

**OHIO**

**House**

**of**

**Representatives**

**JOURNAL**

**CORRECTED VERSION**  
**TUESDAY, JANUARY 24, 2006**

ONE HUNDRED THIRTY-SECOND DAY  
Hall of the House of Representatives, Columbus, Ohio  
**Tuesday, January 24, 2006 at 11:00 o'clock a.m.**

The House met pursuant to adjournment.

Prayer was offered by Reverend Abby Flemister of the Trinity Episcopal Church on Capital Square, 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 Bath High School boys golf team received H. R. No. 140, presented by Representative Willamowski-4th district.

Alisha Anthony received H. R. No. 146, presented by Representatives Willamowski-4th district and Hoops-75th district.

The Delphos St. John's High School football team received H. R. No. 147, presented by Representatives Willamowski-4th district and Hoops-75th district.

Allison Heiser, a guest of Representative Beatty-27th district.

Ashly Wnek, a guest of Representative Raussen-28th district.

#### INTRODUCTION OF BILLS

The following bills were introduced:

**H. B. No. 479**-Representatives Calvert, Evans, C., Martin, Peterson, Gibbs, Healy, McGregor, J., Evans, D., Latta, Setzer, Flowers, Hartnett, Buehrer, Brown, Faber.

To enact section 3109.111 of the Revised Code to allow a parent who is called to active military duty to file a motion with the court to temporarily modify a prior decree allocating parental rights and responsibilities.

**H. B. No. 480**-Representatives Chandler, Skindell, Healy, Ujvagi, Miller, Garrison, Beatty, Williams, Harwood, Yuko, Allen, Carano, Brown.

To establish the Children's Environmental Health and Safety Advisory Committee.

**H. B. No. 481**-Representatives Chandler, Skindell, Healy, McGregor, J., Miller, Hood, Strahorn, Williams, Koziura, Yuko, Allen, Perry, Brown.

To amend sections 2953.72, 2953.73, and 2953.82 of the Revised Code to

eliminate the former two-year window for applications for post-conviction DNA testing and instead allow an eligible inmate to request post-conviction DNA testing at any time if specified criteria are met.

**H. B. No. 482**-Representatives Kilbane, Flowers, Hartnett, Koziura, Setzer, Otterman, Williams, Yuko, Perry.

To enact section 3701.86 of the Revised Code to require a physical fitness facility to place within the facility an automated external defibrillator, to require the facility to have at least one employee trained in use of a defibrillator present at the facility during operating hours, and to grant civil immunity to any person who performs automated external defibrillation in good faith.

**H. B. No. 483**-Representatives Schlichter, Flowers, McGregor, J., Seitz, Yates.

To enact section 5.081 of the Revised Code to adopt the tomato as the state fruit.

**H. B. No. 484**-Representatives Bocchieri, McGregor, J., Raussen, Hood, Healy, Wagoner, Seitz, Hughes, Widener, Chandler, Stewart, D., Carano, Harwood.

To amend section 3767.30 of the Revised Code to prohibit protest activities within 300 feet of the site of a funeral service during and within one hour before and after the service and to prohibit protest activities within 300 feet of a funeral procession.

**H. B. No. 485**-Representatives Skindell, DeBose, Miller, Key, Chandler, Stewart, D., Williams, Trakas, Woodard, Perry, Yates, Yuko, Mason, Smith, S., Strahorn.

To enact section 5.2232 of the Revised Code to designate the twenty-first of December as "Homeless Persons' Memorial Day."

Said bills were considered the first time.

#### CONSIDERATION OF SENATE AMENDMENTS

The Senate amendments to **Am. Sub. H. B. No. 143**-Representative Willamowski, et al., were taken up for consideration.

**Am. Sub. H. B. No. 143**-Representatives Willamowski, White, Raussen, Combs, Fessler, Kearns, Martin, Peterson, Reidelbach, Schneider, Seaver, Webster, Widowfield, Barrett, Beatty, Harwood, C. Evans, McGregor, Seitz,

Gilb, Hood, Flowers, Driehaus, Blasdel, Carmichael, Brown, DeBose, Otterman, Mason, Allen, Blessing, Book, Carano, Cassell, Chandler, Core, DeGeeter, Domenick, Gibbs, Hartnett, Hughes, Key, Latta, Law, Miller, Oelslager, Sayre, Stewart, D., Taylor, Yuko. -Senators Gardner, Austria, Cates, Clancy, Coughlin, Mumper, Niehaus, Padgett, Roberts, Schuring, Armbruster, Schuler.

