

**OHIO**

**House**

**of**

**Representatives**

**JOURNAL**

WEDNESDAY, JANUARY 18, 2006

ONE HUNDRED THIRTIETH DAY  
Hall of the House of Representatives, Columbus, Ohio  
**Wednesday, January 18, 2006 at 1:30 o'clock p.m.**

The House met pursuant to adjournment.

Prayer was offered by Representative Thom Collier-90th district, followed by the Pledge of Allegiance to the Flag.

The journal of yesterday was read and approved.

The following guests of the House of Representatives were recognized by Speaker Husted prior to the commencement of business:

Bob Beck, Bob Fisher, and Steve Loomis, guests of Representative T. Patton-18th district.

Joe Schimpf, a guest of Representatives Reinhard-81st district and Wagner-82nd district.

Harold Montgomery, a guest of Representative C. Evans-87th district.

#### INTRODUCTION OF BILLS

The following bills were introduced:

**H. B. No. 474**-Representatives Wagoner, McGregor, J., Trakas, Uecker, Law, Gilb, Wolpert, Latta, Aslanides, Perry.

To enact section 3318.60 of the Revised Code to permit the Ohio School Facilities Commission to enter into agreements with school districts that have not received state assistance for classroom facilities under which the districts will receive payments in lieu of participating in other state programs for classroom facilities assistance.

**H. B. No. 475**-Representatives Coley, Reidelbach, Latta, Seitz, Hartnett, Wagoner, McGregor, J., Uecker, Evans, C., Chandler, Schneider, Williams, Blasdel, Combs, Webster, Gibbs, Setzer, Otterman, White, Raussen, Schaffer, Willamowski, Allen, Perry.

To amend section 2305.37 of the Revised Code to provide persons who donate consumer goods to a charitable agency with immunity from civil liability for harm that allegedly arises because the consumer goods are not fit for use.

**H. B. No. 476**-Representative Raga.

To amend sections 955.011, 955.16, 955.43, 2913.01, 2913.02, and 2921.321 of the Revised Code to revise the statutes governing dogs that assist

persons with certain disabilities.

Said bills were considered the first time.

### CONSIDERATION OF SENATE AMENDMENTS

The Senate amendments to **Sub. H. B. No. 144**-Representative Buehrer, et al., were taken up for consideration.

**Sub. H. B. No. 144**-Representatives Buehrer, Aslanides, Barrett, Daniels, Domenick, C. Evans, D. Evans, Faber, Flowers, Gilb, Harwood, Hughes, Latta, McGregor, Miller, Oelslager, Reidelbach, Schneider, Seaver, Seitz, G. Smith. -Senator Goodman.

To amend sections 2107.76 and 2317.02 of the Revised Code to waive the physician-patient and attorney-client privileges in probate cases under certain circumstances, to prohibit persons who have not received or waived the right to receive notice of the admission of a will to probate from commencing an action to contest the validity of the will more than three months after the filing of a certificate of giving notice or waiver of notice of the admission of the will to probate, and to provide that the savings statute does not apply to a civil action to contest the validity of a will.

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

01/18/06

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 **Sub. H. B. No. 144**-Representative Buehrer, et al., because it might be construed that I have an interest in the legislation.

Sincerely yours,

/s/ TYRONE K. YATES  
TYRONE K. YATES  
State Representative  
33rd House District

The request was granted.

The yeas and nays were taken and resulted - yeas 95, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Beatty
Blasdel	Blessing	Boccieri	Book
Brinkman	Brown	Buehrer	Calvert
Carano	Carmichael	Cassell	Chandler
Coley	Collier	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	Key
Kilbane	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	Seitz	Setzer	Skindell
Smith G.	Smith S.	Stewart D.	Stewart J.
Strahorn	Sykes	Taylor	Trakas
Uecker	Ujvagi	Wagner	Wagoner
Walcher	Webster	White	Widener
Widowfield	Willamowski	Williams	Wolpert
Woodard	Yuko		Husted-95.

The Senate amendments were concurred in.

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

Representative Carano submitted the following report:

The standing committee on Education to which was referred **H. B. No. 322**-Representative Raussen, et al., having had the same under consideration, reports it back and recommends its passage.

RE: SCHOOL INCOME TAX COLLECTION, CONTRACT OUT

Representative Setzer moved to amend the title as follows:

Add the name: "Peterson."

