

OHIO

House

of

Representatives

JOURNAL

THURSDAY, MAY 5, 2005

FORTY-SEVENTH DAY
Hall of the House of Representatives, Columbus, Ohio
Thursday, May 5, 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 Wagoner was selected to preside under the Rule.

The journal of yesterday was read and approved.

INTRODUCTION OF BILLS

The following bills were introduced:

H. B. No. 242-Representatives C. Evans, Daniels, Chandler, Webster, Carmichael, Garrison, Raussen, Carano, Schlichter, Hartnett, J. Stewart, Book, Aslanides, Latta, Allen, D. Evans, Oelslager, McGregor, Domenick, Willamowski, Combs, Blasdel, Collier, Barrett, Mitchell, Beatty, DeGeeter, Faber, Williams, Flowers, Ujvagi, Yates, Kearns, Brown, Cassell, Gilb, Martin, Yuko, Hagan, Walcher, Harwood, Boccieri, Seaver, Schaffer, Distel.

To amend sections 3318.01, 3318.032, 3318.08, 3318.36, 3318.363, 3318.37, and 3318.38 and to enact sections 3318.036, 3318.037, 3318.038, and 3318.039 of the Revised Code to specify a new method of calculating a school district's portion of the cost of a state-assisted classroom facilities acquisition project for certain districts that have a combination of relatively high valuations per pupil and relatively low median incomes.

H. B. No. 243-Representatives Hood, Brinkman, Wagner, Gilb, Seaver, Law, Faber, Buehrer, Willamowski, Reidelbach, Fessler, Taylor, Raussen, Hagan, Hoops, Widener, Wagoner, Schaffer.

To amend sections 121.24, 122.08, and 122.081 and to enact section 103.147 of the Revised Code to require certain state agencies to include in their summaries of proposed rules an assessment of the impact of each rule on family formation, maintenance, and well-being and to require an assessment of the impact of proposed legislation on family formation, maintenance, and well-being prior to action by the General Assembly.

H. B. No. 244-Representatives Schneider, Seitz, Brinkman, Setzer.

To amend section 3953.23 and to enact sections 1349.24 and 3953.32 of the Revised Code to require title insurance agents to notify purchasers of the availability of owner's title insurance when issuing lender's title insurance in conjunction with a residential mortgage loan and to explain what owner's title insurance covers, to require title insurance agents to maintain errors and

omissions insurance, and to authorize title insurers to issue settlement protection.

H. B. No. 245-Representatives Reinhard, Aslanides, Barrett, Buehrer, Core, Faber, Hagan, Hughes, Kearns, Latta, McGregor, Schlichter, Seaver, Seitz, Setzer, Ujvagi, Wagner, Webster, Widowfield, Willamowski.

To amend sections 125.831, 3317.022, 5733.98, and 5747.98 and to enact sections 125.834, 125.835, 125.836, 901.14, 3327.17, 3704.121, 3704.20, 3704.30 to 3704.34, 5501.18, 5733.47, 5733.48, 5735.40, 5747.76, and 5747.77 of the Revised Code to require that half of all motor vehicles purchased for state agency fleets be capable of using alternative fuels; to require that state agencies procuring vehicles give preference to qualified bidders who supply vehicles that use Ohio corn-based ethanol or Ohio soybean-based biodiesel fuel; to allow the Department of Administrative Services to sell or trade credits generated by the acquisition of alternative fueled vehicles under the federal "Energy Policy Act of 1992"; to establish an alternative fuel transportation grant program for the purchase and installation of alternative fuel refueling facilities and the purchase of certain grades of ethanol or biodiesel; to authorize city, local, or exempted village school districts to purchase biodiesel for the operation of school buses and receive a subsidy from the Department of Education for such purchase; to require that diesel fuel contain at least two per cent biodiesel under certain circumstances; to authorize the Director of Environmental Protection to require the use of clean alternative fuel in covered fleet vehicles in counties identified as severe non-attainment for ozone under the federal Clean Air Act Amendments; to establish a local government vehicular fleet alternative fuel revolving loan program administered by the Director; to require that part of the Department of Transportation's vehicle fleet and heavy equipment that operates on diesel fuel use biodiesel; to prohibit political subdivisions from levying taxes on alternative fuel; and to authorize tax credits against corporation franchise and income tax liability for selling ethanol blended gasoline and for installing E85 fuel pumps.

