

**OHIO**

**House**

**of**

**Representatives**

**JOURNAL**

TUESDAY, NOVEMBER 15, 2005

## ONE HUNDRED NINTH DAY

Hall of the House of Representatives, Columbus, Ohio  
**Tuesday, November 15, 2005 at 11:00 o'clock a.m.**

The House met pursuant to adjournment.

Prayer was offered by Representative Jim McGregor-20th district, followed by the Pledge of Allegiance to the Flag.

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

The following guest of the House of Representatives was recognized by Speaker Husted prior to the commencement of business:

Roslayn Cooper received H. R. No. 115, presented by Representative Brown-48th district.

**INTRODUCTION OF BILLS**

The following bills were introduced:

**H. B. No. 414**-Representative Law.

To amend section 122.171 of the Revised Code to change the criteria under which manufacturers of automobiles and automobile parts are eligible to receive the job retention tax credit.

**H. B. No. 415**-Representatives Harwood, Healy, Yuko, Sayre, Skindell, Allen, Carano, Distel, DeGeeter, Fende, Bocchieri.

To amend sections 5735.05, 5735.06, and 5735.142 of the Revised Code to exempt from the motor fuel tax any sales of motor fuel sold to school districts or educational service centers for school district or service center operations.

**H. B. No. 416**-Representatives Wagoner, Gilb, Coley, Seitz, Reidelbach, Ujvagi, Webster, Latta, Reinhard, Brown.

To amend sections 1111.13, 1111.15, 1151.191, 1161.24, 1319.12, 1339.01, 1339.02, 1339.03, 1339.04, 1339.08, 1339.09, 1339.10, 1339.11, 1339.12, 1339.13, 1339.15, 1339.151, 1339.16, 1339.17, 1339.31, 1339.32, 1339.33, 1339.34, 1339.35, 1339.36, 1339.37, 1339.38, 1339.39, 1339.42, 1339.44, 1339.52, 1339.53, 1339.54, 1339.55, 1339.56, 1339.57, 1339.58, 1339.59, 1339.60, 1339.61, 1339.62, 1339.64, 1339.65, 1339.71, 1339.72, 1339.73, 1339.74, 1339.76, 1339.77, 1339.78, 1340.31, 1340.32, 1340.33, 1340.34, 1340.35, 1340.36, 1340.37, 1340.40, 1340.41, 1340.42, 1340.46, 1340.47, 1340.52, 1340.57, 1340.58, 1340.63, 1340.65, 1340.66, 1340.70, 1340.71, 1340.72, 1340.73, 1340.74, 1340.75, 1340.76, 1340.77, 1340.81, 1340.82, 1340.83, 1340.84, 1340.90, 1340.91, 1775.03, 1775.14, 1775.15, 1775.17,

1775.33, 1782.24, 2101.24, 2107.33, 2109.37, 2109.62, 2109.68, 2111.131, 2113.861, 2305.121, 2305.22, 5111.15, 5111.151, 5119.17, 5121.04, 5121.10, 5121.30, 5121.52, 5123.04, 5123.28, and 5123.40; to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 1339.01 (5815.02), 1339.02 (5815.03), 1339.03 (5815.04), 1339.031 (5815.01), 1339.04 (5815.05), 1339.08 (5815.06), 1339.09 (5815.07), 1339.10 (5815.08), 1339.11 (5815.09), 1339.12 (5815.10), 1339.13 (5815.11), 1339.15 (5815.12), 1339.151 (5815.13), 1339.16 (5815.14), 1339.17 (5815.15), 1339.18 (5815.16), 1339.31 (5814.01), 1339.32 (5814.02), 1339.33 (5814.03), 1339.34 (5814.04), 1339.35 (5814.05), 1339.36 (5814.06), 1339.37 (5814.07), 1339.38 (5814.08), 1339.39 (5814.09), 1339.41 (5815.21), 1339.411 (5815.22), 1339.412 (5815.23), 1339.42 (5815.24), 1339.43 (5815.25), 1339.44 (5815.26), 1339.45 (5815.27), 1339.51 (5815.28), 1339.52 (5809.01), 1339.53 (5809.02), 1339.54 (5809.03), 1339.55 (5808.03), 1339.56 (5809.04), 1339.57 (5808.05), 1339.58 (5809.05), 1339.59 (5808.07), 1339.60 (5809.07), 1339.61 (5809.08), 1339.62 (5815.31), 1339.621 (5815.32), 1339.63 (5815.33), 1339.64 (5815.34), 1339.65 (5815.35), 1339.68 (5815.36), 1339.71 (5815.41), 1339.72 (5815.42), 1339.73 (5815.43), 1339.74 (5815.44), 1339.75 (5815.45), 1339.76 (5815.46), 1339.77 (5815.47), 1339.78 (5815.48), 1340.31 (5813.01), 1340.32 (5813.02), 1340.33 (5813.03), 1340.34 (5813.04), 1340.35 (5813.05), 1340.36 (5813.06), 1340.37 (5813.07), 1340.40 (5812.01), 1340.41 (5812.02), 1340.42 (5812.03), 1340.46 (5812.07), 1340.47 (5812.08), 1340.51 (5812.12), 1340.52 (5812.13), 1340.53 (5812.14), 1340.57 (5812.18), 1340.58 (5812.19), 1340.59 (5812.20), 1340.63 (5812.24), 1340.64 (5812.25), 1340.65 (5812.26), 1340.66 (5812.27), 1340.70 (5812.31), 1340.71 (5812.32), 1340.72 (5812.33), 1340.73 (5812.34), 1340.74 (5812.35), 1340.75 (5812.36), 1340.76 (5812.37), 1340.77 (5812.38), 1340.81 (5812.42), 1340.82 (5812.43), 1340.83 (5812.44), 1340.84 (5812.45), 1340.85 (5812.46), 1340.86 (5812.47), 1340.90 (5812.51), 1340.91 (5812.52), and 2305.121 (5806.04); to enact sections 2109.69, 5801.01, 5801.011, 5801.02 to 5801.10, 5802.01 to 5802.03, 5803.01 to 5803.05, 5804.01 to 5804.18, 5805.01 to 5805.07, 5806.01 to 5806.03, 5807.01 to 5807.09, 5808.01, 5808.02, 5808.04, 5808.06, 5808.08 to 5808.17, 5809.06, 5810.01 to 5810.13, and 5811.01 to 5811.03; and to repeal sections 1335.01, 1339.14, 1339.66, 1339.67, 1339.69, 1340.21, 1340.22, and 1340.23 of the Revised Code to adopt an Ohio trust code.

**H. B. No. 417**-Representative Oelslager.

To amend section 3734.57 and to enact section 3745.50 of the Revised Code to establish a moratorium on the issuance of permits for new solid waste landfills and expansions of existing landfills and licenses for new construction and demolition debris facilities and expansion of existing facilities in counties that are included in the Regional Hydrologic Study of the Tuscarawas River Basin conducted by the United States Geological Survey and to authorize solid waste management districts to expend money derived from district solid waste disposal and generation fees to provide funding for geological and

hydrogeological surveys.

**H. B. No. 418**-Representatives Peterson, McGregor, J., Hartnett, Flowers, Hughes, Miller, Boccieri, Wagner, Yuko, Daniels, Chandler, Beatty, Carano, Allen, Fende, Smith, S., Schaffer, Blessing.

To amend sections 4732.10 and 5122.01 of the Revised Code to allow a psychologist to complete supervised professional experience necessary for licensure before completion of a doctoral degree.

**H. B. No. 419**-Representatives Peterson, Healy, Miller, Hartnett, Yuko, Stewart, D., Perry, Barrett, Otterman, Koziura, Smith, S., Webster, Strahorn, Allen, Skindell, Carano, Chandler.

To enact sections 1751.69, 3923.34, and 3923.341 of the Revised Code to require certain health care policies, certificates, contracts, and agreements and public employee benefit plans to provide qualified benefits for amino-acid-based formulas.