ARLENE J. SETZER  
STEVE REINHARD  
W. SCOTT OELSLAGER  
JAMES M. HOOPS  
LINDA S. REIDELBACH  
BRIAN G. WILLIAMS  
CLAUDETTE J. WOODARD

SHAWN N. WEBSTER  
JOHN SCHLICHTER  
JON M. PETERSON  
KENNETH A. CARANO  
JEFF WAGNER  
JENNIFER GARRISON  
CATHERINE L. BARRETT

L. GEORGE DISTEL DIXIE J. ALLEN

The following members voted "NO"

CLYDE EVANS KATHLEEN CHANDLER  
DIANA M. FESSLER RONALD HOOD

The report was agreed to.

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

Representative DeGeeter submitted the following report:

The standing committee on Criminal Justice to which was referred **H. B. No. 163**-Representative Widener, et al., having had the same under consideration, reports it back and recommends its passage.

RE: DRUG OFFENDERS - REIMBURSE DRUG TEST COSTS

Representative Latta moved to amend the title as follows:

Add the names: "Evans, D., Hughes, Willamowski."

RONALD HOOD ROBERT E. LATTA  
DAVID R. EVANS JIM HUGHES  
WILLIAM J. SEITZ TIMOTHY J. DEGEETER  
TYRONE K. YATES LANCE T. MASON  
JOHN R. WILLAMOWSKI ANNIE L. KEY  
KENNY YUKO WILLIAM J. HEALY  
DANNY R. BUBP

The report was agreed to.

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

Representative DeGeeter submitted the following report:

The standing committee on Criminal Justice to which was referred **H. B. No. 374**-Representative Hughes, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: MCGRUFF HOUSE PROGRAM - REPEAL BLOCK PARENT PROGRAM

Representative Latta moved to amend the title as follows:

Add the names: "Gilb, Seitz, Willamowski."

ROBERT E. LATTA DAVID R. EVANS  
MIKE GILB JIM HUGHES  
WILLIAM J. SEITZ TIMOTHY J. DEGEETER  
TYRONE K. YATES LANCE T. MASON  
JOHN R. WILLAMOWSKI ANNIE L. KEY

KENNY YUKO  
RONALD HOOD  
WILLIAM J. HEALY

STEPHEN BUEHRER  
DANNY R. BUBP

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 Bill be considered for the second time and referred to the following committee for consideration:

**H.B. No. 468 - Representatives Hagan, Miller**  
TO MODIFY THE OHIO'S BEST RX PROGRAM.  
To the committee on Finance and Appropriations

JON A. HUSTED  
CHARLES E. CALVERT  
ANTHONY CORE  
LARRY L. FLOWERS  
JOHN SCHLICHTER  
GEOFFREY C. SMITH  
CHRIS REDFERN  
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 Blasdel moved that the House and Constitutional Rules requiring bills to be considered by each house on three different days be suspended as to the second consideration of the House Bill 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 Bill was 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 Resolution be read by title only and approved:

**H.R. No. 146 - Representatives Willamowski, Hoops**  
HONORING ALISHA ANTHONY AS A 2005 DIVISION III STATE  
TRACK AND FIELD CHAMPION.

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

Representative Blasdel 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.

**BILLS FOR THIRD CONSIDERATION**

**Sub. S. B. No. 53**-Senators Carey, Zurz, Harris, Jacobson, Padgett, Clancy, Grendell, Fedor, Miller, Austria, Goodman, Schuring, Amstutz, Cates, Coughlin, Gardner, Hottinger, Armbruster, Brady, Dann, Fingerhut, Hagan, Jordan, Mallory, Mumper, Niehaus, Prentiss, Roberts, Schuler, Spada, Wilson. -Representatives Oelslager, Latta, Core, Seitz.

To amend sections 109.60, 2151.022, 2152.02, 2919.22, 2925.01, 2925.04, 2925.041, 2925.14, 2925.52, and 4301.61 and to enact sections 2925.55, 2925.56, 2925.57, 2925.58, 2933.33, 3715.05, and 3715.06 of the Revised Code to govern pseudoephedrine sales in Ohio, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Oelslager moved to amend as follows:

In line 218, after "2925.55" insert an underlined comma

In line 1966, delete the underlined semicolon and insert an underlined period

In line 2001, delete the underlined period and insert the underlined semicolon

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

The motion was agreed to without objection.