H. B. No. 246-Representative Oelslager.

To amend section 2106.18 and to enact sections 1337.18, 1337.19, and 1337.20 of the Revised Code to permit a surviving spouse to take a motorcycle as one of the two automobiles the surviving spouse may receive outside of probate, to create a statutory form for the creation of a power of attorney, to set forth the general powers of an attorney in fact under a power of attorney, and to provide for the construction of the powers of an attorney in fact under a power of attorney created by use of the statutory form.

Said bills were considered the first time.

**REPORTS OF STANDING AND SELECT COMMITTEES AND BILLS
FOR SECOND CONSIDERATION**

Representative Perry submitted the following report:

The standing committee on Transportation, Public Safety, and Homeland Security to which was referred **H. B. No. 56**-Representative Raussen, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: RE: TRAFFIC PHOTO-MONITORING DEVICES-PROHIBIT

Representative Reinhard moved to amend the title as follows:

Add the names: "Key, Law, Widowfield."

JOSEPH W. UECKER
DAVID R. EVANS
RANDY LAW
DANNY R. BUBP

JIM ASLANIDES
ANNIE L. KEY
JOHN WIDOWFIELD
STEVE REINHARD

The following members voted "NO"

JEANINE PERRY
ALLAN R. SAYRE

LORRAINE M. FENDE

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. 180 - Representative Peterson, et al

TO PROHIBIT, SUBJECT TO CERTAIN EXCEPTIONS,
DISCRIMINATION IN GROUP HEALTH CARE POLICIES,
CONTRACTS, AND AGREEMENTS IN THE COVERAGE PROVIDED
FOR THE DIAGNOSIS, CARE, AND TREATMENT OF BIOLOGICALLY
BASED MENTAL ILLNESSES.

To the committee on Insurance

H.B. No. 201 - Representative Seaver, et al

TO GIVE PREFERENCE TO THE INDIVIDUAL LISTED AMONG
THOSE WHO MAY CONSENT TO WITHHOLDING OR
WITHDRAWING LIFE-SUSTAINING TREATMENT WHO AGREES IN
WRITING TO NOT WITHHOLD OR WITHDRAW LIFE-SUSTAINING
TREATMENT FROM THE PATIENT AND AGREES IN WRITING TO
INCUR ALL OF THE COSTS ASSOCIATED WITH THE PATIENT'S
MEDICAL CARE AND LIFE-SUSTAINING TREATMENT.

To the committee on Criminal Justice

H.B. No. 213 - Representative Oelslager, et al

TO EXTEND THE STATEWIDE CAP ON THE NUMBER OF COMMUNITY SCHOOLS SPONSORED BY ENTITIES OTHER THAN THE SCHOOL DISTRICTS IN WHICH THEY WOULD BE LOCATED, TO CREATE THE JOINT STUDY COMMITTEE ON OHIO'S COMMUNITY SCHOOLS, AND TO MAKE CHANGES TO THE COMMUNITY SCHOOLS LAW.

To the committee on Education

H.B. No. 216 - Representative Faber, et al

TO PROVIDE THAT IF THE GUARDIAN, SPOUSE, ADULT CHILDREN, PARENTS, ADULT SIBLING, OR MAJORITY OF THE ADULT SIBLINGS OF AN ADULT PATIENT IN A PERMANENTLY UNCONSCIOUS STATE DISAGREE WITH A CONSENT TO THE WITHHOLDING OR WITHDRAWAL OF NUTRITION AND HYDRATION IN CONNECTION WITH THE PATIENT AND PRESENT SOME EVIDENCE THAT THE DECISION IS NOT CONSISTENT WITH THE PREVIOUSLY EXPRESSED INTENTION OF THE PATIENT THE COURT MUST PROHIBIT THE ATTENDING PHYSICIAN FROM WITHHOLDING OR WITHDRAWING NUTRITION AND HYDRATION IN CONNECTION WITH THE PATIENT, TO PROVIDE THAT IF LESS THAN A MAJORITY OF SUCH A PATIENT'S ADULT SIBLINGS, THE PATIENT'S GRANDPARENTS, THE NEAREST ADULT WHO IS RELATED TO THE PATIENT BY BLOOD OR ADOPTION OR, IN CERTAIN CIRCUMSTANCES, THE GUARDIAN, SPOUSE, ADULT CHILDREN, PARENTS, ADULT SIBLING, OR MAJORITY OF ADULT SIBLINGS OF THE PATIENT DISAGREES WITH A DECISION OF THE PRIORITY INDIVIDUAL TO CONSENT TO THE WITHHOLDING OR WITHDRAWAL OF NUTRITION AND HYDRATION OF SUCH A PATIENT, THE COURT MUST APPOINT A PHYSICIAN TO EXAMINE THE PATIENT AND MAY ONLY CONSIDER THE DETERMINATION OF THAT PHYSICIAN AND THE PHYSICIANS HIRED BY EITHER PARTY IF APPLICABLE IN DETERMINING WHETHER NUTRITION AND HYDRATION SHOULD BE WITHDRAWN OR WITHHELD, TO INCLUDE THE PATIENT'S GRANDPARENTS IN THE LIST OF PRIORITY INDIVIDUALS WHO MAY CONSENT TO WITHHOLD OR WITHDRAW LIFE-SUSTAINING TREATMENT, AND TO ALLOW THE ATTORNEY GENERAL OR THE PROSECUTING ATTORNEY TO FILE AN ACTION OR INTERVENE TO PRESENT EVIDENCE AND ARGUE THAT A DECISION TO WITHHOLD OR WITHDRAW LIFE-SUSTAINING TREATMENT OR NUTRITION AND HYDRATION IS NOT CONSISTENT WITH THE LAW.

