

OHIO

House

of

Representatives

JOURNAL

THURSDAY, SEPTEMBER 15, 2005

NINETIETH DAY

Hall of the House of Representatives, Columbus, Ohio
Thursday, September 15, 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 Hughes 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. 341-Representative Seitz.

To enact section 2305.141 of the Revised Code to bar actions challenging acts for violation of the one-subject rule if they are commenced later than 180 days after the effective date of the act.

H. B. No. 342-Representatives Skindell, Key, Koziura, Reidelbach, Perry, Combs, Carano, Miller, Sykes, Yuko, Sayre, D. Stewart, Strahorn, Barrett, DeGeeter.

To enact sections 2108.40 to 2108.45 of the Revised Code to create the right to execute a written declaration governing the disposal of one's body after death, to specify which documents have priority over such a declaration, and to specify who has the duty of disposing of the body of a deceased person.

H. B. No. 343-Representative Raga.

To amend sections 4507.05 and 4507.071 of the Revised Code to increase the age at which a person is eligible to obtain a temporary instruction permit from 15 years 6 months to 16 years and to prohibit the holder of a probationary driver's license from operating a motor vehicle between one a.m. and five a.m. or with more than one person who is not a family member occupying the vehicle.

Said bills were considered the first time.

**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 House Joint Resolutions be considered for the second time and referred to the following committees for

consideration:

H.B. No. 318 - Representative Combs, et al

TO REQUIRE THAT, UNLESS THE OFFENDER IS SENTENCED TO DEATH, EVERY CONVICTED OFFENDER WHO IS SENTENCED AS A SEXUALLY VIOLENT PREDATOR UNDER THE SEXUALLY VIOLENT PREDATOR SENTENCING LAW BE SENTENCED TO A TERM OF LIFE IMPRISONMENT WITHOUT PAROLE.

To the committee on Criminal Justice

H.B. No. 319 - Representative Trakas, et al

TO PERMIT A PERSON WITH MULTIPLE HABITATIONS TO SELECT ONE AS THE PERSON'S RESIDENCE FOR THE PURPOSE OF ELECTIONS.

To the committee on Elections and Ethics

H.B. No. 320 - Representative Schneider

WITH REGARD TO THE LAW GOVERNING THE SCHOOL EMPLOYEES RETIREMENT SYSTEM.

To the committee on Financial Institutions, Real Estate and Securities

H.B. No. 321 - Representative Healy, et al

TO PLACE A MORATORIUM ON THE ESTABLISHMENT OF NEW COMMUNITY SCHOOLS BETWEEN MAY 1, 2005, AND SIX MONTHS AFTER THIS ACT'S EFFECTIVE DATE AND TO DECLARE AN EMERGENCY.

To the committee on Education

H.B. No. 322 - Representative Raussen, et al

TO AUTHORIZE SCHOOL DISTRICTS TO ENTER INTO AGREEMENTS WITH THE DEPARTMENT OF TAXATION OR OTHER ENTITIES FOR THE COLLECTION AND ADMINISTRATION OF SCHOOL DISTRICT INCOME TAXES.

To the committee on Education

H.B. No. 323 - Representative Garrison, et al

TO REQUIRE THAT THE GENERAL ASSEMBLY WEB SITE CONTAIN INFORMATION ABOUT HOW EACH MEMBER VOTES ON BILLS AND RESOLUTIONS.

To the committee on State Government

H.B. No. 324 - Representative Koziura, et al

TO REMOVE THE "LOCKED MOTOR VEHICLE" EXCEPTION FROM THE PROVISION THAT OTHERWISE EXEMPTS PREMISES OF A PUBLIC OR PRIVATE INSTITUTION OF HIGHER EDUCATION FROM THE RIGHT OF A LICENSEE TO CARRY A CONCEALED HANDGUN; TO LIST BUILDINGS, STRUCTURES, PARCELS OF LAND, AND PARKING LOTS AS EXAMPLES OF SUCH PREMISES; TO REMOVE THE "PRIVATE INSTITUTION OF HIGHER EDUCATION" EXCEPTION FROM THE PROVISION THAT SPECIFIES THAT THE CONCEALED

HANDGUN LICENSING LAW DOES NOT NEGATE OR RESTRICT A PRIVATE EMPLOYER'S RULE, POLICY, OR PRACTICE CONCERNING OR PROHIBITING THE PRESENCE OF FIREARMS ON THE EMPLOYER'S PREMISES OR PROPERTY; AND TO SPECIFY THAT NOTHING IN THE CONCEALED HANDGUN LICENSING LAW LIMITS, NEGATES, RESTRICTS, OR AFFECTS ANY RIGHT OR AUTHORITY OF A PEACE OFFICER TO CARRY A CONCEALED HANDGUN.

To the committee on Criminal Justice

H.B. No. 325 - Representative Carmichael, et al

TO CREATE THE COMMISSION ON THE FUTURE OF CANCER CARE IN OHIO.

