OHIO

House of Representatives

JOURNAL

TUESDAY, MAY 24, 2005

FIFTY-FOURTH DAY
Hall of the House of Representatives, Columbus, Ohio
Tuesday, May 24, 2005 at 11:00 o'clock a.m.

The House met pursuant to adjournment.

Prayer was offered by Pastor Terry Ruther of the Zion Lutheran Church in Loudonville, 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:

The Regina High School girls basketball team received H.R. No. 38, presented by Representative Yuko-7th district.

The Willoughby South High School academic decathlon team received H.R. No. 22, presented by Representative Fende-62nd district.

Becky Rohr, a guest of Representative Trakas-17th district.

Members of the Grange Insurance Retiree's Club, guests of Representative Wolpert-23rd district.

Jacqolin Lewis, Stephannie Gent, and Karen Morrison, guests of Representative Beatty-27th district.

Elizabeth A. Davis, a guest of Representatives Ujvagi-47th district, Perry-49th district, Brown-48th district, and Wagoner-46th district.

Lauren Davidson, a guest of Representative C. Evans-87th district.

Ralph Adams and students from Felicity-Franklin High School, guests of Representative Bubp-88th district.

Royce Ruthers, Tiffany and Stewart Zody, guests of Representative Carmichael-93rd district.

Zachary Bonvechio, a guest of Representative Sayre-96th district.

INTRODUCTION OF BILLS

The following bills were introduced:

H. B. No. 273-Representatives Ujvagi, Allen, Beatty, Boccieri, Book, Brown, Carano, Cassell, DeGeeter, Domenick, Driehaus, C. Evans, Fende, Hartnett, Harwood, Key, Koziura, Mason, McGregor, Miller, Mitchell, Otterman, Perry, Redfern, D. Stewart, Strahorn, Sykes, Williams, Woodard, Yuko.

To amend section 3333.26 of the Revised Code to provide college tuition waivers to spouses and qualifying former spouses of members of the United

States armed forces killed in the line of duty in a combat zone after May 7, 1975.

H. B. No. 274-Representatives Barrett, Allen, Book, Brown, Chandler, Domenick, Flowers, Harwood, Healy, Mitchell, Reidelbach, Sayre, S. Smith, Sykes, Taylor, Ujvagi, Woodard.

To amend section 4510.036 and to enact sections 4511.204 and 4511.205 of the Revised Code to prohibit any person from operating a moving vehicle and simultaneously using a mobile telephone that is not capable of being operated in a hands-free manner other than to report an emergency, to prohibit without exception any person with a temporary instruction permit from operating a moving vehicle and simultaneously using a mobile telephone, to create the offense of inattentive driving, and to require the State Highway Patrol to compile monthly data and statistics on motor vehicle accidents in which mobile telephone use was a material factor.

H. B. No. 275-Representatives Ujvagi, Allen, Beatty, Brown, Carano, Chandler, DeGeeter, Domenick, Driehaus, Fende, Koziura, McGregor, Mitchell, Otterman, Perry, Skindell, D. Stewart, Strahorn, Woodard, Yates, Yuko.

To amend sections 5739.01, 5739.011, and 5739.02 of the Revised Code to eliminate the sales tax exemption for sales of investment metal bullion and investment coins.

H. B. No. 276-Representatives J. Stewart, Miller, Carano, Hartnett, C. Evans, Perry, Allen, Taylor, Peterson.

To amend sections 3301.0714 and 3302.03 and to enact sections 117.53, 3301.41, 3313.666, and 3313.667 of the Revised Code with respect to school policies prohibiting harassment, intimidation, or bullying.

H. B. No. 277-Representatives Trakas, Yuko.

To amend sections 109.71, 109.73, and 109.77 and to enact sections 6119.60, 6119.61, 6119.62, 6119.63, and 6119.64 of the Revised Code to authorize regional water and sewer districts to establish police departments.

Said bills were considered the first time.

CONSIDERATION OF SENATE AMENDMENTS

The Senate amendments to **Sub. H. B. No. 2**-Representative Widowfield, et al., were taken up for consideration.