**H. B. No. 420**-Representatives Mitchell, Beatty, Brown, Fessler.

To enact section 109.46 of the Revised Code to require every law enforcement agency to record detailed data whenever one of its law enforcement officers causes the operator of a motor vehicle to stop the motor vehicle, to require the data to be submitted to the Attorney General, and to require the Attorney General to analyze the data, draw conclusions from the data, and report the data, analysis, and conclusions to the General Assembly.

**H. B. No. 421**-Representatives Beatty, Reidelbach, Allen, Redfern, Ujvagi, Cassell, Harwood, Brown, Healy, Oelslager, Latta, McGregor, J., Miller, Gilb, Boccieri, Perry, Skindell, Evans, C., Carano, Chandler, Barrett, Hughes, Combs, Driehaus, Aslanides, Flowers, DeGeeter, Hoops, Hood, Strahorn, Peterson, Mitchell, Bubb, Smith, S., McGregor, R., Otterman, Stewart, D., Raussen, Book, Yuko, Patton, S., Fende, Hartnett, Mason, Wolpert, Woodard, Wagoner, Schaffer, Fessler.

To enact section 5.2231 of the Revised Code to designate December 1 as "Rosa Parks Day."

**H. B. No. 422**-Representatives Hughes, Flowers, Reidelbach, Latta, Evans, D., Boccieri, Yuko, Chandler, Wolpert.

To amend sections 149.433, 3301.56, 3313.536, 3314.03, 3737.73, and 3737.99 of the Revised Code to require community schools and chartered nonpublic schools to adopt school safety plans in the same manner as school districts, to exempt school safety plans and school building blueprints from the

Public Records Law, to require all public and nonpublic schools to conduct at least one school safety drill annually, and to increase the fine for failure to conduct any required drill to one thousand dollars.

**H. B. No. 423**-Representatives Smith, S., Skindell, Miller, Williams, Patton, S., Beatty, Sykes, Yuko.

To enact section 3717.53 of the Revised Code to require each chain restaurant to disclose the nutritional information for each food or beverage item prepared and offered for sale in the restaurant.

**H. B. No. 424**-Representatives Skindell, Miller.

To make an appropriation within the Department of Health in fiscal year 2006 for influenza vaccinations.

**H. B. No. 425**-Representatives Uecker, Blasdel, Flowers, Seitz, Blessing, Bupp, Coley, Fessler, Gibbs, Hoops, Law, McGregor, J., Setzer, Wolpert, Allen, Barrett, Distel, Mitchell.

To amend sections 1923.01, 1923.02, 1923.12, 1923.13, 1923.14, and 3733.11 of the Revised Code to clarify the rights and duties of the parties to an action for a forcible entry and detainer at a manufactured home park.

**H. B. No. 426**-Representatives Dolan, Chandler, Yuko, Fessler, Wagoner, Reidelbach, McGregor, J..

To amend sections 2101.24, 2106.20, 2108.50, 2109.02, 2111.13, 2113.031, 2113.37, 2117.25, 4717.21, and 4717.22 and to enact sections 517.231, 2108.70 to 2108.79, 2108.81 to 2108.92, and 2117.251 of the Revised Code regarding the assignment of the right to direct the disposition of an adult's remains after death and to make arrangements and purchase goods and services related to an adult's funeral, cremation, burial, or other manner of final disposition.

Said bills were considered the first time.

#### CONSIDERATION OF SENATE AMENDMENTS

The Senate amendments to **Am. Sub. H. B. No. 108**-Representative Hagan, et al., were taken up for consideration.

**Am. Sub. H. B. No. 108**-Representatives Hagan, Willamowski, C. Evans, D. Evans, Webster, McGregor, DeGeeter, Harwood, Beatty, Latta, Gilb, Hughes, Seaver, Allen, Barrett, Brown, Bupp, Carano, Cassell, Chandler, Coley, DeBose, Domenick, Flowers, Gibbs, Healy, Mason, Miller, Otterman,

T. Patton, Perry, Reidelbach, Schaffer, S. Smith, J. Stewart, Strahorn, Ujvagi, Williams, Yuko. -Senators Clancy, Schuring, Goodman, Dann, Carey.

To amend section 2930.01 and to enact section 2930.062 of the Revised Code to allow certain victims of a vehicle, streetcar, trackless trolley, aquatic device, or aircraft accident to receive the rights of a victim under the Victim's Rights Law and to allow those victims to send notice of injury to the prosecutor.

The question being, "Shall the Senate amendments be concurred in?"

The yeas and nays were taken and resulted - yeas 92, nays 0, as follows:

Those who voted in the affirmative were: Representatives

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	Domenick	Driehaus
Evans C.	Faber	Fende	Fessler
Flowers	Garrison	Gibbs	Gilb
Hagan	Hartnett	Harwood	Healy
Hood	Hoops	Hughes	Key
Koziura	Latta	Law	Martin
Mason	McGregor J.	McGregor R.	Miller
Mitchell	Oelslager	Otterman	Patton S.
Patton T.	Perry	Peterson	Raga
Raussen	Redfern	Reidelbach	Reinhard
Sayre	Schaffer	Schlichter	Schneider
Seaver	Seitz	Setzer	Smith G.
Stewart D.	Stewart J.	Sykes	Taylor
Trakas	Uecker	Ujvagi	Wagner
Wagoner	Walcher	Webster	White
Widener	Widowfield	Willamowski	Williams
Wolpert	Yates	Yuko	Husted-92.

The Senate amendments were concurred in.

The Senate amendments to **Sub. H. B. No. 209**-Representative Combs, et al., were taken up for consideration.

**Sub. H. B. No. 209**-Representatives Combs, Carano, Chandler, C. Evans, Harwood, Martin, Perry, Trakas, Daniels, Fende, Yuko, Wolpert, Allen, Barrett, Blessing, Bocchieri, Brown, Distel, Domenick, D. Evans, Flowers, Hughes, Kearns, Key, Otterman, Reidelbach, Schneider, Seaver, Seitz, Webster, Yates. -Senator Mumper.

To amend sections 4301.24 and 4303.181 and to enact section 4301.242 of the Revised Code to allow manufacturers and wholesale distributors of alcohol

to provide to other manufacturers or wholesale distributors travel, lodging, food, and beverages and to liquor permit holders food, beverages, and recreational activities, to qualify the owner or operator of a community arts center or a community theater meeting specified qualifications for issuance of a D-5h liquor permit, to exclude wine sales from the total gross receipts requirement governing the issuance of a D-5i liquor permit, to modify the population requirements for the issuance of a D-5i liquor permit, and to create an additional qualification under which a D-5j liquor permit may be issued within a community entertainment district.

The question being, "Shall the Senate amendments be concurred in?"

The yeas and nays were taken and resulted - yeas 91, nays 1, as follows:

Those who voted in the affirmative were: Representatives

Allen	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	Domenick	Driehaus
Evans C.	Faber	Fende	Fessler
Flowers	Garrison	Gibbs	Gilb
Hagan	Hartnett	Harwood	Healy
Hood	Hoops	Hughes	Key
Koziura	Latta	Law	Martin
Mason	McGregor J.	McGregor R.	Miller
Mitchell	Oelslager	Otterman	Patton S.
Patton T.	Perry	Peterson	Raga
Raussen	Reidelbach	Reinhard	Sayre
Schaffer	Schlichter	Schneider	Seaver
Seitz	Setzer	Smith G.	Stewart D.
Stewart J.	Sykes	Taylor	Trakas
Uecker	Ujvagi	Wagner	Wagoner
Walcher	Webster	White	Widener
Widowfield	Willamowski	Williams	Wolpert
Yates	Yuko		Husted-91.

Representative Redfern voted in the negative-1.

The Senate amendments were concurred in.

