

OHIO

House

of

Representatives

JOURNAL

WEDNESDAY, MAY 11, 2005

FORTY-NINTH DAY

Hall of the House of Representatives, Columbus, Ohio
Wednesday, May 11, 2005 at 1:30 o'clock p.m.

The House met pursuant to adjournment.

Prayer was offered by Father Paul Kipsuhl of the St. Francis Xavier Catholic Church in Medina, 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:

Ryan Gambill received H.R. No. 30, presented by Representative Fessler-79th district.

Linda Ziehler, a guest of Representative Blasdel-1st district.

Brian Williams, son, Representative Williams-41st district.

Judge Dave Stucki, a guest of Representative Hagan-50th district.

Gerald and Linda Parker, guests of Representative Oelslager-51st district.

Sandy Calvert, wife, Representative Calvert-69th district.

Members of the Leadership of Medina County 2005, guests of Representative Calvert-69th district.

Danielle Mehlman, a guest of Representatives Domenick-95th district and Sayer-96th district.

INTRODUCTION OF BILLS

The following bills were introduced:

H. B. No. 252-Representatives Distel, Hartnett, S. Patton, Schaffer, McGregor, C. Evans, Beatty.

To amend section 3705.23 of the Revised Code to allow Ohio public agencies to obtain certified copies of vital records without being assessed a fee.

H. B. No. 253-Representatives Webster, Wolpert, Wagner, C. Evans, Kearns, Calvert, Flowers, Raga, Hoops, Setzer, Schaffer, D. Evans, White, Combs, Latta, Hartnett, Law, Collier, Taylor.

To amend sections 2929.01, 2929.13, 2929.14, 2929.15, 2929.16, 2929.17, 2929.19, 2941.1413, 4503.233, 4503.234, 4507.164, 4510.04, 4510.11,

4510.12, 4510.13, 4510.16, 4510.41, 4511.19, and 5120.033 and to enact sections 3335.361 and 4510.111 of the Revised Code to make the penalties for driving under a license suspension similar to those under the state OVI law, to increase the penalties for driving under suspension and operating a motor vehicle without a valid license when the offender is involved in an accident that causes death or serious physical harm to another, and to provide a "no actual knowledge" affirmative defense to a charge under these prohibitions based on an administrative suspension.

H. B. No. 254—Representatives Collier, Allen, Aslanides, Coley, Daniels, DeWine, Dolan, C. Evans, Flowers, Hagan, Hartnett, Harwood, Hood, Hoops, Law, Martin, McGregor, Peterson, Reidelbach, Reinhard, Seaver, Setzer, G. Smith, Strahorn, Taylor, Ujvagi, Wagner, Webster, Willamowski, Yates.

To amend sections 2151.011, 3313.48, 3313.533, 3313.62, 3317.01, and 3317.029; to enact new section 3313.481; and to repeal sections 3313.481 and 3313.482 of the Revised Code to require that school districts and chartered nonpublic schools be open for 1,060 hours of instruction a year for grades one through six, and 1,200 hours for grades seven through twelve.

Said bills were considered the first time.

REPORTS OF STANDING AND SELECT COMMITTEES AND BILLS FOR SECOND CONSIDERATION

Representative Woodard submitted the following report:

The standing committee on Insurance to which was referred **H. C. R. No. 15**—Representative G. Smith, et al., having had the same under consideration, reports it back and recommends its adoption.

RE: CONGRESS OPPOSE (SMART) ACT

Representative G. Smith moved to amend the title as follows:

Add the names: "Martin, Daniels, Setzer, Koziura, Wolpert, D. Evans, Book, Gibbs, Widener."

GEOFFREY C. SMITH
CHRIS WIDENER
T. TODD BOOK
DAVID R. EVANS
LARRY L. WOLPERT
DAVID DANIELS
JEANINE PERRY

STEVE L. DRIEHAUS
JOHN J. WHITE
BOB GIBBS
ARLENE J. SETZER
JOSEPH KOZIURA
MATTHEW J. DOLAN
EARL MARTIN

The following member voted "NO"

JOHN A. BOCCIERI

The report was agreed to.

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

Representative Distel submitted the following report:

The standing committee on Agriculture and Natural Resources to which was referred **H. B. No. 157**-Representative Distel, et al., having had the same under consideration, reports it back and recommends its passage.

RE: PYMATUNING LAKE COMPACT

Representative Aslanides moved to amend the title as follows:

Add the names: "Gibbs, Setzer, Domenick."

