

**OHIO**

**House**

**of**

**Representatives**

**JOURNAL**

WEDNESDAY, MARCH 1, 2006

ONE HUNDRED FORTY-SEVENTH DAY  
Hall of the House of Representatives, Columbus, Ohio  
**Wednesday, March 1, 2006 at 1:30 o'clock p.m.**

The House met pursuant to adjournment.

Prayer was offered by Reverend Joe Soley of the First Congregational Church in Greenville, Ohio, 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:

The Northmont High School received H. R. No. 153 - Representative Setzer-36th district.

Rhonda Shappert received H. R. No. 150 - Representative Schlichter-85th district.

Members of the Ohio Historical Society and Ohio historians, guests of Speaker Husted-37th district.

Bill Hayes, a guest of Representative Schaffer-5th district.

Pam Yuko, wife, Representative Yuko-7th district.

Sarah Grooms, a guest of Representatives Flowers-19th district and J. McGregor-20th district.

Lou Blackford and Mindy Peterson, guests of Representative Faber-77th district.

Richard Counter, a guest of Representative Daniels-86th district.

Matthew Abbott and Richard Reffitt, guests of Representative C. Evans-87th district.

Beallsville and Barnesville boy scouts, guests of Representative Sayre-96th district.

#### INTRODUCTION OF BILLS

The following bill was introduced:

**H. B. No. 524**-Representatives Martin, McGregor, J., Seitz, Boccieri, Chandler, Wagoner, Cassell, Fende.

To amend sections 4729.01 and 4729.41 of the Revised Code to modify the authority of pharmacists to administer immunizations.

Said bill was considered the first time.

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

Representative DeGeeter submitted the following report:

The standing committee on Criminal Justice to which was referred **H. B. No. 227**-Representative Faber, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: SEX OFFENDERS - MONITORING/COMMITMENT

Representative Latta moved to amend the title as follows:

Add the names: "Latta, Willamowski."

ROBERT E. LATTA  
WILLIAM J. SEITZ  
LANCE T. MASON  
ANNIE L. KEY  
WILLIAM J. HEALY  
JEANINE PERRY  
DANNY R. BUBP

JIM HUGHES  
TYRONE K. YATES  
SALLY CONWAY KILBANE  
TIMOTHY J. DEGEETER  
JOHN R. WILLAMOWSKI  
RONALD HOOD  
JOSEPH W. UECKER

The report was agreed to.

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

**MOTIONS AND RESOLUTIONS**

Representative Carmichael moved that majority party members asking leave to be absent or absent the week of Wednesday, March 1, 2006, 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 Wednesday, March 1, 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. 83**-Representatives Hughes, Coley, Willamowski.

To enact section 2109.361 of the Revised Code to require the probate court, upon application by an affected beneficiary, to determine the fairness of an agreement requiring a fiduciary or beneficiary to pay a percentage of an inheritance or a dollar amount to any person other than the beneficiary and to allow the probate court to approve, modify, or disapprove the agreement, was

taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Hughes moved to amend as follows:

In line 57, delete the underlined period and insert an 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 93, nays 1, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Beatty
Blessing	Bocchieri	Book	Brown
Bubp	Buehrer	Calvert	Carano
Carmichael	Cassell	Chandler	Coley
Collier	Combs	Core	Daniels
DeBose	DeGeeter	DeWine	Distel
Dolan	Domenick	Driehaus	Evans C.
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.	Mitchell
Oelslager	Otterman	Patton S.	Patton T.
Perry	Peterson	Raga	Rausen
Redfern	Reidelbach	Reinhard	Sayre
Schaffer	Schlichter	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-93.

Representative Brinkman voted in the negative-1.

The bill passed.

Representative Hughes moved to amend the title as follows:

Add the names: "Allen, Barrett, Blessing, Book, Brown, Carano, Cassell, Combs, DeBose, Domenick, Evans, C., Flowers, Gilb, Harwood, Key, McGregor, J., Oelslager, Otterman, Patton, T., Perry, Reidelbach, Smith, G., Strahorn, Williams, Woodard, Yuko."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**Sub. H. B. No. 385**-Representatives Brinkman, Seitz, Law, Schaffer, Webster, Wolpert, Domenick, Fende, Chandler, Daniels, McGregor, J., Combs.

