

OHIO

House

of

Representatives

JOURNAL

TUESDAY, NOVEMBER 14, 2006

TWO HUNDRED TWENTY-EIGHTH DAY
Hall of the House of Representatives, Columbus, Ohio
Tuesday, November 14, 2006 at 11:00 o'clock a.m.

The House met pursuant to adjournment.

Prayer was offered by Reverend Claire Hunkins with the Trinity Episcopal Church in London, 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:

Melanie Murphy and Lisa Piepsny received House Resolutions 241 and 242, respectively, presented by Representatives Foley-14th district and DeGeeter-15th district.

Lieutenant Governor-Elect Lee Fisher, a guest of Representative Beatty-27th district.

Ben Diepenbrock, a guest of Representative Williamowski-4th district.

Hannah Spengler, a guest of Representative Latta-6th district.

Dave Stucki, a guest of Representative Hagan-50th district.

Dr. Betsy Evans, daughter, Representative D. Evans-71st district.

INTRODUCTION OF BILLS

The following bill was introduced:

H. B. No. 682-Representatives Hughes, Flowers, McGregor, J., Reidelbach, Evans, D., Fende.

To amend section 2929.01 and to enact section 2909.031 of the Revised Code to create the offense of unlawful property burning.

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

H.B. No. 655 - Representative Sykes, et al

TO RESTORE TO THE AUDITOR OF STATE THE DUTIES RELATED
TO THE DRAWING OF WARRANTS FOR THE PAYMENT OR

TRANSFER OF MONEY FROM THE STATE TREASURY THAT BECOME THE RESPONSIBILITY OF THE DIRECTOR OF BUDGET AND MANAGEMENT ON DECEMBER 1, 2006.

To the committee on State Government

H.B. No. 656 - Representative Schaffer, et al

TO INCREASE THE PENALTIES FOR VIOLATIONS OF THE SEXUAL OFFENDER REGISTRATION LAW.

To the committee on Criminal Justice

H.B. No. 657 - Representative Driehaus

TO IMPOSE THE SAME CRIMINAL PENALTIES FOR ASSAULTING A RESIDENT PARTICIPATING IN A CITIZENS ON PATROL PROGRAM AS ARE IMPOSED FOR ASSAULTING A PEACE OFFICER.

To the committee on Criminal Justice

H.B. No. 658 - Representative Combs, et al

TO PERMIT PUBLIC ENTITIES TO OFFER MOTORCYCLE OPERATOR INSTRUCTION WITHOUT ANY TUITION FEE RESTRICTION.

To the committee Transportation, Public Safety and Homeland Security

H.B. No. 659 - Representative Combs, et al

TO REQUIRE GENERALLY ANY PERSON WHO CANCELS A MOTOR VEHICLE LIABILITY INSURANCE POLICY TO OBTAIN A REPLACEMENT POLICY OR OTHER PROOF OF FINANCIAL RESPONSIBILITY, AND TO REQUIRE MOTOR VEHICLE LIABILITY INSURERS TO REPORT TO THE BUREAU OF MOTOR VEHICLES THE NAMES AND ADDRESSES OF PERSONS WHOSE POLICIES ARE CANCELED OR LAPSE.

To the committee on Transportation, Public Safety and Homeland Security

H.B. No. 660 - Representative Foley, et al

TO REQUIRE THAT E85 BLEND FUEL BE AVAILABLE AT ALL SERVICE STATIONS LOCATED ON THE OHIO TURNPIKE NOT LATER THAN JULY 1, 2009, AND TO PERMIT THE OHIO TURNPIKE COMMISSION TO APPLY FOR GRANTS MADE BY THE DEPARTMENT OF DEVELOPMENT UNDER THE ALTERNATIVE FUEL TRANSPORTATION GRANT PROGRAM.

To the committee on Transportation, Public Safety and Homeland Security

H.B. No. 661 - Representative Harwood, et al

TO REQUIRE COMPETITIVE BIDDING OF COUNTY PROFESSIONAL SERVICE CONTRACTS AND TO REMOVE THE AUTHORITY FOR COUNTY AND TOWNSHIP FISCAL AND MANAGEMENT CONSULTANT CONTRACTS THAT ARE NOT SUBJECT TO COMPETITIVE BIDDING REQUIREMENTS.

