

OHIO

House

of

Representatives

JOURNAL

THURSDAY, OCTOBER 6, 2005

NINETY-SEVENTH DAY

Hall of the House of Representatives, Columbus, Ohio
Thursday, October 6, 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 Hagan was selected to preside under the Rule.

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

INTRODUCTION OF BILLS

The following bill was introduced:

H. B. No. 372-Representative Stewart, J..

To amend Section 206.66 of Am. Sub. H.B. 66 of the 126th General Assembly to increase the monthly cash assistance benefit provided under the Ohio Works First program by \$100 and to make an appropriation.

Said bill was considered the first time.

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

Representative Smith, S. submitted the following report:

The standing committee on Health to which was referred **H. B. No. 257**-Representative Hagan, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: NURSING HOMES AND HOSPITALS OFFER
 FLU/PNEUMONIA VACCINATION

SANDRA STABILE HARWOOD
 MICHELLE G. SCHNEIDER
 ROBERT J. OTTERMAN
 JON M. PETERSON
 SHAWN N. WEBSTER
 MICHAEL DEBOSE
 EARL MARTIN
 LINDA S. REIDELBACH
 GEOFFREY C. SMITH
 JOYCE BEATTY

JOHN J. WHITE
 SHIRLEY A. SMITH
 COURTNEY COMBS
 JOHN WIDOWFIELD
 EDNA BROWN
 CATHERINE L. BARRETT
 JAMES M. HOOPS
 JAMES T. RAUSSEN
 LANCE T. MASON
 DIANA M. FESSLER

The report was agreed to.

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

Representative Perry submitted the following report:

The standing committee on Transportation, Public Safety, and Homeland Security to which was referred **H. B. No. 282**-Representative Flowers, et al., having had the same under consideration, reports it back and recommends its passage.

RE: OHIO PUBLIC SAFETY EMPLOYEE DAY - SEPT. 11

Representative Reinhard moved to amend the title as follows:

Add the names: "Key, Law, Reinhard, Sayre, Uecker."

JOSEPH W. UECKER
DANNY R. BUBP
RANDY LAW
LORRAINE M. FENDE
ANNIE L. KEY

STEVE REINHARD
STEPHEN BUEHRER
JOHN WIDOWFIELD
JEANINE PERRY
DAVID R. EVANS

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. 337 - Representative Gibbs

TO CREATE THE HOLMES COUNTY MUNICIPAL COURT IN MILLERSBURG ON JANUARY 1, 2007, TO REPLACE THE HOLMES COUNTY COUNTY COURT, TO ESTABLISH ONE FULL-TIME JUDGESHIP IN THAT COURT, AND TO PROVIDE FOR THE ELECTION OF ONE FULL-TIME JUDGE IN 2006 FOR ONE SEVEN-YEAR TERM AND OF ONE FULL-TIME JUDGE IN 2013 AND THEREAFTER FOR A SIX-YEAR TERM.

To the committee on Judiciary

H.B. No. 338 - Representative DeGeeter, et al

TO PROHIBIT THE USE OF A FIREARM TO DESTROY AN ANIMAL AT A PUBLICLY OWNED OR OPERATED ANIMAL SHELTER.

To the committee on Criminal Justice

H.B. No. 339 - Representative DeGeeter, et al

TO ALLOW A CONSUMER TO PLACE A SECURITY FREEZE ON THE CONSUMER'S CREDIT REPORT.

To the committee on Financial Institutions, Real Estate and Securities

H.B. No. 340 - Representative Schneider, et al

TO AUTHORIZE THE STATE HIGHWAY PATROL RETIREMENT SYSTEM TO ESTABLISH A HEALTH CARE SAVINGS ACCOUNT PROGRAM.

To the committee on Financial Institutions, Real Estate and Securities

H. B. No. 341 - Representative Seitz

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.

To the committee on Judiciary

H.B. No. 342 - Representative Skindell, et al

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.

To the committee on Judiciary

H.B. No. 343 - Representative Raga

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.

To the committee on Transportation, Public Safety and Homeland Security

H.B. No. 344 - Representative Wagoner, et al

TO EXEMPT FROM THE COMMERCIAL ACTIVITY TAX AMOUNTS DERIVED FROM THE SALE OF PROPERTY SHIPPED INTO OR FROM ANY FOREIGN TRADE ZONE.

To the committee on Finance and Appropriations

H.B. No. 345 - Representative Sykes, et al

TO CREATE "CHILDREN WITH MEDICAL HANDICAPS" LICENSE PLATES.

To the committee on Transportation, Public Safety and Homeland Security

H.B. No. 346 - Representative Chandler, et al

TO ALLOW TAXPAYERS TO CONTRIBUTE A PORTION OF THEIR INCOME TAX REFUNDS TO THE OHIO HISTORICAL SOCIETY.

To the committee on Ways and Means

H. B. No. 350 - Representative Mitchell

TO REQUIRE THE DIRECTOR OF ENVIRONMENTAL PROTECTION TO ADOPT RULES ESTABLISHING STANDARDS AND PROCEDURES FOR CONSIDERING ISSUES RELATED TO ENVIRONMENTAL JUSTICE WHEN ISSUING PERMITS OR LICENSES AND TAKING OTHER ACTIONS UNDER STATE ENVIRONMENTAL LAWS.

