

OHIO

House

of

Representatives

JOURNAL

WEDNESDAY, JANUARY 25, 2006

ONE HUNDRED THIRTY-THIRD DAY
Hall of the House of Representatives, Columbus, Ohio
Wednesday, January 25, 2006 at 12:00 o'clock p.m.

The hour having arrived for the meeting of the two houses in joint convention for the purpose of listening to the address of The Honorable Bob Taft, Governor of the State of Ohio, before the joint convention.

The members of the Senate preceded by the president, clerk and sergeant - at - arms thereof, appeared within the bar of the House.

The President of the Senate called the joint convention to order.

Representative Blasdel and Senator Jacobson announced a quorum of each house, respectively, was present.

The Governor's Color Guard, Colonel White High School Color Guard, presented the colors, followed by the Pledge of Allegiance to the Flag and the posting of the colors.

The Governor was escorted to the rostrum by the committee appointed where he addressed the joint convention.

On motion of Senator Jacobson, the joint convention was dissolved.

The House met pursuant to adjournment.

Prayer was offered by Father Mike Gribble of St. Joseph's Cathedral in Columbus, 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:

Dr. Victoria Wulsin, a guest of Representative Yates-33rd district.

Sean Ruth and Tony Dennis, guests of Representative Coley-55th district.

Laraine Martin, wife, Representative Martin 57th-district.

Krista Hostetler and Amanda Hoenshell, guests of Representative Core-83rd district.

Jon Kozesky, a guest of Representative Distel-99th district.

INTRODUCTION OF BILLS

The following bills were introduced:

H. B. No. 486-Representatives Faber, Wagner, Uecker, McGregor, J., Aslanides, Fessler, Willamowski, Seitz, Core, Widowfield, Calvert, Flowers, Gibbs, Williams, Martin, Webster, Raga, Otterman, Hartnett, Reinhard, Schaffer, Hoops, Hagan, Buehrer, Setzer, Gilb, Trakas, Evans, D..

To amend section 2744.03 and to enact section 3313.473 of the Revised Code to confer immunity from civil liability upon school districts, community schools, nonpublic schools, and school employees for an alleged injury to a student caused by school discipline, provided that such discipline does not result in student endangerment.

H. B. No. 487-Representatives Widener, Martin, McGregor, R., Wagoner, Seitz, Hartnett, Allen, Koziura.

To amend sections 153.54, 153.57, 1311.01, 1311.011, 1311.02, 1311.021, 1311.03, 1311.04, 1311.05, 1311.12, 1311.13, 1311.14, 1311.15, 1311.25, 1311.26, 1311.261, 1311.28, 1311.29, 1311.32, 4113.61, 5309.57, and 5525.16 of the Revised Code to specify that an owner, part owner, or lessee of real property, with respect to a home construction contract, must record a notice of commencement only if required by a lending institution, to stipulate that a notice of commencement for a home construction contract expires six years after it is recorded, and to permit court costs and reasonable attorney fees to be included in damages an owner may recover from a lienholder who refuses to release the lien after the owner makes full payment and to stipulate for all types of liens that a mortgage is considered filed first if a mortgage and notice of commencement are filed on the same day.

Said bills were considered the first time.

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

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

H. B. No. 474 - Representative Wagoner, et al

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.

To the committee on Finance and Appropriations

H. B. No. 475 - Representative Coley, et al

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.

To the committee on Civil and Commercial Law

H. B. No. 476 - Representative Raga

TO REVISE THE STATUTES GOVERNING DOGS THAT ASSIST PERSONS WITH CERTAIN DISABILITIES.

To the committee on Criminal Justice

H. B. No. 477 - Representative T. Patton

TO TEMPORARILY REDUCE THE NATURAL GAS DISTRIBUTION TAX RATES BY ONE-HALF AND TO DECLARE AN EMERGENCY.

To the committee on Finance and Appropriations

H. B. No. 478 - Representative Wagoner, et al

TO COMBINE THE UNIVERSITY OF TOLEDO AND THE MEDICAL UNIVERSITY OF OHIO AT TOLEDO.

To the committee on Finance and Appropriations

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

CHARLES R. BLASDEL
JIM CARMICHAEL
KEVIN DEWINE
TOM RAGA
ARLENE J. SETZER
SHAWN N. WEBSTER
TIMOTHY J. DEGEETER
JOSEPH KOZIURA

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 House 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 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 Concurrent Resolution be introduced and referred to the following committee for consideration:

H. Con. R. No. 36 - Representative DeWine

TO MEMORIALIZE THE UNITED STATES CONGRESS TO ENCOURAGE THE MEMBERS OF THE 109TH CONGRESS TO SUPPORT HOUSE JOINT RESOLUTION 53, WHICH PROPOSES TO AMEND THE CONSTITUTION OF THE UNITED STATES BY APPORTIONING THE MEMBERS OF THE CONGRESS BASED ON THE NUMBER OF PERSONS IN EACH STATE WHO ARE CITIZENS OF THE UNITED STATES.