To amend sections 148.04, 148.06, 305.11, 504.11, 505.375, 505.391, 505.94, 515.01, and 5705.10 and to enact section 504.021 of the Revised Code to make changes in various laws pertaining to townships, to permit written distribution of records, in lieu of reading the previous proceedings' record, at a session of the board of county commissioners, and to permit townships and municipal corporations to directly form fire and ambulance districts, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 94, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Beatty
Blessing	Bocchieri	Book	Brinkman
Brown	Bubp	Buehrer	Calvert
Carano	Carmichael	Cassell	Chandler
Coley	Collier	Combs	Core
Daniels	DeBose	DeGeeter	DeWine
Distel	Dolan	Domenick	Driehaus
Evans C.	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.
Mitchell	Oelslager	Otterman	Patton S.
Patton T.	Perry	Peterson	Raga
Raussen	Redfern	Reidelbach	Reinhard
Sayre	Schaffer	Schlichter	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-94.

The bill passed.

Representative Brinkman moved to amend the title as follows:

Add the names: "Barrett, Blessing, Calvert, Carano, Cassell, Coley, Collier, Distel, Evans, C., Flowers, Hartnett, Martin, McGregor, R., Patton, T., Perry, Raga, Reidelbach, Sayre, Taylor, Uecker, Wagner, Yuko."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**Sub. H. B. No. 458**-Representatives Core, Webster, McGregor, J., Fessler, Setzer, Reinhard, Seitz, Hartnett, Reidelbach, Aslanides, Gibbs, Dolan, Schlichter, Distel, Domenick, Sayre, Widener, Cassell.

To amend sections 4741.01, 4741.02, 4741.03, 4741.09, 4741.11, 4741.12, 4741.14, 4741.16, 4741.17, 4741.171, 4741.19, 4741.20, 4741.21, 4741.22, 4741.221, 4741.24, 4741.26, and 4741.31, to enact new sections 4741.13 and 4741.28 and sections 4741.04 and 4741.40 to 4741.47, and to repeal sections 4741.13, 4741.27, and 4741.28 of the Revised Code to revise the veterinary practice law and to create the Veterinarian Loan Repayment Program, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Core moved to amend as follows:

In line 51, delete "division" and insert "divisions"

In line 937, after "than" insert "the first day of"; delete "1"

In line 938, after "than" insert "the thirtieth day of"; delete "30"

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?"

Representative Core moved to amend as follows:

In line 680, after the second "the" insert "care and treatment of the"

In line 681, delete "licensed"; after "veterinarian" insert "who holds a current license in this state and"; delete "receiving the consultation" and insert "providing treatment, or consultation as to treatment, to the patient"

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

The motion was agreed to without objection.

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

Representative Core moved to amend as follows:

In line 13, delete "and"; after "4741.31" insert ", and 4741.99"

In line 976, after "(I)" insert "The board shall seek the issuance, by a court having jurisdiction in the county in which is located a veterinary facility that is in violation of the licensure requirement established in this section, of an injunction that would require the unlicensed veterinary facility to be closed until an application for its licensure is filed. The injunction shall be in addition to any other penalties established by law."

(J)"

Between lines 1247 and 1248, insert:

"**Sec. 4741.99. (A)** Whoever violates section 4741.18, 4741.19, 4741.22, or 4741.23 or division (A) of section 4741.20 or division (B) or (D) of section 4741.21 of the Revised Code is guilty of a misdemeanor of the second degree; for each subsequent offense such person is guilty of a misdemeanor of the first degree.

(B) Whoever violates division (B) of section 4741.28 of the Revised Code shall be fined not more than two thousand dollars."

In line 1251, delete the first "and"; after "4741.31" insert ", and 4741.99"

In line 4 of the title, delete "and"; after "4741.31" insert ", and 4741.99"

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

The yeas and nays were taken and resulted - yeas 94, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Beatty
Blessing	Bocchieri	Book	Brinkman
Brown	Bubp	Buehrer	Calvert
Carano	Carmichael	Cassell	Chandler
Coley	Collier	Combs	Core
Daniels	DeBose	DeGeeter	DeWine
Distel	Dolan	Domenick	Driehaus
Evans C.	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.
Mitchell	Oelsluger	Otterman	Patton S.
Patton T.	Perry	Peterson	Raga
Raussen	Redfern	Reidelbach	Reinhard
Sayre	Schaffer	Schlichter	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-94.

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 94, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Beatty
Blessing	Bocchieri	Book	Brinkman
Brown	Bubp	Buehrer	Calvert

Carano	Carmichael	Cassell	Chandler
Coley	Collier	Combs	Core
Daniels	DeBose	DeGeeter	DeWine
Distel	Dolan	Domenick	Driehaus
Evans C.	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.
Mitchell	Oelslager	Otterman	Patton S.
Patton T.	Perry	Peterson	Raga
Raussen	Redfern	Reidelbach	Reinhard
Sayre	Schaffer	Schlichter	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-94.

The bill passed.