To the committee on State Government

H.B. No. 326 - Representative Faber, et al

TO ESTABLISH SURVIVORSHIP RIGHTS IN CERTAIN ACCOUNTS WITH FINANCIAL INSTITUTIONS AND, AFTER A DEPOSITOR'S DEATH, TO REQUIRE THAT FUNDS HELD IN CERTAIN ACCOUNTS AT BANKS GENERALLY BE PAID TO PERSONS HAVING A SURVIVORSHIP INTEREST.

To the committee on Financial Institutions, Real Estate and Securities

H.B. No. 327 - Representative Key

TO REQUIRE THAT FIFTY PER CENT OF ALL FEES PAID INTO THE FINANCIAL RESPONSIBILITY COMPLIANCE FUND BE DISTRIBUTED TO THE COURTS TO COVER COSTS INCURRED BY THE COURTS IN CONNECTION WITH THE ENFORCEMENT OF THE TRAFFIC LAWS.

To the committee on Judiciary

H.B. No. 328 - Representative Key, et al

TO REQUIRE EVERY HIGH SCHOOL TO INCLUDE ONE-HALF HOUR OF VOTER EDUCATION INSTRUCTION AS PART OF THE REQUIRED AMERICAN GOVERNMENT COURSE INSTRUCTION.

To the committee on Education

H.B. No. 329 - Representative DeWine

TO MAKE CHANGES IN CERTAIN DRIVER'S LICENSE SUSPENSION PROVISIONS; TO LIMIT WHEN A COURT MUST IMPOSE A MANDATORY PRISON TERM FOR AGGRAVATED VEHICULAR ASSAULT; AND TO MODIFY CERTAIN PROVISIONS RELATING TO MOTOR VEHICLE OPERATION, MAYOR'S COURTS, AND ELECTRONIC MONITORING DEVICES.

To the committee on Judiciary

H.B. No. 330 - Representative Healy, et al

TO EXEMPT ESTATES OF MEMBERS OF THE UNITED STATES ARMED SERVICES WHO DIED WHILE SERVING IN A COMBAT ZONE FROM BEING CHARGED ANY FEES ASSOCIATED WITH THE FILING OF THE DECEDENT'S WILL FOR PROBATE OR THE

ADMINISTRATION OF THE DECEDENT'S ESTATE OR ANY FEES FOR RELIEVING THE ESTATE FROM ADMINISTRATION OR GRANTING AN ORDER FOR SUMMARY RELEASE FROM ADMINISTRATION.

To the committee on Judiciary

H.B. No. 331 - Representative Gibbs, et al

TO ESTABLISH, UNTIL DECEMBER 31, 2006, A MORATORIUM ON THE USE OF EMINENT DOMAIN BY ANY PUBLIC BODY OF THE STATE TO TAKE UNBLIGHTED PRIVATE PROPERTY WHEN THE SOLE OR PRIMARY PURPOSE FOR THE TAKING IS ECONOMIC DEVELOPMENT THAT WILL ULTIMATELY RESULT IN OWNERSHIP OF THE PROPERTY BEING VESTED IN ANOTHER PRIVATE PERSON, TO CREATE THE LEGISLATIVE TASK FORCE TO STUDY EMINENT DOMAIN AND LAND USE PLANNING IN THE STATE, AND TO DECLARE AN EMERGENCY.

To the committee on Civil and Commercial Law

H.B. No. 334 - Representative Garrison, et al

TO CLARIFY THE CRIMINAL FORFEITURE PROVISIONS OF THE CORRUPT ACTIVITY LAW REGARDING THE TIME AT WHICH FORFEITURES ATTACH, THE FORFEITURE OF SUBSTITUTE PROPERTY FOR FORFEITABLE PROPERTY THAT IS UNREACHABLE OR REMOVED FROM A FORFEITURE ORDER TO PROTECT THE INNOCENT PERSONS, THE AVAILABILITY UNDER A FORFEITURE ORDER OF CERTAIN PROPERTY TRANSFERRED IN AN ATTEMPT TO AVOID POTENTIAL FORFEITURE, AND THE TIME AT WHICH AN ORDER TO PRESERVE THE REACHABILITY OF PROPERTY THAT MIGHT BE FORFEITABLE UNDER THAT LAW MAY BE REQUESTED AND ATTACHES, AND TO DECLARE AN EMERGENCY.

To the committee on Criminal Justice

H.B. No. 335 - Representative Williams, et al

TO AMEND THE DEFINITION OF A "CHALLENGED SCHOOL DISTRICT" WHERE NEW START-UP COMMUNITY SCHOOLS MAY BE LOCATED.

To the committee on Education

H.B. No. 336 - Representative Core

TO CHANGE THE STATUS OF THE JUDGE OF THE MARYSVILLE MUNICIPAL COURT FROM PART-TIME TO FULL-TIME.

To the committee on Judiciary

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.

To the committee on Finance and Appropriations

H.J.R. No. 8 - Representative Redfern, Allen, Barrett, Beatty, Boccieri, 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.