To the committee on Rules and Reference

/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 introduced and referred as recommended.

The motion was agreed to.

Said resolution was introduced and referred as recommended.

Representative Healy reported for the Rules and Reference Committee recommending that the following House Resolution be read by title only and approved:

H. R. No. 148 - Representative Smith, G.

HONORING THE OHIO STATE UNIVERSITY FOOTBALL TEAM AS THE 2005 BIG TEN CONFERENCE CO-CHAMPION AND THE 2006 FIESTA BOWL CHAMPION.

Add the names: Blasdel, Calvert, Carmichael, Core, DeWine, Flowers, Raga, Schlichter, Setzer, Webster, Carano, Healy, Koziura, Otterman

/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.

Representative Carmichael moved that majority party members asking leave to be absent or absent the week of Tuesday, January 24, 2006, be excused, so long as a written request is on file in the majority leadership offices.

The motion was agreed to.

Representative Distel moved that minority party members asking leave to be absent or absent the week of Tuesday, January 24, 2006, 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

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 that it be taken up for consideration: Tuesday, January 31, 2006

The motion was agreed to.

H. C. R. No. 19-Representatives White, Gilb, Perry, Ujvagi, C. Evans, Bocchieri, Latta, Taylor, Kearns, Hood, Wolpert, Strahorn, Willamowski, McGregor, Sykes, Reidelbach, Combs.

To focus on the Darfur genocide, which the United States Department of State has concluded is genocide, occurring in the Darfur region of Sudan, to encourage the United States to continue its support of humanitarian efforts in and contributions of humanitarian aid to the region, to encourage the United States to lead multilateral efforts to bring those responsible for the egregious human rights violations to justice, and to encourage Ohio companies and institutions, multinational corporations operating in Ohio, and agencies and political subdivisions of the state to divest themselves of interests in any companies that conduct business in Sudan, was taken up for consideration the third time.

The question being, "Shall the concurrent resolution be adopted?"

Representative White moved to amend the title as follows:

Add the names: "Allen, Aslanides, Beatty, Book, Brown, Cassell, Chandler, DeGeeter, Distel, Dolan, Domenick, Driehaus, Faber, Fende, Flowers, Hartnett, Hughes, Kilbane, Koziura, Martin, Mason, Miller, Mitchell, Oelslager, Otterman, Patton, T., Redfern, Sayre, Schaffer, Setzer, Smith, G., Stewart, D., Stewart, J., Trakas, Uecker, Wagoner, Walcher, Williams, Yates."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

The question being, "Shall the concurrent resolution be adopted?"

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

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Beatty	Blasdel
Blessing	Bocchieri	Book	Brinkman
Brown	Buehrer	Calvert	Carano
Carmichael	Cassell	Chandler	Coley
Collier	Combs	Core	Daniels
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 concurrent resolution was adopted.

Am. H. B. No. 455-Representatives Kilbane, Wolpert, Yuko, Fende, Domenick, Combs, Walcher, Williams, Collier, Chandler, McGregor, J., Fessler, Daniels, Wagner.

To amend section 3313.13 of the Revised Code to allow employees of a city director of law to serve on a board of education for which the city director of law is not the legal adviser, and to declare an emergency, was taken up for consideration the third time.

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

The yeas and nays were taken and resulted - yeas 83, nays 12, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Beatty	Blasdel
Blessing	Bocchieri	Book	Brown
Calvert	Carano	Carmichael	Cassell
Chandler	Coley	Collier	Combs
Core	Daniels	DeGeeter	DeWine
Distel	Dolan	Domenick	Driehaus
Evans C.	Evans D.	Faber	Fende

Fessler	Flowers	Garrison	Gibbs
Gilb	Hagan	Hartnett	Harwood
Healy	Hoops	Key	Kilbane
Koziura	Latta	Law	Martin
McGregor J.	McGregor R.	Miller	Mitchell
Oelslager	Otterman	Patton S.	Patton T.
Perry	Peterson	Raga	Rausen
Reinhard	Sayre	Schaffer	Schlichter
Schneider	Seitz	Setzer	Smith G.
Smith S.	Stewart J.	Taylor	Trakas
Uecker	Ujvagi	Wagner	Wagoner
Walcher	Webster	White	Widener
Widowfield	Willamowski	Williams	Wolpert
Yates	Yuko		Husted-83.

Those who voted in the negative were: Representatives

Brinkman	Buehrer	Hood	Hughes
Mason	Redfern	Reidelbach	Skindell
Stewart D.	Strahorn	Sykes	Woodard-12.

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

The question being, "Shall the bill pass as an emergency measure?"