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

The yeas and nays were taken and resulted - yeas 96, nays 0, as follows:

Those who voted in the affirmative were: Representatives

- |          |            |             |             |
|----------|------------|-------------|-------------|
| Allen    | Aslanides  | Barrett     | Beatty      |
| Blasdel  | Blessing   | Boccieri    | Book        |
| Brinkman | Brown      | Buehrer     | Calvert     |
| Carano   | Carmichael | Cassell     | Chandler    |
| Coley    | Collier    | 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      | Key         |
| Kilbane  | 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	Seitz	Setzer	Skindell
Smith G.	Smith S.	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.

The bill passed.

Representative Oelslager moved to amend the title as follows:

Add the names: "Allen, Beatty, Blessing, Boccieri, Book, Calvert, Cassell, Collier, Daniels, DeBose, DeGeeter, Distel, Domenick, Evans, C., Fende, Flowers, Garrison, Gibbs, Gilb, Hartnett, Harwood, Healy, Hughes, Mason, McGregor, J., Miller, Mitchell, Otterman, Patton, S., Patton, T., Raga, Rausen, Reidelbach, Sayre, Schlichter, Schneider, Setzer, Skindell, Stewart, D., Stewart, J., Taylor, Uecker, White, Williams, Wolpert, Woodard, Yuko."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**Sub. S. B. No. 82**-Senators Grendell, Jacobson, Brady, Mumper.

-Representatives Wolpert, Bulp, Brinkman, Yuko, Fende, Domenick, Uecker, Walcher, Collier.

To enact section 9.481 of the Revised Code to generally prohibit political subdivisions from imposing residency requirements on certain employees, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 68, nays 28, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Barrett	Blasdel	Blessing
Boccieri	Book	Brinkman	Brown
Calvert	Carano	Cassell	Chandler
Coley	Collier	Core	DeGeeter
DeWine	Distel	Dolan	Domenick
Driehaus	Evans D.	Faber	Fende
Flowers	Garrison	Gibbs	Gilb
Hagan	Hartnett	Harwood	Healy
Hood	Hughes	Kilbane	Law
McGregor J.	McGregor R.	Miller	Mitchell
Oelslager	Patton T.	Perry	Peterson
Raga	Redfern	Reidelbach	Reinhard



Sayre	Schaffer	Schlichter	Schneider
Seitz	Smith G.	Stewart D.	Stewart J.
Taylor	Trakas	Uecker	Wagoner
Walcher	Webster	Widener	Williams
Wolpert	Woodard	Yuko	Husted-68.

Those who voted in the negative were: Representatives

Allen	Beatty	Buehrer	Carmichael
Daniels	DeBose	Evans C.	Fessler
Hoops	Key	Koziura	Latta
Martin	Mason	Otterman	Patton S.
Rausen	Setzer	Skindell	Smith S.
Strahorn	Sykes	Ujvagi	Wagner
White	Widowfield	Willamowski	Yates-28.

The bill passed.

Representative Flowers moved to amend the title as follows:

Add the names: "Blessing, Cassell, Chandler, Evans, D., Flowers, Hagan, Hartnett, Hughes, Kilbane, Law, Oelslager, Patton, T., Perry, Peterson, Redfern, Reidelbach, Sayre, Schneider, Seitz, Stewart, D., Taylor, Woodard."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**Sub. H. B. No. 70**-Representatives Evans, C., McGregor, J., Aslanides, Evans, D., Faber, Reidelbach, Patton, T., Ujvagi, Perry, Willamowski, Combs, Carano, Distel, Law, Taylor, Kearns, Widener, Schaffer, Webster, Strahorn, Collier, Patton, S., Harwood, Uecker, Smith, G., DeGeeter, Allen, Hagan, Martin, Kilbane, Gibbs, Driehaus, Gilb, Hartnett, Latta, Seitz, Skindell.

To enact section 305.51 of the Revised Code to authorize boards of county commissioners to exempt from taxation the homesteads of qualifying members of the National Guard and reserve components of the Armed Forces who have been deployed outside the state, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Healy moved to amend as follows:

In line 7, after "section" insert "2101.16 be amended and sections"; after "305.51" insert "and 2101.164"

After line 97, insert:

**"Sec. 2101.16.** (A) ~~The~~Except as provided in section 2101.164 of the Revised Code, the fees enumerated in this division shall be charged and collected, if possible, by the probate judge and shall be in full for all services

rendered in the respective proceedings:

(1)	Account, in addition to advertising charges .....	\$12.00
	Waivers and proof of notice of hearing on account, per page, minimum one dollar .....	\$ 1.00
(2)	Account of distribution, in addition to advertising charges .....	\$ 7.00
(3)	Adoption of child, petition for .....	\$50.00
(4)	Alter or cancel contract for sale or purchase of real estate, petition to .....	\$20.00
(5)	Application and order not otherwise provided for in this section or by rule adopted pursuant to division (E) of this section .....	\$ 5.00
(6)	Appropriation suit, per day, hearing in .....	\$20.00
(7)	Birth, application for registration of .....	\$ 7.00
(8)	Birth record, application to correct .....	\$ 5.00
(9)	Bond, application for new or additional .....	\$ 5.00
(10)	Bond, application for release of surety or reduction of .....	\$ 5.00
(11)	Bond, receipt for securities deposited in lieu of ....	\$ 5.00
(12)	Certified copy of journal entry, record, or proceeding, per page, minimum fee one dollar .....	\$ 1.00
(13)	Citation and issuing citation, application for .....	\$ 5.00
(14)	Change of name, petition for .....	\$20.00
(15)	Claim, application of administrator or executor for allowance of administrator's or executor's own .....	\$10.00
(16)	Claim, application to compromise or settle .....	\$10.00
(17)	Claim, authority to present .....	\$10.00
(18)	Commissioner, appointment of .....	\$ 5.00
(19)	Compensation for extraordinary services and attorney's fees for fiduciary, application for .....	\$ 5.00
(20)	Competency, application to procure adjudication of ...	\$20.00
(21)	Complete contract, application to .....	\$10.00
(22)	Concealment of assets, citation for .....	\$10.00
(23)	Construction of will, petition for .....	\$20.00
(24)	Continue decedent's business, application to .....	\$10.00
	Monthly reports of operation .....	\$ 5.00
(25)	Declaratory judgment, petition for .....	\$20.00
(26)	Deposit of will .....	\$ 5.00
(27)	Designation of heir .....	\$20.00
(28)	Distribution in kind, application, assent, and order for .....	\$ 5.00
(29)	Distribution under section 2109.36 of the Revised Code, application for an order of .....	\$ 7.00
(30)	Docketing and indexing proceedings, including the filing and noting of all necessary documents, maximum fee, fifteen dollars .....	\$15.00
(31)	Exceptions to any proceeding named in this section,	

	contest of appointment or .....	\$10.00
(32)	Election of surviving partner to purchase assets of partnership, proceedings relating to .....	\$10.00
(33)	Election of surviving spouse under will .....	\$ 5.00
(34)	Fiduciary, including an assignee or trustee of an insolvent debtor or any guardian or conservator accountable to the probate court, appointment of .....	\$35.00
(35)	Foreign will, application to record .....	\$10.00
	Record of foreign will, additional, per page .....	\$ 1.00
(36)	Forms when supplied by the probate court, not to exceed .....	\$10.00
(37)	Heirship, petition to determine .....	\$20.00
(38)	Injunction proceedings .....	\$20.00
(39)	Improve real estate, petition to .....	\$20.00
(40)	Inventory with appraisal .....	\$10.00
(41)	Inventory without appraisal .....	\$ 7.00
(42)	Investment or expenditure of funds, application for ..	\$10.00
(43)	Invest in real estate, application to .....	\$10.00
(44)	Lease for oil, gas, coal, or other mineral, petition to .....	\$20.00
(45)	Lease or lease and improve real estate, petition to ..	\$20.00
(46)	Marriage license .....	\$10.00
	Certified abstract of each marriage .....	\$ 2.00
(47)	Minor or mentally ill person, etc., disposal of estate under ten thousand dollars of .....	\$10.00
(48)	Mortgage or mortgage and repair or improve real estate, petition to .....	\$20.00
(49)	Newly discovered assets, report of .....	\$ 7.00
(50)	Nonresident executor or administrator to bar creditors' claims, proceedings by .....	\$20.00
(51)	Power of attorney or revocation of power, bonding company .....	\$10.00
(52)	Presumption of death, petition to establish .....	\$20.00
(53)	Probating will .....	\$15.00
	Proof of notice to beneficiaries .....	\$ 5.00
(54)	Purchase personal property, application of surviving spouse to .....	\$10.00
(55)	Purchase real estate at appraised value, petition of surviving spouse to .....	\$20.00
(56)	Receipts in addition to advertising charges, application and order to record .....	\$ 5.00
	Record of those receipts, additional, per page .....	\$ 1.00
(57)	Record in excess of fifteen hundred words in any proceeding in the probate court, per page .....	\$ 1.00
(58)	Release of estate by mortgagee or other lienholder ...	\$ 5.00
(59)	Relieving an estate from administration under section 2113.03 of the Revised Code or granting an order for a	