To the committee on Criminal Justice

H.B. No. 229 - Representative Faber, et al

TO AUTHORIZE TWO OR MORE SCHOOL DISTRICTS AND

EDUCATIONAL SERVICE CENTERS TO JOINTLY EMPLOY THE SAME ADMINISTRATOR.

To the committee on Education

H.B. No. 230 - Representative Ujvagi, et al

TO PROHIBIT DISCRIMINATION UNDER THE OHIO CIVIL RIGHTS COMMISSION LAW AND CERTAIN OTHER LAWS ON THE BASIS OF MILITARY STATUS; TO ESTABLISH A VOLUNTARY, STATE-SPONSORED "PATRIOT DISCOUNT CARD" PROGRAM TO PROVIDE REDUCED PRICE DISCOUNTS FOR MERCHANDISE AND SERVICES FOR MILITARY PERSONNEL; TO AUTHORIZE STATE AGENCIES TO MAKE THEIR INTERACTIVE VIDEO TELECONFERENCE FACILITIES AVAILABLE AT COST TO THE IMMEDIATE FAMILIES OF PERSONS DEPLOYED ON ACTIVE DUTY; TO EXEMPT FROM TAXATION THE COMPENSATION RECEIVED BY MEMBERS OF THE OHIO ORGANIZED MILITIA FOR ACTIVE DUTY STATE SERVICE RELATED TO THE EFFORT TO COMBAT TERRORISM WITHIN THE STATE; TO GRANT TO A SERVICE MEMBER SERVING OUTSIDE THE UNITED STATES IN A CONTINGENCY OPERATION THE SAME EXTENSION OF DEADLINES FOR FILING TAX RETURNS AND MAKING PAYMENTS UNDER THE TAXATION LAW THAT IS CURRENTLY GRANTED SERVICE MEMBERS SERVING IN A COMBAT ZONE; TO EASE RESTRICTIONS ON THE AUTHORITY OF PUBLIC EMPLOYERS TO REEMPLOY RETIRED EMPLOYEES IN ORDER TO FILL A STAFFING NEED RESULTING FROM AN EMPLOYEE BEING CALLED TO ACTIVE DUTY; TO PERMIT TAXPAYERS TO USE THEIR INCOME TAX RETURNS TO MAKE CONTRIBUTIONS TO THE FAMILY MEMBERS OF ACTIVE DUTY MILITARY PERSONNEL; TO REQUIRE THE ADJUTANT GENERAL TO REIMBURSE ACTIVE DUTY MEMBERS OF THE OHIO NATIONAL GUARD FOR PREMIUMS THE MEMBERS PAY FOR FEDERAL SERVICEMEMBERS' GROUP LIFE INSURANCE; TO REQUIRE THE ATTORNEY GENERAL TO APPOINT A STAFF MEMBER OF THE CONSUMER PROTECTION DIVISION TO EXPEDITE CERTAIN CASES OR ISSUES RAISED BY A PERSON, OR THE PERSON'S IMMEDIATE FAMILY, WHO IS DEPLOYED ON ACTIVE DUTY; TO ELIMINATE THE SALES AND USE TAX EXEMPTION FOR INVESTMENT METAL BULLION AND INVESTMENT COINS IN ORDER TO PROVIDE COLLEGE TUITION WAIVERS TO SPOUSES AND QUALIFYING FORMER SPOUSES OF MEMBERS OF THE UNITED STATES ARMED FORCES KILLED IN THE LINE OF DUTY IN A COMBAT ZONE AFTER MAY 7, 1975; TO PROVIDE A \$50,000 DEATH BENEFIT TO ACTIVE DUTY MEMBERS OF THE OHIO NATIONAL GUARD; TO MAKE AN APPROPRIATION; AND TO DECLARE AN EMERGENCY.

