

OHIO

House

of

Representatives

JOURNAL

WEDNESDAY, JUNE 1, 2005

FIFTY-SEVENTH DAY

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

The House met pursuant to adjournment.

Prayer was offered by Reverend Jim Wilson of the First United Methodist Church in Troy, 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:

Jenny Bruney received H.R. No. 14, presented by Representative Schlichter-85th district.

Andrew Keller, a guest of Representative Hoops-75th district.

Thom and Taylor Bruney, guests of Representative Schlichter-85th district.

INTRODUCTION OF BILLS

The following bills were introduced:

H. B. No. 283-Representatives Chandler, Miller, Skindell, Brown, Sykes, Healy, Ujvagi, Perry, Otterman, Wolpert.

To amend sections 3743.06, 3743.19, 3743.60, 3743.61, 3791.031, and 5104.015 and to enact sections 307.205 and 505.83 of the Revised Code to permit counties and townships to regulate smoking in public places and places of employment.

H. B. No. 284-Representatives Raga, S. Patton, Setzer, T. Patton, Gilb, D. Evans, Schaffer, Seaver, Kearns, Hartnett, Brown, Wagoner, Reidelbach, DeWine.

To amend sections 2907.321, 2907.322, 2907.323, 2929.13, and 2929.41 of the Revised Code to increase the penalties for pandering obscenity involving a minor, pandering sexually oriented material involving a minor, and illegal use of a minor in a nudity-oriented material or performance.

H. B. No. 285-Representative Willamowski.

To enact section 5149.031 of the Revised Code to prohibit employees of the Adult Parole Authority from being required to use private vehicles during the course of their employment.

H. B. No. 286-Representative Willamowski.

To amend sections 145.01, 145.33, and 145.49 of the Revised Code to include municipal park rangers and township police cadets in the law enforcement division of the Public Employees Retirement System (PERS), to provide for conversion by municipal park rangers and township police cadets of regular PERS service credit to PERS law enforcement service credit, and to create special provisions in the Public Employees Retirement System for public safety officers.

H. B. No. 287-Representatives Aslanides, Kearns, Carmichael, Gibbs, Perry, McGregor, Dolan, Collier, Hood, Beatty, Reidelbach.

To amend sections 3702.30 and 3702.31 and to enact section 3702.301 of the Revised Code to exempt certain freestanding birthing centers from the requirement that a center obtain a health care facility license from the Director of Health.

H. B. No. 288-Representatives Wagoner, Combs, Cassell.

To amend sections 317.08, 1509.35, 1509.38, and 5301.56 of the Revised Code to revise the statute governing the vesting of abandoned mineral rights and to allow the chairperson of the Oil and Gas Commission to appoint temporary members to the Commission from the Technical Advisory Council on Oil and Gas when a quorum of the Commission cannot be obtained.

Said bills were considered the first time.

REPORTS OF STANDING AND SELECT COMMITTEES AND BILLS FOR SECOND CONSIDERATION

Representative D. Stewart submitted the following report:

The standing committee on Elections and Ethics to which was referred **H. B. No. 234**-Representative Wolpert, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: HIGH SCHOOL SENIOR - SERVE AS ELECTION OFFICER

Representative Wolpert moved to amend the title as follows:

Add the names: "D. Stewart, Law, Uecker."

RANDY LAW
ANNIE L. KEY
EDNA BROWN
DAN STEWART
KEVIN DEWINE

JOSEPH W. UECKER
STEVE L. DRIEHAUS
ALLAN R. SAYRE
LARRY L. WOLPERT
JAMES PETER TRAKAS

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. 273 - Representative Ujvagi, et al

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 the committee on Finance and Appropriations

H.B. No. 274 - Representative Barrett, et al

TO PROHIBIT ANY PERSON FROM OPERATING A MOVING VEHICLE AND SIMULTANEOUSLY USING A MOBILE TELEPHONE THAT IS NOT CAPABLE OF BEING OPERATED IN A HANDS-FREE MANNER OTHER THAN TO REPORT AN EMERGENCY, TO PROHIBIT WITHOUT EXCEPTION ANY PERSON WITH A TEMPORARY INSTRUCTION PERMIT FROM OPERATING A MOVING VEHICLE AND SIMULTANEOUSLY USING A MOBILE TELEPHONE, TO CREATE THE OFFENSE OF INATTENTIVE DRIVING, AND TO REQUIRE THE STATE HIGHWAY PATROL TO COMPILE MONTHLY DATA AND STATISTICS ON MOTOR VEHICLE ACCIDENTS IN WHICH MOBILE TELEPHONE USE WAS A MATERIAL FACTOR.

