

OHIO

House

of

Representatives

JOURNAL

THURSDAY, DECEMBER 8, 2005

ONE HUNDRED SIXTEENTH DAY
Hall of the House of Representatives, Columbus, Ohio
Thursday, December 8, 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 Dolan was selected to preside under the Rule.

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

INTRODUCTION OF BILLS

The following bills were introduced:

H. B. No. 442-Representatives Dolan, McGregor, J., Martin, Combs, Law, Patton, S., Miller, Chandler.

To amend section 3905.421 and to enact section 3905.423 of the Revised Code to require reimbursement insurance policies for consumer goods service contracts, to require given statements to be included in warranty reimbursement insurance policies and reimbursement insurance policies for consumer goods contracts, to add conditions related to the sale of vehicle protection product warranties, and to apply the Ohio Consumer Sales Practices Act to the sale of vehicle protection product warranties and consumer goods service contracts.

H. B. No. 443-Representative Uecker.

To amend sections 123.01, 123.04, 307.37, 1501.011, 1501.07, 1501.32, 1502.01, 1502.03, 1502.12, 1503.23, 1504.02, 1506.04, 1507.01, 1515.10, 1517.02, 1517.11, 1517.14, 1517.15, 1520.02, 1520.03, 1520.05, 1520.07, 1521.01, 1521.04, 1521.05, 1521.13, 1521.14, 1521.18, 1521.19, 1521.99, 1525.11, 1525.12, 1531.01, 1531.02, 1531.04, 1531.06, 1531.17, 1531.20, 1531.99, 1533.08, 1533.09, 1533.10, 1533.11, 1533.12, 1533.131, 1533.171, 1533.68, 1533.86, 1541.03, 1541.05, 1541.22, 1547.08, 1547.51, 1547.54, 1547.541, 1547.75, 1547.99, 1548.02, 2923.35, 2933.43, 4115.04, and 6111.034; to enact sections 1515.093 and 1517.052; and to repeal sections 1502.11 and 1521.08 of the Revised Code to revise the statutes governing the Department of Natural Resources.

H. B. No. 444-Representative Patton, T..

To enact section 1349.05 of the Revised Code to require coupons sold in coupon books to disclose all limitations and requirements on the coupon's redemption in ten-point or larger boldface type on the front of the coupon.

Said bills were considered the first time.

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

Representative Driehaus submitted the following report:

The standing committee on Public Utilities and Energy to which was referred **H. B. No. 288**-Representative Wagoner, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: ABANDONED MINERAL RIGHTS/OIL AND GAS
COMMISSION

Representative Hagan moved to amend the title as follows:

Add the names: "Latta, Stewart, J., Hartnett, Garrison."

JAMES T. RAUSSEN	JOHN P. HAGAN
JOHN WIDOWFIELD	JIM CARMICHAEL
MARK D. WAGONER	ROBERT E. LATTA
TIMOTHY J. DEGEETER	JIMMY STEWART
CHRIS WIDENER	STEPHEN BUEHRER
STEVE L. DRIEHAUS	JENNIFER GARRISON
GEOFFREY C. SMITH	WILLIAM J. HARTNETT
L. GEORGE DISTEL	LANCE T. MASON
DAVID DANIELS	

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. 421**-Representative Beatty, et al., having had the same under consideration, reports it back and recommends its passage.

RE: "ROSA PARKS DAY" - DECEMBER 1

Speaker Husted moved to amend the title as follows:

Add the names: "Calvert, Carmichael, Core, Raga, Schlichter, G. Smith, Koziura, Setzer, Blasdel, Husted."

JON A. HUSTED	JOYCE BEATTY
CHARLES R. BLASDEL	GEOFFREY C. SMITH
ARLENE J. SETZER	ROBERT J. OTTERMAN
WILLIAM J. HEALY	JOSEPH KOZIURA
KENNETH A. CARANO	LARRY L. FLOWERS
TOM RAGA	JOHN SCHLICHTER
SHAWN N. WEBSTER	KEVIN DEWINE

ANTHONY CORE
CHARLES E. CALVERT

JIM CARMICHAEL

The report was agreed to.