## **BILLS FOR THIRD CONSIDERATION**

### **H. B. No. 85-Representative Blessing.**

To amend section 4928.20 and to enact section 4928.21 of the Revised Code to limit retail electric service automatic governmental aggregation and to create a "Do Not Aggregate" list, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Blessing moved to amend as follows:

In line 84, strike through "division" and insert "divisions"

In line 90, strike through "division" and insert "divisions"

In line 95, delete "clerk" and insert "fiscal officer"

In line 125, delete the underlined period and insert an underlined semicolon

The question being, "Shall the motion to amend be agreed to?"

The motion was agreed to without objection.

11.15.05

The Honorable Jon A. Husted, Speaker  
The Ohio House of Representatives  
Columbus, Ohio

Speaker Husted,

Pursuant to House Rule No. 57, I respectfully request that I be excused from voting on **H. B. No. 85**-Representative Blessing, because it might be construed that I have an interest in the legislation.

Sincerely yours,

/s/ KEVIN DEWINE  
KEVIN DEWINE  
State Representative  
70th House District

The request was granted.

The question being, "Shall the bill as amended pass?"

The yeas and nays were taken and resulted - yeas 84, nays 7, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Blasdel
Blessing	Bocchieri	Book	Brinkman
Brown	Bubp	Buehrer	Calvert
Carano	Carmichael	Cassell	Coley
Collier	Combs	Core	Daniels
DeBose	DeGeeter	Distel	Driehaus
Evans C.	Faber	Fende	Fessler
Flowers	Garrison	Gibbs	Gilb
Hagan	Hartnett	Harwood	Healy



Hood	Hoops	Hughes	Koziura
Latta	Law	Martin	Mason
McGregor J.	McGregor R.	Oelslager	Otterman
Patton S.	Patton T.	Perry	Peterson
Raga	Raussen	Redfern	Reidelbach
Reinhard	Sayre	Schaffer	Schlichter
Schneider	Seaver	Seitz	Setzer
Smith G.	Stewart D.	Stewart J.	Taylor
Trakas	Uecker	Ujvagi	Wagner
Wagoner	Walcher	Webster	White
Widener	Widowfield	Willamowski	Williams
Wolpert	Yates	Yuko	Husted-84.

Representatives Beatty, Chandler, Domenick, Key, Miller, Mitchell, and Sykes voted in the negative-7.

The bill passed.

Representative Blessing moved to amend the title as follows:

Add the names: "Combs, Flowers, Hagan, Martin, Reinhard, Smith, G.."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**Am. H. B. No. 214**-Representatives Hughes, Combs, C. Evans, Latta, McGregor, Seitz, Setzer.

To amend section 2935.09 of the Revised Code to limit the role of clerks of court in the procedures regarding the filing by private persons of affidavits alleging that a person committed a criminal offense and to require that an appropriate official review affidavits filed by private persons to determine if a complaint should be filed, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 88, nays 4, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Blasdel
Blessing	Bocchieri	Book	Brinkman
Brown	Bubp	Buehrer	Calvert
Carano	Carmichael	Cassell	Chandler
Coley	Collier	Combs	Core
Daniels	DeBose	DeGeeter	DeWine
Distel	Domenick	Driehaus	Evans C.
Faber	Fende	Fessler	Flowers
Garrison	Gibbs	Gilb	Hagan
Hartnett	Harwood	Healy	Hood
Hoops	Hughes	Key	Koziura
Latta	Law	Martin	Mason
McGregor J.	McGregor R.	Miller	Oelslager
Otterman	Patton S.	Patton T.	Perry
Peterson	Raga	Raussen	Redfern

Reidelbach	Reinhard	Sayre	Schaffer
Schlichter	Schneider	Seaver	Seitz
Setzer	Smith G.	Stewart D.	Stewart J.
Taylor	Trakas	Uecker	Ujvagi
Wagner	Wagoner	Walcher	Webster
White	Widener	Widowfield	Willamowski
Williams	Wolpert	Yuko	Husted-88.

Representatives Beatty, Mitchell, Sykes, and Yates voted in the negative-4.

The bill passed.

Representative Hughes moved to amend the title as follows:

Add the names: "Cassell, Domenick, Harwood, Oelslager, Patton, T., Reidelbach, Smith, G., Wagoner."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**Am. S. B. No. 190**-Senators Carey, Amstutz, Zurz, Fingerhut, Dann, Roberts, Austria, Spada, Harris, Coughlin, Gardner, Grendell, Hagan, Clancy, Hottinger, Niehaus, Armbruster, Schuler. -Representatives Collier, Stewart, J., Aslanides, Brown, Cassell, Chandler, Combs, DeBose, Domenick, Fende, Hagan, Harwood, Hughes, Law, Otterman, Raussen, Reinhard, Schaffer, Taylor, Trakas, Wagner, Wolpert.

To amend sections 5725.31, 5729.07, 5733.42, and 5747.39 of the Revised Code to extend the job training tax credit for an additional year 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?"

Representative Hoops moved to amend as follows:

In line 5, after "sections" insert "5111.176,"

Between lines 6 and 7, insert:

"**Sec. 5111.176.** (A) As used in this section:

(1) "Medicaid health insuring corporation" means a health insuring corporation that holds a certificate of authority under Chapter 1751. of the Revised Code and has entered into a contract with the department of job and family services pursuant to section 5111.17 of the Revised Code.

(2) "Managed care premium" means any premium payment, capitation payment, or other payment a medicaid health insuring corporation receives for providing, or arranging for the provision of, health care services to its members or enrollees residing in this state.

(B) Except as provided in division (C) of this section, all of the following apply:

(1) Each medicaid health insuring corporation shall pay to the department of job and family services a franchise permit fee for the period December 1, 2005, through December 31, 2005, and each calendar quarter occurring between January 1, 2006, and June 30, 2007 thereafter.

(2) The fee to be paid is an amount that is equal to a percentage of the managed care premiums the medicaid health insuring corporation received in the period December 1, 2005, through December 31, 2005, and in the subsequent quarter to which the fee applies, excluding the amount of any managed care premiums the corporation returned or refunded to enrollees, members, or premium payers during that the period December 1, 2005, through December 31, 2005, or the subsequent quarter to which the fee applies.

(3) The percentage to be used in calculating the fee shall be four and one-half per cent, unless the department adopts rules under division (L) of this section decreasing the percentage below four and one-half per cent or increasing the percentage to not more than six per cent.

(C) The department shall reduce the franchise permit fee imposed under this section or terminate its collection of the fee if the department determines either of the following:

(1) That the reduction or termination is required to comply with federal statutes or regulations;

(2) That the fee does not qualify as a state share of medicaid expenditures eligible for federal financial participation.

(D) The franchise permit fee shall be paid on or before the thirtieth day following the end of the period December 1, 2005, through December 31, 2005, or the calendar quarter to which the fee applies. At the time the fee is submitted, the medicaid health insuring corporation shall file with the department a report on a form prescribed by the department. The corporation shall provide on the form all information required by the department and shall include with the form any necessary supporting documentation.

(E) The department may audit the records of any medicaid health insuring corporation to determine whether the corporation is in compliance with this section. The department may audit the records that pertain to the period December 1, 2005, through December 31, 2005, or a particular calendar quarter, at any time during the five years following the date the franchise permit fee payment for that period or quarter was due.

(F)(1) A medicaid health insuring corporation that does not pay the franchise permit fee in full by the date the payment is due is subject to any or all of the following:

(a) A monetary penalty in the amount of five hundred dollars for each day any part of the fee remains unpaid, except that the penalty shall not exceed an amount equal to five per cent of the total fee that was due ~~for the calendar quarter for which the penalty is being imposed;~~

(b) Withholdings from future managed care premiums pursuant to division (G) of this section;

(c) Termination of the corporation's medicaid provider agreement pursuant to division (H) of this section.

(2) Penalties imposed under division (F)(1)(a) of this section are in addition to and not in lieu of the franchise permit fee.