To the committee on Transportation, Public Safety and Homeland Security

H.B. No. 275 - Representative Ujvagi, et al

TO ELIMINATE THE SALES TAX EXEMPTION FOR SALES OF INVESTMENT METAL BULLION AND INVESTMENT COINS.

To the committee on Ways and Means

H.B. No. 276 - Representative J. Stewart, et al

WITH RESPECT TO SCHOOL POLICIES PROHIBITING HARASSMENT, INTIMIDATION, OR BULLYING.

To the committee on Education

H.B. No. 277 - Representative Trakas, et al

TO AUTHORIZE REGIONAL WATER AND SEWER DISTRICTS TO ESTABLISH POLICE DEPARTMENTS.

To the committee on Judiciary

H.B. No. 278 - Representative Bocchieri, et al

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.

To the committee on Ways and Means

H.B. No. 279 - Representative Hughes

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.

To the committee on Civil and Commercial Law

H.B. No. 280 - Representative Law

TO REQUIRE A SCHOOL BOARD TO OFFER ANY BUILDING FOR SALE TO ANY COUNTY, MUNICIPAL CORPORATION, AND TOWNSHIP IN WHICH THE BUILDING IS LOCATED.

To the committee on Local and Municipal Government and Urban Revitalization

Am. Sub. S.B. No. 145 - Senator Armbruster, et al

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.

To the committee on Judiciary

JON A. HUSTED
CHARLES E. CALVERT
ANTHONY CORE
MERLE GRACE KEARNS
JOHN SCHLICHTER
SHAWN N. WEBSTER
JOYCE BEATTY
TIMOTHY J. DEGEETER
JOSEPH KOZIURA

CHARLES R. BLASDEL
JIM CARMICHAEL
KEVIN DEWINE
TOM RAGA
GEOFFREY C. SMITH
CHRIS REDFERN
KENNETH A. CARANO
WILLIAM J. HEALY
ROBERT J. OTTERMAN

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 the 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 Resolution be read by title only and approved:

H.R. No. 63 - Representative Flowers

RECOGNIZING AMYOTROPHIC LATERAL SCLEROSIS AWARENESS MONTH, MAY 2005.

Add the names: Kearns, Beatty, Schlichter

/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 resolution contained therein be approved.

The motion was agreed to.

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

H.R. No. 64 - Representative Distel, Speaker Husted, Representatives Redfern, Allen, Aslanides, Barrett, Beatty, Blasdel, Blessing, Boccieri, Book, Brinkman, Brown, Bubb, Buehrer, Calvert, Carano, Carmichael, Cassell, Chandler, Coley, Collier, Combs, Core, Daniels, DeBose, DeGeeter, DeWine, 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, 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 SERGEANT KURT SCHAMBERG

H.R. No. 65 - Representative Schaffer, Speaker Husted, Representatives Redfern, Allen, Aslanides, Barrett, Beatty, Blasdel, Blessing, Boccieri,

Book, Brinkman, Brown, Bubb, 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, Reinhard, Sayre, 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 CORPORAL DUSTIN DERGA.

/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 31, 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 31, 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

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 Distel moved that **H. B. No. 157**-Representative Distel, et al., be informally passed and that it be made a special order of business for Thursday, June 9, 2005.

The motion was agreed to.

Sub. H. B. No. 193-Representatives Daniels, G. Smith, Fessler, Combs,

Wolpert, C. Evans, Martin, Gibbs, D. Evans, Setzer, Barrett, Perry, DeBose, Boccieri, Hughes, Koziura.