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

Representative DeBose submitted the following report:

The standing committee on Economic Development and Environment to which was referred **H. B. No. 397**-Representative Hagan, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: CONSTRUCTION/DEMOLITON FACILITY REVISE-LAWS

Representative Collier moved to amend the title as follows:

Add the names: "Schaffer, Cassell, DeBose, Domenick."

JIM ASLANIDES
THOM COLLIER
JAMES T. RAUSSEN
LARRY L. WOLPERT
RANDY LAW
STEVE REINHARD
TIMOTHY J. CASSELL
JOHN DOMENICK

JIMMY STEWART
TIMOTHY O. SCHAFFER
JOHN P. HAGAN
JIM HUGHES
JEFF WAGNER
MICHAEL DEBOSE
SANDRA STABILE HARWOOD

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 and Senate Bills be considered for the second time and referred to the following committees for consideration:

H.B. No. 427 - Representative Schneider, et al

TO CREATE THE STATE BOARD OF HOME INSPECTORS, TO REQUIRE THE LICENSURE OF HOME INSPECTORS, AND TO REGULATE THE LICENSURE AND PERFORMANCE OF HOME INSPECTORS.

To the committee on Commerce and Labor

H.B. No. 428 - Representative Strahorn, et al

TO PERMIT TOWNSHIPS TO ISSUE PERMITS FOR PUBLIC DANCES.

To the committee on Local and Municipal Government and Urban Revitalization

H.B. No. 429 - Representative DeWine, et al

TO REQUIRE A COUNTY, TOWNSHIP, OR STATUTORY MUNICIPAL

CORPORATION ZONING AUTHORITY TO GIVE NOTICE TO THE COMMANDER OF A MILITARY BASE, CAMP, INSTALLATION, OR AIRFIELD THAT IS AT LEAST 30 ACRES IN SIZE WHEN CONSIDERING PROPOSED REZONING OR REDISTRICTING OF PROPERTY THAT IS WITHIN 3,000 FEET OF THAT BASE, CAMP, INSTALLATION, OR AIRFIELD.

To the committee on Local and Municipal Government and Urban Revitalization

H.B. No. 430 - Representative Bocchieri, et al

TO EXPAND THE SALES AND USE TAX EXEMPTION FOR SALES OF NATURAL GAS, AND TO EXTEND A SALES AND USE TAX EXEMPTION TO SALES OF PROPANE USED FOR HOME HEATING PURPOSES.

To the committee on Finance and Appropriations

H.B. No. 431 - Representative Peterson, et al

TO ESTABLISH THE SPECIAL EDUCATION SCHOLARSHIP PROGRAM TO PROVIDE SCHOLARSHIPS FOR HANDICAPPED CHILDREN TO ATTEND ALTERNATIVE PUBLIC AND NONPUBLIC SPECIAL EDUCATION PROGRAMS.

To the committee on Education

H.B. No. 432 - Representative J. Stewart, et al

TO ESTABLISH A BIPARTISAN COMMITTEE TO RECOMMEND TO THE GENERAL ASSEMBLY A SYSTEM THAT PROVIDES STATE FUNDS TO PAY ONE HUNDRED PER CENT OF THE ACTUAL COST OF PROVIDING A THOROUGH AND EFFICIENT EDUCATION TO EACH PUBLIC SCHOOL STUDENT AND TO REQUIRE THE DEPARTMENT OF EDUCATION TO REPORT CERTAIN SCHOOL FUNDING INFORMATION TO THE PARENTS AND TAXPAYERS OF EACH SCHOOL DISTRICT.