To amend sections 4715.02, 4715.30, 4715.39, 4715.51, 4715.52, 4715.53, 4715.57, and 4715.99, to enact sections 4715.231, 4715.61, 4715.62, 4715.63, 4715.64, 4715.65, and 4715.66, and to repeal sections 4715.54, 4715.55, and 4715.58 of the Revised Code to allow a dental hygienist under the supervision of a dentist to administer local anesthesia to a patient, to make changes to the law governing dental x-ray machine operators, to provide for the registration of expanded function dental auxiliaries, and to make changes in the composition of the State Dental Board.

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

The yeas and nays were taken and resulted - yeas 97, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Beatty
Blasdel	Blessing	Bocchieri	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	Seaver	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-97.

The Senate amendments were concurred in.

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

Representative Stewart, D. submitted the following report:

The standing committee on State Government to which was referred **H. C. R. No. 19**-Representative White, et al., having had the same under consideration, reports it back and recommends its adoption.

RE: "US RESPONSE-DARFUR GENOCIDE IN SUDAN"

JOSEPH W. UECKER  
CHARLES R. BLASDEL  
ARLENE J. SETZER  
THOMAS F. PATTON  
T. TODD BOOK  
STEPHEN BUEHRER

JIM CARMICHAEL  
KATHY L. WALCHER  
LARRY L. FLOWERS  
DAN STEWART  
WILLIAM J. HARTNETT

The report was agreed to.

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

Representative Stewart, D. submitted the following report:

The standing committee on State Government to which was referred **H. B. No. 368**-Representative Wolpert, et al., having had the same under consideration, reports it back and recommends its passage.

RE: "PUBLIC DANCE HALLS - PERMIT MINORS W/O PARENT"

Representative Carmichael moved to amend the title as follows:

Add the name: "Flowers."

JOSEPH W. UECKER  
CHARLES R. BLASDEL  
ARLENE J. SETZER  
THOMAS F. PATTON  
WILLIAM J. HARTNETT  
STEPHEN BUEHRER

JIM CARMICHAEL  
KATHY L. WALCHER  
LARRY L. FLOWERS  
DAN STEWART  
T. TODD BOOK

The report was agreed to.

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

Representative Chandler submitted the following report:

The standing committee on Local and Municipal Government and Urban Revitalization to which was referred **H. B. No. 455**-Representative Kilbane, having had the same under consideration, reports it back with the following amendment and recommends its passage when so amended.

RE: "CITY LAW DIRECTOR'S EMPLOYEES - ON BOARD OF EDUCATION"

Representative Wolpert moved to amend the title as follows:

Add the names: "Wolpert, Yuko, Fende, Domenick, Combs, Walcher, Williams, Collier, Chandler, McGregor, J., Fessler, Daniels, Wagner."

Representative Wolpert moved to amend as follows:

After line 34, insert:

**"Section 3.** This act is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety. The reason for the necessity is that the current service of affected employees on boards of education may continue without interruption because of questions about their qualification to so serve. Therefore, this act shall go into immediate effect."

In line 4 of the title, after "adviser" insert ", and to declare an emergency"

The motion was agreed to and the bill so amended.

JIM ASLANIDES  
DIANA M. FESSLER  
COURTNEY COMBS  
JIM MCGREGOR  
KATHLEEN CHANDLER  
THOM COLLIER  
KENNY YUKO  
JOHN DOMENICK

JEFF WAGNER  
LARRY L. WOLPERT  
DAVID DANIELS  
KATHY L. WALCHER  
BRIAN G. WILLIAMS  
LORRAINE M. FENDE  
MIKE MITCHELL  
JOSEPH W. UECKER

The report was agreed to.

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

### **BILLS FOR THIRD CONSIDERATION**

**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 Miller moved to amend as follows:

In line 25, after "once" insert ", including any written, verbal, or physical act based on the other student's actual or perceived race, religion, national origin, sex, gender, disability, sexual orientation, gender identity or expression, or any other distinguishing characteristic, or based on the other student's association

with a person distinguished by actual or perceived race, religion, national origin, sex, gender, disability, sexual orientation, gender identity or expression, or any other distinguishing characteristic."

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

Representative Flowers moved that the motion be laid on the table.