To the committee on Local and Municipal Government and Urban Revitalization

H.B. No. 662 - Representative Schaffer

TO MODIFY THE OFFENSE OF IMPORTUNING, TO DIRECT THE BUREAU OF CRIMINAL IDENTIFICATION AND INVESTIGATION TO ASSIST LAW ENFORCEMENT OFFICERS WITH RESPECT TO ENFORCEMENT OF INTERNET-BASED SEX CRIMES, AND TO DIRECT THE ATTORNEY GENERAL TO MAKE STATE FUNDING GRANTS AVAILABLE TO LOCAL LAW ENFORCEMENT AGENCIES FOR TECHNOLOGY AND TRAINING RELATED TO ENFORCING INTERNET-BASED SEX OFFENSE LAWS.

To the committee on Criminal Justice

H.B. No. 663 - Representative Setzer, et al

TO EXEMPT FROM THE SALES TAX SALES OF MOTOR VEHICLES USED EXCLUSIVELY FOR VANPOOL RIDESHARING ARRANGEMENTS.

To the committee on Ways and Means

H.B. No. 664 - Representative Peterson, et al

TO ESTABLISH THE MEDICAID BUY-IN FOR WORKERS WITH DISABILITIES PROGRAM AND A MEDICAID PROGRAM FOR INDIVIDUALS WHO EXHAUST BENEFITS UNDER A QUALIFIED LONG-TERM CARE INSURANCE POLICY.

To the committee on Finance and Appropriations

H.B. No. 665 - Representative Law

TO AUTHORIZE A TAX CREDIT FOR FORMER EMPLOYEES OF GENERAL MOTORS CORPORATION AND DELPHI CORPORATION FOR EDUCATION, TRAINING, AND BUSINESS START-UP EXPENSES.

To the committee on Economic Development and Environment

H.B. No. 666 - Representative Schaffer, et al

TO PROVIDE THAT A PERSON'S PRIVILEGE OF HOLDING AN OFFICE OF HONOR, TRUST, OR PROFIT THAT IS FORFEITED BY REASON OF THE PERSON'S CONVICTION OF A FELONY IS NOT RESTORED UPON THE PERSON'S COMPLETION OF A PRISON TERM OR PERIOD OF COMMUNITY CONTROL SANCTIONS OR UPON THE GRANT OF A CONDITIONAL PARDON OR A FINAL RELEASE BY THE ADULT PAROLE AUTHORITY.

To the committee on Criminal Justice

H.B. No. 667 - Representative Hughes, et al

TO REQUIRE THE DIRECTOR OF TRANSPORTATION TO DESIGNATE A PORTION OF A STATE HIGHWAY AS A MEMORIAL HIGHWAY IN HONOR OF EVERY STATE HIGHWAY PATROL TROOPER WHO IS OR HAS BEEN KILLED IN THE LINE OF DUTY.

To the committee on Transportation, Public Safety and Homeland Security

H.B. No. 668 - Representatives Widener and R. McGregor

TO DESIGNATE STATE ROUTE 334 IN CLARK COUNTY AS THE "LANCE CPL. KEVIN S. SMITH MEMORIAL HIGHWAY."

To the committee on Transportation, Public Safety and Homeland Security

H.B. No. 669 - Representative Law

TO ESTABLISH A QUALIFIED IMMUNITY FROM CIVIL LIABILITY FOR CERTAIN CHARITABLE NONPROFIT ORGANIZATIONS THAT DISTRIBUTE PERISHABLE FOOD FREE OF CHARGE TO INDIVIDUALS IN NEED.

To the committee on Civil and Commercial Law

H.B. No. 670 - Representative Foley, et al

TO PROVIDE THAT THE RESULTS OF CERTAIN LOCAL OPTION ELECTIONS ON THE SALE OF BEER OR INTOXICATING LIQUOR THAT ARE HELD IN AN ELECTION PRECINCT WILL AFFECT THOSE SALES ONLY IN A PORTION OF THE PRECINCT.

