

**OHIO**

**House**

**of**

**Representatives**

**JOURNAL**

TUESDAY, JUNE 14, 2005

**SIXTY-FIRST DAY**

Hall of the House of Representatives, Columbus, Ohio  
**Tuesday, June 14, 2005 at 11:00 o'clock a.m.**

The House met pursuant to adjournment.

Prayer was offered by Pastor Rick Ruffenacht of the First Church of Christ in Defiance, Ohio, 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:

Levi Long received H. R. No. 266 (125th General Assembly), presented by Representative Fessler-79th district.

The Gibsonburg High School baseball team received H. R. No. 70, presented by Representative Wagner-81st district.

Students from Central Catholic High School, guests of Representative Oelslager-51st district.

Grey and Susan Allen, and Eillen Reffenacht, guests of Representative Hoops-75th district.

Sam Garrison, son, Representative Garrison-93rd district.

Justin Futrell, guest of Representative Garrison-93rd district.

**INTRODUCTION OF BILLS**

The following bills were introduced:

**H. B. No. 296**-Representatives Buehrer, Latta, Brinkman, Hagan, Aslanides, Setzer, Seaver, Hood, Kearns.

To amend sections 1531.01, 1533.10, and 1533.111 and to enact section 1533.102 of the Revised Code to provide for the issuance of apprentice hunting licenses and apprentice fur taker permits and to enable persons who are sixteen or seventeen years of age to obtain youth hunting licenses and youth fur taker permits.

**H. B. No. 297**-Representatives Wagoner, Wagner, Kearns, Yuko, Boccieri, McGregor, S. Patton, Healy, Reidelbach, Webster, Brinkman, Gilb, Bulp, Brown, Coley, Harwood, Ujvagi.

To amend section 731.25 of the Revised Code to permit statutory villages to publish ordinances and resolutions or their summaries on the Internet rather than by other publication methods.

**H. B. No. 298**-Representatives Peterson, Daniels, C. Evans, Carano, McGregor, Ujvagi, Combs, Aslanides, Harwood, Seaver, Miller, Latta, Oelslager, Kearns, Setzer, Perry, Seitz, Chandler, Schaffer, S. Patton, Reidelbach, Hughes, Otterman, Willamowski, Hoops, Mason, Allen, Hagan, Wagoner, Redfern, Flowers.

To amend section 4501.21 and to enact section 4503.493 of the Revised Code to establish an autism awareness license plate and to provide that money from the contributions for the license plates be used to pay for programs and awareness efforts of the Autism Society of Ohio.

**H. B. No. 299**-Representatives Peterson, Schneider, Wolpert, Schaffer, Calvert, G. Smith, Allen, Flowers.

To amend sections 133.06 and 133.07 and to enact sections 5755.01 to 5755.12 of the Revised Code to authorize counties, townships, and school districts to levy impact fees on new development to finance capital improvements necessitated by that development.

Said bills were considered the first time.

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

Representative Chandler submitted the following report:

The standing committee on Local and Municipal Government and Urban Revitalization to which was referred **Sub. S. B. No. 107**-Senator Schuler, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: TOWNSHIP CLERK - RENAME TOWNSHIP FISCAL OFFICER

Representative Wolpert moved to amend the title as follows:

Add the names: "Representatives Chandler, Combs, Daniels, Uecker, Wolpert, Fende, Domenick."

LARRY L. WOLPERT  
DAVID DANIELS  
COURTNEY COMBS  
MIKE MITCHELL  
LORRAINE M. FENDE  
JOHN DOMENICK  
JOSEPH W. UECKER  
DIANA M. FESSLER

THOM COLLIER  
JEFF WAGNER  
JIM MCGREGOR  
KENNY YUKO  
KATHLEEN CHANDLER  
JIM ASLANIDES  
DANNY R. BUBP

The report was agreed to.

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

Representative Chandler submitted the following report:

The standing committee on Local and Municipal Government and Urban Revitalization to which was referred **H. B. No. 209**-Representative Combs, et al., having had the same under consideration, reports it back and recommends its passage.

RE: COMMUNITY ARTS CENTER LIQUOR PERMIT

Representative Wolpert moved to amend the title as follows:

Add the names: "Daniels, Fende, Yuko, Wolpert."