The question being, "Shall the motion to amend be laid on the table?"

The yeas and nays were taken and resulted - yeas 57, nays 40, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Blasdel	Blessing	Buehrer
Calvert	Carmichael	Cassell	Coley
Collier	Core	Daniels	DeWine
Dolan	Evans C.	Evans D.	Faber
Fessler	Flowers	Gibbs	Gilb
Hagan	Hood	Hoops	Hughes
Kilbane	Latta	Law	Martin
McGregor J.	McGregor R.	Oelslager	Patton T.
Peterson	Raga	Rausen	Reidelbach
Reinhard	Schaffer	Schlichter	Schneider
Seitz	Setzer	Smith G.	Taylor
Trakas	Uecker	Wagner	Wagoner
Walcher	Webster	White	Widener
Widowfield	Willamowski	Wolpert	Woodard
			Husted-57.

Those who voted in the negative were: Representatives

Allen	Barrett	Beatty	Bocchieri
Book	Brinkman	Brown	Carano
Chandler	DeBose	DeGeeter	Distel
Domenick	Driehaus	Fende	Garrison
Hartnett	Harwood	Healy	Key
Koziura	Mason	Miller	Mitchell
Otterman	Patton S.	Perry	Redfern
Sayre	Seaver	Skindell	Smith S.
Stewart D.	Stewart J.	Strahorn	Sykes
Ujvagi	Williams	Yates	Yuko-40.

The motion to amend was laid on the table.

The question recurring, "Shall the bill pass?"

Representative Fessler moved to amend as follows:

In line 60, after "bullying" insert ";

(10) A requirement that the district administration notify the president of the district board in writing of all reported incidents"

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	Bocchieri	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	Seaver	Seitz	Setzer
Skindell	Smith G.	Smith S.	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?"

Representative Fessler moved to amend as follows:

In line 16, delete "department" and insert "state board"

In line 19, delete "department" and insert "board"

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

The yeas and nays were taken and resulted - yeas 86, nays 10, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Blasdel
Blessing	Bocchieri	Book	Brinkman
Brown	Buehrer	Calvert	Carmichael
Cassell	Chandler	Coley	Collier
Core	Daniels	DeBose	DeGeeter
DeWine	Distel	Dolan	Domenick
Evans C.	Evans D.	Faber	Fende
Fessler	Flowers	Garrison	Gibbs
Gilb	Hagan	Harwood	Healy
Hood	Hoops	Hughes	Key
Kilbane	Koziura	Latta	Law
Martin	McGregor J.	McGregor R.	Oelslager
Otterman	Patton S.	Patton T.	Perry
Peterson	Raga	Raussen	Reidelbach
Reinhard	Sayre	Schaffer	Schlichter



Schneider	Seaver	Seitz	Setzer
Smith G.	Smith S.	Stewart J.	Strahorn
Sykes	Taylor	Trakas	Uecker
Ujvagi	Wagner	Wagoner	Walcher
Webster	White	Widener	Widowfield
Willamowski	Williams	Wolpert	Woodard
Yuko			Husted-86.

Those who voted in the negative were: Representatives

Beatty	Carano	Driehaus	Hartnett
Mason	Miller	Mitchell	Redfern
Skindell			Yates-10.

The motion was agreed to and the bill so amended.

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

Representative Seitz moved to amend as follows:

In line 60, after "bullying" insert ", which shall not infringe on any student's rights under the first amendment to the Constitution of the United States"

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

The yeas and nays were taken and resulted - yeas 74, nays 23, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Blasdel	Blessing	Bocieri
Book	Brinkman	Buehrer	Calvert
Carmichael	Cassell	Coley	Collier
Core	Daniels	DeBose	DeWine
Distel	Dolan	Evans C.	Evans D.
Faber	Fessler	Flowers	Gibbs
Gilb	Hagan	Hartnett	Harwood
Hood	Hoops	Hughes	Kilbane
Latta	Law	Martin	Mason
McGregor J.	McGregor R.	Miller	Mitchell
Oelslager	Otterman	Patton T.	Perry
Peterson	Raga	Raussen	Reidelbach
Reinhard	Schaffer	Schlichter	Schneider
Seaver	Seitz	Setzer	Smith G.
Stewart D.	Stewart J.	Strahorn	Taylor
Trakas	Uecker	Wagner	Wagoner
Walcher	Webster	White	Widener
Widowfield	Willamowski	Williams	Wolpert
Yuko			Husted-74.