The yeas and nays were taken and resulted - yeas 94, nays 1, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Beatty	Blasdel
Blessing	Bocchieri	Book	Brinkman
Brown	Buehrer	Calvert	Carano
Carmichael	Cassell	Chandler	Coley
Collier	Combs	Core	Daniels
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
Taylor	Trakas	Uecker	Ujvagi
Wagner	Wagoner	Walcher	Webster
White	Widener	Widowfield	Willamowski
Williams	Wolpert	Woodard	Yates
Yuko			Husted-94.

Representative Sykes voted in the negative-1.

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

Representative Kilbane moved to amend the title as follows:

Add the names: "Cassell, Distel, Flowers, Martin, Patton, T., Seitz, Taylor."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Sub. S. B. No. 154-Senators Wachtmann, Armbruster, Goodman, Hottinger, Mumper, Padgett, Spada, Schuring. -Representatives Reidelbach, Peterson, Otterman, Martin, Hoops, Brown.

To amend sections 1.64, 1751.01, 2305.113, 2925.02, 2925.03, 2925.11, 2925.12, 2925.14, 2925.23, 2925.36, 3327.10, 3331.02, 3719.06, 3719.81, 4723.481, 4723.50, 4729.01, 4729.51, 4730.01, 4730.02, 4730.03, 4730.05, 4730.06, 4730.07, 4730.10, 4730.11, 4730.12, 4730.16, 4730.18, 4730.19, 4730.21, 4730.22, 4730.25, 4730.26, 4730.27, 4730.28, 4730.31, 4730.32, 4730.33, 4730.34, 4731.141, and 5903.12; to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 4730.11 (4730.12), 4730.12 (4730.14), and 4730.18 (4730.15); to enact new sections 4730.11, 4730.17, and 4730.18 and sections 4730.08, 4730.081, 4730.09, 4730.091, 4730.13, 4730.20, 4730.38, 4730.39, 4730.40, 4730.401, and 4730.41 to 4730.52; and to repeal sections 4730.15 and 4730.17 of the Revised Code to revise the laws regarding the practice of physician assistants, including the establishment of physician-delegated prescriptive authority, and to modify the authority of advanced practice nurses to furnish supplies of drugs to patients, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

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

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Beatty	Blasdel
Blessing	Bocchieri	Book	Brinkman
Brown	Buehrer	Calvert	Carano
Carmichael	Cassell	Chandler	Coley
Collier	Combs	Core	Daniels
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 Peterson moved to amend the title as follows:

Add the names: "Aslanides, Beatty, Book, Buehrer, Carano, Cassell, Collier, Combs, Distel, Domenick, Driehaus, Evans, C., Fende, Flowers, Garrison, Hartnett, Harwood, Healy, Hughes, Key, Mason, McGregor, J., McGregor, R., Miller, Perry, Sayre, Seitz, Setzer, Smith, G., Stewart, D., Strahorn, Taylor, Wagoner, Williams, Yuko."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Message from the Senate

Mr. Speaker:

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

Am. Sub. S. B. No. 53 - Senator Carey- et al.

Attest:

David A. Battocletti,
Clerk.

Message from the Senate

Mr. Speaker:

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

H. B. No. 296 - Representatives Buehrer, Latta, Hagan, Aslanides, Setzer, Seaver, Hood, Kearns, Garrison, Blessing, Bocchieri, Book, Bubp, Carano, Cassell, Coley, Core, Dolan, Domenick, Evans, C., Evans, D., Faber, Fende, Fessler, Gibbs, Gilb, Harwood, Hoops, Key, Law, Martin, McGregor, J.,

McGregor, R., Oelslager, Otterman, Perry, Peterson, Raga, Reinhard, Sayre, Schaffer, Schlichter, Schneider, Seitz, Stewart, D., Taylor, Uecker, Wagoner, Webster, White, Willamowski, Yuko, Patton, T. Senators Mumper, Carey, Grendell, Schuring, Amstutz, Armbruster, Austria, Cates, Clancy, Dann, Fedor, Fingerhut, Gardner, Goodman, Hagan, Harris, Hottinger, Jordan, Kearney, Niehaus, Padgett, Prentiss, Roberts, Schuler, Spada, Stivers, Wachtmann, Wilson, Zurz

To amend sections 1531.01, 1533.10, and 1533.111 and to enact section 1533.102 of the Revised Code to provide for the issuance of apprentice hunting licenses and apprentice fur taker permits and to enable persons who are sixteen or seventeen years of age to obtain youth hunting licenses and youth fur taker permits.

Attest: David A. Battocletti,
Clerk.

On motion of Representative Blasdel, the House adjourned until Thursday, January 26, 2006 at 11:00 o'clock a.m.

Attest: LAURA P. CLEMENS,
Clerk.