To the committee on Finance and Appropriations

H.B. No. 433 - Representative Carano, et al

TO PROVIDE URBAN TOWNSHIPS WITH BROADER AUTHORITY TO REGULATE TRAFFIC, PEDESTRIANS, AND OBSTRUCTIONS DURING A DECLARED EMERGENCY, TO SUBJECT PARKED OR STOPPED VEHICLES IN URBAN TOWNSHIPS TO THE SAME LIGHTING PROVISIONS AS SPECIFIED FOR VEHICLES IN MUNICIPAL CORPORATIONS, TO ALLOW URBAN TOWNSHIPS TO ADOPT A REASONABLE FEE WITHOUT A SPECIFIED LIMIT FOR TRANSIENT VENDOR REGISTRATIONS, AND TO ALLOW URBAN TOWNSHIPS TO CHARGE FOR SUBSEQUENT FALSE FIRE ALARMS OCCURRING ANY TIME AFTER A NOTICE OF A PREVIOUS FALSE ALARM IS SENT.

To the committee on Local and Municipal Government and Urban Revitalization

H.B. No. 434 - Representative Yuko, et al

TO PROHIBIT HUMAN CLONING.

To the committee on Judiciary

H.B. No. 435 - Representative DeWine

TO REQUIRE SCHOOL DISTRICTS TO EMPLOY LICENSED ATHLETIC TRAINERS UNDER THE SAME TYPE OF CONTRACT APPLICABLE TO LICENSED OCCUPATIONAL OR PHYSICAL THERAPISTS EMPLOYED BY THE DISTRICTS.

To the committee on Education

H.B. No. 436 - Representative Brown, et al

TO INCLUDE CHILDREN UNDER THE AGE OF EIGHTEEN WITH WHOM AN OFFENDER HAS HAD OR HAS A DATING RELATIONSHIP AS VICTIMS UNDER THE DOMESTIC VIOLENCE LAWS AND TO REQUIRE MANDATORY TRANSFER FOR CRIMINAL PROSECUTION OF A CASE INVOLVING A JUVENILE OFFENDER WHO IS FOURTEEN YEARS OF AGE OR OLDER, COMMITS A HOMICIDE OFFENSE AGAINST SUCH A CHILD, AND PREVIOUSLY COMMITTED DOMESTIC VIOLENCE AGAINST THAT CHILD.

To the committee on Criminal Justice

H.B. No. 437 - Representative J. McGregor, et al

TO REQUIRE ENTITIES RECEIVING STATE FUNDS TO SELL ONLY OHIO PRODUCTS IN THEIR GIFT SHOPS OR AS MEMORABILIA OR GIFT ITEMS AND TO REQUIRE THE DEPARTMENT OF NATURAL RESOURCES TO USE ONLY OHIO PRODUCTS IN OPERATING AND MAINTAINING ITS PUBLIC SERVICE FACILITIES IN STATE PARKS.

To the committee on State Government

H.B. No. 438 - Representative Wolpert, et al

TO ESTABLISH A STUDY COUNCIL TO EXAMINE THE CURRENT COST-OF-DOING-BUSINESS FACTOR USED IN CALCULATING FUNDING FOR SCHOOL DISTRICTS AND COMMUNITY SCHOOLS AND MAKE RECOMMENDATIONS WHETHER AND IN WHAT FORM THE FACTOR SHOULD BE MODIFIED.

To the committee on Finance and Appropriations

H.B. No. 439 - Representative Willamowski

TO ADOPT GENERALLY THE PROVISIONS OF THE UNIFORM PROBATE CODE IN REGARD TO THE ELECTIVE SHARE OF A SURVIVING SPOUSE IN THE AUGMENTED ESTATE OF THE DECEDENT SPOUSE.

To the committee on Judiciary

S.B. No. 114 - Senator Goodman, et al

TO DESIGNATE INTERSTATE ROUTES 70 AND 71 AS THE "PURPLE HEART TRAIL."