To the committee on Economic Development and Environment

H.B. No. 351 - Representative Mitchell

TO CREATE THE ENVIRONMENTAL JUSTICE COMMISSION.

To the committee on State Government

H.B. No. 352 - Representative Redfern

TO ESTABLISH A 35-MILE PER HOUR SPEED LIMIT FOR HIGHWAYS OUTSIDE MUNICIPAL CORPORATIONS WITHIN ISLAND JURISDICTIONS.

To the committee on Transportation, Public Safety and Homeland Security

H.B. No. 353 - Representative Redfern

TO PROHIBIT PUBLIC SCHOOLS FROM OPENING FOR INSTRUCTION PRIOR TO LABOR DAY EXCEPT IN SPECIFIED CIRCUMSTANCES.

To the committee on Education

H. B. No. 354 - Representative T. Patton, et al

TO REQUIRE ANY STATE AGENCY WITH THE AUTHORITY TO INVEST STATE FUNDS TO REPORT ON THOSE INVESTMENTS USING THE GLOBAL INVESTMENT PERFORMANCE STANDARDS.

To the committee on State Government

H.B. No. 355 - Representative Gilb, et al

TO PLACE ETHICAL CONSTRAINTS ON HUMAN RESEARCH.

To the committee on Judiciary

H.B. No. 356 - Representative J. Stewart

TO REQUIRE THE DEPARTMENT OF JOB AND FAMILY SERVICES TO ESTABLISH A TANF PROGRAM THAT PROVIDES HELP TO ELIGIBLE HOUSEHOLDS FOR HOME ENERGY AND WEATHERIZATION COSTS DURING THE WINTER OF FISCAL YEAR 2006 AND TO MAKE AN APPROPRIATION.

To the committee on Finance and Appropriations

H.B. No. 357 - Representative Uecker

TO DESIGNATE A PORTION OF STATE ROUTE 131 WITHIN CLERMONT COUNTY THE "SAM BATEMAN MEMORIAL HIGHWAY."

To the committee on Transportation, Public Safety and Homeland Security

H. B. No. 358 - Representative Wagoner

TO REQUIRE MEDICAID APPLICANTS TO SUPPLY DOCUMENTATION OF CITIZENSHIP OR ALIEN STATUS.

To the committee on Health

H.B. No. 359 - Representative Martin

TO GRANT AN INCOME TAX CREDIT TO INDIVIDUALS WHO EARN DEGREES IN CERTAIN SCIENCE AND TECHNOLOGY-BASED FIELDS OF STUDY.

To the committee on Finance and Appropriation

H.B. No. 360 - Representative Healy, et al

TO REVISE THE LAW GOVERNING CONTRACTS FOR THE

PURCHASE OF GOODS OR SERVICES BETWEEN A STATE AGENCY OR POLITICAL SUBDIVISION AND A BUSINESS ENTITY THAT MAKES CERTAIN CAMPAIGN CONTRIBUTIONS, AND TO PROHIBIT BUSINESS ENTITIES THAT HAVE ENTERED INTO THOSE CONTRACTS FROM MAKING CERTAIN CAMPAIGN CONTRIBUTIONS.

To the committee on State Government

H.B. No. 361 - Representative Martin

TO EXTEND THE JOB TRAINING TAX CREDIT FOR AN ADDITIONAL YEAR, TO REQUIRE THAT THE DIRECTOR OF DEVELOPMENT ADMINISTER THE CREDIT, AND TO DECLARE AN EMERGENCY.

To the committee on Economic Development and Environment

H.B. No. 363 - Representative Wagner, et al

TO ALLOW THE BOARD OF TRUSTEES OF A LAW LIBRARY ASSOCIATION TO ELECT TO ASSUME RESPONSIBILITY FOR PAYING THE ENTIRE COMPENSATION OF THE LIBRARIAN AND ALL ASSISTANT LIBRARIANS OF THE LAW LIBRARY DESPITE THE OTHERWISE APPLICABLE STATUTORY PAYMENT REQUIREMENTS FOR THAT COMPENSATION.

To the committee on Judiciary

H.B. No. 364 - Representative Strahorn, et al

TO CREATE THE TITLE IV-A UTILITY PROGRAM UNDER WHICH ELIGIBLE HOUSEHOLDS RECEIVE HELP WITH HOME ENERGY AND WEATHERIZATION COSTS DURING THE WINTER OF FISCAL YEAR 2006 AND TO MAKE AN APPROPRIATION.

To the committee on Finance and Appropriations

H.B. No. 365 - Representative Setzer, et al

TO REMOVE THE LIMITATION THAT ONLY FOUR TYPES OF MUNICIPAL CORPORATIONS AND TOWNSHIPS MAY CREATE A JOINT ECONOMIC DEVELOPMENT DISTRICT UNDER SPECIFIED STATUTES.

