "Shall the emergency clause stand as part of the bill?"

Representative Boccieri moved to amend as follows:

In line 14, after "sections" insert "2743.03,"; delete "and" insert a comma

In line 15, after "5747.113" insert ", and 5903.02"

Between lines 16 and 17, insert:

"Sec. 2743.03. (A)(1) There is hereby created a court of claims. The court of claims is a court of record and has exclusive, original jurisdiction of all civil actions against the state permitted by the waiver of immunity contained in section 2743.02 of the Revised Code, exclusive jurisdiction of the causes of

action of all parties in civil actions that are removed to the court of claims, and jurisdiction to hear appeals from the decisions of the court of claims commissioners. The court shall have full equity powers in all actions within its jurisdiction and may entertain and determine all counterclaims, cross-claims, and third-party claims.

(2) If the claimant in a civil action as described in division (A)(1) of this section also files a claim for a declaratory judgment, injunctive relief, or other equitable relief against the state that arises out of the same circumstances that gave rise to the civil action described in division (A)(1) of this section, the court of claims has exclusive, original jurisdiction to hear and determine that claim in that civil action. This division does not affect, and shall not be construed as affecting, the original jurisdiction of another court of this state to hear and determine a civil action in which the sole relief that the claimant seeks against the state is a declaratory judgment, injunctive relief, or other equitable relief.

(3) In addition to its exclusive, original jurisdiction as conferred by division (A)(1) and (2) of this section, the court of claims has exclusive, original jurisdiction as described in division (F) of section 2743.02 ~~and~~ division (B) of section 3335.03, and section 5903.02 of the Revised Code.

(B) The court of claims shall sit in Franklin county, its hearings shall be public, and it shall consist of incumbent justices or judges of the supreme court, courts of appeals, or courts of common pleas, or retired justices or judges eligible for active duty pursuant to division (C) of Section 6 of Article IV, Ohio Constitution, sitting by temporary assignment of the chief justice of the supreme court. The chief justice may direct the court to sit in any county for cases on removal upon a showing of substantial hardship and whenever justice dictates.

(C)(1) A civil action against the state shall be heard and determined by a single judge. Upon application by the claimant or the state, the chief justice of the supreme court may assign a panel of three judges to hear and determine a civil action presenting novel or complex issues of law or fact. Concurrence of two members of the panel is necessary for any judgment or order.

(2) Whenever the chief justice of the supreme court believes an equitable resolution of a case will be expedited, ~~he~~ the chief justice may appoint referees in accordance with Civil Rule 53 to hear the case.

(3) When any dispute under division (B) of section 153.12 of the Revised Code is brought to the court of claims, upon request of either party to the dispute, the chief justice of the supreme court shall appoint a single referee or a panel of three referees. The referees need not be attorneys, but shall be persons knowledgeable about construction contract law, a member of the construction industry panel of the American arbitration association, or an individual or individuals deemed qualified by the chief justice to serve. No person shall serve as a referee if that person has been employed by an affected state agency or a contractor or subcontractor involved in the dispute at any time in the preceding five years. Proceedings governing referees shall be in accordance with Civil Rule 53, except as modified by this division. The referee or panel of referees

shall submit its report, which shall include a recommendation and finding of fact, to the judge assigned to the case by the chief justice, within thirty days of the conclusion of the hearings. Referees appointed pursuant to this division shall be compensated on a per diem basis at the same rate as is paid to judges of the court and also shall be paid their expenses. If a single referee is appointed or a panel of three referees is appointed, then, with respect to one referee of the panel, the compensation and expenses of the referee shall not be taxed as part of the costs in the case but shall be included in the budget of the court. If a panel of three referees is appointed, the compensation and expenses of the two remaining referees shall be taxed as costs of the case.

All costs of a case shall be apportioned among the parties. The court may not require that any party deposit with the court cash, bonds, or other security in excess of two hundred dollars to guarantee payment of costs without the prior approval in each case of the chief justice.

(4) An appeal from a decision of the court of claims commissioners shall be heard and determined by one judge of the court of claims.

(D) The Rules of Civil Procedure shall govern practice and procedure in all actions in the court of claims, except insofar as inconsistent with this chapter. The supreme court may promulgate rules governing practice and procedure in actions in the court as provided in Section 5 of Article IV, Ohio Constitution.

(E)(1) A party who files a counterclaim against the state or makes the state a third-party defendant in an action commenced in any court, other than the court of claims, shall file a petition for removal in the court of claims. The petition shall state the basis for removal, be accompanied by a copy of all process, pleadings, and other papers served upon the petitioner, and shall be signed in accordance with Civil Rule 11. A petition for removal based on a counterclaim shall be filed within twenty-eight days after service of the counterclaim of the petitioner. A petition for removal based on third-party practice shall be filed within twenty-eight days after the filing of the third-party complaint of the petitioner.

(2) Within seven days after filing a petition for removal, the petitioner shall give written notice to the parties, and shall file a copy of the petition with the clerk of the court in which the action was brought originally. The filing effects the removal of the action to the court of claims, and the clerk of the court where the action was brought shall forward all papers in the case to the court of claims. The court of claims shall adjudicate all civil actions removed. The court may remand a civil action to the court in which it originated upon a finding that the removal petition does not justify removal, or upon a finding that the state is no longer a party.