(G) If a medicaid health insuring corporation fails to pay the full amount of its franchise permit fee when due, or the full amount of a penalty imposed under division (F)(1)(a) of this section, the department may withhold an amount equal to the remaining amount due from any future managed care premiums to be paid to the corporation under the medicaid program. The department may withhold amounts under this division without providing notice to the corporation. The amounts may be withheld until the amount due has been paid.

(H) The department may commence actions to terminate a medicaid health insuring corporation's medicaid provider agreement, and may terminate the agreement subject to division (I) of this section, if the corporation does any of the following:

(1) Fails to pay its franchise permit fee or fails to pay the fee promptly;

(2) Fails to pay a penalty imposed under division (F)(1)(a) of this section or fails to pay the penalty promptly;

(3) Fails to cooperate with an audit conducted under division (E) of this section.

(I) At the request of a medicaid health insuring corporation, the department shall grant the corporation a hearing in accordance with Chapter 119. of the Revised Code, if either of the following is the case:

(1) The department has determined that the corporation owes an additional franchise permit fee or penalty as the result of an audit conducted under division (E) of this section.

(2) The department is proposing to terminate the corporation's medicaid provider agreement and the provisions of section 5111.06 of the Revised Code requiring an adjudication in accordance with Chapter 119. of the Revised Code are applicable.

(J)(1) At the request of a medicaid corporation, the department shall grant the corporation a reconsideration of any issue that arises out of the provisions of this section and is not subject to division (I) of this section. The department's decision at the conclusion of the reconsideration is not subject to appeal under Chapter 119. of the Revised Code or any other provision of the Revised Code.

(2) In conducting a reconsideration, the department shall do at least the following:

(a) Specify the time frames within which a corporation must act in order

to exercise its opportunity for a reconsideration;

(b) Permit the corporation to present written arguments or other materials that support the corporation's position.

(K) There is hereby created in the state treasury the managed care assessment fund. Money collected from the franchise permit fees and penalties imposed under this section shall be credited to the fund. The department shall use the money in the fund to pay for medicaid services, the department's administrative costs, and contracts with medicaid health insuring corporations.

(L) The director of job and family services may adopt rules to implement and administer this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code."

In line 416, after "sections" insert "5111.176,"

In line 420, delete "reason" and insert "reasons"; delete "is" and insert "are"; after "that" insert "(1)"

In line 423, after "employees" insert ", and (2) federal matching funds for the franchise permit fees paid by Medicaid health insuring corporations may not be available unless the fees are initially imposed prior to January 1, 2006"

In line 1 of the title, after "sections" insert "5111.176,"

In line 3 of the title, after "year" insert ", to accelerate and provide for the continuation of the requirement that Medicaid health insuring corporations pay a franchise permit fee,"

The question being, "Shall the motion to amend be agreed to?"

The yeas and nays were taken and resulted - yeas 55, nays 37, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Blasdel
Blessing	Bubp	Calvert	Carmichael
Chandler	Coley	Collier	Combs
Core	Daniels	DeWine	Domenick
Evans C.	Faber	Flowers	Gibbs
Hagan	Hoops	Hughes	Latta
Law	Martin	McGregor J.	McGregor R.
Miller	Oelslager	Patton T.	Peterson
Raga	Reidelbach	Reinhard	Schaffer
Schlichter	Schneider	Seaver	Seitz
Setzer	Smith G.	Stewart J.	Taylor
Uecker	Wagner	Wagoner	Walcher
Webster	White	Widener	Widowfield
Willamowski	Wolpert		Husted-55.

Those who voted in the negative were: Representatives

Beatty	Bocchieri	Book	Brinkman
Brown	Buehrer	Carano	Cassell

DeBose	DeGeeter	Distel	Driehaus
Fende	Fessler	Garrison	Gilb
Hartnett	Harwood	Healy	Hood
Key	Koziura	Mason	Mitchell
Otterman	Patton S.	Perry	Raussen
Redfern	Sayre	Stewart D.	Sykes
Trakas	Ujvagi	Williams	Yates
			Yuko-37.

The motion was agreed to and the bill so amended.

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

The yeas and nays were taken and resulted - yeas 77, nays 15, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Blasdel
Blessing	Book	Brown	Bubp
Buehrer	Calvert	Carano	Carmichael
Cassell	Chandler	Coley	Collier
Combs	Core	Daniels	DeBose
DeWine	Distel	Domenick	Evans C.
Faber	Fende	Flowers	Garrison
Gibbs	Gilb	Hagan	Hartnett
Harwood	Hoops	Hughes	Latta
Law	Martin	McGregor J.	McGregor R.
Miller	Oelslager	Patton S.	Patton T.
Perry	Peterson	Raga	Raussen
Redfern	Reidelbach	Reinhard	Sayre
Schaffer	Schlichter	Schneider	Seaver
Seitz	Setzer	Smith G.	Stewart J.
Taylor	Trakas	Uecker	Ujvagi
Wagner	Wagoner	Walcher	Webster
White	Widener	Widowfield	Willamowski
Williams	Wolpert	Yates	Yuko
			Husted-77.

Those who voted in the negative were: Representatives

Beatty	Bocieri	Brinkman	DeGeeter
Driehaus	Fessler	Healy	Hood
Key	Koziura	Mason	Mitchell
Otterman	Stewart D.		Sykes-15.

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 91, nays 1, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Beatty
Blasdel	Blessing	Bocieri	Book

Brinkman	Brown	Bubp	Buehrer
Calvert	Carano	Carmichael	Cassell
Chandler	Coley	Collier	Combs
Core	Daniels	DeBose	DeGeeter
DeWine	Distel	Domenick	Driehaus
Evans C.	Faber	Fende	Fessler
Flowers	Garrison	Gibbs	Gilb
Hagan	Hartnett	Harwood	Healy
Hood	Hoops	Hughes	Key
Koziura	Latta	Law	Martin
Mason	McGregor J.	McGregor R.	Miller
Mitchell	Oelslager	Otterman	Patton S.
Patton T.	Perry	Peterson	Raga
Rausen	Redfern	Reidelbach	Reinhard
Sayre	Schaffer	Schlichter	Schneider
Seaver	Seitz	Setzer	Smith G.
Stewart D.	Stewart J.	Taylor	Trakas
Uecker	Ujvagi	Wagner	Wagoner
Walcher	Webster	White	Widener
Widowfield	Willamowski	Williams	Wolpert
Yates	Yuko		Husted-91.

Representative Sykes voted in the negative-1.

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

Representative Barrett moved to amend the title as follows:

Add the names: "Barrett, Buehrer, Daniels, Evans, C., Flowers, Healy, Latta, Martin, Mason, Oelslager, Reidelbach, Sayre, Schlichter, Smith, G., Widener, Williams, Yates."

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 passage of the following bill:

**Am. H. B. No. 11** - Representatives Schlichter, J. Stewart, Latta, Hartnett, C. Evans, S. Patton, Buehrer, Wolpert, Oelslager, Willamowski, Carano, Kearns, Setzer, Reidelbach, Combs, Hughes, Flowers, DeWine, Chandler, Brown, McGregor, Harwood, T. Patton, Calvert, Walcher, Taylor, Raga, Fessler, Seaver, Webster, Peterson, Wagner, Hood, Williams, Garrison, Barrett, Distel, Allen, Aslanides, Beatty, Blessing, Book, Bubp, Carmichael, Cassell, Coley, Collier, Core, Daniels, DeGeeter, Dolan, Domenick, Driehaus, D. Evans, Faber, Fende, Gibbs, Gilb, Hagan, Healy, Hoops, Key, Koziura, Law, Martin, Mason, Miller, Mitchell, Otterman, Perry, Redfern, Reinhard, Sayre, Schaffer, Skindell, G. Smith, D. Stewart, Strahorn, Sykes, Trakas,

Uecker, Ujvagi, Wagoner, White, Widener, Widowfield Senators Fedor, Carey, Cates, Gardner, Jacobson, Padgett, Mumper, Austria, Clancy, Hagan, Roberts, Schuring, Spada, Dann, Jordan, Armbruster, Zurz, Harris, Wachtmann

To amend section 3313.616 of the Revised Code to grant high school diplomas to certain veterans of the Vietnam Conflict and to permit school districts, educational service centers, and county MR/DD boards in fiscal year 2006 to apply to use funds appropriated for school bus purchases to pay the cost of purchasing fuel for buses.