Those who voted in the negative were: Representatives

Allen	Barrett	Beatty	Brown
Carano	Chandler	DeGeeter	Domenick
Driehaus	Fende	Garrison	Healy
Key	Koziura	Patton S.	Redfern

Sayre  
Ujvagi

Skindell  
Woodard

Smith S.

Sykes  
Yates-23.

The motion was agreed to and the bill so amended.

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

Representative Seitz moved to amend as follows:

Between lines 76 and 77, insert:

"(F) This section does not create a new cause of action or a substantive legal right for any person."

Between lines 90 and 91, insert:

"(C) This section does not create a new cause of action or a substantive legal right for any person."

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

Representative Miller moved that the motion be laid on the table.

The question being, "Shall the motion to amend be laid on the table?"

The yeas and nays were taken and resulted - yeas 35, nays 62, as follows:

Those who voted in the affirmative were: Representatives

Allen	Barrett	Beatty	Bocchieri
Book	Brown	Carano	Chandler
DeBose	DeGeeter	Distel	Driehaus
Hartnett	Harwood	Hughes	Key
Koziura	Mason	Miller	Mitchell
Oelslager	Otterman	Patton S.	Perry
Redfern	Sayre	Skindell	Smith S.
Stewart D.	Strahorn	Sykes	Ujvagi
Williams	Yates		Yuko-35.

Those who voted in the negative were: Representatives

Aslanides	Blasdel	Blessing	Brinkman
Buehrer	Calvert	Carmichael	Cassell
Coley	Collier	Core	Daniels
DeWine	Dolan	Domenick	Evans C.
Evans D.	Faber	Fende	Fessler
Flowers	Garrison	Gibbs	Gilb
Hagan	Healy	Hood	Hoops
Kilbane	Latta	Law	Martin
McGregor J.	McGregor R.	Patton T.	Peterson
Raga	Raussen	Reidelbach	Reinhard
Schaffer	Schlichter	Schneider	Seaver
Seitz	Setzer	Smith G.	Stewart J.
Taylor	Trakas	Uecker	Wagner
Wagoner	Walcher	Webster	White
Widener	Widowfield	Willamowski	Wolpert
Woodard			Husted-62.

The motion to amend was not laid on the table.

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

The yeas and nays were taken and resulted - yeas 71, nays 26, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Barrett	Blasdel	Blessing
Book	Brinkman	Brown	Buehrer
Calvert	Carmichael	Cassell	Coley
Collier	Core	Daniels	DeWine
Distel	Dolan	Domenick	Evans C.
Evans D.	Faber	Fende	Fessler
Flowers	Garrison	Gibbs	Gilb
Hagan	Hartnett	Hood	Hoops
Key	Kilbane	Koziura	Latta
Law	Martin	Mason	McGregor J.
McGregor R.	Otterman	Patton T.	Peterson
Raga	Rausen	Reidelbach	Reinhard
Schaffer	Schlichter	Schneider	Seaver
Seitz	Setzer	Smith G.	Stewart J.
Taylor	Trakas	Uecker	Wagner
Wagoner	Walcher	Webster	White
Widener	Widowfield	Willamowski	Williams
Wolpert	Woodard		Husted-71.

Those who voted in the negative were: Representatives

Allen	Beatty	Bocciari	Carano
Chandler	DeBose	DeGeeter	Driehaus
Harwood	Healy	Hughes	Miller
Mitchell	Oelslager	Patton S.	Perry
Redfern	Sayre	Skindell	Smith S.
Stewart D.	Strahorn	Sykes	Ujvagi
Yates			Yuko-26.

The motion was agreed to and the bill so amended.

Representative Fessler moved to amend as follows:

In line 35, delete ".but need not be limited to."

In line 40, delete ".at a minimum."