To the committee on Finance and Appropriations

H.B. No. 231 - Representative Mason, et al

TO PROHIBIT A PERSON FROM KNOWINGLY DISCHARGING A LASER INTO THE COCKPIT OF AN AIRCRAFT.

To the committee on Transportation, Public Safety and Homeland Security

H.B. No. 232 - Representative Mason, et al

TO DEFINE "RESTRICTED FERTILIZER" AND REQUIRE THAT A DISTRIBUTOR OF A RESTRICTED FERTILIZER BE REGISTERED WITH THE DIRECTOR OF AGRICULTURE, OBTAIN IDENTIFICATION FROM PERSONS MAKING PURCHASES, AND MAINTAIN SPECIFIED RECORDS OF SALES.

To the committee on Agriculture and Natural Resources

H.B. No. 233 - Representative Coley, et al

TO AUTHORIZE BANKS TO CHARGE THE SAME INTEREST AND FEES AS BANKS IN OTHER STATES.

To the committee on Financial Institutions, Real Estate and Securities

H.B. No. 234 - Representative Wolpert, et al

TO PERMIT A BOARD OF ELECTIONS, IN CONJUNCTION WITH A BOARD OF EDUCATION, THE GOVERNING AUTHORITY OF A COMMUNITY SCHOOL, OR THE CHIEF ADMINISTRATOR OF A NONPUBLIC SCHOOL, TO ESTABLISH A PROGRAM PERMITTING CERTAIN HIGH SCHOOL SENIORS TO SERVE AS PRECINCT OFFICERS ON THE DAY OF AN ELECTION, AND TO PERMIT A BOARD OF ELECTIONS TO ESTABLISH SUCH A PROGRAM FOR HOME-INSTRUCTED STUDENTS WHO ARE IN THE EQUIVALENT OF THE TWELFTH YEAR OF A ONE THROUGH TWELVE YEAR INSTRUCTIONAL PROGRAM.

To the committee on Elections and Ethics

H.B. No. 235 - Representative Wagner, et al

TO MAKE CHANGES TO THE CORONER'S LAW AND ASSOCIATED PROVISIONS OF THE DEATH AND FETAL 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, AND TO REMOVE THE PROHIBITION AGAINST A SHERIFF OR CORONER PRACTICING AS AN ATTORNEY AT LAW IN A COURT.

To the committee on Judiciary

Sub. S.B. No. 17 - Senator Spada, et al

TO REQUIRE A MEMBER OF THE CLERGY, RABBI, PRIEST, MINISTER, OR ANY PERSON OR LAYPERSON, OTHER THAN A VOLUNTEER, ACTING AS A LEADER, OFFICIAL, DELEGATE, OR OTHER DESIGNATED FUNCTION ON BEHALF OF ANY CHURCH, RELIGIOUS SOCIETY, OR FAITH TO REPORT THE KNOWN OR REASONABLY SUSPECTED ABUSE OR NEGLECT OF A CHILD BY ANY OTHER MEMBER OF THE CLERGY, RABBI, PRIEST, MINISTER,

OR PERSON OR LAYPERSON, OTHER THAN A VOLUNTEER, SO ACTING ON BEHALF OF ANY CHURCH, RELIGIOUS SOCIETY, OR FAITH; TO TOLL THE CRIMINAL STATUTE OF LIMITATIONS FOR VIOLATIONS INVOLVING ABUSE OR NEGLECT OF A CHILD IF CERTAIN INDIVIDUALS FAIL TO REPORT THE ABUSE OR NEGLECT OF THE CHILD; TO PROVIDE A 20-YEAR STATUTE OF LIMITATIONS FOR CIVIL ASSAULT OR BATTERY ACTIONS BROUGHT BY VICTIMS OF CHILDHOOD SEXUAL ABUSE BASED ON CHILDHOOD SEXUAL ABUSE OR CIVIL ACTIONS BROUGHT BY VICTIMS OF CHILDHOOD SEXUAL ABUSE ASSERTING RESULTING CLAIMS; TO PROVIDE A PERIOD OF ONE OR TWO YEARS, DEPENDING UPON THE CIRCUMSTANCES, FOR THE FILING OF ASSAULT OR BATTERY ACTIONS BY VICTIMS OF CHILDHOOD SEXUAL ABUSE BASED ON CHILDHOOD SEXUAL ABUSE OCCURRING WITHIN THE PRECEDING 35 YEARS, OR CIVIL ACTIONS BY VICTIMS OF CHILDHOOD SEXUAL ABUSE ASSERTING RESULTING CLAIMS, THAT OTHERWISE ARE BARRED BY THE EXPIRATION OF THE PERIOD OF LIMITATIONS; AND TO EXPAND THE OFFENSE OF "SEXUAL BATTERY" TO ALSO PROHIBIT A CLERIC FROM ENGAGING IN SEXUAL CONDUCT WITH A MINOR WHO IS A MEMBER OF, OR ATTENDS, THE CHURCH OR CONGREGATION SERVED BY THE CLERIC.