(3) Bonds, undertakings, or security and injunctions, attachments, sequestrations, or other orders issued prior to removal remain in effect until dissolved or modified by the court of claims."

Between lines 419 and 420, insert:

"**Sec. 5903.02.** (A) The determination of reinstatement and reemployment rights of permanent public employees and permanent private employees in the uniformed services shall be made in accordance with the "Uniformed Services Employment and Reemployment Rights Act of 1994," 108 Stat. 3149, 38 U.S.C.A. 4301, et. seq.

(B) A person, as defined in section 4311 of the "Uniformed Services Employment and Reemployment Rights Act," 38 U.S.C. 4301 et seq., who is employed by the state may bring an action against the state in the court of claims pursuant to section 4323 of that act and in accordance with Chapter 2743. of the Revised Code.

(C) The director of administrative services shall adopt rules for the implementation of this chapter."

In line 445, after "sections" insert "2743.03,"

In line 446, delete "and"; after "5747.113" insert ", and 5903.02"

In line 1 of the title, after "sections" insert "2743.03,,"; delete "and"

In line 2 of the title, after "5747.113" insert ", and 5903.02"

In line 12 of the title, after "personnel" insert ", to permit a state employee aggrieved under the federal Uniformed Services Employment and Reemployment Rights Act to file a claim against the state in the Court of Claims"

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

Representative Flowers 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 56, 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 C.	Evans D.
Faber	Flowers	Gibbs	Gilb
Hagan	Hoops	Hughes	Kearns
Latta	Law	Martin	McGregor
Oelslager	Patton T.	Peterson	Raga
Raussen	Reidelbach	Reinhard	Schaffer
Schlichter	Schneider	Seaver	Seitz
Setzer	Smith G.	Stewart J.	Taylor
Trakas	Uecker	Wagner	Wagoner
Walcher	Webster	White	Widener
Widowfield	Willamowski	Wolpert	Husted-56.

Those who voted in the negative were: Representatives

Allen	Barrett	Beatty	Bocchieri
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Book	Brinkman	Brown	Carano
Cassell	Chandler	DeBose	DeGeeter
Distel	Domenick	Driehaus	Fende
Garrison	Hartnett	Harwood	Healy
Hood	Key	Kilbane	Koziura
Mason	Miller	Mitchell	Otterman
Patton S.	Perry	Redfern	Sayre
Skindell	Smith S.	Stewart D.	Strahorn
Ujvagi	Williams	Woodard	Yates
			Yuko-41.

The motion to amend was laid on the table.

04/20/05

The Honorable Jon A. Husted, Speaker
The Ohio House of Representatives
Columbus, Ohio

Speaker Husted,

Pursuant to House Rule No. 57, I respectfully request that I be excused from voting on **Sub. H. B. No. 2-Representative Widowfield, et al.**, because it might be construed that I have an interest in the legislation.

Sincerely yours,

/s/ JOHN A. BOCCIERI
JOHN A. BOCCIERI
State Representative
61st House District

The request was granted.

The question recurring, "Shall the emergency clause stand as part of the bill?"

The yeas and nays were taken and resulted - yeas 83, nays 13, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Blasdel	Blessing
Book	Bubp	Buehrer	Calvert
Carano	Carmichael	Cassell	Chandler
Coley	Collier	Combs	Core
Daniels	DeGeeter	DeWine	Distel
Dolan	Domenick	Evans C.	Evans D.
Faber	Fende	Flowers	Garrison
Gibbs	Gilb	Hagan	Hartnett
Harwood	Hoops	Hughes	Kearns

Key	Kilbane	Koziura	Latta
Law	Martin	Mason	McGregor
Miller	Oelslager	Otterman	Patton T.
Perry	Peterson	Raga	Redfern
Reidelbach	Reinhard	Sayre	Schaffer
Schlichter	Schneider	Seaver	Seitz
Setzer	Skindell	Smith G.	Stewart D.
Stewart J.	Strahorn	Taylor	Trakas
Uecker	Ujvagi	Wagner	Wagoner
Walcher	Webster	White	Widener
Widowfield	Willamowski	Williams	Wolpert
Yates	Yuko		Husted-83.

Those who voted in the negative were: Representatives

Barrett	Beatty	Brinkman	Brown
DeBose	Driehaus	Healy	Hood
Mitchell	Patton S.	Raussen	Smith S.
			Woodard-13.

Having received a constitutional majority, the emergency clause stood as part of the bill.

The question being, "Shall the bill pass as an emergency measure?"

The yeas and nays were taken and resulted - yeas 96, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Beatty
Blasdel	Blessing	Book	Brinkman
Brown	Bubp	Buehrer	Calvert
Carano	Carmichael	Cassell	Chandler
Coley	Collier	Combs	Core
Daniels	DeBose	DeGeeter	DeWine
Distel	Dolan	Domenick	Driehaus
Evans C.	Evans D.	Faber	Fende
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.	Smith S.	Stewart D.
Stewart J.	Strahorn	Taylor	Trakas
Uecker	Ujvagi	Wagner	Wagoner
Walcher	Webster	White	Widener
Widowfield	Willamowski	Williams	Wolpert
Woodard	Yates	Yuko	Husted-96.

