

OHIO

House

of

Representatives

JOURNAL

CORRECTED VERSION
THURSDAY, MAY 26, 2005

FIFTY-FIFTH DAY

Hall of the House of Representatives, Columbus, Ohio
Thursday, May 26, 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 Coley was selected to preside under the Rule.

The journal of the previous legislative day was read and approved.

INTRODUCTION OF BILLS

The following bills were introduced:

H. B. No. 278-Representatives Bocchieri, McGregor, Skindell, Widowfield, Martin, C. Evans, Seitz, D. Evans, Harwood, Faber, Schaffer, Setzer, Cassell, Williams, Latta, Sykes, S. Patton, Carano, Barrett, Healy.

To amend sections 2743.03, 5101.184, 5747.113, and 5903.02 and to enact section 5903.21 of the Revised Code to allow taxpayers to donate a portion of their income tax refunds to injured military personnel and 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.

H. B. No. 279-Representative Hughes.

To enact section 2923.26 of the Revised Code to prohibit a person from changing, altering, removing, or obliterating the name of the manufacturer, model, manufacturer's serial number, or any other mark of identification on a handgun and to prohibit a person from possessing a handgun knowing or having reasonable cause to believe any such mark of identification on the handgun has been changed, altered, removed, or obliterated.

H. B. No. 280-Representative Law.

To amend section 3313.41 of the Revised Code to require a school board to offer any building for sale to any county, municipal corporation, and township in which the building is located.

Said bills were considered the first time.

The following joint resolutions were introduced:

H. J. R. No. 7-Representative Redfern.

Proposing to enact Section 2a of Article VIII of the Constitution of the State of Ohio to permit the issuance of general obligation bonds to create and

preserve jobs, enhance employment and educational opportunities, and promote economic growth through funding research and development and the development of certain sites and facilities and to expand state and local government authority regarding economic development.

H. J. R. No. 8-Representatives Redfern, Allen, Barrett, Beatty, Bocchieri, Book, Brown, Carano, Cassell, Chandler, DeBose, DeGeeter, Distel, Domenick, Driehaus, Fende, Garrison, Hartnett, Harwood, Healy, Key, Koziura, Mason, Miller, Mitchell, Otterman, S. Patton, Perry, Sayre, Skindell, S. Smith, D. Stewart, Strahorn, Sykes, Ujvagi, Williams, Woodard, Yates, Yuko, Brinkman, Hood.

Proposing to enact Section 2p of Article VIII of the Constitution of the State of Ohio to permit the issuance of general obligation bonds to fund local government public infrastructure capital improvements.

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. 15**-Representative Hoops, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: VIOLENT/SEX OFFENDERS - TRANS/RELEASE - NOTICE

Representative Latta moved to amend the title as follows:

Add the names: "D. Evans, Gilb, Seitz, Yuko, Seaver, Healy, D. Stewart."

ROBERT E. LATTA	DAVID R. EVANS
MIKE GILB	WILLIAM J. SEITZ
TIMOTHY J. DEGEETER	TYRONE K. YATES
ANNIE L. KEY	SALLY CONWAY KILBANE
KENNY YUKO	JOHN R. WILLAMOWSKI
DAN STEWART	WILLIAM J. HEALY
JIM HUGHES	JEANINE PERRY
DANNY R. BUBP	DERRICK SEAVER
STEPHEN BUEHRER	

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. 95-Representative Seitz, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: REPEAT VIOLENT OFFENDERS - SENTENCING

Representative Latta moved to amend the title as follows:

Add the name: "D. Evans."

ROBERT E. LATTA
MIKE GILB
TIMOTHY J. DEGEETER
JEANINE PERRY
DERRICK SEAVER
STEPHEN BUEHRER
JIM HUGHES

DAVID R. EVANS
WILLIAM J. SEITZ
WILLIAM J. HEALY
DANNY R. BUBP
JOHN R. WILLAMOWSKI
SALLY CONWAY KILBANE
RONALD HOOD

The following members voted "NO"

TYRONE K. YATES
KENNY YUKO

ANNIE L. KEY
DAN STEWART

The report was agreed to.