As a substitute bill, in which the concurrence of the House is requested.

Attest:

David A. Battocletti,  
Clerk.

The Senate amendments were laid over under the Rule.

#### Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has concurred in the passage of the following bill:

**Sub. H. B. No. 79** - Representatives Raga, Latta, Setzer, C. Evans, Hagan, DeWine, McGregor, Willamowski, Gilb, Flowers, Seaver, Reidelbach, Schlichter, Reinhard, Blasdel, Boccieri, Brown, Bulp, Calvert, Carmichael, Cassell, Coley, Collier, Combs, Core, Daniels, Dolan, Domenick, D. Evans, Faber, Gibbs, Harwood, Healy, Hughes, Koziura, Law, Martin, Otterman, T. Patton, Schaffer, Schneider, G. Smith, J. Stewart, Strahorn, Trakas, Ujvagi, Wagoner, Webster, Widener, Williams, Wolpert, Yates, Yuko Senators Padgett, Fedor, Miller, Austria, Jacobson, Wilson, Zurz, Niehaus, Gardner, Cates

To amend sections 3301.0714, 3302.021, 3314.03, 3317.01, 3317.02, 3317.03, 3319.291, 3319.311, 3323.091, 3323.20, and 5153.175; to enact sections 3310.11, 3310.12, 3319.313, 3319.314, 3319.315, 5126.253, 5126.254, 5126.255, and 5153.176 of the Revised Code; and to amend Section 612.36.03 of Am. Sub. H.B. 66 of the 126th General Assembly to require that information about specified professional misconduct or child abuse or neglect committed by a person licensed by the State Board of Education be submitted to the Superintendent of Public Instruction, to require the State Board to request a criminal records check prior to renewing an educator license, to require the State Board to request a criminal records check every five years for a person teaching under a professional or permanent teaching certificate issued



under former law, to clarify the information provided by a public children services agency to the Department of Job and Family Services about a person applying for licensure or certification to operate a family day-care home, to delay until fiscal year 2007 the requirement that school districts report ADM twice annually, to require the Department of Education to propose penalties for intentional reporting of inaccurate attendance data by school districts and community schools, to clarify reporting requirements regarding handicapped preschool children, to require contracting entities to complete value-added analyses of student data by timelines established by the Superintendent of Public Instruction, and to make changes regarding the use of student data verification codes.

As a substitute bill, in which the concurrence of the House is requested.

Attest: David A. Battocletti,  
Clerk.

The Senate amendments were laid over under the Rule.

Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the President of the Senate has appointed as managers on the part of the Senate on matters of difference between the two Houses on:

**Sub. H. B. No. 107** - Representative Setzer - et al.

Senators Padgett, Gardner and Fedor.

Attest: David A. Battocletti,  
Clerk.

On motion of Representative Blasdel, the House recessed.

The House met pursuant to recess.

Representative Schlichter 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 Perry submitted the following report:

The standing committee on Transportation, Public Safety, and Homeland Security to which was referred **H. B. No. 231**-Representative Mason, et al., having had the same under consideration, reports it back and recommends its passage.

RE: DISCHARGE LASER INTO COCKPIT OF AIRCRAFT -  
PROHIBIT

JAMES M. HOOPS  
ANNIE L. KEY  
LORRAINE M. FENDE  
SYLVESTER D. PATTON  
STEVE REINHARD

JOSEPH W. UECKER  
JEANINE PERRY  
ALLAN R. SAYRE  
RANDY LAW  
DANNY R. BUBP

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. 352**-Representative Redfern, having had the same under consideration, reports it back and recommends its passage.

RE: ISLAND JURISDICTIONS - 35 MPH HWY SPEED LIMIT

Representative Reinhard moved to amend the title as follows:

Add the names: "Fende, Key, Patton, S., Perry."

JAMES M. HOOPS  
ANNIE L. KEY  
LORRAINE M. FENDE  
SYLVESTER D. PATTON  
DANNY R. BUBP

JOSEPH W. UECKER  
JEANINE PERRY  
ALLAN R. SAYRE  
RANDY LAW  
STEVE REINHARD

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 **Sub. S. B. No. 9**-Senator Jacobson, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: GA'S INTENTION RE: REVISED TERRORISM LAWS

JAMES M. HOOPS

JOSEPH W. UECKER

ALLAN R. SAYRE  
STEPHEN BUEHRER  
RANDY LAW  
JEANINE PERRY  
JIM ASLANIDES

LORRAINE M. FENDE  
JOHN WIDOWFIELD  
DANNY R. BUBP  
STEVE REINHARD

The following members voted "NO"

SYLVESTER D. PATTON

ANNIE L. KEY

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 **S. B. No. 55**-Senator Spada, et al., having had the same under consideration, reports it back and recommends its passage.

RE: "ONE NATION UNDER GOD" LICENSE PLATES

JAMES M. HOOPS  
JIM ASLANIDES  
JEANINE PERRY  
ALLAN R. SAYRE  
RANDY LAW  
DANNY R. BUBP

JOSEPH W. UECKER  
ANNIE L. KEY  
LORRAINE M. FENDE  
SYLVESTER D. PATTON  
STEVE REINHARD

The report was agreed to.

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

Representative Healy submitted the following report:

The standing committee on Rules and Reference to which was referred **H. B. No. 380**-Representative Miller, et al., having had the same under consideration, recommends its re-referral to the committee on Finance and Appropriations.

RE: ADULT PROTECTIVE SERVICES - FUNDING TO ODJFS

JON A. HUSTED  
CHARLES E. CALVERT  
ANTHONY CORE  
LARRY L. FLOWERS  
JOHN SCHLICHTER  
GEOFFREY C. SMITH  
WILLIAM J. HEALY  
TIMOTHY J. DEGEETER  
JOYCE BEATTY

CHARLES R. BLASDEL  
JIM CARMICHAEL  
KEVIN DEWINE  
TOM RAGA  
ARLENE J. SETZER  
SHAWN N. WEBSTER  
JOSEPH KOZIURA  
KENNETH A. CARANO

The report was agreed to.

The bill was ordered to be engrossed and rereferred to the committee on Finance and Appropriations.

Representative Healy reported for the Rules and Reference Committee recommending that the following House Bills and Senate Bills be considered for the second time and referred to the following committees for consideration:

**H.B. No. 398 - Representative Skindell, et al**

TO CREATE THE COUNCIL ON SUSTAINABLE ENERGY DEVELOPMENT AND SPECIFY ITS DUTIES.

To the committee on Public Utilities and Energy

**H.B. No. 399 - Representative Skindell, et al**

TO EXEMPT FROM THE COMMERCIAL ACTIVITY TAX PROCEEDS RECEIVED FROM SALES OF TAKE-OUT FOOD, WHOLESALE SALES OF FOOD, ITEMS PURCHASED BY RESELLERS OF FOOD FOR USE IN BUSINESS, OR RETAIL SALES OF PACKAGING CONTAINING FOOD.

To the committee on Ways and Means

**H.B. No. 400 - Representative J. McGregor, et al**

TO REVISE THE DISTRIBUTION OF REVENUES FROM THE SEVERANCE TAX ON INDUSTRIAL MINERALS, TO EXEMPT INDUSTRIAL MINERALS MINING OPERATIONS FROM THE STATE MINE SAFETY LAWS AND INSTEAD PROVIDE FOR THE ADOPTION OF FEDERAL MINE SAFETY REQUIREMENTS FOR THOSE OPERATIONS, TO REVISE THE ZONING LAWS CONCERNING INDUSTRIAL MINERALS MINING, AND TO MAKE OTHER CHANGES GOVERNING THE MINING OF INDUSTRIAL MINERALS.