Sub. H. B. No. 2-Representatives Widowfield, Buehrer, Flowers, Walcher, Hartnett, Mitchell, Uecker, Carmichael, Book, D. Stewart, Aslanides, Beatty, Blasdel, Blessing, Brown, Calvert, Carano, Cassell, Chandler, Coley, Collier, Combs, Core, Daniels, DeWine, Distel, Dolan, Domenick, C. Evans, D. Evans, Faber, Fende, Garrison, Gibbs, Gilb, Hagan, Harwood, Hoops, Hughes, Kearns, Key, Kilbane, Koziura, Latta, Law, Martin, Mason, Miller, Oelslager, Otterman, T. Patton, Perry, Peterson, Raga, Raussen, Reidelbach, Reinhard, Schaffer, Schlichter, Schneider, Seaver, Seitz, Setzer, J. Stewart, Strahorn, Taylor, Trakas, Ujvagi, Wagner, Wagoner, Webster, White, Widener, Willamowski, Williams, Wolpert, Yuko. -Senators Carey, Amstutz, Padgett, Gardner, Niehaus, Clancy, Roberts, Wilson, Goodman, Austria, Brady, Cates, Dann, Fedor, Grendell, Harris, Jordan, Mallory, Miller, Mumper, Prentiss, Schuler, Schuring, Hagan, Zurz, Fingerhut, Wachtmann, Coughlin, Armbruster, Hottinger, Jacobson, Spada.

To amend sections 5747.026 and 5747.08 of the Revised Code to grant to all members of the National Guard and reserve components of the United States armed forces who have been called to active duty an extension of time in which to file income tax returns and pay income taxes, to increase the number of authorized participants in the Ohio National Guard Scholarship Program for the 2005 summer term, and to declare an emergency.

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

The yeas and nays were taken and resulted - yeas 96, nays 1, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Beatty
Blasdel	Blessing	Boccieri	Book
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	Garrison	Gibbs
Gilb	Hagan	Hartnett	Harwood
Healy	Hood	Hoops	Hughes
Kearns	Key	Kilbane	Koziura
Latta	Law	Martin	Mason
McGregor	Miller	Mitchell	Oelslager
Patton S.	Patton T.	Perry	Peterson
Raga	Raussen	Redfern	Reidelbach
Reinhard	Sayre	Schaffer	Schlichter
Schneider	Seaver	Seitz	Setzer
Skindell	Smith G.	Stewart D.	Stewart J.
Strahorn	Sykes	Taylor	Trakas
Uecker	Ujvagi	Wagner	Wagoner
Walcher	Webster	White	Widener
Widowfield	Willamowski	Williams	Wolpert
Woodard	Yates	Yuko	Husted-96.

Representative Brinkman voted in the negative-1.

Having received a constitutional majority, the emergency clause stood as part of the bill.

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

The yeas and nays were taken and resulted - yeas 96, 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	Dolan	Domenick
Driehaus	Evans C.	Evans D.	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	Patton S.	Patton T.	Perry
Peterson	Raga	Raussen	Redfern
Reidelbach	Reinhard	Sayre	Schaffer
Schlichter	Schneider	Seaver	Seitz
Setzer	Skindell	Smith G.	Stewart D.
Stewart J.	Sykes	Taylor	Trakas
Uecker	Ujvagi	Wagner	Wagoner
Walcher	Webster	White	Widener
Widowfield	Willamowski	Williams	Wolpert
Woodard	Yates	Yuko	Husted-96.

Representative Strahorn voted in the negative-1.

The Senate amendments were concurred in.

MOTIONS AND RESOLUTIONS

Representative DeWine moved that majority party members asking leave to be absent or absent the week of Tuesday, May 24, 2005, be excused, so long as a written request is on file in the majority leadership offices.

The motion was agreed to.

Representative Driehaus moved that minority party members asking leave to be absent or absent the week of Tuesday, May 24, 2005, be excused, so long as a written request is on file in the minority leadership offices.

The motion was agreed to.

BILLS FOR THIRD CONSIDERATION

H. B. No. 157-Representatives Distel, Aslanides, McGregor, S. Patton, Seitz, C. Evans, Carano, Cassell, Hartnett, Brown, Strahorn, Perry, Gibbs, Setzer, Domenick.

To amend section 1541.31 of the Revised Code to revise the Pymatuning Lake Compact, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Distel moved that **H. B. No. 157**-Representative Distel, et al., be informally passed and retain its place on the calendar.

The motion was agreed to.

Sub. H. B. No. 76-Representatives Trakas, McGregor, Walcher, Collier.