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

Representative Healy submitted the following report:

The standing committee on Rules and Reference to which was referred **H. B. No. 119**-Representative Redfern, et al., having had the same under consideration, recommends its re-referral to the committee on Economic Development and Environment.

RE: LAKE ERIE - BAN OIL AND GAS TAKING

JON A. HUSTED
ANTHONY CORE
MERLE GRACE KEARNS
TOM RAGA
GEOFFREY C. SMITH
WILLIAM J. HEALY
JOYCE BEATTY
KENNETH A. CARANO

JIM CARMICHAEL
KEVIN DEWINE
LARRY L. FLOWERS
JOHN SCHLICHTER
SHAWN N. WEBSTER
TIMOTHY J. DEGEETER
JOSEPH KOZIURA
CHRIS REDFERN

The following members voted "NO"

CHARLES E. CALVERT

CHARLES R. BLASDEL

The report was agreed to.

The bill was ordered to be engrossed and rereferred to the committee on Economic Development and Environment.

Representative Driehaus submitted the following report:

The standing committee on Public Utilities and Energy to which was referred **H. B. No. 218**-Representative Daniels, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: TELECOMMUNICATIONS UPDATE/ALTERNATIVE REGULATION

Representative Hagan moved to amend the title as follows:

Add the names: "Hagan, Wagoner."

JIM CARMICHAEL
KEITH L. FABER
CHRIS WIDENER
JIMMY STEWART
STEVE L. DRIEHAUS
WILLIAM J. HARTNETT
MARK D. WAGONER
L. GEORGE DISTEL
JENNIFER GARRISON
DAVID DANIELS
JOHN P. HAGAN

JOHN WIDOWFIELD
ROBERT E. LATTA
GEOFFREY C. SMITH
BARBARA A. SYKES
STEPHEN BUEHRER
FRED STRAHORN
WILLIAM J. HEALY
LANCE T. MASON
TIMOTHY J. DEGEETER
LOUIS W. BLESSING
EARL MARTIN

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

H.B. No. 222 - Representative Hood, et al
TO REPEAL THE PREVAILING WAGE LAW.

To the committee on Commerce and Labor

H.B. No. 239 - Representative Schneider, et al
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.

To the committee on Health

H.B. No. 265 - Representative Seitz, et al
TO PROVIDE A PROCEDURE FOR A PROBATE COURT TO TREAT A DOCUMENT AS A WILL NOTWITHSTANDING ITS

NONCOMPLIANCE WITH THE STATUTORY FORMALITIES FOR EXECUTING WILLS.

To the committee on Judiciary

H.B. No. 266 - Representative Seitz, et al

TO INCREASE THE TERMS OF OFFICE FOR JUDGES OF THE COURTS OF COMMON PLEAS, COURTS OF APPEALS, AND THE SUPREME COURT, TO CHANGE THE QUALIFICATIONS FOR ALL JUDGES, AND TO REQUIRE THE SUPREME COURT TO ESTABLISH A QUALIFICATION PROGRAM FOR CANDIDATES FOR JUDICIAL OFFICE.

To the committee on Judiciary

H.B. No. 267 - Representative Key, et al

TO REVISE THE LAWS GOVERNING ISSUANCE OF CERTAIN PROFESSIONAL LICENSES.

To the committee on Commerce and Labor

H.B. No. 268 - Representative Faber, et al

RELATIVE TO COVENANT MARRIAGES AND TO REQUIRE PREMARITAL EDUCATION AND ASSESSMENT FOR ALL APPLICANTS FOR MARRIAGE LICENSES.