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

The yeas and nays were taken and resulted - yeas 76, nays 21, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Blasdel	Blessing
Bocciari	Brinkman	Brown	Buehrer
Calvert	Carano	Carmichael	Cassell
Coley	Collier	Core	Daniels
DeBose	DeWine	Distel	Dolan
Domenick	Evans C.	Evans D.	Faber
Fende	Fessler	Flowers	Garrison

Gibbs	Gilb	Hagan	Hartnett
Harwood	Hood	Hoops	Hughes
Key	Kilbane	Koziura	Latta
Law	Martin	Mason	McGregor J.
McGregor R.	Oelslager	Otterman	Patton T.
Perry	Peterson	Raga	Rausen
Reidelbach	Reinhard	Schaffer	Schlichter
Schneider	Seaver	Seitz	Setzer
Stewart J.	Taylor	Trakas	Uecker
Wagner	Wagoner	Walcher	Webster
White	Widener	Widowfield	Willamowski
Williams	Wolpert	Yates	Husted-76.

Those who voted in the negative were: Representatives

Barrett	Beatty	Book	Chandler
DeGeeter	Driehaus	Healy	Miller
Mitchell	Patton S.	Redfern	Sayre
Skindell	Smith G.	Smith S.	Stewart D.
Strahorn	Sykes	Ujvagi	Woodard
			Yuko-21.

The motion was agreed to and the bill so amended.

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

The yeas and nays were taken and resulted - yeas 93, nays 4, 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	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	Schlichter	Schneider	Seaver
Seitz	Setzer	Skindell	Smith G.
Smith S.	Stewart D.	Stewart J.	Strahorn
Sykes	Taylor	Uecker	Ujvagi
Wagoner	Walcher	Webster	White
Widener	Widowfield	Willamowski	Williams
Wolpert	Woodard	Yates	Yuko
			Husted-93.

Representatives Daniels, Schaffer, Trakas, and Wagner voted in the negative-4.

The bill passed.

Representative Stewart, J. moved to amend the title as follows:

Add the names: "Aslanides, Beatty, Brown, DeBose, Domenick, Fende, Flowers, Harwood, Mason, Mitchell, Otterman, Sayre, Smith, G., Stewart, D., Strahorn, Yates, Yuko."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**H. B. No. 163**-Representatives Widener, McGregor, Wagner, C. Evans, Setzer, Kearns, Oelslager, Widowfield, Seaver, Schaffer, Latta, Wagoner, Reidelbach, Webster, Evans, D., Hughes, Willamowski.

To enact sections 2152.202 and 2925.511 of the Revised Code to authorize a court sentencing a drug abuse offender or imposing disposition on a delinquent child for such an offense to require the offender or child to reimburse involved law enforcement agencies for the costs of tests that determined that a substance involved in the offense contained a controlled substance, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Cassell moved to amend as follows:

In line 9, after "That" insert "section 2907.28 be amended and"

Between lines 33 and 34, insert:

**"Sec. 2907.28.** (A) Any cost incurred by a hospital or emergency medical facility in conducting a medical examination of a victim of an offense under any provision of sections 2907.02 to 2907.06 of the Revised Code for the purpose of gathering physical evidence for a possible prosecution, including the cost of any antibiotics administered as part of the examination, shall be paid out of the reparations fund established pursuant to section 2743.191 of the Revised Code, subject to the following conditions:

(1) The hospital or emergency facility shall follow a protocol for conducting such medical examinations that is identified by the attorney general in rule adopted in accordance with Chapter 119. of the Revised Code.

(2) The hospital or emergency facility shall submit requests for payment to the attorney general on a monthly basis, through a procedure determined by the attorney general and on forms approved by the attorney general. The requests shall identify the number of sexual assault examinations performed and shall verify that all required protocols were met for each examination form submitted for payment in the request.

(3) The attorney general shall review all requests for payment that are

submitted under division (A)(2) of this section and shall submit for payment as described in division (A)(5) of this section all requests that meet the requirements of this section.

(4) The hospital or emergency facility shall accept a flat fee payment for conducting each examination in the amount determined by the attorney general pursuant to Chapter 119. of the Revised Code as payment in full for any cost incurred in conducting a medical examination and test of a victim of an offense under any provision of sections 2907.02 to 2907.06 of the Revised Code for the purpose of gathering physical evidence for a possible prosecution of a person. The attorney general shall determine a flat fee payment amount to be paid under this division that is reasonable.

(5) In approving a payment under this section, the attorney general shall order the payment against the state. The payment shall be accomplished only through the following procedure, and the procedure may be enforced through a mandamus action and a writ of mandamus directed to the appropriate official:

(a) The attorney general shall provide for payment in the amount set forth in the order.

(b) The expense of the payment of the amount described in this section shall be charged against all available unencumbered moneys in the reparations fund.