To the committee on Agriculture and Natural Resources

**H.B. No. 401 - Representative Law, et al**

TO PROVIDE FOR THE ADOPTION OF RULES GOVERNING FIREFIGHTER TRAINING.

To the committee on Transportation, Public Safety and Homeland Security

**H.B. No. 402 - Representative Trakas, et al**

TO PROVIDE SPECIFIC FUNDING SOURCES AND METHODS OF PAYMENT FOR PRIVATE LEGAL COUNSEL WHO COLLECT CERTAIN DELINQUENT PROPERTY TAXES.

To the committee on Judiciary

**H.B. No. 403 - Representative Fessler, et al**

TO MAKE CHANGES TO THE OCCUPATIONAL THERAPY, PHYSICAL THERAPY, AND ATHLETIC TRAINERS LICENSING LAWS.

To the committee on Commerce and Labor

**H.B. No. 404 - Representative Wolpert, et al**

TO PERMIT THE CREATION OF URBAN HOMESTEAD ZONES IN

CITIES TO ENCOURAGE THE REPOPULATION OF CERTAIN CITY AREAS, TO CREATE A STATE URBAN HOMESTEAD SCHOLARSHIP PROGRAM ADMINISTERED JOINTLY BY THE DEPARTMENT OF DEVELOPMENT AND THE DEPARTMENT OF EDUCATION, AND TO REQUIRE TAX INCREMENT FINANCING IN URBAN HOMESTEAD ZONES THAT PARTICIPATE IN THE SCHOLARSHIP PROGRAM TO HELP FUND THE PROGRAM.

To the committee on Economic Development and Environment

**H.B. No. 405 - Representative Hughes, et al**

TO ALLOW A NONREFUNDABLE CREDIT AGAINST THE PERSONAL INCOME TAX FOR THE INSTALLATION OF ENERGY-EFFICIENT DEVICES IN HOMES.

To the committee on Ways and Means

**H.B. No. 406 - Representative T. Patton, et al**

TO REQUIRE PERSONS WHO ARE UNDER 25 YEARS OF AGE TO WEAR A HELMET WHILE RIDING ON A MOTORCYCLE EITHER AS THE OPERATOR OR AS A PASSENGER, TO REQUIRE PERSONS CONVICTED OF FAILING TO WEAR A HELMET WHILE RIDING A MOTORCYCLE, DRIVING UNDER LICENSE SUSPENSION, DRIVING WITHOUT A VALID DRIVER'S LICENSE, DRIVING UNDER OVI SUSPENSION, DRIVING UNDER FINANCIAL RESPONSIBILITY SUSPENSION, AND FAILING TO PRODUCE PROOF OF FINANCIAL RESPONSIBILITY IN CERTAIN CIRCUMSTANCES TO PAY A MANDATORY \$500 FINE, TO PERMIT THOSE PERSONS IN CERTAIN CIRCUMSTANCES TO CHOOSE BETWEEN A JAIL TERM OF TWO CONSECUTIVE WEEKEND DAYS OR ATTENDANCE AT A SAFE AND RESPONSIBLE DRIVING INSTRUCTIONAL CLASS, TO CREATE THE TRAUMATIC BRAIN INJURY FUND AND THE SAFE AND RESPONSIBLE DRIVING INSTRUCTIONAL FUND, AND TO REQUIRE SOME OF THE FINES PAID BY SUCH PERSONS TO BE DEPOSITED INTO THESE NEW FUNDS.

To the committee on Criminal Justice

**H.B. No. 407 - Representative Raga**

TO DEFINE AND ESTABLISH REQUIREMENTS FOR RESIDENTIAL COMMUNITY ASSOCIATION DEVELOPMENTS.

To the committee on Local and Municipal Government and Urban Revitalization

**H.B. No. 408 - Representative Fende, et al**

TO DESIGNATE STATE ROUTE NUMBER 2 WITHIN THE CITY OF WILLOUGHBY AS THE "BRIAN MONTGOMERY MEMORIAL HIGHWAY."

To the committee on Transportation, Public Safety and Homeland Security

**H.B. No. 409 - Representative Gilb, et al**

TO ENSURE THAT INVESTMENT EARNINGS OF THE

AGRICULTURAL COMMODITY DEPOSITORS FUND ARE CREDITED TO THAT FUND.

To the committee on Finance and Appropriations

**H.B. No. 410 - Representative Redfern**

TO CREATE THE OFFICE OF MARITIME TRANSPORTATION WITHIN THE DEPARTMENT OF TRANSPORTATION.

To the committee on Transportation, Public Safety and Homeland Security

**H.B. No. 411 - Representative Wolpert, et al**

TO ELIMINATE THE REQUIREMENT THAT A SCHOOL DISTRICT OR BUILDING THAT FAILS TO MAKE "ADEQUATE YEARLY PROGRESS" FOR MORE THAN TWO CONSECUTIVE YEARS BE RATED NO HIGHER THAN "IN NEED OF CONTINUOUS IMPROVEMENT" ON THE ANNUAL STATE ACADEMIC PERFORMANCE RATINGS.

To the committee on Education

**H.B. No. 412 - Representative Distel, et al**

TO REQUIRE A SELLER OR LANDLORD OF REAL PROPERTY TO DISCLOSE WHETHER THE PROPERTY WAS A SITE FOR THE MANUFACTURE OF METHAMPHETAMINE IF THE SELLER OR LANDLORD HAS ACTUAL KNOWLEDGE OF THAT USE.

To the committee on Commerce and Labor

**H.B. No. 413 - Representative Fessler**

TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO ERECT AND MAINTAIN ONE SIGN IN EACH DIRECTION OF INTERSTATE HIGHWAY 75 APPROACHING EXIT 74 THAT READS "HOBART INSTITUTE OF WELDING TECHNOLOGY EXIT 74."

To the committee on Transportation, Public Safety and Homeland Security

**Sub. S.B. No. 40 - Senator Jordan, et al**

REGARDING SOLICITATION OF CHIROPRACTIC BUSINESS.

To the committee on Health

**Sub. S.B. No. 117 - Senator Mallory, et al**

TO PROVIDE THAT A FINAL JUDGMENT, ENTERED AFTER A TRIAL OR UPON A PLEA OF GUILTY IN CERTAIN CRIMINAL ACTIONS GENERALLY PRECLUDES THE OFFENDER FROM DENYING ANY FACT ESSENTIAL TO SUSTAIN THAT JUDGMENT WHEN ENTERED IN EVIDENCE IN A CIVIL PROCEEDING THAT IS BASED ON THE CRIMINAL ACT.