To the committee on Judiciary

H.B. No. 269 - Representative Willamowski, et al

TO RAISE FROM 13 TO 14 THE AGE BELOW WHICH THE VICTIM MUST BE OR APPEAR TO BE FOR THE HIGHER PENALTIES FOR THE OFFENSE OF IMPORTUNING TO APPLY AND TO INCREASE THE PENALTY FOR THE OFFENSE OF IMPORTUNING.

To the committee Criminal Justice

H.B. No. 270 - Representative Willamowski

TO CREATE SPECIAL PROVISIONS IN THE PUBLIC EMPLOYEES RETIREMENT SYSTEM FOR PUBLIC SAFETY OFFICIALS.

To the committee on Financial Institutions, Real Estate and Securities

H.B. No. 271 - Representative Bulp, et al

TO ELIMINATE THE PENALTY OF VEHICLE SEIZURE AND SUBSEQUENT IMPOUNDMENT OR FORFEITURE FOR PERSONS CONVICTED OF DRIVING WHILE UNDER SUSPENSION IMPOSED DUE TO A FINANCIAL RESPONSIBILITY LAW VIOLATION.

To the committee on Judiciary

H.B. No. 272 - Representative Schneider, et al

REGARDING THE PUBLIC EMPLOYEES RETIREMENT SYSTEM AND TO MAINTAIN THE PROVISIONS OF THIS ACT ON OCTOBER 27, 2006, BY AMENDING THE VERSION OF SECTION 145.92 OF THE REVISED CODE THAT TAKES EFFECT ON THAT DATE.

To the committee on Financial Institutions, Real Estate and Securities

JON A. HUSTED
 CHARLES E. CALVERT
 ANTHONY CORE
 LARRY L. FLOWERS
 TOM RAGA
 GEOFFREY C. SMITH

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

The following members voted "NO"

CHRIS REDFERN
 KENNETH A. CARANO
 WILLIAM J. HEALY

JOYCE BEATTY
 TIMOTHY J. DEGEETER
 JOSEPH KOZIURA

Representative McGregor moved that the House and Constitutional Rules requiring bills to be considered by each house on three different days be suspended as to the second consideration of all House Bills contained in the report of the committee on Rules and Reference.

The motion was agreed to without objection.

The report was agreed to.

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

MOTIONS AND RESOLUTIONS

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

H.R. No. 61 - Representative Reinhard, Speaker Husted, Representatives Redfern, Allen, Aslanides, Barrett, Beatty, Blasdel, Blessing, Boccieri, Book, Brinkman, Brown, Bulp, Buehrer, Calvert, Carano, Carmichael, Cassell, Chandler, Coley, Collier, Combs, Core, Daniels, DeBose, DeGeeter, DeWine, Distel, Dolan, Domenick, Driehaus, C. Evans, D. Evans, 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, S. Patton, T. Patton, Perry, Peterson, Raga, Raussen, Reidelbach, Sayre, Schaffer, Schlichter, Schneider, Seaver, Seitz, Setzer, Skindell, G. Smith, S. Smith, D. Stewart, J. Stewart, Strahorn, Sykes, Taylor, Trakas, Uecker, Ujvagi, Wagner, Wagoner, Walcher, Webster, White, Widener, Widowfield, Willamowski, Williams, Wolpert, Woodard, Yates, Yuko

IN MEMORY OF STAFF SERGEANT KENDALL H. IVY II.

H.R. No. 62 - Representative Hughes, Speaker Husted, Representatives Redfern, Allen, Aslanides, Barrett, Beatty, Blasdel, Blessing, Boccieri, Book, Brinkman, Brown, Bulp, Buehrer, Calvert, Carano, Carmichael,