To the committee on Elections and Ethics

H.B. No. 671 - Representative Webster, et al

TO REVISE THE LAWS ON THE EMPLOYMENT OF SCHOOL DISTRICT AND EDUCATIONAL SERVICE CENTER TREASURERS.

To the committee on Education

H.B. No. 672 - Representative Law

TO DESIGNATE THE PORTION OF THE WESTERN RESERVE GREENWAY BIKE PATH IN TRUMBULL COUNTY THE "GARRETT WONDERS MEMORIAL BIKEWAY."

To the committee on Transportation, Public Safety and Homeland Security

H.B. No. 673 - Representative Foley, et al

TO ESTABLISH A GRANT PROGRAM TO PAY LEAD HAZARD REMOVAL COSTS INCURRED BY QUALIFIED HOMEOWNERS AND TO MAKE AN APPROPRIATION.

To the committee on Economic Development and Environment

H.B. No. 674 - Representative D. White, et al

TO PROHIBIT THE OPERATION OF A MOTOR VEHICLE ON OR ONTO ANY LOCATION THAT IS TEMPORARILY COVERED BY A RISE IN WATER LEVEL.

To the committee on Transportation, Public Safety and Homeland Security

H.B. No. 675 - Representative Barrett, et al

RELATIVE TO TREATMENT FOR CERTAIN DRUG OFFENDERS AND TO MAKE AN APPROPRIATION.

To the committee on Criminal Justice

H.B. No. 676 - Representative C. Evans, et al

TO CREATE THE OHIO BROADBAND AND WIRELESS TELECOMMUNICATIONS TASK FORCE.

To the committee on Public Utilities and Energy

H.B. No. 677 - Representative Collier

TO AUTHORIZE THE CONVEYANCE OF STATE-OWNED REAL ESTATE IN ASHTABULA COUNTY, CHAMPAIGN COUNTY, CLARK

COUNTY, FRANKLIN COUNTY, AND KNOX COUNTY THAT THE ADJUTANT GENERAL HAS DETERMINED IS NO LONGER REQUIRED FOR ARMORY OR MILITARY PURPOSES TO A BUYER OR BUYERS TO BE DETERMINED AT A LATER DATE; TO AUTHORIZE THE ADJUTANT GENERAL TO TRANSFER SPECIFIED PARCELS OF STATE-OWNED REAL ESTATE NO LONGER NEEDED FOR ARMORY OR MILITARY PURPOSES TO THE GRANTOR OF EACH PARCEL PURSUANT TO THE REVERSIONARY CLAUSE IN EACH PARCEL'S ORIGINAL DEED; TO AUTHORIZE THE CONVEYANCE OF CERTAIN OTHER STATE-OWNED REAL ESTATE AS WELL AS EASEMENTS IN FRANKLIN COUNTY TO THE CITY OF COLUMBUS; TO AUTHORIZE THE CONVEYANCE OF CERTAIN STATE-OWNED REAL ESTATE IN UNION COUNTY AND IN FRANKLIN COUNTY TO A BUYER OR BUYERS TO BE DETERMINED AT A LATER DATE; TO AUTHORIZE THE DIRECTOR OF ADMINISTRATIVE SERVICES TO SELL CERTAIN STATE-OWNED REAL ESTATE IN ALLEN COUNTY TO A BUYER OR BUYERS TO BE DETERMINED AT A LATER DATE; TO AUTHORIZE THE CONVEYANCE OF CERTAIN STATE-OWNED REAL ESTATE IN ATHENS COUNTY TO O'BLENESS MEMORIAL HOSPITAL; TO AUTHORIZE THE CONVEYANCE OF CERTAIN STATE-OWNED REAL ESTATE IN WARREN COUNTY TO THE WARREN COUNTY HISTORICAL SOCIETY; TO AUTHORIZE THE CONVEYANCE OF CERTAIN STATE-OWNED REAL ESTATE IN WAYNE COUNTY TO THE VILLAGE OF APPLE CREEK AND THE BOARD OF TOWNSHIP TRUSTEES OF EAST UNION TOWNSHIP; TO AUTHORIZE, AS A CORRECTIVE MATTER, THE CONVEYANCE OF CERTAIN STATE-OWNED REAL ESTATE IN FRANKLIN COUNTY TO THE BOARD OF EDUCATION OF THE COLUMBUS CITY SCHOOL DISTRICT; TO REPEAL SECTION 4 OF SUB. H.B. 139 OF THE 126TH GENERAL ASSEMBLY; AND TO DECLARE AN EMERGENCY.
To the committee on Local and Municipal Government and Urban Revitalization