JOHN SCHLICHTER	BOB GIBBS
JIM MCGREGOR	JIM ASLANIDES
L. GEORGE DISTEL	ARLENE J. SETZER
MATTHEW J. DOLAN	KATHY L. WALCHER
TIMOTHY J. CASSELL	TYRONE K. YATES
JOHN DOMENICK	JENNIFER GARRISON
MIKE MITCHELL	STEVE REINHARD
CLYDE EVANS	JEFF WAGNER
ALLAN R. SAYRE	DERRICK SEAVER

The report was agreed to.

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

Representative Distel submitted the following report:

The standing committee on Commerce and Labor to which was referred **Am. S. B. No. 81**-Senator Armbruster, et al., having had the same under consideration, reports it back and recommends its passage.

RE: UNEMPLOYMENT COMPENSATION LAW - CHANGES

Representative Schaffer moved to amend the title as follows:

Add the names: "Representatives Schaffer, Cassell, Collier, Combs, Distel, McGregor, Miller, Seitz, Yuko."

THOM COLLIER	COURTNEY COMBS
DALE MILLER	RONALD HOOD
SALLY CONWAY KILBANE	WILLIAM J. SEITZ
JIM MCGREGOR	TIMOTHY J. CASSELL
KENNY YUKO	TIMOTHY O. SCHAFFER
L. GEORGE DISTEL	TOM BRINKMAN
DAN STEWART	

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. 236 - Representative White, et al

TO CREATE "DONATE LIFE" LICENSE PLATES.

To the committee on Transportation, Public Safety and Homeland Security

H.B. No. 237 - Representative Seaver, et al

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.

To the committee on Commerce and Labor

H.B. No. 238 - Representative S. Patton, et al

TO DESIGNATE THE MONTH OF MAY AS "MOTORCYCLE SAFETY AND AWARENESS MONTH."

To the committee on State Government

H.B. No. 240 - Representative Law

TO PROHIBIT CERTAIN COUNTIES FROM MOVING COUNTY DEPARTMENT OF JOB AND FAMILY SERVICES PERSONNEL WITHOUT APPROVAL FROM THE DIRECTOR OF JOB AND FAMILY SERVICES.

To the committee on State Government

H.B. No. 241 - Representative Latta, et al

TO ADOPT THE CRIMINAL SENTENCING COMMISSION'S RECOMMENDATIONS REGARDING REVISION OF THE FORFEITURE LAWS.

To the committee on Criminal Justice

H.B. No. 242 - Representative C. Evans, et al

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.

To the committee on Finance and Appropriations

H.B. No. 243 - Representative Hood, et al

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.

To the committee on State Government

H.B. No. 244 - Representative Schneider, et al

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.

To the committee on Insurance

H.B. No. 245 - Representative Reinhard, et al

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.

To the committee on Transportation, Public Safety and Homeland Security

H.B. No. 246 - Representative Oelslager

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.

To the committee on Judiciary

Am. S.B. No. 124 - Senator Spada, et al

TO EXEMPT TEN STATE GOVERNMENTAL ENTITIES FROM THE OPERATION OF THE SUNSET REVIEW LAW, TO CHANGE THE MEMBERSHIP OF THE OHIO SUBROGATION RIGHTS COMMISSION AND ACCELERATE ITS COMMENCEMENT DATE, AND TO CONFIRM THE SUNSET REVIEW AND RELATED AMENDMENTS, ENACTMENTS, AND REPEALS OF AM. SUB. H.B. 516 OF THE 125TH GENERAL ASSEMBLY.

To the committee on Civil and Commercial Law

JON A. HUSTED
CHARLES E. CALVERT
KEVIN DEWINE
MERLE GRACE KEARNS
JOHN SCHLICHTER
SHAWN N. WEBSTER
KENNETH A. CARANO
WILLIAM J. HEALY
ROBERT J. OTTERMAN

CHARLES R. BLASDEL
JIM CARMICHAEL
LARRY L. FLOWERS
TOM RAGA
GEOFFREY C. SMITH
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 all House Bills and the 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. 53 - Representative Healy

HONORING THE CANTON MCKINLEY HIGH SCHOOL BOYS BASKETBALL TEAM ON WINNING THE 2005 DIVISION I STATE CHAMPIONSHIP.

Add the names: Koziura, Otterman

H.R. No. 54 - Representative Allen

HONORING AISHA JEFFERSON AS OHSBCA MS. BASKETBALL 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 Tuesday, May 10, 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 10, 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. 34-Representatives Setzer, Flowers, Kearns, Allen, Webster, DeGeeter, Carano, Taylor, Latta, D. Evans, Gilb, Hughes, Seitz, Willamowski, Perry.