	summary release from administration under section 2113.031 of the Revised Code .....	\$60.00
(60)	Removal of fiduciary, application for .....	\$10.00
(61)	Requalification of executor or administrator .....	\$10.00
(62)	Resignation of fiduciary .....	\$ 5.00
(63)	Sale bill, public sale of personal property .....	\$10.00
(64)	Sale of personal property and report, application for .....	\$10.00
(65)	Sale of real estate, petition for .....	\$25.00
(66)	Terminate guardianship, petition to .....	\$10.00
(67)	Transfer of real estate, application, entry, and certificate for .....	\$ 7.00
(68)	Unclaimed money, application to invest .....	\$ 7.00
(69)	Vacate approval of account or order of distribution, motion to .....	\$10.00
(70)	Writ of execution .....	\$ 5.00
(71)	Writ of possession .....	\$ 5.00
(72)	Wrongful death, application and settlement of claim for .....	\$20.00
(73)	Year's allowance, petition to review .....	\$ 7.00
(74)	Guardian's report, filing and review of .....	\$ 5.00

(B)(1) In relation to an application for the appointment of a guardian or the review of a report of a guardian under section 2111.49 of the Revised Code, the probate court, pursuant to court order or in accordance with a court rule, may direct that the applicant or the estate pay any or all of the expenses of an investigation conducted pursuant to section 2111.041 or division (A)(2) of section 2111.49 of the Revised Code. If the investigation is conducted by a public employee or investigator who is paid by the county, the fees for the investigation shall be paid into the county treasury. If the court finds that an alleged incompetent or a ward is indigent, the court may waive the costs, fees, and expenses of an investigation.

(2) In relation to the appointment or functioning of a guardian for a minor or the guardianship of a minor, the probate court may direct that the applicant or the estate pay any or all of the expenses of an investigation conducted pursuant to section 2111.042 of the Revised Code. If the investigation is conducted by a public employee or investigator who is paid by the county, the fees for the investigation shall be paid into the county treasury. If the court finds that the guardian or applicant is indigent, the court may waive the costs, fees, and expenses of an investigation.

(C) Thirty dollars of the thirty-five-dollar fee collected pursuant to division (A)(34) of this section and twenty dollars of the sixty-dollar fee collected pursuant to division (A)(59) of this section shall be deposited by the county treasurer in the indigent guardianship fund created pursuant to section 2111.51 of the Revised Code.

(D) The fees of witnesses, jurors, sheriffs, coroners, and constables for

services rendered in the probate court or by order of the probate judge shall be the same as provided for like services in the court of common pleas.

(E) The probate court, by rule, may require an advance deposit for costs, not to exceed one hundred twenty-five dollars, at the time application is made for an appointment as executor or administrator or at the time a will is presented for probate.

(F) The probate court, by rule, shall establish a reasonable fee, not to exceed fifty dollars, for the filing of a petition for the release of information regarding an adopted person's name by birth and the identity of the adopted person's biological parents and biological siblings pursuant to section 3107.41 of the Revised Code, all proceedings relative to the petition, the entry of an order relative to the petition, and all services required to be performed in connection with the petition. The probate court may use a reasonable portion of a fee charged under authority of this division to reimburse any agency, as defined in section 3107.39 of the Revised Code, for any services it renders in performing a task described in section 3107.41 of the Revised Code relative to or in connection with the petition for which the fee was charged.

(G)(1) Thirty dollars of the fifty-dollar fee collected pursuant to division (A)(3) of this section shall be deposited into the "putative father registry fund," which is hereby created in the state treasury. The department of job and family services shall use the money in the fund to fund the department's costs of performing its duties related to the putative father registry established under section 3107.062 of the Revised Code.

(2) If the department determines that money in the putative father registry fund is more than is needed for its duties related to the putative father registry, the department may use the surplus moneys in the fund as permitted in division (C) of section 2151.3529, division (B) of section 2151.3530, or section 5103.155 of the Revised Code.

**Sec. 2101.164.** (A) As used in this section, "combat zone" means an area that the president of the United States by executive order designates for purposes of 26 U.S.C. 112 as an area in which armed forces of the United States are or have engaged in combat.

