

OHIO

House

of

Representatives

JOURNAL

2nd CORRECTED VERSION
WEDNESDAY, MAY 4, 2005

FORTY-SIXTH DAY

Hall of the House of Representatives, Columbus, Ohio
Wednesday, May 4, 2005 at 1:30 o'clock p.m.

The House met pursuant to adjournment.

Prayer was offered by Representative Ken Carano-59th district, 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:

Spc. Debrosse, Spc. Kesling, and Sheila and Lane Kesling, guests of Representatives Latta-6th district and Fessler-79th district.

Lillie Bell, Pamala McClarian, and Cecil Hickman, guests of Representative Key-11th district.

Rob Moorman, a guest of Representative Trakas-17th district.

Jolene Baetz, a guest of Representatives Hughes-22nd district and Wolpert-23rd district.

Rachel, Roger, and Kristen Stevenson, guests of Representative Williams-41st district.

Jeff Schak, a guest of Representative Wagoner-46th district.

Erin Murphy and students from Harvey High School, guests of Representative Cassell-63rd district.

Students from St. Augustines School, guests of Representative Hoops-75th district.

Martha Hon, a guest of Representative Domenick-95th district.

INTRODUCTION OF BILLS

The following bills were introduced:

H. B. No. 236-Representatives White, McGregor, Wagner, D. Evans, Reidelbach, Wolpert, Seitz, Kearns, C. Evans, Faber, Chandler, Otterman, Law, Hagan, Latta, Perry, Wagoner, Collier, Allen, Fende.

To amend section 2108.15 and to enact section 4503.721 of the Revised Code to create "Donate Life" license plates.

H. B. No. 237-Representatives Seaver, Brinkman, Hagan, Wolpert.

To amend section 307.86 and to enact section 307.862 of the Revised Code

to allow a county contracting authority to use competitive sealed proposals instead of competitive sealed bidding when doing so would be advantageous to the county.

H. B. No. 238-Representatives S. Patton, Key, Seitz, Strahorn, Beatty, Brown, Flowers, Yuko, D. Evans, Cassell, C. Evans, Skindell, Chandler, Otterman, Law, Hagan, S. Smith, Harwood, Boccieri, Hood, Allen, Barrett, Reidelbach.

To enact section 5.2230 of the Revised Code to designate the month of May as "Motorcycle Safety and Awareness Month."

H. B. No. 239-Representatives Schneider, Reidelbach, Brinkman, Faber, Seitz, Kearns, Flowers, Hood, Aslanides, Blessing, Bulp, Buehrer, Coley, Collier, Combs, Daniels, DeGeeter, Distel, Dolan, Domenick, Driehaus, Fessler, Garrison, Gibbs, Gilb, Hagan, Hoops, Kilbane, Latta, Law, Martin, McGregor, Oelslager, T. Patton, Raga, Raussen, Reinhard, Schaffer, Seaver, Setzer, G. Smith, Taylor, Trakas, Uecker, Wagner, Wagoner, Walcher, White, Widener, Widowfield, Willamowski, Wolpert.

To amend sections 124.85, 505.60, 505.601, 1343.03, and 5101.55; to amend, for the purpose of adopting a new section number as indicated in parentheses, sections 124.85 (9.04) and 1901.313 (1901.314); and to enact new section 1901.313 and sections 9.041, 9.901, 305.172, 306.481, 339.161, 351.081, 505.604, 1545.073, 1901.112, 1907.162, 3709.162, and 5101.551 of the Revised Code to prohibit the use of public funds or facilities for nontherapeutic abortions, proscribe public employees acting in the scope of their employment from performing or inducing a nontherapeutic abortion, and to declare that it is the public policy of the state to prefer childbirth over abortion to the extent that is constitutionally permissible.

H. B. No. 240-Representative Law.

To enact section 329.012 of the Revised Code to prohibit certain counties from moving county department of job and family services personnel without approval from the Director of Job and Family Services.

H. B. No. 241-Representatives Latta, McGregor, C. Evans.

To amend sections 9.92, 109.85, 309.08, 311.07, 1506.35, 2152.20, 2901.01, 2909.08, 2913.34, 2923.01, 2923.31, 2923.32, 2923.34, 2923.36, 2923.41, 2923.42, 2923.44, 2925.03, 2925.14, 2925.42, 2927.02, 2929.18, 2930.11, 2933.75, 2935.03, 2945.44, 3719.11, 3719.141, 3719.21, 3729.13, 3743.68, 3745.13, 4301.29, 4301.45, 4301.53, 4305.13, 4503.233, 4503.234, 4510.41, 4511.195, 4549.62, 4549.63, 4728.04, 4729.65, 5735.121, 5739.15, 5743.082, and 5743.112, to enact sections 2929.1412, 2981.01, 2981.02,

2981.03, 2981.04, 2981.05, 2981.06, 2981.07, 2981.08, 2981.11, 2981.12, 2981.13, and 2981.14, and to repeal sections 2923.33, 2923.35, 2923.45, 2923.46, 2923.47, 2925.41, 2925.43, 2925.44, 2925.45, 2933.41, 2933.42, 2933.43, 2933.44, 2933.71, 2933.72, 2933.73, and 2933.74 of the Revised Code to adopt the Criminal Sentencing Commission's recommendations regarding revision of the Forfeiture Laws.