To the committee on Judiciary

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

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

Representative Widener 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.

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:

Am. S. B. No. 6 - Senator Padgett- et al.

Am. S. B. No. 71 - Senator Wilson- et al.

Attest:

Matthew T. Schuler,
Clerk.

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. 29 - Representatives Raussen, D. Evans, Distel, Aslanides, Allen, Raga, Driehaus, Trakas, Barrett, Daniels, Carano, McGregor, Reidelbach, Willamowski, Hartnett, Martin, Brinkman, Kearns, C. Evans, Blessing, Schaffer, Harwood, Miller, Beatty, Blasdel, Boccieri, Brown, Bulp, Buehrer, Calvert, Carmichael, Cassell, Chandler, Coley, Collier, DeBose, DeWine, Domenick, Faber, Fende, Fessler, Flowers, Garrison, Gibbs, Gilb, Hagan, Healy, Hoops, Hughes, Key, Kilbane, Latta, Law, Mason, Mitchell, Oelslager, Otterman, S. Patton, T. Patton, Perry, Redfern, Sayre, Schlichter, Schneider, Seaver, Seitz, Setzer, G. Smith, D. Stewart, J. Stewart, Sykes, Taylor, Uecker, Wagoner, Walcher, Webster, White, Widowfield, Wolpert, Woodard, Yates, Yuko Senators Jordan, Grendell, Schuring, Dann, Mallory, Zurz, Cates, Austria, Carey, Coughlin, Fedor, Fingerhut, Gardner, Goodman, Harris, Hottinger, Mumper, Niehaus, Armbruster, Clancy, Jacobson, Amstutz, Brady, Miller, Padgett, Prentiss, Roberts, Schuler, Spada, Wachtmann

To amend section 2919.251 of the Revised Code to require a person who is charged with an offense of violence involving a victim who is a family or household member and to whom any of a list of specified circumstances applies to appear before the court before the court sets bail for that person and to require the court to consider certain factors before setting bail for that person if the court is aware of certain specified information.

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

Attest: Matthew T. Schuler,
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:

Sub. H. B. No. 48 - Representatives Hughes, Aslanides, Combs, C. Evans, D. Evans, Faber, Flowers, Gibbs, Hoops, Kearns, Latta, McGregor, Oelslager, Schaffer, J. Stewart, Taylor, Trakas, Webster, DeGeeter, Otterman, Perry, Gilb, Seaver, Willamowski, D. Stewart, Barrett, Brown, Buehrer, Calvert, Carano, Cassell, Chandler, Collier, Distel, Driehaus, Garrison, Hagan, Harwood, Martin, T. Patton, Peterson, Setzer, G. Smith, Strahorn, Uecker, Wagner, Wagoner, Walcher, Widener, Williams, Wolpert, Yuko
Senators Clancy, Jordan, Austria, Grendell, Schuring, Zurz, Goodman, Amstutz, Coughlin, Gardner, Padgett, Roberts, Schuler, Mumper, Niehaus, Spada, Armbruster, Wachtmann

To amend section 2913.49 and to enact section 109.94 of the Revised Code to increase the penalty for identity fraud in certain circumstances, including when it is committed against an elderly person or disabled adult, to modify the affirmative defenses available for that offense, and to create the Identity Fraud Passport.

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

Attest: Matthew T. Schuler,
Clerk.

The Senate amendments were laid over under the Rule.

On motion of Representative Widener, the House adjourned until Tuesday, May 10, 2005 at 11:00 o'clock a.m.

Attest: LAURA P. CLEMENS,
Clerk.