To amend section 2933.24 of the Revised Code to specify that a search warrant must be returned promptly, 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
Coley	Collier	Combs	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 S.	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 bill passed.

Representative Setzer moved to amend the title as follows:

Add the names: "Barrett, Bocchieri, Brown, Buehrer, Calvert, Cassell, Collier, Daniels, DeBose, Distel, Domenick, C. Evans, Gibbs, Harwood, Martin, McGregor, T. Patton, Raga, Reidelbach, Schaffer, Seaver, G. Smith, Uecker, Williams."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

H. B. No. 36-Representatives Carmichael, Blasdel, J. Stewart, Daniels, McGregor, C. Evans, Kearns, Hoops, T. Patton, Seitz, Skindell, Flowers, Oelslager, Combs, Hughes, D. Evans, Carano, Hartnett, Aslanides, DeWine, Raga, DeGeeter, Allen, Ujvagi, Setzer, Barrett, Reidelbach, Perry, Miller, Strahorn, Taylor, Chandler, Reinhard, Hagan, Schlichter, Brown, Buehrer, D. Stewart, Book, Walcher, Uecker.

To enact section 5.2230 of the Revised Code to designate September as "Leukemia, Lymphoma, and Myeloma Awareness Month," 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
Coley	Collier	Combs	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 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	Sykes	Taylor
Trakas	Uecker	Ujvagi	Wagner
Wagoner	Walcher	Webster	White
Widener	Widowfield	Willamowski	Williams
Wolpert	Woodard	Yates	Yuko
			Husted-97.

The bill passed.

Representative Carmichael moved to amend the title as follows:

Add the names: "Beatty, Bocchieri, Brinkman, Bubp, Calvert, Cassell, Coley, Collier, DeBose, Distel, Dolan, Domenick, Driehaus, Faber, Fende, Fessler, Gibbs, Gilb, Harwood, Key, Kilbane, Latta, Law, Martin, Mason, Otterman, S. Patton, Raussen, Redfern, Sayre, Schaffer, Schneider, Seaver, G. Smith, Sykes, Wagoner, Webster, Widener, Willamowski, Williams, Wolpert, Yates, Yuko."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

H. B. No. 102-Representatives Wolpert, Faber, Core, Seaver, Willamowski, Raussen, Combs, G. Smith, Martin, Hoops, Reidelbach, Harwood.

To amend section 3111.03 and to enact section 3111.97 of the Revised Code to clarify the parentage of children born as a result of embryo donation, 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
Coley	Collier	Combs	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 S.	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 bill passed.

Representative Wolpert moved to amend the title as follows:

Add the names: "Allen, Buehrer, Cassell, Coley, Collier, Domenick, C. Evans, Flowers, Gibbs, Gilb, Hagan, Hood, Hughes, McGregor, Schaffer, Setzer, White, Williams."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

H. B. No. 144-Representative Buehrer.

To amend section 2317.02 of the Revised Code to waive the physician-patient and attorney-client privileges in probate cases under certain circumstances, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

May 11, 2005

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 **H. B. No. 144**-Representative Buehrer, because it might be construed that I have an interest in the legislation.

Sincerely yours,

/s/ TYRONE K. YATES
 TYRONE K. YATES
 State Representative
 33rd House District

The request was granted.

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	Bocchieri	Book
Brinkman	Brown	Bubp	Buehrer
Calvert	Carano	Carmichael	Cassell
Coley	Collier	Combs	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 S.	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	Yuko	Husted-96.

The bill passed.

Representative Aslanides moved to amend the title as follows:

Add the names: "Aslanides, Barrett, Daniels, Domenick, C. Evans, D. Evans, Faber, Flowers, Gilb, Harwood, Hughes, Latta, McGregor, Miller, Oelslager, Reidelbach, Schneider, Seaver, Seitz, G. Smith."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

H. B. No. 185-Representatives Latta, McGregor, C. Evans, Perry, Carano, T. Patton, Daniels, J. Stewart, Coley, Gibbs.

To amend section 4705.10 of the Revised Code 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, 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
Coley	Collier	Combs	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 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	Sykes	Taylor
Trakas	Uecker	Ujvagi	Wagner
Wagoner	Walcher	Webster	White
Widener	Widowfield	Willamowski	Williams
Wolpert	Woodard	Yates	Yuko
			Husted-97.

The bill passed.

Representative Latta moved to amend the title as follows:

Add the names: "Allen, Buehrer, DeBose, Dolan, Domenick, D. Evans, Flowers, Gilb, Hughes, Oelslager, Reidelbach, Seaver, G. Smith, Wagoner, Yuko."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Am. H. R. No. 21-Representatives Combs, Calvert, Flowers, Webster, Aslanides, Schaffer, Taylor, Hagan, Trakas, Law, Collier, Hughes.