To the committee on Local and Municipal Government and Urban Revitalization

H.B. No. 366 - Representative Trakas, et al

TO ESTABLISH THE SCHOOL DISTRICT ACHIEVEMENT SUCCESS REWARDS PROGRAM TO PAY A PER PUPIL STIPEND TO CERTAIN SCHOOL DISTRICTS BASED ON THEIR ACADEMIC PERFORMANCE.

To the committee on Finance and Appropriations

H.B. No. 367 - Representative Calvert, Buehrer

TO EXEMPT THE DIVISION OF WILDLIFE FROM MAKING PAYMENTS INTO THE DEPARTMENT OF NATURAL RESOURCES? CENTRAL SUPPORT INDIRECT FUND.

To the committee on Finance and Appropriations

H.B. No. 371 - Representative Buehrer, et al

TO CREATE THE FUEL PRODUCTION TASK FORCE TO STUDY OPPORTUNITIES FOR AND BARRIERS TO INCREASING FUEL PRODUCTION IN THIS STATE AND TO DECLARE AN EMERGENCY.

To the committee on Public Utilities and Energy

JON A. HUSTED
CHARLES E. CALVERT
ANTHONY CORE
LARRY L. FLOWERS
JOHN SCHLICHTER
SHAWN N. WEBSTER
JOYCE BEATTY
TIMOTHY J. DEGEETER
ROBERT J. OTTERMAN

CHARLES R. BLASDEL
JIM CARMICHAEL
KEVIN DEWINE
TOM RAGA
ARLENE J. SETZER
CHRIS REDFERN
KENNETH A. CARANO
WILLIAM J. HEALY

Representative Raga 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 Concurrent Resolutions be introduced and referred to the following committees for consideration:

H.Con.R. No. 26 - Representatives Harwood, Perry, Bocchieri, S. Patton, Garrison, Yuko, Beatty, Miller

TO MEMORIALIZE THE CONGRESS OF THE UNITED STATES TO SUSPEND COLLECTION OF THE FEDERAL GASOLINE TAX FOR NINETY DAYS.

To the committee on Finance and Appropriations

H. Con. R. No. 27 - Representatives G. Smith, C. Evans, Hughes, Reidelbach, Schaffer, Seitz, Setzer, Brown, Allen

TO URGE CONGRESS TO EXTEND THE TERRORISM RISK INSURANCE ACT OF 2002.

To the committee on Insurance

/s/ JON A. HUSTED
Jon A. Husted, Chair

Representative Raga 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 were introduced and referred as recommended.

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. 102 - Representative Daniels, 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, 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, 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 WILLIAM BRETT WIGHTMANN.

H.R. No. 104 - Representative Flowers, 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, 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 MAJOR GREGORY FESTER.

/s/ JON A. HUSTED

Jon A. Husted, Chair

Representative Raga 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 Resolution be read by title only and approved:

H.R. No. 103 - Speaker Husted, Representative Ujvagi

HONORING WAYNE P. LAWSON ON HIS RETIREMENT FROM THE OHIO ARTS COUNCIL.

Add the names: Flowers, Calvert, Beatty, Webster, Raga

/s/ JON A. HUSTED
Jon A. Husted, Chair

Representative Raga 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 Ohio Revised Code section 4121.123(A)(2), the Speaker hereby appoints John Harris to the Workers' Compensation Oversight Commission Nominating Committee.

MESSAGE FROM THE SPEAKER

Pursuant to Ohio Revised Code section 183.04(A), the Speaker hereby makes the following changes to the Board of Trustees Tobacco Use Prevention and Control Foundation:

Remove Representative Allen; appoint Representative Mitchell.

MESSAGE FROM THE SPEAKER

Pursuant to Ohio Revised Code section 122.72, the Speaker hereby makes the following changes to the Minority Development Financing Advisory Board:

Remove Representative Allen; appoint Representative Mitchell.

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. 182 - Senators Fingerhut, Harris, Cates, Grendell, Schuring, Mumper, Armbruster, Brady, Fedor, Niehaus, Zurz, Miller, Jordan, Schuler, Goodman, Dann, Mallory

To amend section 5901.08 of the Revised Code to authorize a county veterans service commission to waive the residency requirement for financial assistance under certain circumstances and to declare an emergency.

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 passed the following bill in which the concurrence of the House is requested:

Am. Sub. S. B. No. 167 - Senators Grendell, Zurz, Harris, Jacobson, Cates, Mallory, Brady, Amstutz, Armbruster, Carey, Dann, Gardner, Goodman, Miller, Roberts, Schuler, Schuring, Spada, Wachtmann, Wilson, Padgett, Austria, Clancy, Mumper, Hottinger, Niehaus, Jordan, Fedor, Coughlin

To establish, until December 31, 2006, a moratorium on the use of eminent domain by any entity of the state government or any political subdivision of the state to take, without the owner's consent, private property that is in an unblighted area when the 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 Its Use and Application in the State, and to declare an emergency.

Attest: Matthew T. Schuler,
Clerk.

Said bill was considered the first time.

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

Attest: LAURA P. CLEMENS,
Clerk.