JIM MCGREGOR  
COURTNEY COMBS  
JEFF WAGNER  
KENNY YUKO  
JOHN DOMENICK  
KATHLEEN CHANDLER  
JOSEPH W. UECKER  
DIANA M. FESSLER

LARRY L. WOLPERT  
DAVID DANIELS  
THOM COLLIER  
MIKE MITCHELL  
LORRAINE M. FENDE  
JIM ASLANIDES  
DANNY R. BUBP

The report was agreed to.

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

Representative Harwood submitted the following report:

The standing committee on Judiciary to which was referred **H. B. No. 235**-Representative Wagner, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: REVISE THE CORONER'S LAW

Representative Willamowski moved to amend the title as follows:

Add the name: "Willamowski."

JOHN R. WILLAMOWSKI  
TIMOTHY O. SCHAFFER  
DANNY R. BUBP  
DALE MILLER

LOUIS W. BLESSING  
BILL COLEY  
MATTHEW J. DOLAN  
RANDY LAW

The following members voted "NO"

CLAUDETTE J. WOODARD

SANDRA STABILE HARWOOD

The report was agreed to.

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

**BILLS FOR THIRD CONSIDERATION**

**Am. H. B. No. 140**-Representatives Carmichael, D. Stewart, Setzer, T. Patton.

To enact section 4303.251 of the Revised Code to authorize entities involved in the manufacture or distribution of beer or intoxicating liquor to conduct consumer product instruction, or provide sample servings of their products, at a retail permit holder's premises without having to obtain a retail liquor permit, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 95, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Barrett	Beatty	Blasdel
Blessing	Bocchieri	Book	Brinkman
Brown	Bubp	Buehrer	Calvert
Carano	Carmichael	Cassell	Chandler
Coley	Collier	Combs	Core
Daniels	DeBose	DeGeeter	DeWine
Dolan	Domenick	Driehaus	Evans C.
Evans D.	Faber	Fende	Fessler
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
Webster	White	Widener	Widowfield
Willamowski	Williams	Wolpert	Woodard
Yates	Yuko		Husted-95.

The bill passed.

Representative Carmichael moved to amend the title as follows:

Add the names: "Barrett, Beatty, Blasdel, Brown, Buehrer, Carano, Cassell, Chandler, Coley, DeGeeter, Domenick, D. Evans, Faber, Harwood, Hughes, Key, McGregor, Otterman, Perry, Seaver, Seitz, Yuko, Trakas."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**Sub. H. B. No. 203**-Representatives Raga, Kearns, DeWine, Flowers, Wagoner, Calvert, T. Patton, Allen, Strahorn, Gilb, Chandler, Faber, White, S. Smith, Barrett, Beatty, DeBose, Fessler, G. Smith, Harwood, Hoops, Otterman, Reidelbach, Schneider, Webster.

To amend sections 3707.26 and 4736.01 and to enact sections 117.102, 3313.473, 3314.12, and 3701.93 to 3701.98 of the Revised Code with respect to inspections of public and nonpublic school buildings by boards of health, to require the Director of Health to establish the School Health and Safety Network to coordinate school inspections, and to include Safety and Sanitary inspection rules within the practice of environmental health for registered sanitarians, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 89, nays 6, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Barrett	Beatty	Blasdel
Blessing	Bocchieri	Book	Brown
Bubp	Buehrer	Calvert	Carmichael
Cassell	Chandler	Coley	Collier
Combs	Core	Daniels	DeBose
DeGeeter	DeWine	Dolan	Domenick
Driehaus	Evans C.	Evans D.	Faber
Fende	Fessler	Garrison	Gibbs
Gilb	Hagan	Hartnett	Harwood
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
Smith G.	Smith S.	Stewart D.	Stewart J.
Strahorn	Taylor	Trakas	Uecker
Ujvagi	Wagner	Wagoner	Webster
White	Widener	Widowfield	Willamowski
Williams	Wolpert	Woodard	Yuko
			Husted-89.

Representatives Brinkman, Carano, Healy, Skindell, Sykes, and Yates voted in the negative-6.

The bill passed.

Representative Raga moved to amend the title as follows:

Add the names: "Carmichael, Cassell, C. Evans, D. Evans, Hagan, Hughes, Key, Law, Martin, Schlichter, Setzer, Taylor, S. Patton, Williams."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**Sub. S. B. No. 124**-Senators Spada, Harris. -Representatives Seitz, Willamowski.