To amend section 733.48 of the Revised Code to permit the electors of a statutory village to vote on a question to authorize the mayor to appoint the village solicitor with the advice and consent of the village's legislative authority, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Trakas moved to amend as follows:

In line 26, delete "then" and insert "than"

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

The motion was agreed to and the bill so amended.

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

The yeas and nays were taken and resulted - yeas 91, nays 6, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Beatty
Blasdel	Blessing	Book	Brinkman
Brown	Bubp	Buehrer	Calvert
Carano	Carmichael	Cassell	Chandler
Coley	Collier	Combs	Core
Daniels	DeBose	DeGeeter	DeWine
Distel	Dolan	Driehaus	Evans C.
Evans D.	Faber	Fende	Fessler
Flowers	Garrison	Gibbs	Gilb
Hagan	Hartnett	Harwood	Healy
Hoops	Hughes	Kearns	Key
Kilbane	Koziura	Latta	Law
Martin	Mason	McGregor	Miller
Mitchell	Oelslager	Patton S.	Patton T.
Perry	Peterson	Raga	Raussen
Reidelbach	Reinhard	Sayre	Schaffer

Schlichter	Schneider	Seaver	Seitz
Setzer	Smith G.	Stewart D.	Stewart J.
Strahorn	Taylor	Trakas	Uecker
Ujvagi	Wagner	Wagoner	Walcher
Webster	White	Widener	Widowfield
Willamowski	Williams	Wolpert	Woodard
Yates	Yuko		Husted-91.

Representatives Boccieri, Domenick, Hood, Redfern, Skindell, and Sykes voted in the negative-6.

The bill passed.

Representative Trakas moved to amend the title as follows:

Add the names: "Allen, Combs, D. Evans, Flowers, Gilb, Hagan, Healy, Hughes, Koziura, T. Patton, Reidelbach, Schaffer, Seaver, Setzer, G. Smith, Widowfield, Wolpert, Yuko."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Sub. S. B. No. 61-Senator Wachtmann. -Representatives Seitz, Latta.

To amend sections 4169.01, 4169.03, 4169.08, and 4169.09 of the Revised Code to modify duties and liabilities of ski area operators and skiers, including duties and liabilities relating to the use of freestyle terrain and tubing parks in ski areas, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Seitz moved to amend as follows:

In line 16, after "toboggan" insert an underlined coma

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

The motion was agreed to and the bill so amended.

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

The yeas and nays were taken and resulted - yeas 88, nays 9, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Blasdel
Blessing	Boccieri	Book	Brown
Bubp	Buehrer	Calvert	Carano
Carmichael	Cassell	Coley	Collier
Combs	Core	Daniels	DeBose
DeGeeter	DeWine	Distel	Dolan
Domenick	Driehaus	Evans C.	Evans D.
Faber	Fende	Fessler	Flowers
Garrison	Gibbs	Gilb	Hagan
Hartnett	Harwood	Healy	Hoops
Hughes	Kearns	Key	Kilbane
Koziura	Latta	Law	Martin

McGregor	Mitchell	Oelslager	Patton T.
Perry	Peterson	Raga	Raussen
Redfern	Reidelbach	Reinhard	Sayre
Schaffer	Schlichter	Schneider	Seaver
Seitz	Setzer	Smith G.	Stewart D.
Stewart J.	Strahorn	Taylor	Trakas
Uecker	Ujvagi	Wagner	Wagoner
Walcher	Webster	White	Widener
Widowfield	Willamowski	Williams	Wolpert
Woodard	Yates	Yuko	Husted-88.

Those who voted in the negative were: Representatives

Beatty	Brinkman	Chandler	Hood
Mason	Miller	Patton S.	Skindell
			Sykes-9.

The bill passed.

Representative Seitz moved to amend the title as follows:

Add the names: "Aslanides, Coley, Combs, Domenick, D. Evans, Flowers, Hartnett, McGregor, Seaver, G. Smith, Walcher."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

MESSAGE FROM THE SPEAKER

The Speaker of the House of Representatives, on May 24, 2005, signed the following:

Sub. H. B. No. 4 - Representative Dolan - et al.

S. B. No. 41 - Senator Clancy - et al.

Am. S. B. No. 81 - Senator Armbruster - et al.

On motion of Representative Blasdel, the House adjourned until Thursday, May 26, 2005 at 11:00 o'clock a.m.

Attest: LAURA P. CLEMENS,
Clerk.