CHARLES R. BLASDEL
JIM CARMICHAEL
ANTHONY CORE
LARRY L. FLOWERS
ARLENE J. SETZER
JOYCE BEATTY

CHARLES E. CALVERT
BILL COLEY
KEVIN DEWINE
JOHN SCHLICHTER
LARRY L. WOLPERT
KENNETH A. CARANO

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 the 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 by title only and approved:

H.R. No. 233 - Representatives Fessler, Oelslager, Hughes, Seitz, Collier, Law, Setzer, McGregor, J., Hood, Evans, C., Webster, Skindell, Fende, Perry, Brown, Yuko, Williams

HONORING ELIZABETH THOMPSON ON WINNING THE NOVICE AMATEUR ENGLISH PLEASURE CLASS AT THE PINTO WORLD CHAMPIONSHIP HORSE SHOW.

H.R. No. 235 - Representative Fessler

HONORING BEN SERGENT AS A 2006 NATIONAL WRESTLING CHAMPION.

H.R. No. 237 - Representative Fessler

HONORING NICHOLAS LANDIS AS A 2006 DIVISION II STATE TRACK AND FIELD CHAMPION.

H.R. No. 238 - Representative Fessler

HONORING BRANDON SAINE AS A 2006 DIVISION I STATE TRACK AND FIELD CHAMPION.

H.R. No. 239 - Representative Fessler

HONORING BROOKE STRAYER AS A 2006 DIVISION III STATE TRACK AND FIELD CHAMPION.

H.R. No. 240 - Representative Hoops

HONORING BRAD HEINRICHS AS A 2006 STATE GRECO ROMAN AND FREESTYLE WRESTLING CHAMPION.

H.R. No. 241 - Representatives Foley, DeGeeter

HONORING MELANIE MURPHY AS MISS OHIO 2006.

Add the names: Beatty, Flowers

H.R. No. 242 - Representatives DeGeeter, Foley

HONORING LISA PIEPSNY ON BEING CROWNED MRS. OHIO 2006.

Add the names: Beatty, Flowers

H.R. No. 244 - Representative Coley

HONORING THE LAKOTA WEST HIGH SCHOOL GIRLS GOLF TEAM ON WINNING THE 2006 DIVISION I STATE CHAMPIONSHIP.

/s/ CHARLES BLASDEL

Charles Blasdel, Vice-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.

BILLS FOR THIRD CONSIDERATION

H. B. No. 551-Representatives Latta, Fende, Setzer, Wolpert, Law, McGregor, J., Evans, D., Seitz, Hughes, Bubp, Yuko, Willamowski, Aslanides, Schaffer, Otterman, Combs, Evans, C., Oelslager, Reidelbach, Webster, Buehrer, Patton, T..

To amend section 5502.52 of the Revised Code to prohibit a person from making a false report that results in the implementation of the statewide emergency alert program or a local or regional emergency alert program, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 91, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Beatty	Blasdel	Bocchieri
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	Flowers
Foley	Garrison	Gibbs	Gilb
Hagan	Hartnett	Harwood	Healy
Hood	Hoops	Hughes	Kilbane
Koziura	Latta	Law	Martin
Mason	McGregor J.	McGregor R.	Mitchell
Oelslager	Otterman	Patton S.	Patton T.
Perry	Peterson	Raga	Raussen
Reidelbach	Reinhard	Sayre	Schaffer
Schlichter	Schneider	Seaver	Seitz
Setzer	Skindell	Smith S.	Stewart D.
Stewart J.	Strahorn	Taylor	Trakas
Uecker	Ujvagi	Wagner	Wagoner
Webster	White D.	White J.	Widener
Widowfield	Willamowski	Williams	Wolpert
Yates	Yuko		Husted-91.