To urge the Congress of the United States to enact the Clear Skies Act of 2005, was taken up for consideration the third time.

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

Representative Combs moved to amend the title as follows:

Add the names: "Buehrer, Coley, Daniels, Dolan, C. Evans, D. Evans, Faber, Gibbs, Hood, Kearns, Kilbane, Martin, McGregor, T. Patton, Raga, Reidelbach, Reinhard, Schlichter, Schneider, Seaver, Seitz, Setzer, G. Smith, Walcher, Widener, Widowfield, Wolpert."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

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

Representative Healy moved that **Am. H. R. No. 21**-Representative Combs, et al., be rereferred to the committee on Economic Development and Environment.

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

The yeas and nays were taken and resulted - yeas 40, nays 56, as follows:

Those who voted in the affirmative were: Representatives

Allen	Barrett	Beatty	Boccieri
Book	Brinkman	Brown	Carano
Cassell	DeBose	DeGeeter	Distel
Domenick	Driehaus	Fende	Garrison
Hartnett	Harwood	Healy	Key
Koziura	Mason	Miller	Mitchell
Otterman	Patton S.	Perry	Redfern
Sayre	Schneider	Skindell	Smith S.
Stewart D.	Stewart J.	Strahorn	Sykes
Ujvagi	Williams	Yates	Yuko-40.

Those who voted in the negative were: Representatives

Aslanides	Blasdel	Blessing	Bubp
Buehrer	Calvert	Carmichael	Coley
Collier	Combs	Daniels	DeWine
Dolan	Evans C.	Evans D.	Faber
Fessler	Flowers	Gibbs	Gilb
Hagan	Hood	Hoops	Hughes
Kilbane	Latta	Law	Martin
McGregor	Oelslager	Patton T.	Peterson
Raga	Rausen	Reidelbach	Reinhard
Schaffer	Schlichter	Seaver	Seitz
Setzer	Smith G.	Taylor	Trakas

Uecker	Wagner	Wagoner	Walcher
Webster	White	Widener	Widowfield
Willamowski	Wolpert	Woodard	Husted-56.

The motion was not agreed to.

The question recurring, "Shall the resolution be adopted?"

The yeas and nays were taken and resulted - yeas 63, nays 34, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Blasdel	Blessing	Bubp
Buehrer	Calvert	Carmichael	Cassell
Coley	Collier	Combs	Daniels
DeWine	Distel	Dolan	Evans C.
Evans D.	Faber	Fende	Fessler
Flowers	Garrison	Gibbs	Gilb
Hagan	Hartnett	Hood	Hoops
Hughes	Kearns	Key	Kilbane
Latta	Law	Martin	McGregor
Oelslager	Patton T.	Perry	Raga
Rausen	Reidelbach	Reinhard	Schaffer
Schlichter	Schneider	Seaver	Seitz
Setzer	Smith G.	Taylor	Trakas
Uecker	Wagner	Wagoner	Walcher
Webster	White	Widener	Widowfield
Willamowski	Wolpert		Husted-63.

Those who voted in the negative were: Representatives

Allen	Barrett	Beatty	Bocchieri
Book	Brinkman	Brown	Carano
DeBose	DeGeeter	Domenick	Driehaus
Harwood	Healy	Koziura	Mason
Miller	Mitchell	Otterman	Patton S.
Peterson	Redfern	Sayre	Skindell
Smith S.	Stewart D.	Stewart J.	Strahorn
Sykes	Ujvagi	Williams	Woodard
Yates			Yuko-34.

The resolution was adopted.

S. C. R. No. 11-Representatives DeWine, Kearns, Calvert, Schlichter, Beatty, Flowers, Setzer, D. Stewart, Hartnett, Uecker, Walcher, Blasdel, T. Patton, Mitchell, Book. -Senators Austria, Jacobson, Schuler, Amstutz, Brady, Carey, Clancy, Coughlin, Dann, Goodman, Grendell, Harris, Jordan, Mumper, Roberts, Spada, Armbruster, Fedor, Gardner, Hagan, Hottinger, Mallory, Miller, Niehaus, Padgett, Prentiss, Schuring, Wachtmann, Wilson, Zurz.

To memorialize Congress to take appropriate action so that Wright-Patterson Air Force Base is excluded from the list of base closures for the Base Realignment and Closure process, was taken up for consideration the third time.