Representative Core moved to amend the title as follows:

Add the names: "Barrett, Blessing, Brown, Buehrer, Calvert, Coley, Collier, Combs, Daniels, DeBose, Evans, C., Faber, Flowers, Hughes, Law, Otterman, Schaffer, Skindell, Smith, G., Uecker, Wagoner, Williams, Yates."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

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

-Representatives Hagan, Smith, G., Stewart, J., Allen, Healy, Coley, Patton, T..

To amend sections 742.63, 5505.12, and 5505.18 and to enact sections 5505.50 to 5505.59 of the Revised Code to provide for the establishment of the State Highway Patrol Retirement System deferred retirement option plan, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 94, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Beatty
Blessing	Bocchieri	Book	Brinkman
Brown	Bubp	Buehrer	Calvert

Carano	Carmichael	Cassell	Chandler
Coley	Collier	Combs	Core
Daniels	DeBose	DeGeeter	DeWine
Distel	Dolan	Domenick	Driehaus
Evans C.	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.
Mitchell	Oelslager	Otterman	Patton S.
Patton T.	Perry	Peterson	Raga
Rausen	Redfern	Reidelbach	Reinhard
Sayre	Schaffer	Schlichter	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-94.

The bill passed.

Representative Widener moved to amend the title as follows:

Add the names: "Barrett, Blessing, Brown, Bubp, Calvert, Cassell, Combs, Core, DeBose, Distel, Dolan, Domenick, Evans, C., Faber, Fende, Fessler, Flowers, Gibbs, Hughes, Key, Latta, Law, McGregor, J., McGregor, R., Oelslager, Otterman, Perry, Reidelbach, Seitz, Setzer, Sykes, Taylor, Uecker, Wagoner, Walcher, Widener, Willamowski, Woodard, Yates, 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 passed the following bill in which the concurrence of the House is requested:

**Am. S. B. No. 266** - Senators Kearney, Miller, Wachtmann, Stivers, Jacobson, Austria, Brady, Fedor, Gardner, Hagan, Jordan, Fingerhut, Zurz, Clancy, Prentiss, Roberts, Schuler, Dann, Wilson, Armbruster, Harris, Goodman, Schuring, Mumper, Cates, Niehaus, Amstutz, Carey, Coughlin, Grendell, Hottinger, Padgett, Spada

To enact section 5.2232 of the Revised Code to designate February as "Black History Month."

Attest:

David A. Battocletti,  
Clerk.

Said bill was considered the first time.

## Message from the Senate

Mr. Speaker:

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

**H. B. No. 379** - Representatives Yuko, DeGeeter, Hughes, Trakas, Harwood, Sykes, DeBose, Redfern, Brown, Williams, Otterman, Mason, Oelslager, Smith, S., Driehaus, Stewart, D., Patton, S., Wolpert, Barrett, Domenick, Fende, Garrison, Strahorn, Willamowski, Faber, Schaffer, Chandler, Flowers, Evans, C., Yates, Reidelbach, Hartnett, Combs, Dolan, McGregor, J., Carano, Skindell, Boccieri, Miller, Healy, Gilb, Perry, Wagoner, Beatty, Cassell, Ujvagi, Allen, Key, Latta, Bubp, Distel, Mitchell, Book, Coley, Sayre, Blasdel, Carmichael, Patton, T., Walcher, Setzer, Uecker, Aslanides, Blessing, Brinkman, Buehrer, Calvert, Collier, Evans, D., Gibbs, Hagan, Hood, Hoops, Kilbane, Koziura, Law, Martin, McGregor, R., Peterson, Raussen, Reinhard, Schlichter, Seitz, Smith, G., Stewart, J., Taylor, Webster, White, Widener, Widowfield, Woodard Senators Fingerhut, Wilson, Hagan, Clancy, Miller, Coughlin, Armbruster, Brady, Austria, Carey, Cates, Dann, Fedor, Goodman, Grendell, Harris, Amstutz, Niehaus, Padgett, Roberts, Schuler, Schuring, Spada, Zurz, Gardner, Jordan, Kearney, Jacobson, Prentiss

To enact section 5.2232 of the Revised Code to designate March as "Multiple Sclerosis Awareness Month."

Attest:

David A. Battocletti,  
Clerk.

## MESSAGE FROM THE SPEAKER

The Speaker of the House of Representatives, on March 1, 2006, signed the following:

**H. B. No. 379** - Representative Yuko - et al.

**Sub. S. B. No. 189** - Senator Grendell - et al.

On motion of Representative Flowers, the House adjourned until Thursday, March 2, 2006 at 11:00 o'clock a.m.

Attest:

LAURA P. CLEMENS,  
Clerk.