To the committee on Transportation, Public Safety and Homeland Security

Am. S.B. No. 121 - Senator Hottinger, et al

TO DESIGNATE A BRIDGE ON STATE ROUTE 13 IN LICKING COUNTY AS THE "K.I.A. MEMORIAL BRIDGE."

To the committee on Transportation, Public Safety and Homeland Security

S.B. No. 174 - Senator Niehaus, et al

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

S.B. No. 184 - Senator Gardner, et al

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

Sub. S.B. No. 210 - Senator Jordan, et al

TO IMPOSE RESTRICTIONS ON THE USE OF STATE MONEYS FOR ACTIVITIES INVOLVING HUMAN EMBRYONIC STEM CELL RESEARCH OR CLONING.

To the committee on Judiciary

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

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

Representative Martin moved that the House and Constitutional Rules requiring bills to be considered by each house on three different days be suspended as to the second consideration of all House Bills and 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 House Resolutions and House Concurrent Resolutions be read by title only and approved:

H.R. No. 121 - Representative Hughes, Core, Peterson, Reidelbach, Wolpert

HONORING THE DUBLIN JEROME HIGH SCHOOL BOYS GOLF TEAM AS THE 2005 DIVISION I STATE CHAMPION.

H.R. No. 122 - Representative Hughes, Core, Peterson, Reidelbach, Wolpert

HONORING THE DUBLIN JEROME HIGH SCHOOL GIRLS GOLF TEAM AS THE 2005 STATE CHAMPION.

H.R. No. 124 - Representatives Wolpert, G. Smith, D. Stewart

HONORING MARIE WENZKE AS A 2005 NATIONAL EDUCATOR OF THE YEAR.

Add the name: Healy

H.R. No. 125 - Representative Hughes

HONORING JONATHAN BOWERS AS A 2005 DIVISION I STATE GOLF CHAMPION.

H.R. No. 126 - Representative Hughes

HONORING THE BISHOP WATTERSON HIGH SCHOOL FIELD HOCKEY TEAM AS THE 2005 STATE CHAMPION.

H.Con.R. 31 - Representative Schlichter

HONORING MADISON WRIGHT-PIEKARSKI AS A 2005 DIVISION I STATE DOUBLE TENNIS CHAMPION.

H.Con.R. 32 - Representative Schlichter

HONORING NATALIE SKOCIK AS A 2005 DIVISION I STATE DOUBLES TENNIS CHAMPION.

/s/ JON A. HUSTED

Jon A. Husted, Chair

Representative Martin 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 Resolutions be read and approved:

H.R. No. 123 - Representative Bocchieri, Speaker Husted, Representatives Redfern, Allen, Aslanides, Barrett, Beatty, Blasdel, Blessing, 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, 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 DANIEL MORGAN MCVICKER.

H.R. No. 127 - Representative Carano, Speaker Husted, Representatives Redfern, Allen, Aslanides, Barrett, Beatty, Blasdel, Blessing, Boccieri, Book, Brinkman, Brown, Bubb, Buehrer, Calvert, Carmichael, Cassell, Chandler, Coley, Collier, Combs, Core, Daniels, DeBose, DeGeeter, DeWine, Distel, Dolan, Domenick, Driehaus, C. Evans, D. Evans, Faber, Fende, Fessler, Flowers, Garrison, Gibbs, Gilb, Hagan, Hartnett, Harwood, Healy, Hood, Hoops, Hughes, Kearns, Key, Kilbane, Koziura, Latta, Law, Martin, Mason, McGregor, Miller, Mitchell, Oelslager, Otterman, S. Patton, T. Patton, Perry, Peterson, Raga, Raussen, Reidelbach, Reinhard, Sayre, Schaffer, Schlichter, Schneider, Seaver, 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 SERGEANT FIRST CLASS DANIEL J. PRATT.

/s/ JON A. HUSTED

Jon A. Husted, Chair

Representative Martin moved that the Rules and Reference Committee Report on resolutions be agreed to and that the resolutions contained therein be approved.