Said bills were considered the first time.

REPORTS OF STANDING AND SELECT COMMITTEES AND BILLS FOR SECOND CONSIDERATION

Representative DeGeeter submitted the following report:

The standing committee on Criminal Justice to which was referred **H. B. No. 4**-Representative Dolan, having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: INCIDENT BASED REPORTING SYSTEM CREATE

Representative Latta moved to amend the title as follows:

Add the names: "Latta, D. Evans, Gilb, Hughes, Seitz, Perry."

WILLIAM J. HEALY
DAVID R. EVANS
JIM HUGHES
TIMOTHY J. DEGEETER
ANNIE L. KEY
TYRONE K. YATES
JOHN R. WILLAMOWSKI
RONALD HOOD
JEANINE PERRY

ROBERT E. LATTA
MIKE GILB
WILLIAM J. SEITZ
DAN STEWART
KENNY YUKO
STEPHEN BUEHRER
DERRICK SEAVER
DANNY R. BUBP

The report was agreed to.

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

Representative DeGeeter submitted the following report:

The standing committee on Criminal Justice to which was referred **H. B. No. 34**-Representative Setzer, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: TELECOM IMPORTUNING EXTEND WARRANT RETURN

Representative Latta moved to amend the title as follows:

Add the names: "Latta, D. Evans, Gilb, Hughes, Seitz, Willamowski, Perry."

JEANINE PERRY

ROBERT E. LATTA

WILLIAM J. HEALY
 MIKE GILB
 JIM HUGHES
 WILLIAM J. SEITZ
 RONALD HOOD
 ANNIE L. KEY
 STEPHEN BUEHRER
 DERRICK SEAVER

DAVID R. EVANS
 TYRONE K. YATES
 DANNY R. BUBP
 TIMOTHY J. DEGEETER
 DAN STEWART
 KENNY YUKO
 JOHN R. WILLAMOWSKI

The report was agreed to.

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

Representative Book submitted the following report:

The standing committee on Civil and Commercial Law to which was referred **Sub. S. B. No. 61**-Senator Wachtmann, having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: SKI OPERATORS/SKIERS DUTIES/LIABILITIES

Representative Seitz moved to amend the title as follows:

Add the names: "Representatives Seitz, Latta."

WILLIAM J. SEITZ
 ROBERT E. LATTA
 W. SCOTT OELSLAGER
 T. TODD BOOK
 JOYCE BEATTY

MARK D. WAGONER
 ANTHONY CORE
 BILL COLEY
 SANDRA STABILE HARWOOD
 LANCE T. MASON

The report was agreed to.

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

Representative Healy reported for the Rules and Reference Committee recommending that the following House Bills and Senate Bill be considered for the second time and referred to the following committees for consideration:

H.B. No. 225 - Representative Coley, et al

TO ADD ONE ADDITIONAL JUDGE FOR THE GENERAL DIVISION OF THE BUTLER COUNTY COURT OF COMMON PLEAS TO BE ELECTED IN 2006.

To the committee on Judiciary

H.B. No. 226 - Representative Hoops, et al

TO AUTHORIZE THE LEGISLATIVE AUTHORITY OF A MUNICIPAL CORPORATION TO ESTABLISH A SCHEDULE OF FEES TO BE TAXED AS COSTS IN A CIVIL, CRIMINAL, OR TRAFFIC PROCEEDING IN A MUNICIPAL COURT FOR SERVICES PERFORMED BY OFFICERS OR EMPLOYEES OF THE MUNICIPAL

CORPORATION'S POLICE DEPARTMENT OR MARSHAL'S OFFICE.

To the committee on Judiciary

H.B. No. 227 - Representative Faber, et al

TO REQUIRE THAT SEXUALLY VIOLENT PREDATORS BE MONITORED BY GLOBAL POSITIONING SYSTEM DEVICES DURING POST-RELEASE CONTROL AND TO AUTHORIZE THE CIVIL COMMITMENT OF CERTAIN SEXUALLY VIOLENT PREDATORS.

To the committee on Criminal Justice

Sub. S.B No. 107 - Senator Schuler, et al

TO REPLACE THE NAME "TOWNSHIP CLERK" WITH THE NAME "TOWNSHIP FISCAL OFFICER."