The bill having received the required constitutional majority, passed as an emergency measure.

Representative Widowfield moved to amend the title as follows:

Add the names: "Aslanides, Beatty, Blasdel, Blessing, Brown, Calvert, Carano, Cassell, Chandler, Coley, Collier, Combs, Core, Daniels, DeWine, Distel, Dolan, Domenick, C. Evans, D. Evans, Faber, Fende, Garrison, Gibbs, Gilb, Hagan, Harwood, Hoops, Hughes, Kearns, Key, Kilbane, Koziura, Latta, Law, Martin, Mason, Miller, Oelslager, Otterman, T. Patton, Perry, Peterson, Raga, Raussen, Reidelbach, Reinhard, Schaffer, Schlichter, Schneider, Seaver, Seitz, Setzer, J. Stewart, Strahorn, Taylor, Trakas, Ujvagi, Wagner, Wagoner, Webster, White, Widener, Willamowski, Williams, Wolpert, Yuko."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Am. Sub. S. B. No. 115-Senator Jacobson.

To amend sections 102.03, 2921.01, 2921.43, 3517.01, 3517.08, 3517.09, 3517.092, 3517.10, 3517.102, 3517.105, 3517.106, 3517.108, 3517.109, 3517.11, 3517.13, 3517.152, 3517.155, 3517.20, 3517.23, and 3517.992 of the Revised Code to establish political contributing entities for the purpose of the Campaign Finance Law and to declare an emergency, was taken up for consideration the third time.

The question being, "Shall the emergency clause stand as part of the bill?"

The yeas and nays were taken and resulted - yeas 92, nays 1, as follows:

Those who voted in the affirmative were: Representatives

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

Woodard Yates Yuko Husted-92.

Representative Brinkman voted in the negative-1.

Having received a constitutional majority, the emergency clause stood as part of the bill.

The question being, "Shall the bill pass as an emergency measure?"

The yeas and nays were taken and resulted - yeas 93, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Blasdel
Blessing	Bocieri	Book	Brinkman
Brown	Bubp	Buehrer	Calvert
Carano	Carmichael	Cassell	Chandler
Coley	Collier	Combs	Core
Daniels	DeBose	DeGeeter	DeWine
Distel	Dolan	Domenick	Driehaus
Evans C.	Evans D.	Faber	Fende
Flowers	Garrison	Gibbs	Gilb
Hagan	Hartnett	Harwood	Healy
Hoops	Hughes	Kearns	Key
Koziura	Latta	Law	Martin
Mason	McGregor	Miller	Mitchell
Oelslager	Otterman	Patton S.	Perry
Peterson	Raga	Rausen	Redfern
Reidelbach	Reinhard	Sayre	Schaffer
Schlichter	Schneider	Seaver	Seitz
Setzer	Skindell	Smith G.	Smith S.
Stewart D.	Stewart J.	Strahorn	Taylor
Trakas	Uecker	Ujvagi	Wagner
Wagoner	Walcher	Webster	White
Widener	Widowfield	Willamowski	Williams
Wolpert	Woodard	Yates	Yuko
			Husted-93.

The bill having received the required constitutional majority, passed as an emergency measure.

Representative DeWine moved to amend the title as follows:

Add the names: "Representatives Carano, Cassell, Domenick, D. Evans, Faber, Flowers, McGregor, Otterman, Reidelbach, Seaver, Setzer, G. Smith, Widowfield, Williams, Wolpert."

The motion was agreed to and the title so amended.

The title as amended 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:

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, Harwood, Mason, Wagoner, Coley, Latta, Oelslager, Book, Barrett, Brown, Bulp, Calvert, Cassell, Collier, Combs, Core, Daniels, DeBose, DeGeeter, Distel, Dolan, Domenick, Faber, Fende, Flowers, Garrison, Gibbs, Hughes, Kearns, Key, Law, Martin, Miller, Otterman, S. Patton, T. Patton, Sayre, Schlichter, Schneider, Seaver, Setzer, Skindell, G. Smith, S. Smith, D. Stewart, Strahorn, Sykes Senators Goodman, Austria, Clancy

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.

Attest:

Matthew T. Schuler,
Clerk.

MESSAGE FROM THE SPEAKER

Pursuant to Ohio Revised Code section 107.12(D)(1)(b)(c), the Speaker hereby appoints the following members to the Governor's Advisory Board of Faith-Based and Community Initiatives:

Representatives White and Woodard;
Public members Lisa Halmer Podolski, Randy Gunlock, and Jim Washington.

CLERK'S NOTATION

This is to acknowledge receipt from the Supreme Court of Ohio, on April 20, 2005, proposed amendments to the Ohio Rules of Civil Procedure and Ohio Rules of Criminal Procedure.

On motion of Representative Blasdel, the House adjourned until Thursday, April 21, 2005 at 11:00 o'clock a.m.

Attest:

LAURA P. CLEMENS,
Clerk.