The motion was agreed to.

Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has passed the following bills in which the concurrence of the House is requested:

Sub. S. B. No. 189 - Senators Grendell, Mumper, Dann, Harris, Miller

To amend sections 907.01, 907.03, 907.14, and 907.28 of the Revised Code to make changes to the Agricultural Seed Law.

Am. S. B. No. 206 - Senators Coughlin, Fedor, Armbruster, Hagan, Harris, Niehaus, Schuring, Spada, Kearney, Mumper, Fingerhut, Stivers

To amend sections 742.63, 5505.12, and 5505.18 and to enact sections 5505.50 to 5505.59 of the Revised Code to provide for the establishment of

the State Highway Patrol Retirement System deferred retirement option plan.

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:

Am. Sub. S. B. No. 236 - Senators Carey, Roberts, Zurz, Harris, Padgett, Kearney, Spada, Armbruster, Prentiss, Fingerhut, Wilson, Austria, Miller

To amend sections 151.01, 151.02, 184.01, 184.02, and 184.03 and to enact sections 122.013, 122.085, 122.086, 122.087, 122.088, 122.089, 122.0810, 122.0811, 122.0812, 122.0813, 122.0814, 122.0815, 122.0816, 122.0817, 122.0818, 122.0819, 122.0820, 151.10, 151.11, 184.10, 184.11, 184.111, 184.112, 184.113, 184.114, 184.115, 184.116, 184.12, 184.13, 184.14, 184.15, 184.151, 184.16, 184.17, 184.171, 184.172, 184.173, 184.18 and 184.19 of the Revised Code, and to amend sections 203.99, 203.99.33, 203.99.51, and 209.99 of Am. Sub. H.B. 66 of the 126th General Assembly to implement certain provisions of Article VIII, Section 2p of the Ohio Constitution regarding the issuance of obligations to support research and development projects and the development of certain sites and facilities and to make an appropriation.

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 adoption of the following concurrent resolution:

Sub. H. C. R. No. 13 - Representatives Hoops, Calvert, C. Evans, D.

Evans, Flowers, Kearns, McGregor, Seaver, Widener, Distel, Hartnett, Beatty, Reidelbach, Aslanides, Boccieri, Book, Buehrer, Cassell, Coley, Collier, Daniels, DeWine, Dolan, Gibbs, Gilb, Hagan, Latta, S. Patton, T. Patton, Raga, Raussen, Reinhard, Schaffer, Schlichter, Schneider, Seitz, Setzer, G. Smith, Taylor, Wagoner, Webster, White, Widowfield, Willamowski, Faber
Senators Coughlin, Amstutz, Armbruster, Clancy, Goodman, Harris, Hottinger, Jordan, Mumper, Niehaus, Padgett, Schuler, Schuring, Stivers, Wachtmann, Grendell, Spada

To memorialize the Congress of the United States and the United States Secretary of Health and Human Services to reform the Medicaid program to ensure the program's solvency for future generations.

Attest:

David A. Battocletti,
Clerk.

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. Sub. S. B. No. 87 - Senator Wachtmann- et al.

Am. S. B. No. 144 - Senator Schuler- et al.

Attest:

David A. Battocletti,
Clerk.

MESSAGE FROM THE SPEAKER

The Speaker of the House of Representatives, on December 7, 2005, signed the following:

Sub. H. C. R. No. 13 - Representative Hoops - et al.,

Am. Sub. S. B. No. 87 - Senator Wachtmann - et al.,

Am. S. B. No. 144 - Senator Schuler - et al.

CLERK'S NOTATION

This is to acknowledge receipt of the report of the committee of Conference on **Sub. H. B. No. 107** - Representative Setzer, et al., on Wednesday, December 7, 2005.

On motion of Representative Martin, the House adjourned until Tuesday, December 13, 2005 at 11:00 o'clock a.m.

Attest:

LAURA P. CLEMENS,
Clerk.