To the committee on Local and Municipal Government and Urban Revitalization

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

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

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 the House Bills and Senate Bill contained in the report of the committee on Rules and Reference.

The motion was agreed to without objection.

The report was agreed to.

Said House Bills and Senate Bill were considered a second time and referred as recommended.

MOTIONS AND RESOLUTIONS

Representative Healy reported for the Rules and Reference Committee recommending that the following House Resolutions be read by title only and approved:

H.R. No. 46 - Representative Hughes

RECOGNIZING NATIONAL POLICE MEMORIAL WEEK, MAY 15-21, 2005.

Add the names: Calvert, Carmichael, Core, DeWine, Flowers, Kearns, Schlichter, G. Smith, Beatty, Otterman

H.R. No. 47 - Representative Allen

HONORING MARIA GETTY AS OHIO MS. BASKETBALL 2005.

Add the names: Beatty, Schlichter

H.R. No. 48 - Representative Allen

HONORING DAEQUAN COOK AS A 2005 ALL-OHIO DIVISION II BOYS BASKETBALL PLAYER OF THE YEAR.

Add the names: Beatty, Schlichter

H.R. No. 49 - Representative Allen

HONORING THE CHAMINADE-JULIENNE HIGH SCHOOL GIRLS BASKETBALL TEAM AS THE 2005 DIVISION I STATE CHAMPION.

Add the names: Beatty, Schlichter

H.R. No. 50 - Representative Allen

HONORING CURTIS RASNIC, JR. AS THE 2005 OHIO HIGH SCHOOL STATE CHAMPION IN BOWLING.

Add the names: Beatty, Schlichter

H.R. No. 51 - Representative Driehaus

HONORING THE SETON HIGH SCHOOL GIRLS BOWLING TEAM AS THE 2005 STATE CHAMPION.

Add the names: Beatty, Schlichter

H.R. No. 52 - Representative Driehaus

HONORING THE DATER HIGH SCHOOL ECONOMICS TEAM AS THE 2005 STATE CHAMPION.

Add the name: Beatty

/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 Tuesday, May 3, 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 Tuesday, May 3, 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. 162-Representatives Peterson, Latta, D. Evans, Hughes,

Seitz, Yuko.

To amend sections 2152.20, 2301.51, 2301.52, 2301.55, 2301.56, 2301.57, 2929.01, 2929.34, 2929.37, 2929.38, 5120.031, 5120.111, 5120.112, and 5149.34, to enact new section 2301.58, and to repeal sections 2301.53, 2301.54, and 2301.58 of the Revised Code to revise the law governing community-based correctional facilities, 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	Bocchieri	Book
Brinkman	Brown	Bubp	Buehrer
Calvert	Carano	Carmichael	Cassell
Chandler	Coley	Collier	Core
Daniels	DeBose	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 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	Sykes	Taylor
Trakas	Uecker	Ujvagi	Wagner
Wagoner	Walcher	Webster	White
Widener	Widowfield	Willamowski	Williams
Wolpert	Woodard	Yates	Yuko
			Husted-97.

The bill passed.

Representative Peterson moved to amend the title as follows:

Add the names: "Bubp, Buehrer, Carano, Cassell, Collier, Core, DeBose, Domenick, C. Evans, Flowers, Gilb, Hartnett, Key, Martin, McGregor, Otterman, T. Patton, Raussen, Reidelbach, Seaver, G. Smith, Williams."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

H. C. R. No. 5-Representatives Hoops, Law, Reidelbach, Seitz, Setzer,

Taylor, Webster, White, Barrett, Brown, Hartnett, Ujvagi, J. Stewart, Schaffer, Hagan, Combs, Trakas, Aslanides, Domenick, Wolpert, Hughes.

To memorialize the President of the United States to support the retention of the Continued Dumping and Subsidy Offset Act, which is important to Ohio industries, enabling them to reinvest and remain competitive in the international market, was taken up for consideration the third time.

The question being, "Shall the concurrent resolution be adopted?"

Representative Hoops moved to amend the title as follows:

Add the names: "Allen, Blasdel, Boccieri, Book, Carano, Cassell, Coley, Collier, Daniels, DeBose, Distel, Dolan, C. Evans, D. Evans, Faber, Flowers, Harwood, Kearns, Key, Koziura, Latta, Mason, McGregor, Oelslager, Otterman, T. Patton, Perry, Redfern, Schlichter, Seaver, G. Smith, Walcher."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

The question being, "Shall the concurrent resolution be adopted?"

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	Core
Daniels	DeBose	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 T.	Perry	Peterson
Raga	Rausen	Redfern	Reidelbach
Reinhard	Sayre	Schaffer	Schlichter
Schneider	Seaver	Seitz	Setzer
Skindell	Smith G.	Smith S.	Stewart D.
Stewart J.	Strahorn	Sykes	Taylor
Trakas	Uecker	Ujvagi	Wagner
Wagoner	Walcher	Webster	White
Widener	Widowfield	Willamowski	Williams
Wolpert	Woodard	Yates	Yuko
			Husted-97.