To amend sections 101.23, 101.82, 101.83, 101.84, 101.85, 101.86, 122.011, 122.40, 123.151, 149.56, 307.674, 340.02, 1501.04, 1502.04, 1502.05, 1502.11, 1502.12, 1506.30, 1506.34, 1506.35, 1517.02, 1517.23, 1518.01, 1518.03, 1551.35, 2323.44, 3358.10, 3375.61, 3375.62, 3383.01, 3383.02, 3383.03, 3383.04, 3383.05, 3383.06, 3383.07, 3383.08, 3383.09, 3746.09, 3746.35, 3747.02, 3748.01, 3748.02, 3748.04, 3748.05, 3748.16, 3929.482, 3929.85, 3931.01, 3955.05, 3960.06, 4117.01, 4121.442, 4167.09, 4167.25, 4167.27, 4731.143, 4741.03, 4755.481, 4981.03, 5123.35, and 5123.352 of the Revised Code, to amend Section 4 of Am. Sub. H.B. 516 of the 125th General Assembly, and to repeal Section 8 of Am. S.B. 80 of the 125th General Assembly 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, to confirm the sunset review and related amendments, enactments, and repeals of Am. Sub. H.B. 516 of the 125th General Assembly, and to declare an emergency, was taken up for consideration the third time.

The question being, "Shall the emergency clause stand as part of the bill?"

The yeas and nays were taken and resulted - yeas 91, nays 4, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Barrett	Beatty	Blasdel
Blessing	Bocieri	Book	Brown
Bubp	Calvert	Carano	Carmichael
Cassell	Chandler	Coley	Collier
Combs	Core	Daniels	DeBose
DeGeeter	DeWine	Dolan	Domenick
Driehaus	Evans C.	Evans D.	Faber
Fende	Fessler	Garrison	Gibbs
Gilb	Hagan	Hartnett	Harwood
Healy	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
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-91.

Representatives Brinkman, Buehrer, Hood, and Skindell voted in the

negative-4.

Having received a constitutional majority, the emergency clause stood as part of the bill.

The question being, "Shall the bill pass as an emergency measure?"

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	Bocchieri	Book	Brinkman
Brown	Bubp	Buehrer	Calvert
Carano	Carmichael	Cassell	Chandler
Coley	Collier	Combs	Core
Daniels	DeBose	DeGeeter	DeWine
Dolan	Domenick	Driehaus	Evans C.
Evans D.	Faber	Fende	Fessler
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	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 Redfern voted in the negative-1.

The bill having received the required constitutional majority, passed as an emergency measure.

Representative Seitz moved to amend the title as follows:

Add the names: "Aslanides, Coley, Domenick, Key, McGregor, Miller, Oelslager, Schneider, Seaver, G. Smith, Wagoner."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**Am. S. B. No. 128**-Senators Cates, Wilson, Niehaus, Grendell.  
-Representatives Willamowski, Coley.

To amend sections 2301.02 and 2919.251 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 and to eliminate the requirement that a person charged with an offense of violence against a family or household



member appear before the court for the setting of bail if the person is subject to a protection order or consent decree related to domestic violence or previously was convicted of or pleaded guilty to certain offenses, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 95, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Barrett	Beatty	Blasdel
Blessing	Bocchieri	Book	Brinkman
Brown	Bubp	Buehrer	Calvert
Carano	Carmichael	Cassell	Chandler
Coley	Collier	Combs	Core
Daniels	DeBose	DeGeeter	DeWine
Dolan	Domenick	Driehaus	Evans C.
Evans D.	Faber	Fende	Fessler
Garrison	Gibbs	Gilb	Hagan
Hartnett	Harwood	Healy	Hood
Hoops	Hughes	Kearns	Key
Kilbane	Koziura	Latta	Law
Martin	Mason	McGregor	Miller
Mitchell	Oelsluger	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
Webster	White	Widener	Widowfield
Willamowski	Williams	Wolpert	Woodard
Yates	Yuko		Husted-95.

The bill passed.