Cassell, Chandler, Coley, Collier, Combs, Core, Daniels, DeBose, DeGeeter, DeWine, Distel, Dolan, Domenick, Driehaus, C. Evans, D. Evans, Faber, Fende, Fessler, Flowers, Garrison, Gibbs, Gilb, Hagan, Hartnett, Harwood, Healy, Hood, Hoops, Kearns, Key, Kilbane, Koziura, Latta, Law, Martin, Mason, McGregor, Miller, Mitchell, Oelslager, Otterman, S. Patton, T. Patton, Perry, Peterson, Raga, Raussen, Reidelbach, Reinhard, Sayre, Schaffer, Schlichter, Schneider, Seaver, Seitz, Setzer, Skindell, G. Smith, S. Smith, D. Stewart, J. Stewart, Strahorn, Sykes, Taylor, Trakas, Uecker, Ujvagi, Wagner, Wagoner, Walcher, Webster, White, Widener, Widowfield, Willamowski, Williams, Wolpert, Woodard, Yates, Yuko
 IN MEMORY OF LANCE CORPORAL WESLEY G. DAVIDS.

/s/ JON A. HUSTED

Jon A. Husted, Chair

Representative McGregor 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.

BILLS FOR THIRD CONSIDERATION

H. B. No. 157-Representatives Distel, Aslanides, McGregor, S. Patton, Seitz, C. Evans, Carano, Cassell, Hartnett, Brown, Strahorn, Perry, Gibbs, Setzer, Domenick.

To amend section 1541.31 of the Revised Code to revise the Pymatuning Lake Compact, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative McGregor moved that **H. B. No. 157**-Representative Distel, et al., be informally passed and retain its place on the calendar.

The motion 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:

Am. Sub. S. B. No. 145 - Senators Armbruster, Coughlin, Grendell, Harris, Spada, Zurz

To amend sections 2101.01, 2301.02, and 2301.03 of the Revised Code to give the judges of the Domestic Relations Division of the Lorain County Court of Common Pleas jurisdiction over probate matters, to designate the

successors to the Lorain County probate judge as judges of the Domestic Relations Division of the Lorain County Court of Common Pleas, to create an additional General Division judgeship for the Lorain County Court of Common Pleas to be filled initially at the 2006 general election, to create an additional judgeship for the Morrow County Court of Common Pleas to be filled initially at the 2006 general election, and to create an additional judgeship for the Summit County Court of Common Pleas to be filled initially at the 2006 general election.

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 adopted the following concurrent resolution in which the concurrence of the House is requested:

S. C. R. No. 16 - Senators Spada, Armbruster, Coughlin, Schuler, Dann, Fingerhut, Zurz, Grendell, Gardner, Fedor

To recognize June 26, 2006, as "Viktor Schreckengost Day."

Attest:

Matthew T. Schuler,
Clerk.

Said concurrent resolution was referred to the committee on Rules and Reference under the Rule.

MESSAGE FROM THE SPEAKER

Pursuant to House Rules 13, 28, and 30, the Speaker hereby makes the following change to the House Financial Institutions, Real Estate and Securities Committee:

remove Representative Mason; appoint Representative D. Stewart.

MESSAGE FROM THE SPEAKER

Pursuant to House Rules 13, 28, and 30, the Speaker hereby makes the following change to the House Criminal Justice Committee:

remove Representative D. Stewart; appoint Representative Mason.

MESSAGE FROM THE SPEAKER

Pursuant to Ohio Revised Code section 3109.401(C), the Speaker hereby makes the following change to the Task Force on Family Law and Children:

remove Representative Harwood; appoint Representative Garrison.

MESSAGE FROM THE SPEAKER

Pursuant to Ohio Revised Code section 3119.024, the Speaker hereby makes the following change to the Ohio Child Support Guideline Advisory Council:

remove Representative Harwood; appoint Representative DeGeeter.

MESSAGE FROM THE SPEAKER

Pursuant to Ohio Revised Code section 4981.02(A), the Speaker hereby makes the following change to the Ohio Rail Development Commission:

remove Representative Perry; appoint Representative Sayre.

On motion of Representative McGregor, the House adjourned until Tuesday, May 31, 2005 at 11:00 o'clock a.m.

Attest:

LAURA P. CLEMENS,
Clerk.