The concurrent resolution was adopted.

Sub. S. B. No. 10-Senators Jordan, Wachtmann, Mumper, Hottinger, Jacobson, Austria, Goodman, Carey, Cates, Stivers, Clancy, Miller, Spada. -Representatives Fessler, Kearns, Brown, Barrett, Beatty, S. Smith, Otterman, DeBose, Combs, Reidelbach, Harwood, Mason.

To amend sections 5126.01, 5126.02, 5126.021, 5126.022, 5126.023, 5126.03, 5126.031, 5126.033, 5126.034, 5126.056, 5126.058, 5126.081, 5126.30, 5705.191, and 5705.222, to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 5126.02 (5126.0212), 5126.021 (5126.029), 5126.022 (5126.0215), 5126.023 (5126.0225), and 5126.024 (5126.0226), and to enact new sections 5126.02, 5126.021, 5126.022, 5126.023, and 5126.024 and sections 5126.025, 5126.026, 5126.027, 5126.028, 5126.0210, 5126.0211, 5126.0213, 5126.0214, 5126.0216, 5126.0217, 5126.0218, 5126.0219, 5126.0220, 5126.0221, 5126.0222, 5126.0223, 5126.0224, 5126.0227, 5126.0228, 5126.037, and 5126.038 of the Revised Code to revise the law governing county boards of mental retardation and developmental disabilities, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Kearns moved to amend as follows:

In line 22, delete "(5126.0212)" and insert "(5126.0213)"; delete "(5126.029)" and insert "(5126.0210)"

In line 23, delete "(5126.0215)" and insert "(5126.0216)"; delete "(5126.0225)" and insert "(5126.0226)"

In line 24, delete "(5126.0226)" and insert "(5126.0227)"

In line 27, delete "5126.0210" and insert "5126.029"; delete "5126.0213" and insert "5126.0212"

In line 28, delete "5126.0216" and insert "5126.0215"

In line 29, delete "5126.0227" and insert "5126.0225"; after "5126.0228," insert "5126.0229,"

In line 386, delete the underlined period and insert an underlined semicolon

In line 388, delete the underlined semicolon and insert an underlined period

In line 531, delete the underlined semicolon

In line 6 of the title, delete "(5126.0212)" and insert "(5126.0213)"

In line 7 of the title, delete "(5126.029)" and insert "(5126.0210)"; delete "(5126.0215)" and insert "(5126.0216)"

In line 8 of the title, delete "(5126.0225)" and insert "(5126.0226)";

delete "(5126.0226)" and insert "(5126.0227)"

In line 11 of the title, delete "5126.0210" and insert "5126.029"

In line 12 of the title, delete "5126.0213" and insert "5126.0212"; delete "5126.0216" and insert "5126.0215"

In line 15 of the title, delete "5126.0227" and insert "5126.0225"; after "5126.0228," insert "5126.0229,"

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

The motion was agreed to without objection.

The question being, "Shall the bill as amended pass?"

The yeas and nays were taken and resulted - yeas 96, nays 1, 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	Core
Daniels	DeBose	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 T.	Perry	Peterson
Raga	Rausen	Redfern	Reidelbach
Reinhard	Schaffer	Schlichter	Schneider
Seaver	Seitz	Setzer	Skindell
Smith G.	Smith S.	Stewart D.	Stewart J.
Strahorn	Sykes	Taylor	Trakas
Uecker	Ujvagi	Wagner	Wagoner
Walcher	Webster	White	Widener
Widowfield	Willamowski	Williams	Wolpert
Woodard	Yates	Yuko	Husted-96.

Representative Sayre voted in the negative-1.

The bill passed.

Representative Kearns moved to amend the title as follows:

Add the names: "Allen, Aslanides, Buehrer, Core, C. Evans, D. Evans, Flowers, Hughes, Law, McGregor, Peterson, Schaffer, Setzer, G. Smith, White, Yuko."

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 concurred in the House amendments to:

Sub. S. B. No. 18 - Senator Wachtmann- et al.

Attest:

Matthew T. Schuler,
Clerk.

MESSAGE FROM THE SPEAKER

The Speaker of the House of Representatives, on May 4, 2005, signed the following:

S. C. R. No. 9 - Senator Harris - et al.

S. C. R. No. 10 - Senator Austria - et al.

Sub. S. B. No. 18 - Senator Wachtmann - et al.

On motion of Representative Blasdel, the House adjourned until Thursday, May 5, 2005 at 11:00 o'clock a.m.

Attest:

LAURA P. CLEMENS,
Clerk.