To the committee on Finance and Appropriations

H.J.R. No. 9 - Representative DeWine

PROPOSING TO ENACT SECTION 16 OF ARTICLE XI OF THE
CONSTITUTION OF THE STATE OF OHIO TO LIMIT TO EACH YEAR
ENDING IN THE NUMERAL ONE THE TIME AT WHICH
APPORTIONMENT OR REDISTRICTING OF THE STATE FOR
GENERAL ASSEMBLY AND CONGRESSIONAL DISTRICTS MAY BE
CONDUCTED, UNLESS THE CURRENTLY APPLICABLE
APPORTIONMENT OR REDISTRICTING PLAN IS DETERMINED TO
BE INVALID BY EITHER THE SUPREME COURT OF OHIO OR THE
SUPREME COURT OF THE UNITED STATES.

To the committee on Elections and Ethics

JON A. HUSTED
JIM CARMICHAEL
KEVIN DEWINE
TOM RAGA
ARLENE J. SETZER
TIMOTHY J. DEGEETER

CHARLES E. CALVERT
ANTHONY CORE
LARRY L. FLOWERS
JOHN SCHLICHTER
KENNETH A. CARANO
WILLIAM J. HEALY

Representative Reinhard 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 House Bills and House Joint Resolutions 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 House Joint Resolutions 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. 91 - Representative Bubp

HONORING LIEUTENANT GENERAL DENNIS M. MCCARTHY ON HIS RETIREMENT.

Add the name: Carano

H.R. No. 93 - Representative Oelslager

HONORING MARLIA FONTAINE ON BEING CROWNED MISS OHIO 2005.

Add the name: Carano

H.R. No. 98 - Speaker Husted

HONORING RON EHMER ON HIS RETIREMENT FROM AEP.

Add the names: Carano, Carmichael, Flowers, Calvert, DeWine

H.R. No. 99 - Speaker Husted , Representative Redfern

HONORING ALEXANDRA LEIGH LAFORCE ON BEING CROWNED MISS TEEN USA 2005.

Add the name: Carano

/s/ JON A. HUSTED

Jon A. Husted, Chair

Representative Reinhard 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 Healy reported for the Rules and Reference Committee recommending that the following House Concurrent Resolutions and House Resolutions be introduced and referred to the following committees for consideration:

H.Con.R. No. 20 - Representative Schneider

TO MEMORIALIZE THE CONGRESS OF THE UNITED STATES TO REJECT ANY LEGISLATION THAT REQUIRES SOCIAL SECURITY COVERAGE FOR MEMBERS OF ANY OF OHIO'S FIVE STATE RETIREMENT SYSTEMS.

To the committee on Finance and Appropriations

H. Con. R. No. 22 - Representatives Barrett, Allen, Carano, Healy, Hughes, Key, Otterman, Perry, Sayre, D. Stewart, Sykes, Yuko

TO MEMORIALIZE THE UNITED STATES CONGRESS TO PROTECT DOMESTIC AUTO MANUFACTURERS AND TO CREATE A FEDERAL INFRASTRUCTURE DEVELOPMENT PROGRAM TO FOSTER EMPLOYMENT GROWTH.

To the committee on Economic Development and Environment

H.R. No. 55 - Representative Skindell, Miller, D. Stewart, Ujvagi, Otterman, Chandler, Koziura, Yuko, Smith, Bocchieri, Harwood, Brown, Allen, Barrett, Strahorn, Beatty

TO AMEND HOUSE OF REPRESENTATIVE RULES 81 AND 82 TO CHANGE THE STATUS OF A MOTION TO LAY ON THE TABLE.

To the committee on Rules and Reference

H.R. No. 96 - Representative Flowers

TO DECLARE OCTOBER 19, 2005, AS "RAILROAD RECOGNITION DAY."

To the committee on State Government

/s/ JON A. HUSTED

Jon A. Husted, Chair

Representative Reinhard moved that the Rules and Reference Committee Report on resolutions be agreed to and that the resolutions contained therein be introduced and referred as recommended.

The motion was agreed to.

Said resolutions was introduced and referred as recommended.

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

H.R. No. 100 - Representative Seitz, Speaker Husted, Representatives Redfern, Allen, Aslanides, Barrett, Beatty, Blasdel, Blessing, Bocchieri, Book, Brinkman, Brown, Bubp, 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, Schaffer, Schlichter, Schneider, Seaver, 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 DAVID K. KREUTER.

/s/ JON A. HUSTED

Jon A. Husted, Chair

Representative Reinhard 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.

MESSAGE FROM THE SPEAKER

Pursuant to section 5111.881, Am. Sub. H. B. No. 66 of the 126th General Assembly, the Speaker, jointly with the President of the Senate, hereby appoints Senator Jordan to serve as chair of the ICF/MR Conversion Advisory Council.

MESSAGE FROM THE SPEAKER

Pursuant to Ohio Revised Code section 184.03(A)(B), the Speaker hereby appoints Representative Calvert to the Third Frontier Advisory Board.

MESSAGE FROM THE SPEAKER

Pursuant to Ohio Revised Code section 3745.21(A), the Speaker hereby appoints Representative Collier to the Environmental Education Council.

On motion of Representative Reinhard, the House adjourned until Tuesday, September 20, 2005 at 11:00 o'clock a.m.

Attest:

LAURA P. CLEMENS,
Clerk.