The bill passed.

Representative Latta moved to amend the title as follows:

Add the names: "Beatty, Brown, Chandler, Collier, Daniels, DeBose,

Dolan, Domenick, Flowers, Garrison, Gibbs, Gilb, Hagan, Hartnett, Harwood, Hoops, Koziura, Martin, Mason, McGregor, R., Perry, Reinhard, Seaver, Smith, S., Stewart, D., Stewart, J., Strahorn, Uecker, Ujvagi, Williams, Yates."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Representative Blasdel moved that the House revert to the sixth order of business, being motions and resolutions.

The motion was agreed to.

MOTIONS AND RESOLUTIONS

Representative Blasdel moved that the following resolution be brought up for immediate adoption, read by title only, and spread upon the pages of the journal.

The motion was agreed to.

The question being on the adoption of the resolution, reading as follows:

H. R. No. 245-Representative Beatty.

Relative to the election of Clayton Luckie to fill the vacancy in the membership of the House of Representatives created by the resignation of Dixie J. Allen of the 39th House District.

WHEREAS, Section 11 of Article II, Ohio Constitution provides for the filling of a vacancy in the membership of the House of Representatives by election by the members of the House of Representatives who are affiliated with the same political party as the person last elected to the seat which has become vacant; and

WHEREAS, Dixie J. Allen of the 39th House District has resigned as a member of the House of Representatives of the 126th General Assembly effective July 25, 2006, thus creating a vacancy in the House of Representatives; therefore be it

RESOLVED, By the members of the House of Representatives who are affiliated with the Democrat party that Clayton Luckie, Democrat, having the qualifications set forth in the Ohio Constitution and the laws of Ohio to be a member of the House of Representatives from the 39th House District, is hereby elected, effective November 14, 2006, pursuant to Section 11 of Article II, Ohio Constitution, as a member of the House of Representatives from the 39th House District, to fill the vacancy created by the unexpired portion of the term of said Dixie J. Allen, ending on December 31, 2006; and be it further

RESOLVED, That a copy of this resolution be spread upon the pages of the Journal of the House of Representatives together with the yeas and nays of the members of the House of Representatives affiliated with the Democrat party

voting on the resolution, and that the Clerk of the House of Representatives shall certify the resolution and vote on its adoption to the Secretary of State.

The yeas and nays were taken and resulted - yeas 33, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Beatty	Bocchieri	Book	Brown
Carano	Cassell	Chandler	DeBose
DeGeeter	Distel	Domenick	Driehaus
Fende	Foley	Garrison	Hartnett
Harwood	Healy	Koziura	Mason
Mitchell	Otterman	Patton S.	Perry
Sayre	Skindell	Smith S.	Stewart D.
Strahorn	Ujvagi	Williams	Yates
			Yuko-33.

The resolution was adopted.

Mr. Luckie was escorted to the bar of the House by Representatives Beatty, Strahorn, Driehaus, White J., DeWine, Brown, and Chandler, took the oath of office administered by The Honorable Jon A. Husted, Speaker of the Ohio House of Representatives, and entered upon the discharge of his duties.

State of Ohio

County of Franklin

I, Clayton R. Luckie, do solemnly swear to support the Constitution of the United States and the Constitution of the State of Ohio, and faithfully to discharge and perform all duties incumbent upon me as a member of the Ohio House of Representatives, according to the best of my ability and understanding; and this I do as I shall answer unto God.

/s/ CLAYTON R. LUCKIE

Sworn to and subscribed before me this 14th day of November, 2006.

/s/ JON A. HUSTED

Jon A. Husted
Speaker
Ohio House of Representatives

On motion of Representative Blasdel, the House adjourned until Wednesday, November 15, 2006 at 1:30 o'clock p.m.

Attest:

LAURA P. CLEMENS,
Clerk.