(B) No costs incurred by a hospital or emergency facility in conducting a medical examination and test of any victim of an offense under any provision of sections 2907.02 to 2907.06 of the Revised Code for the purpose of gathering physical evidence for a possible prosecution of a person shall be billed or charged directly or indirectly to the victim or the victim's insurer.

(C)(1) Any cost incurred by a hospital or emergency medical facility in conducting a medical examination and test of any person who is charged with a violation of division (B) of section 2903.11 or of section 2907.02, 2907.03, 2907.04, 2907.05, 2907.24, 2907.241, or 2907.25 of the Revised Code or with a violation of a municipal ordinance that is substantially equivalent to that division or any of those sections, pursuant to division (B) of section 2907.27 of the Revised Code, shall be charged to and paid by the accused who undergoes the examination and test, unless the court determines that the accused is unable to pay, in which case the cost shall be charged to and paid by the municipal corporation in which the offense allegedly was committed, or charged to and paid by the county if the offense allegedly was committed within an unincorporated area. If separate counts of an alleged offense or alleged separate offenses under section 2907.02, 2907.03, 2907.04, 2907.05, 2907.24, 2907.241, or 2907.25 of the Revised Code or under a municipal ordinance that is substantially equivalent to any of those sections took place in more than one municipal corporation or more than one unincorporated area, or both, the local governments shall share the cost of the examination and test. If a hospital or other emergency medical facility has submitted charges for the cost of a medical

examination and test to an accused and has been unable to collect payment for the charges after making good faith attempts to collect for a period of six months or more, the cost shall be charged to and paid by the appropriate municipal corporation or county as specified in division (C)(1) of this section.

(2) If an accused person is convicted of or pleads guilty to a violation described in division (C)(1) of this section, and the court finds that the person is not indigent, the court in sentencing the person shall order the person to pay the hospital or other emergency medical facility at which the examination or tests were conducted the costs of a medical examination and test performed pursuant to division (B) of section 2907.27 of the Revised Code. If the appropriate municipal corporation or county as specified in division (C)(1) of this section has paid the hospital or emergency medical facility the costs of the medical examination and tests, the court shall order the person, if not indigent, to reimburse the municipal corporation or county for the costs of the medical examination and tests."

After line 54, insert:

"**Section 2.** That existing section 2907.28 of the Revised Code is hereby repealed."

In line 1 of the title, after "To" insert "amend section 2907.28 and to"

In line 8 of the title, after "substance" insert "and to direct a court in sentencing an offender for a sex offense to reimburse a medical facility for the costs of any medical tests performed on the offender that are related to that sex offense"

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

Representative Flowers moved that the motion be laid on the table.

The question being, "Shall the motion to amend be laid on the table?"

The yeas and nays were taken and resulted - yeas 52, nays 44, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Blasdel	Buehrer	Calvert
Carmichael	Coley	Collier	Core
Daniels	DeWine	Dolan	Evans C.
Evans D.	Faber	Fessler	Flowers
Gibbs	Gilb	Hagan	Hoops
Kilbane	Latta	Law	Martin
McGregor R.	Patton T.	Peterson	Raga
Rausen	Reidelbach	Reinhard	Schaffer
Schlichter	Schneider	Seaver	Seitz
Setzer	Smith G.	Stewart J.	Taylor
Uecker	Wagner	Wagoner	Walcher
Webster	White	Widener	Widowfield
Willamowski	Wolpert	Woodard	Husted-52.

Those who voted in the negative were: Representatives

Allen	Barrett	Beatty	Bocchieri
Book	Brinkman	Brown	Carano
Cassell	Chandler	DeBose	DeGeeter
Distel	Domenick	Driehaus	Fende
Garrison	Hartnett	Harwood	Healy
Hood	Hughes	Key	Koziura
Mason	McGregor J.	Miller	Mitchell
Oelslager	Otterman	Patton S.	Perry
Redfern	Sayre	Skindell	Smith S.
Stewart D.	Strahorn	Sykes	Trakas
Ujvagi	Williams	Yates	Yuko-44.

The motion to amend was laid on the table.