(B) A probate judge shall not charge, or collect from, the estate of a decedent who died while in active service as a member of the armed forces of the United States any of the following fees if the death occurred while the decedent was serving in a combat zone or as a result of wounds, disease, or injury incurred while serving in a combat zone:

(1) Any fee for or associated with the filing of the decedent's will for probate;

(2) Any fee for any service rendered by the probate court that is associated with the administration of the decedent's estate;

(3) Any fee for relieving the decedent's estate from administration under

section 2113.03 of the Revised Code or granting an order for a summary release from administration under section 2113.031 of the Revised Code.

**Section 2.** That existing section 2101.16 of the Revised Code is hereby repealed.

**Section 3.** Section 2101.16 of the Revised Code, as amended by this act, and section 2101.164 of the Revised Code, as enacted by this act, apply to the estates of decedents who die on or after the effective date of this act."

In line 1 of the title, after "To" insert "amend section 2101.16 and to"; delete "section" and insert "sections"; after "305.51" insert "and 2101.164"

In line 6 of the title, after "state" insert "and to exempt estates of members of the United States Armed Services who died while serving in a combat zone from being charged any fees associated with the filing of the decedent's will for probate or the administration of the decedent's estate or any fees for relieving the estate from administration or granting an order for summary release from administration"

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

The yeas and nays were taken and resulted - yeas 96, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Beatty
Blasdel	Blessing	Boccieri	Book
Brinkman	Brown	Buehrer	Calvert
Carano	Carmichael	Cassell	Chandler
Coley	Collier	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	Key
Kilbane	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	Seitz	Setzer	Skindell
Smith G.	Smith S.	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.

The motion was agreed to and the bill so amended.

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

01/18/06

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 **Sub. H. B. No. 70**-Representative Evans, C., et al., because it might be construed that I have an interest in the legislation.

Sincerely yours,

/s/ JOHN A. BOCCIERI  
JOHN A. BOCCIERI  
State Representative  
61st House District

The request was granted.

The yeas and nays were taken and resulted - yeas 95, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Beatty
Blasdel	Blessing	Book	Brinkman
Brown	Buehrer	Calvert	Carano
Carmichael	Cassell	Chandler	Coley
Collier	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	Key	Kilbane
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
Seitz	Setzer	Skindell	Smith G.
Smith S.	Stewart D.	Stewart J.	Strahorn
Sykes	Taylor	Trakas	Uecker
Ujvagi	Wagner	Wagoner	Walcher
Webster	White	Widener	Widowfield
Williamowski	Williams	Wolpert	Woodard
Yates	Yuko		Husted-95.

The bill passed.

Representative Evans, C. moved to amend the title as follows:

Add the names: "Barrett, Beatty, Blessing, Book, Brown, Buehrer, Calvert, Cassell, Chandler, Coley, Core, DeBose, DeWine, Domenick, Fende, Flowers, Healy, Hood, Hughes, Key, McGregor, R., Mitchell, Oelslager, Otterman, Peterson, Raussen, Reinhard, Sayre, Schlichter, Schneider, Setzer, Sykes, Trakas, Wagner, Wagoner, Walcher, Williams, Wolpert, Woodard, Yuko."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**Sub. H. B. No. 276**-Representatives Stewart, J., Miller, Carano, Hartnett, Evans, C., Perry, Allen, Taylor, Peterson, Setzer, Williams, Garrison, Chandler, Woodard, Barrett.

To amend section 3314.03 and to enact sections 117.53, 3301.22, 3313.666, and 3313.667 of the Revised Code with respect to school policies prohibiting harassment, intimidation, or bullying, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Stewart, J., moved that **Sub. H. B. No. 276** - Representative Stewart, J., et al., be informally passed and that it be taken up for consideration: Tuesday, January 24, 2006.

The motion was agreed to without objection.

#### 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:

**Am. Sub. H. B. No. 3** - Representative DeWine - et al.

Senators Coughlin, Jacobson and Prentiss.

Attest:

David A. Battocletti,  
Clerk.

#### Message from the Senate

I am directed to inform the House of Representatives that the Senate has concurred in the adoption of the following concurrent resolutions:



**H. C. R. No. 33** - Speaker Husted Representative Redfern Senators Harris, Prentiss

Authorizing a joint convention of the Ohio General Assembly for the purpose of receiving a message from the Governor.

**H. C. R. No. 34** - Speaker Husted Representative Redfern Senators Harris, Prentiss

Calling for a committee to wait upon the Governor in anticipation of his State of the State Address.

Attest: David A. Battocletti,  
Clerk.

On motion of Representative Blasdel, the House adjourned until Thursday, January 19, 2006 at 11:00 o'clock a.m.

Attest: LAURA P. CLEMENS,  
Clerk.