To the committee on Judiciary

**Sub. S.B. No. 141 - Senator Hottinger, et al**

TO INCREASE THE ADMINISTRATIVE LICENSE SUSPENSION PERIODS FOR PERSONS WHO ARE ARRESTED FOR OVI AND REFUSE A REQUEST OF A LAW ENFORCEMENT OFFICER TO CONSENT TO A CHEMICAL TEST OF THE PERSON'S WHOLE

BLOOD, BLOOD SERUM OR PLASMA, BREATH, OR URINE TO DETERMINE ITS ALCOHOL CONTENT; TO INCREASE THE PERIOD THAT A PERSON MUST SERVE UNDER SUCH AN ADMINISTRATIVE LICENSE SUSPENSION IN CERTAIN CIRCUMSTANCES BEFORE BECOMING ELIGIBLE FOR LIMITED DRIVING PRIVILEGES; TO PROVIDE THAT THE SUSPENSION PERIOD FOR A JUDICIAL POST-CONVICTION OVI SUSPENSION OF A PERSON SERVING AN ADMINISTRATIVE LICENSE SUSPENSION MUST BE NOT LESS THAN THE GREATER OF THE PERIOD OF TIME REMAINING IN THE ADMINISTRATIVE LICENSE SUSPENSION OR THE MINIMUM APPLICABLE JUDICIAL POST-CONVICTION SUSPENSION PERIOD SPECIFIED FOR THE OFFENDER; TO CLARIFY THE CIRCUMSTANCES IN WHICH A PERSON SERVING AN ADMINISTRATIVE LICENSE SUSPENSION FOR REFUSAL TO CONSENT TO A CHEMICAL TEST OR FOR HAVING A PROHIBITED CONCENTRATION OF ALCOHOL IN THE PERSON'S SYSTEM OR SERVING A JUDICIAL POST-CONVICTION OVI SUSPENSION NEVER IS ELIGIBLE FOR LIMITED DRIVING PRIVILEGES; TO INCREASE FROM SIX YEARS TO TWENTY YEARS THE "LOOK BACK" PERIOD DURING WHICH A PERSON'S PRIOR CONVICTIONS OR CHEMICAL TEST REFUSALS ARE CONSIDERED IN DETERMINING CERTAIN SPECIFIED SANCTIONS AGAINST THE PERSON; TO CLARIFY AND REAFFIRM THAT ACTS THAT WOULD BE MINOR MISDEMEANORS IF COMMITTED BY AN ADULT ARE DELINQUENT ACTS WHEN COMMITTED BY A JUVENILE; AND TO SPECIFY AS A PRESUMPTIVE DISPOSITION FOR THE OFFENSES OF TRAFFICKING IN MARIHUANA AND POSSESSION OF MARIHUANA WHEN COMMITTED BY A JUVENILE EITHER A REQUIREMENT OF CONFINEMENT IN A DETENTION FACILITY FOR A SPECIFIED MINIMUM PERIOD OF TIME OR A REQUIREMENT OF DRUG ASSESSMENT, COUNSELING, OR TREATMENT PLUS PROBATION, OR BOTH.

To the committee on Criminal Justice

**S.B. No. 153 - Senator Wachtmann, et al**

TO DESIGNATE A BRIDGE ON STATE ROUTE 108 OVER THE MAUMEE RIVER AS THE "HENRY COUNTY VETERANS BRIDGE."

To the committee on Transportation, Public Safety and Homeland Security

**Sub. S.B. No. 154 - Senator Wachtmann, et al**

TO REVISE THE LAWS REGARDING THE PRACTICE OF PHYSICIAN ASSISTANTS, INCLUDING THE ESTABLISHMENT OF PHYSICIAN-DELEGATED PRESCRIPTIVE AUTHORITY, AND TO MODIFY THE AUTHORITY OF ADVANCED PRACTICE NURSES TO FURNISH SUPPLIES OF DRUGS TO PATIENTS.

To the committee on Health

JON A. HUSTED  
 CHARLES E. CALVERT  
 ANTHONY CORE  
 LARRY L. FLOWERS  
 JOHN SCHLICHTER  
 GEOFFREY C. SMITH  
 JOYCE BEATTY  
 TIMOTHY J. DEGEETER  
 JOSEPH KOZIURA

CHARLES R. BLASDEL  
 JIM CARMICHAEL  
 KEVIN DEWINE  
 TOM RAGA  
 ARLENE J. SETZER  
 SHAWN N. WEBSTER  
 KENNETH A. CARANO  
 WILLIAM J. HEALY  
 ROBERT J. OTTERMAN

Representative Schlichter 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 Senate 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 and Senate 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 Senate Con. Resolution be introduced and referred to the following committee for consideration:

**S.Con.R. No. 17 - Senator Jacobson, Coughlin, Dann, Fingerhut, Goodman, Jordan, Miller, Mumper, Prentiss, Schuler, Wachtmann, Padgett, Carey, Clancy, Armbruster, Spada, Niehaus, Fedor, Gardner, Brady, Zurz, Wilson, Harris**

TO FOCUS ON THE DARFUR GENOCIDE, WHICH THE UNITED STATES DEPARTMENT OF STATE HAS CONCLUDED IS GENOCIDE, OCCURRING IN THE DARFUR REGION OF SUDAN, TO ENCOURAGE THE UNITED STATES TO CONTINUE ITS SUPPORT OF HUMANITARIAN AID TO THE REGION, TO ENCOURAGE THE UNITED STATES TO LEAD MULTILATERAL EFFORTS TO BRING THOSE RESPONSIBLE FOR THE EGREGIOUS HUMAN RIGHTS VIOLATIONS TO JUSTICE, AND TO ENCOURAGE OHIO COMPANIES AND INSTITUTIONS, MULTINATIONAL CORPORATIONS OPERATING IN OHIO AND AGENCIES AND POLITICAL SUBDIVISIONS OF THE STATE TO DIVEST THEMSELVES OR INTERESTS IN ANY COMPANIES THAT CONDUCT BUSINESS IN SUDAN.

To the committee on State Government

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



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

The motion was agreed to.

Said resolution was introduced and referred as recommended.

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. 115 - Representative Brown**

HONORING ROSLAYN COOPER AS MISS OHIO TEEN 2005.

/s/ JON A. HUSTED

Jon A. Husted, Chair

Representative Schlichter 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 Resolution be read and approved:

**H.R. No. 118 - Representative Flowers, Speaker Husted, Representatives Redfern, Allen, Aslanides, Barrett, Beatty, Blasdel, Blessing, Boccieri, Book, Brinkman, Brown, Bulp, 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 LANCE CORPORAL EDWARD A. "AUGIE"  
SCHROEDER II.

/s/ JON A. HUSTED

Jon A. Husted, Chair

Representative Schlichter 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 Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has concurred in the House amendments to:

**Am. S. B. No. 190** - Senator Carey- et al.

Attest:

David A. Battocletti,  
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:

**S. B. No. 114** - Senators Goodman, Harris, Coughlin, Amstutz, Spada, Wachtmann, Gardner, Jordan, Carey, Schuler, Schuring, Padgett, Fedor, Dann, Armbruster, Austria, Brady, Cates, Clancy, Fingerhut, Grendell, Hagan, Hottinger, Jacobson, Mallory, Miller, Mumper, Niehaus, Prentiss, Roberts, Wilson, Zurz

To amend section 5533.09 of the Revised Code to designate Interstate Routes 70 and 71 as the "Purple Heart Trail."

**Am. S. B. No. 121** - Senators Hottinger, Austria, Carey, Armbruster, Grendell, Goodman, Spada, Miller, Wachtmann, Gardner, Coughlin, Padgett, Mallory, Zurz, Prentiss, Amstutz, Brady, Cates, Clancy, Dann, Fedor, Fingerhut, Hagan, Harris, Jacobson, Jordan, Mumper, Niehaus, Roberts, Schuler, Schuring, Wilson

To enact section 5533.321 of the Revised Code to designate a bridge on State Route 13 in Licking County as the "K.I.A. Memorial Bridge."

Attest:

David A. Battocletti,  
Clerk.

Said bills were 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:

**Sub. S. B. No. 210** - Senators Jordan, Wachtmann, Cates, Padgett, Hottinger, Harris, Mumper, Clancy, Niehaus

To enact section 131.51 of the Revised Code to impose restrictions on the use of state moneys for activities involving human embryonic stem cell research or cloning.

Attest:

David A. Battocletti,  
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 concurred in the passage of the following bill:

**Am. H. B. No. 100** - Representatives Taylor, Carano, Collier, C. Evans, McGregor, Otterman, Reidelbach, Seitz, White, Willamowski, J. Stewart, Cassell, Domenick, Aslanides, Daniels, Flowers, Hood, Hughes, Kearns  
Senators Spada, Mumper, Grendell, Niehaus, Cates, Coughlin, Schuring

To enact section 3734.576 of the Revised Code and to amend Section 513.03 of Am. Sub. H.B. 66 of the 126th General Assembly to authorize a solid waste management district to exempt automotive shredder residue from the district's generation fee, to extend the moratorium on the issuance of licenses for new construction and demolition debris facilities, to create an exemption to the moratorium under certain circumstances.