The question recurring, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 89, nays 7, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Beatty
Blasdel	Bocchieri	Book	Brown
Buehrer	Calvert	Carano	Carmichael
Cassell	Chandler	Coley	Collier
Core	Daniels	DeBose	DeGeeter
DeWine	Distel	Dolan	Domenick
Driehaus	Evans C.	Evans D.	Faber
Fende	Flowers	Garrison	Gibbs
Gilb	Hagan	Hartnett	Harwood
Healy	Hood	Hoops	Hughes
Kilbane	Koziura	Latta	Law
Martin	Mason	McGregor J.	McGregor R.
Miller	Oelslager	Otterman	Patton T.
Perry	Peterson	Raga	Rausen
Reidelbach	Reinhard	Sayre	Schaffer
Schlichter	Schneider	Seaver	Seitz
Setzer	Skindell	Smith G.	Smith S.
Stewart D.	Stewart J.	Sykes	Taylor
Trakas	Uecker	Ujvagi	Wagner
Wagoner	Walcher	Webster	White
Widener	Widowfield	Willamowski	Williams
Wolpert	Woodard	Yates	Yuko
			Husted-89.

Representatives Brinkman, Fessler, Key, Mitchell, Patton S., Redfern, and Strahorn voted in the negative-7.

The bill passed.

Representative Widener moved to amend the title as follows:

Add the names: "Calvert, Cassell, Domenick, Flowers, McGregor, R., Patton, T., Perry, Smith, G.."

The motion was agreed to and the title so amended.

The title as amended was agreed to.



**Sub. H. B. No. 254**-Representatives Collier, Allen, Aslanides, Coley, Daniels, DeWine, Dolan, Evans, C., Flowers, Hagan, Hartnett, Harwood, Hood, Hoops, Law, Martin, McGregor, J., Peterson, Reidelbach, Reinhard, Seaver, Setzer, Smith, G., Strahorn, Taylor, Ujvagi, Wagner, Webster, Willamowski, Yates, Carano.

To amend sections 2151.011, 3313.48, 3313.533, 3313.62, 3317.01, and 3317.029; to enact new section 3313.481; and to repeal sections 3313.481 and 3313.482 of the Revised Code to establish a minimum school year for school districts and chartered nonpublic schools based on hours, rather than days, of instruction, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Collier moved that **Sub. H. B. No. 254**-Representative Collier, et al., be informally passed and retain its place on the calendar.

The motion was agreed to.

#### MESSAGE FROM THE SPEAKER

Pursuant to Ohio Revised Code section 105.41(A)(2)(5), the Speaker hereby makes the following changes to the Capital Square Review and Advisory Board:

Remove Representative Redfern and appoint Representative Beatty.

#### MESSAGE FROM THE SPEAKER

Pursuant to Section 3(A)(2) of Am. Sub. S. B. No. 167, 126th General Assembly, the Speaker hereby appoints the following members to the Legislative Task Force to Study Eminent Domain and It's Use and Application in the State:

Representatives Seitz (co-chair), Gibbs, and Koziura.

#### MESSAGE FROM THE SPEAKER

Pursuant to Section 3 (A)(3-10)(15) of S.B. No. 167 of the 126th General Assembly, the President of the Senate and the Speaker of the House of Representatives jointly appoint the following public members to serve on the Legislative Task Force to Study Eminent Domain and It's Use and Application in the State:

Brock Wanless, Esq.  
(representing the home building industry)

David Bohardt  
(statewide advocate on the issues raised in Home Builders Association of Dayton Kelo v. City of New London)

Larry Gearhardt  
(representing the agricultural industry)

Joseph Ditchman  
(representing the commercial real estate industry)

Steven C. Brown  
(representing licensed realtors)

Judge James Cissell  
(representing the Ohio Association of Probate Judges)

Bruce L. Ingram  
(attorney - knowledgeable on the issues confronting the Task  
Force/representing property owners)

Gene Krebs  
(knowledgeable on the issues confronting the Task Force/representing  
property owners)

Ty Pine  
(representing small businesses)

#### MESSAGE FROM THE SPEAKER

The Speaker of the House of Representatives, on January 24, 2006, signed the following:

**H. B. No. 144** - Representative Buehrer - et al.

**H. B. No. 157** - Representative Distel - et al.

**Sub. S. B. No. 82** - Senator Grendell - et al.

**H. C. R. No. 33** - Speaker Husted - et al.

**H. C. R. No. 34** - Speaker Husted - et al.

On motion of Representative Blasdel, the House adjourned until Wednesday, January 25, 2006 at 12:00 o'clock p.m.

Attest:

LAURA P. CLEMENS,  
Clerk.