Representative Coley moved to amend the title as follows:

Add the names: "Barrett, Bocchieri, Book, Combs, Dolan, Domenick, C. Evans, D. Evans, Harwood, McGregor, Mitchell, Otterman, Schneider, Seaver, Seitz, G. Smith, Wagoner, Webster."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

On motion of Representative Blasdel, the House recessed.

The House met pursuant to recess.

Representative Setzer moved that the House revert to the fifth order of business, being reports of standing and select committees and bills for second

consideration.

The motion was agreed to.

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

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. 290 - Representative Fende, et al**

TO ESTABLISH THE STATE BOARD OF ELECTIONS TO ADMINISTER ELECTIONS CONDUCTED IN THIS STATE.

To the committee on Elections and Ethics

**H.B. No. 291 - Representative Fende, et al**

TO DESIGNATE A PORTION OF STATE ROUTE 44 WITHIN LAKE COUNTY AS THE "ANDY NOWACKI MEMORIAL HIGHWAY."

To the committee on Transportation, Public Safety and Homeland Security

**H.B. No. 292 - Representative Schaffer, et al**

TO ESTABLISH PROCEDURES FOR A BOARD OF TOWNSHIP TRUSTEES TO ALTER THE PRIMA-FACIE SPEED LIMIT ON ANY TOWNSHIP ROAD.

To the committee on Transportation, Public Safety and Homeland Security

**H.B. No. 293 - Representative Kilbane, et al**

TO AUTHORIZE BOARDS OF COUNTY COMMISSIONERS TO ESTABLISH PROPERTY TAX PAYMENT LINKED DEPOSIT PROGRAMS TO ASSIST SENIOR CITIZENS AND PERMANENTLY AND TOTALLY DISABLED CITIZENS IN PAYING PROPERTY TAXES ON THEIR HOMESTEADS.

To the committee on Finance and Appropriations

**H.B. No. 294 - Representative Kilbane, et al**

TO PROVIDE AN EXPEDITED FORECLOSURE PROCEDURE FOR LANDS THAT HAVE HAD DELINQUENT TAX CHARGES FOR A SPECIFIED NUMBER OF YEARS AND THAT ARE NOT OCCUPIED.

To the committee on Civil and Commercial Law

**H.B. No. 295 - Representative Williams, et al**

TO REVISE THE ACADEMIC AND DATA REPORTING ACCOUNTABILITY REQUIREMENTS PERTAINING TO COMMUNITY SCHOOLS.

To the committee on Education

**S.B. No. 125 - Senator Schuring, et al**

TO AUTHORIZE JOINT COUNTY JUVENILE DETENTION FACILITY

DISTRICTS TO ENTER INTO AGREEMENTS WITH THE SEVERAL  
BOARDS OF COUNTY COMMISSIONERS PROVIDING FOR THE  
FINANCING OF JUVENILE DETENTION FACILITY IMPROVEMENTS.  
To the committee on Local and Municipal Government and Urban  
Revitalization

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 Setzer 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. 69 - Representatives Perry, Wagoner**

HONORING THE NOTRE DAME ACADEMY DOORS TO DIPLOMACY TEAM AS THE RECIPIENT OF A 2005 DOORS TO DIPLOMACY AWARD.

**H.R. No. 70 - Representative Wagner, Latta**

HONORING THE GIBSONBURG HIGH SCHOOL BASEBALL TEAM AS THE 2005 DIVISION IV STATE CHAMPION.

**H.R. No. 71 - Representative G. Smith**

HONORING THE UPPER ARLINGTON HIGH SCHOOL BOYS LACROSSE TEAM AS THE 2005 DIVISION IA STATE CHAMPION.

**H.R. No. 72 - Representative G. Smith**

HONORING THE UPPER ARLINGTON HIGH SCHOOL GIRLS LACROSSE TEAM AS THE 2005 DIVISION I STATE CHAMPION.

/s/ JON A. HUSTED

Jon A. Husted, Chair

Representative Setzer 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.

MESSAGE FROM THE SPEAKER

The Speaker of the House of Representatives, on June 14, 2005, signed the following:

**H. C. R. No. 5** - Representative Hoops - et al.

On motion of Representative Setzer, the House adjourned until Wednesday, June 15, 2005 at 11:00 o'clock a.m.

Attest:

LAURA P. CLEMENS,  
Clerk.