With the following additional amendments, in which the concurrence of the House is requested:

After line 75, insert:

"**Section 2.** That Section 513.03 of Am. Sub. H.B. 66 of the 126th General Assembly be amended to read as follows:

**Sec. 513.03.** (A) Notwithstanding any provision of law to the contrary and during the period beginning July 1, 2005, and ending ~~December 31~~May 1, 2005~~2006~~, or the effective date of H.B. 397 of the 126th General Assembly, whichever is earlier, the Director of Environmental Protection or a board of health as defined in section 3714.01 of the Revised Code shall not issue a license to open a new construction and demolition debris facility under Chapter 3714. of the Revised Code and rules adopted under it. Except as otherwise provided in this division, the moratorium established by this division applies both with respect to an application for a license to open a new construction and demolition debris facility that is submitted on or after the effective date of this section and to an application for such a license that has been submitted to the Director or a board of health prior to the effective date of this section, but concerning which a license for a facility has not been issued as of that effective date.

The board of county commissioners of a county may request the Director or a board of health to continue to process an application for a license to open a new construction and demolition debris facility in that county that has been submitted to the Director or board of health prior to the effective date of this section. After receiving such a request from a board of county commissioners, the Director or board of health may then issue a license for the new construction and demolition debris facility notwithstanding the moratorium established by this division.

The moratorium established by this division does not apply to a license for a new construction and demolition debris facility if the new facility will be located adjacent or contiguous to a previously licensed construction and demolition debris facility. The moratorium also does not apply to an expansion of or other modification to an existing licensed construction and demolition debris facility.

(B) The moratorium established by division (A) of this section does not apply to an application for a license to establish a construction and demolition debris facility pending before a board of health or the Director of Environmental Protection, as applicable, prior to July 1, 2005, and such an application shall be reviewed and the license shall be issued or denied in accordance with Chapter 3714. of the Revised Code, if all of the following apply to the applicant for the license:

(1) The applicant has acquired an interest in the property on which the facility will be located on or before May 1, 2005.

(2) The applicant has begun a hydrogeologic investigation pursuant to section 3745-400-09 of the Ohio Administrative Code prior to submitting the application.

(3) The applicant has begun the engineering plans for the facility prior to submitting the application.

(4) The application submitted by the applicant would have been determined to be complete if the moratorium had not been in effect.

The director shall determine whether this division applies to an applicant within forty-five days after receiving an applicant's request for a determination under this division.

(C)(1) There is hereby created the Construction and Demolition Debris Facility Study Committee composed of the following thirteen members:

- (a) Three members of the House of Representatives appointed by the Speaker of the House of Representatives;
- (b) Three members of the Senate appointed by the President of the Senate;
- (c) The Director of Environmental Protection or the Director's designee;
- (d) One member representing health districts in the state appointed by the Governor;
- (e) Three members representing the construction and demolition debris industry in the state appointed by the Governor, one of whom shall be the owner of both a construction and demolition debris facility and a solid waste disposal facility;
- (f) Two members representing environmental consulting organizations or firms in the state appointed by the Governor.

Appointments shall be made to the Committee not later than fifteen days after the effective date of this section. Members of the Committee shall not receive compensation for their service on the Committee and shall not receive reimbursement for expenses incurred related to that service.

(2) The Committee shall study the laws of this state governing construction and demolition debris facilities and the rules adopted under those laws and shall make recommendations to the General Assembly regarding changes to those laws including, but not limited to, recommendations concerning the following topics:

- (a) The establishment of a code of ethics for owners and operators of construction and demolition debris facilities;
- (b) The establishment of best management practices;
- (c) Licensing requirements;
- (d) Testing and monitoring requirements and protocols;
- (e) Siting and setback criteria for construction and demolition debris facilities;
- (f) State and local oversight and regulatory authority;
- (g) Fees;
- (h) The regulation of construction and demolition debris from sources inside and outside the state;

(i) The closure process for construction and demolition debris facilities.

(3) The Committee shall submit a report of its study and any recommendations that it has developed to the General Assembly not later than September 30, 2005. The Committee shall cease to exist on the date on which it submits its report.

The General Assembly shall enact legislation based on the recommendations of the Committee as soon as is practicable.

**Section 3.** That existing Section 513.03 of Am. Sub. H.B. 66 of the 126th General Assembly is hereby repealed.

In line 1 of the title, after "Code" insert "and to amend Section 513.03 of Am. Sub. H.B. 66 of the 126th General Assembly"

In line 4 of the title, after "fee" insert ", to extend the moratorium on the issuance of licenses for new construction and demolition debris facilities, to create an exemption to the moratorium under certain circumstances"

Attest:

David A. Battocletti,  
Clerk.

The Senate amendments were laid over under the Rule.

#### Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has concurred in the passage of the following bill:

**Am. H. B. No. 226** - Representatives Hoops, C. Evans, Flowers, Kearns, Martin, McGregor, Seitz, Setzer, Wagoner, Brown, Hartnett, Koziura, Willamowski, Barrett, Coley, Combs, Daniels, Domenick, Harwood, Otterman Senators Schuler, Carey, Cates

To amend section 1901.26 of the Revised Code to authorize the legislative authority of a municipal corporation to establish a schedule of fees to be taxed as costs in a civil, criminal, or traffic proceeding in a municipal court for services performed by officers or employees of the municipal corporation's police department or marshal's office and to revise the law regarding the Workers' Compensation Oversight Commission's reporting requirements concerning investments.

With the following additional amendments, in which the concurrence of the House is requested:

After line 173, insert:

**"Section 3.** Notwithstanding Section 502.03 of Am. Sub. H.B. 66 of the 126th General Assembly, the assets of funds that at the time that section took effect were invested in investments that are prohibited by section 4121.12 of the Revised Code and the assets of funds that, in the twelve months immediately preceding the effective date of that section, had been invested in investments that are prohibited by section 4121.12 of the Revised Code shall be divested in the most expedient time possible to obtain the maximum value during the liquidation unless the assets are being held as evidence in a criminal investigation or prosecution. If the assets are being held as evidence in a criminal investigation or prosecution, the assets shall be divested in the most expedient time possible to obtain the maximum value during the liquidation after the investigation or prosecution has concluded."

In line 8 of the title, after "office" insert "and to revise the law regarding the Workers' Compensation Oversight Commission's reporting requirements concerning investments"

Attest:

David A. Battocletti,  
Clerk.

The Senate amendments were laid over under the Rule.

Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has concurred in the passage of the following bill:

**Sub. H. B. No. 246** - Representatives Oelslager, Willamowski, Aslanides, Barrett, Beatty, Book, Buehrer, Carano, Coley, Collier, Combs, Daniels, DeGeeter, Domenick, C. Evans, Gilb, Hagan, Harwood, Healy, Hughes, Latta, McGregor, Otterman, T. Patton, Reidelbach, Sayre, Schaffer, Schlichter, Seaver, Setzer, Skindell, G. Smith, J. Stewart, Williams Senators Zurz, Carey, Grendell, Niehaus

To amend section 2106.18 and to enact sections 1337.18, 1337.19, and 1337.20 of the Revised Code to permit a surviving spouse to take a motorcycle as one of the two automobiles the surviving spouse may receive outside of probate, to create a statutory form for the creation of a power of attorney, to set forth the general powers of an attorney in fact under a power of attorney, and to provide for the construction of the powers of an attorney in fact under a power of attorney created by use of the statutory form.

As a substitute bill, in which the concurrence of the House is requested.

Attest: David A. Battocletti,  
Clerk.

The Senate amendments were laid over under the Rule.

On motion of Representative Schlichter, the House adjourned until  
Wednesday, November 16, 2005 at 1:30 o'clock p.m.

Attest: LAURA P. CLEMENS,  
Clerk.