To amend sections 9.90, 3917.01, 3917.06, and 3917.07, to enact new section 3917.03 and section 3917.02, and to repeal section 3917.03 of the Revised Code 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, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 94, nays 1, as follows:

Those who voted in the affirmative were: Representatives

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
Fessler	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	Rausсен
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	Webster
White	Widener	Widowfield	Willamowski
Williams	Wolpert	Woodard	Yates
Yuko			Husted-94.

Representative Garrison voted in the negative-1.

The bill passed.

Representative Daniels moved to amend the title as follows:

Add the names: "Brown, Chandler, Domenick, Reidelbach, Schlichter, Webster."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Sub. H. B. No. 218-Representatives Daniels, Taylor, McGregor, Bubp, J. Stewart, Gibbs, Rausсен, Cassell, Uecker, T. Patton, Buehrer, Webster,

Aslanides, Widener, Martin, Seitz, Flowers, Carmichael, G. Smith, Schlichter, Schneider, Coley, White, Reinhard, C. Evans, Collier, Hood, Hartnett, Latta, Strahorn, Distel, Hagan, Wagoner.

To amend sections 4905.04, 4927.02, 4927.03, and 4927.04 and to enact sections 4905.041 and 4905.042 of the Revised Code to revise state telecommunications policy, authorize the Public Utilities Commission to allow alternative regulation of basic local exchange service provided by larger companies, and specify the scope of Commission authority regarding wholesale telecommunications services, advanced services, and internet protocol-enabled services, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 74, nays 21, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Barrett	Blasdel	Blessing
Boccieri	Book	Brinkman	Bubp
Buehrer	Calvert	Carano	Carmichael
Cassell	Coley	Collier	Combs
Core	Daniels	DeGeeter	DeWine
Distel	Dolan	Driehaus	Evans C.
Evans D.	Faber	Fessler	Gibbs
Gilb	Hagan	Hartnett	Harwood
Healy	Hood	Hoops	Hughes
Kearns	Kilbane	Latta	Law
Martin	McGregor	Oelslager	Patton T.
Perry	Peterson	Raga	Rausen
Redfern	Reidelbach	Reinhard	Sayre
Schaffer	Schlichter	Schneider	Seaver
Seitz	Setzer	Smith G.	Stewart J.
Strahorn	Taylor	Trakas	Uecker
Wagner	Wagoner	Webster	White
Widener	Widowfield	Willamowski	Williams
Wolpert			Husted-74.

Those who voted in the negative were: Representatives

Beatty	Brown	Chandler	DeBose
Domenick	Fende	Garrison	Key
Koziura	Mason	Miller	Mitchell
Otterman	Skindell	Smith S.	Stewart D.
Sykes	Ujvagi	Woodard	Yates
			Yuko-21.

The bill passed.

Representative Daniels moved to amend the title as follows:

Add the names: "Calvert, Carano, Peterson, Setzer."

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:

Am. Sub. S. B. No. 61 - Senator Wachtmann- 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 passed the following bill in which the concurrence of the House is requested:

Sub. S. B. No. 147 - Senators Austria, Schuring, Armbruster, Grendell, Schuler

To authorize the conveyance of state-owned real estate in Stark County to the City of Massillon, in Warren County to Cincinnati Gas and Electric Company, in Brown County to a purchaser to be determined, in Franklin County to the Columbus Board of Education, and in Clark County to a purchaser to be determined, and to declare an emergency.

Attest:

Matthew T. Schuler,
Clerk.

Said bill was considered the first time.

MESSAGE FROM THE SPEAKER

Pursuant to House Rules 13, 28, and 30, the Speaker hereby removes Representative Mason from the Retirement and Pensions Subcommittee.

MESSAGE FROM THE SPEAKER

Pursuant to Ohio Revised Code section 4112.12(A), the Speaker hereby makes the following appointment to the Commission on African-American Males:

Appoint Representative Mitchell; reappoint Representative Strahorn.

On motion of Representative Blasdel, the House adjourned until Thursday, June 2, 2005 at 11:00 o'clock a.m.

Attest:

LAURA P. CLEMENS,
Clerk.