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

Representative DeWine moved to amend the title as follows:

Add the names: "Allen, Aslanides, Blessing, Boccieri, Brown, Bulp, Buehrer, Carano, Cassell, Coley, Collier, Combs, Daniels, DeBose, Distel, Dolan, Driehaus, C. Evans, D. Evans, Faber, Fende, Fessler, Gilb, Hagan, Harwood, Hood, Hoops, Hughes, Kilbane, Latta, Law, Martin, McGregor, Miller, Raga, Reidelbach, Reinhard, Schaffer, Seaver, Seitz, Skindell, G. Smith, J. Stewart, Strahorn, Taylor, Trakas, Wagoner, Webster, Widener, Widowfield, Willamowski, Wolpert, Yuko."

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 96, nays 1, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Beatty
Blasdel	Blessing	Boccieri	Book
Brinkman	Brown	Bulp	Buehrer
Calvert	Carano	Carmichael	Cassell
Coley	Collier	Combs	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	Sykes	Taylor	Trakas
Uecker	Ujvagi	Wagner	Wagoner
Walcher	Webster	White	Widener
Widowfield	Willamowski	Williams	Wolpert
Woodard	Yates	Yuko	Husted-96.

Representative Fessler voted in the negative-1.

The concurrent resolution was adopted.

S. C. R. No. 13-Representatives DeWine, Carano, Book, Mitchell, T. Patton, Setzer, Flowers, Walcher, D. Stewart, Hartnett, Uecker, Blasdel. -Senators Dann, Hagan, Harris, Amstutz, Fedor, Zurz, Goodman, Miller, Grendell, Brady, Armbruster, Austria, Carey, Clancy, Coughlin, Gardner, Hottinger, Jacobson, Jordan, Mallory, Mumper, Niehaus, Padgett, Prentiss,

Roberts, Schuler, Schuring, Spada, Wachtmann, Wilson.

To memorialize Congress to take appropriate action so that the Youngstown Joint Air Reserve Station in Vienna Township, Ohio, is excluded from the list of base closures for the Base Realignment and Closure process, was taken up for consideration the third time.

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

Representative Buehrer moved to amend the title as follows:

Add the names: "Allen, Aslanides, Barrett, Beatty, Blessing, Boccieri, Brown, Bubb, Buehrer, Cassell, Coley, Collier, Combs, Daniels, DeBose, DeGeeter, Distel, Dolan, Domenick, Driehaus, C. Evans, D. Evans, Faber, Fende, Garrison, Gilb, Hagan, Harwood, Hood, Hoops, Hughes, Kearns, Key, Kilbane, Koziura, Latta, Martin, Mason, McGregor, Miller, Otterman, S. Patton, Perry, Raga, Raussen, Redfern, Reidelbach, Schaffer, Schlichter, Schneider, Seaver, Seitz, Skindell, G. Smith, S. Smith, Strahorn, Taylor, Trakas, Ujvagi, Wagoner, White, Widener, Widowfield, Willamowski, Williams, Yates, Yuko."

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	Bubb	Buehrer
Calvert	Carano	Carmichael	Cassell
Coley	Collier	Combs	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 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	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.

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:

S. B. No. 128 - Senators Cates, Wilson, Niehaus, Grendell

To amend section 2301.02 of the Revised Code to add one additional judge for the general division of the Butler County Court of Common Pleas to be elected in 2006.

Attest:

Matthew T. Schuler,
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 House amendments to:

Am. Sub. S. B. No. 10 - Senator Jordan- et al.

Attest:

Matthew T. Schuler,
Clerk.

MESSAGE FROM THE SPEAKER

The Speaker of the House of Representatives, on May 11, 2005, signed the following:

S. C. R. No. 7 - Senator Jordan - et al.

Am. Sub. S. B. No. 10 - Senator Jordan - et al.

Sub. H. B. No. 29 - Representative Raussen - et al.

Sub. H. B. No. 48 - Representative Hughes - et al.

CLERK'S NOTATION

This is to place on record Representative Fessler's support for S.C.R. No. 11, a resolution that would memorialize Congress to take appropriate action so that Wright-Patterson Air Force Base is excluded from the list of base closures for the Base Realignment and Closure process. During the roll call vote, Representative Fessler inadvertently pressed the "no" button and was unable to change her vote as the roll call system had already been closed. She immediately approached the Clerk, but House Rules prohibited her from changing her vote verbally.

By placing her intention in the Journal, Representative Fessler is on record as supporting S.C.R. No. 11.

On motion of Representative Blasdel, the House adjourned until Thursday, May 12, 2005 at 11:00 o'clock a.m.

Attest:

LAURA P. CLEMENS,
Clerk.